

AGENDA - COUNCIL MEETING - TUESDAY - JULY 27, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Sullivan

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 - JULY 28, 2010 - 9:00 A. M.

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 60

MISCELLANEOUS - NUMBERS 1 through 4

1. REQUEST from Mayor for confirmation of the appointment of **MR. DANIEL W. KRUEGER, P.E.,** as Director of the Public Works & Engineering Department

MISCELLANEOUS - continued

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **MILLER THEATER ADVISORY BOARD**:
 - Position One - **MS. SUSAN YOUNG**, appointment, for a term to expire 4/24/2014
 - Position Four - **MR. STEVEN W. WALLACE**, appointment, for a term to expire 4/24/2013
 - Position Five - **MS. GWENDOLYN J. SAMPLES**, reappointment, for a term to expire 4/24/2014
 - Position Six - **MS. JUNE DEADRICK**, reappointment, for a term to expire 4/24/2014
 - Position Eight - **MR. ALLEN W. UECKERT**, reappointment, for a term to expire 4/24/2014
 - Position Thirteen - **MS. GRACE OLIVARES HERNANDEZ**, reappointment, for a term to expire 4/24/2014
 - Position Twenty - **MS. CATHERINE C. BROCK**, reappointment, for a term to expire 4/24/2014
3. RECOMMENDATION from Director Municipal Courts Administration for supplemental allocation for payment of FY2011 time and materials costs to **COURTVIEW JUSTICE SOLUTIONS** \$904,996.00 - Municipal Courts Technology Fund
4. RECOMMENDATION from Director Affirmative Action and Contract Compliance for approval of Goal for participation of Disadvantaged Business Enterprises in U. S. Department of Transportation/Federal Aviation Administration funded contracts from October 1, 2010 through September 30, 2013, in compliance with DBE Ordinance 99-893 and DOT/FAA mandated requirements

DAMAGES - NUMBER 5

5. RECOMMENDATION from City Attorney for settlement of lawsuit styled **TIMOTEO SALDIERNA, MARIA RODRIGUEZ SALDIERNA, AURORA CORTEZ, Individually and as Next Friend of JESSICA RODRIGUEZ and MARIO RODRIGUEZ Minors** vs. City of Houston and Natalie Renee Tidwell; in the 281st Judicial District Court of Harris County, Texas, Cause No. 2008-48112 \$142,500.00 - Property and Casualty Fund

ACCEPT WORK - NUMBERS 6 through 10

6. RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$221,821.00 and acceptance of work on contract with **PEMCO, INC** for Underground Storage Tank Remediation, Removal and Installation at Fire Station 18 and Fire Station 42 - 15.56% under the original contract amount - **DISTRICTS B - JOHNSON and I - RODRIGUEZ**
7. RECOMMENDATION from Interim Director Department of Public Works & Engineering for approval of final contract amount of \$9,611,013.44 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for Cook Road paving Improvements from Bissonnet Road to Bellaire Boulevard - 3.87% under the original contract amount - **DISTRICT F - HOANG**
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,575,640.76 and acceptance of work on contract with **NORTH HOUSTON POLE LINE, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 0.97% over the original contract amount - **DISTRICTS B - JOHNSON; D - ADAMS; G - PENNINGTON and H - GONZALEZ**

ACCEPT WORK - continued

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,643,993.86 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 4.61% over the original contract amount - **DISTRICTS D - ADAMS and I - RODRIGUEZ**
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,331,364.31 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 3.58% under the original contract amount - **DISTRICTS A - STARDIG; C - CLUTTERBUCK; E - SULLIVAN and I - RODRIGUEZ**

PROPERTY - NUMBERS 11 through 15

11. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court; in connection with eminent domain proceeding styled City of Houston v. Hiki Corporation, A Texas Corporation, et al., Cause No. 951,771; for acquisition of Parcel AY8-126; for **HOMESTEAD ROAD GRADE SEPARATION PROJECT (Ley Road - Firnat)** - **DISTRICT B - JOHNSON**
12. RECOMMENDATION from Interim Director General Services Department to appoint Kim M. Kobriger and Gerald A. Teel, independent appraisers and Carl B. Raia, Jr. alternate appraiser to determine the fair market value in connection with the sale of approximately 2.30 acres of land and improvements located at 3300 and 3400 Main Street, Parcel SY7-127 - **DISTRICT D - ADAMS**
13. RECOMMENDATION from Interim Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ali Tabboush of the Interfield Group, on behalf of John P. Havens and Theresa A. Havens, for abandonment and sale of a ±6,592-square-foot unspecified easement, in exchange for the conveyance to the City of a ±7,725-square-foot storm sewer easement, all located within Tract E, River Oaks Homewoods Addition, Parcels SY10-065 and LY1-045 - **DISTRICT G - PENNINGTON**
14. RECOMMENDATION from Interim Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Chuck Davis, C. L. Davis & Company, on behalf of Houston Independent School District, for abandonment and sale of Arcadia Street, from Quitman Street north to its terminus, a 6-foot-wide unspecified easement within Block 1, and a variable-width unspecified easement within Block 2, in exchange for the conveyance to the City of a ±5.49-foot-wide right-of-way easement for the widening of Abernathy Street, all located in the Arcadia Place Subdivision, within North Side Buffalo Bayou, out of the Harris & Wilson Survey, and a right of entry for Houston Independent School District, Parcels SY10-067A through C and AY10-222 - **DISTRICT B - JOHNSON**
15. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY10-043, located in the 9700 block of Maxroy Street, owned by Chad R. Green, Sr. for the **ELLA BOULEVARD (WHEATLEY STREET) PAVING PROJECT from Little York to West Gulf Bank** - **DISTRICT B - JOHNSON**

AGENDA - JULY 28, 2010 - PAGE 4

PURCHASING AND TABULATION OF BIDS - NUMBERS 16 through 22

16. **CELLESTIS, INC** for QuantiFERON-TB Gold in Test Tube Products for Houston Department of Health & Human Services - \$333,070.00 - General Fund
17. **VECTOR AEROSPACE HELICOPTER SERVICES, INC** for Turbine Engine Replacement Parts, Overhaul/Exchange and Repair Services for the Police Department \$5,124,715.00 - General Fund
18. **HELIMART, INC** for Main Rotor Hub Assembly Overhaul/exchange 369E for the Police Department - \$697,500.00 - General Fund
19. **AIA GENERAL CONTRACTORS, INC** for Underground Storage Tank Removal at 1700 East Crosstimbers Street for Department of Public Works & Engineering - \$71,912.50 - Stormwater Fund - **DISTRICT H - GONZALEZ**
20. **GLOBE ELECTRIC SUPPLY COMPANY, INC** for Clarifier Spur Gear Drive Assemblies and Speed Reducer Gearboxes for Department of Public Works & Engineering - \$342,058.00 Enterprise Fund
21. **AMEND MOTION #2007-39, 1/10/07, TO INCREASE** spending authority from \$1,956,892.00 to \$2,446,115.00, for Chemical, Hydrofluorosilicic Acid for Department of Public Works & Engineering, awarded to **PENCCO, INC** - \$489,223.00 - Enterprise Fund
22. **GARTEK TECHNOLOGIES, INC** for Software Maintenance for the Integrated Land Management System for Department of Public Works & Engineering - \$100,000.00 - Building Inspection Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 23 through 60

23. RESOLUTION amending Resolution No. 2010-33 approving and authorizing the nomination of **TYSON REFRIGERATED PROCESSED MEATS, INC** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project **DISTRICT B - JOHNSON**
24. RESOLUTION designating certain property within the City of Houston as a historic landmark (Casa a la Punta - 3223 Chevy Chase Drive) - **DISTRICT G - PENNINGTON**
25. ORDINANCE **AMENDING ARTICLE VI OF CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the regulation of jitneys; prescribing operating standards for jitneys; declaring certain conduct to be unlawful and providing a penalty therefor; containing findings and other provisions related to the foregoing subject; providing an effective date; providing for severability
26. ORDINANCE **AMENDING ARTICLE II AND ARTICLE IV OF CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to taxicabs and sightseeing and charter services, concerning corrections to inadvertent inconsistencies regarding the regulation of taxicabs; and addressing inadvertent omissions regarding regulatory controls concerning sightseeing and charter services as a result of previous omnibus amendments effecting the repeal of the City's regulation of suburban buses; containing findings and other provisions related to the foregoing subject; providing an effective date; providing for severability
27. ORDINANCE consenting to the addition of 0.5600 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 23** of Harris County, Texas, for inclusion in its district
28. ORDINANCE consenting to the addition of 3.855 acres of land to **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district

RESOLUTIONS AND ORDINANCES - continued

29. ORDINANCE consenting to the addition of 63.4308 acres of land to **NORTH BELT UTILITY DISTRICT**, for inclusion in its district
30. ORDINANCE consenting to the addition of 91.8768 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 10**, for inclusion in its district
31. ORDINANCE consenting to the addition of 2.021 acres of land to **TIMBER LANE UTILITY DISTRICT**, for inclusion in its district
32. ORDINANCE relating to the Retail Electric Rates of CenterPoint Energy Houston Electric, LLC within the City of Houston, Texas; suspending for ninety days the effective date of new rates; maintaining current rates in effect
33. ORDINANCE approving and authorizing Professional Services Agreement between the City of Houston and **CENTRAL HOUSTON CIVIC IMPROVEMENT, INC** for a George R. Brown Convention Center Master Plan; providing a maximum contract amount - \$159,500.00 - Enterprise Fund - **DISTRICT I - RODRIGUEZ**
34. ORDINANCE approving and authorizing contract between the City and **HOUSTON COUNCIL ON ALCOHOLISM AND DRUG ABUSE, d/b/a THE COUNCIL ON ALCOHOL AND DRUGS HOUSTON** for support services for substance abuse prevention education, intervention, assessment, treatment and training; providing a maximum contract amount - \$700,000.00 - Grant Fund
35. ORDINANCE amending Ordinance No. 2009-689 to increase the maximum contract amounts for contracts between the City and 1) **HEIGHTS HEARING AIDS, LLC** and 2) **MPJ AUDIOLOGY CONSULTANT, LLC** for Elderly Services provided through the Harris County Area Agency on Aging - \$900,000.00 - Grant Fund
36. ORDINANCE amending City of Houston Ordinance No. 2008-1051, passed on November 19, 2008, as previously amended by City of Houston Ordinance No. 2009-1275, pertaining to the addition of a grant application for the Neighborhood Stabilization Program under the 2008 Consolidated Action Plan, to permit certain low to moderate income requirements to be satisfied through both single family homeownership projects and multi-family rental projects, to align program activities and to include land-banking as a potential activity - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS; E - SULLIVAN; H - PENNINGTON and I - RODRIGUEZ**
37. ORDINANCE approving and authorizing first amendment to Loan Agreement between the City of Houston and **HOUSTON HABITAT FOR HUMANITY, INC** authorized by Ordinance Number 2010-0458 to increase the maximum loan amount from \$875,000.00 to \$1,215,000.00 and to increase the number of homes to be acquired, rehabilitated and/or demolished/rebuilt and resold to income-qualified households from at least eleven foreclosed homes to at least fifteen foreclosed homes - **DISTRICT B - JOHNSON**
38. ORDINANCE approving and authorizing a first amendment to Loan Agreement between the City of Houston and **TEJANO CENTER FOR COMMUNITY CONCERNS** authorized by Ordinance Number 2010-0307 to increase the maximum loan amount from \$595,000.00 to \$935,000.00 and to increase the number of homes to be acquired, rehabilitated and/or demolished/rebuilt and resold to income-qualified households from up to seven foreclosed homes to at least eleven foreclosed homes and to increase the portion of loan proceeds which may be allocated to allowed project delivery costs - **DISTRICT B - JOHNSON**

RESOLUTIONS AND ORDINANCES - continued

39. ORDINANCE appropriating \$100,000.00 out of TIRZ Affordable Housing Fund (Fund 2409) for payment of multi-family housing project related expenses that cannot be paid by or are disallowed by federal funding sources
40. ORDINANCE approving and authorizing the submission of an application for grant assistance to the Texas Parks and Wildlife Department Target Range Grant Program, administered by the Texas Parks and Wildlife Department, for the creation of an Archery Range at Lake Houston Wilderness Park; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program
41. ORDINANCE approving the issuance of \$2,500,000 of bonds by the Greater Sharpstown Management District - **DISTRICTS C - CLUTTERBUCK; F - HOANG and G - PENNINGTON**
42. ORDINANCE appropriating \$3,500,000.00 out of Dangerous Building Consolidated Fund for the abatement of dangerous buildings; authorizing reimbursement of the General Fund for expenditures for the abatement of dangerous buildings
43. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and the **HOUSTON INDEPENDENT SCHOOL DISTRICT** for Printing, Copying, Scanning and On-site Copy Shop Management Services for City Departments; providing a maximum contract amount 5 Years with 5 one-year options - \$7,557,460.00 - Central Services Revolving Fund
44. ORDINANCE appropriating \$20,774.13 out of Fire Consolidated Construction Fund for Emergency Remediation and Cleanup of Diesel Fuel for General Services Department **DISTRICT I - RODRIGUEZ**
45. ORDINANCE amending Ordinance No. 2007-730 (Passed on June 20, 2007) to increase the maximum contract amount for contract between the City of Houston and **AIR PRODUCTS AND CHEMICALS, INC** for Operation and Maintenance of the Oxygen Plant for Public Works & Engineering Department - \$2,123,100.00 - Enterprise Fund
46. ORDINANCE awarding contract to **DRIVE TRAIN SERVICES, INC** for Automatic Transmission Repair/Exchange Services for Various Departments; providing a maximum contract amount 3 Years with two one-year options - \$3,425,210.00 - General and Fleet Management Funds
47. ORDINANCE appropriating \$20,000.00 out of Woodlands Regional Participation Fund; approving and authorizing an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of Museum District/Main Street Corridor Improvement Project
48. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath a tract of land containing 18.592 acres commonly known as 6712 Telean Street, Houston, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT I - RODRIGUEZ**
49. ORDINANCE appropriating \$6,859.58 out of Parks Consolidated Construction Fund for Purchase of Furniture for Godwin Park Community Center - **DISTRICT C - CLUTTERBUCK**
50. ORDINANCE appropriating \$8,113.35 out of Solid Waste Consolidated Construction Fund for issuance of a purchase order to **INLAND ENVIRONMENTS, LTD.** for Asbestos and Lead Abatement at 9003 North Main Administration Building - **DISTRICT H - GONZALEZ**

RESOLUTIONS AND ORDINANCES - continued

51. ORDINANCE appropriating \$5,300,000.00 out of Police Consolidated Construction Fund and \$1,617,600.00 out of Fondren Police Station Fund Series E; awarding construction contract to **SPAW GLASS CONSTRUCTION CORPORATION** for Houston Police Department Fondren Police Station—District 17; approving and authorizing issuance of purchase orders to **CONTRACT RESOURCE GROUP, L.L.C.** for purchase of Systems Furniture, **THE CORNER OFFICE, LLC** for purchase of Non-Systems Furniture, and various vendors for purchase of IT/Telephones/Computers; 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, Civic Art Program, Access-Intercom and CCTV Systems, Systems and Non-Systems Furniture, IT/Telephones/Computers, Fitness Equipment and contingencies relating to construction of facilities financed by the Police Consolidated Construction Fund, the Fondren Police Station Fund Series E, and the Federal Government Grant Fund - \$500,000.00 - Grant Fund - **DISTRICT C - CLUTTERBUCK**
52. ORDINANCE appropriating \$25,928.37 out of Parks Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to construction contract (Approved by Ordinance No. 2009-1320) between the City of Houston and **APACHE SERVICES, INC** for Eastwood and Cliff Tuttle Parks; providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT H - GONZALEZ**
53. ORDINANCE amending Ordinance No. 2008-455 to establish a maximum contract amount; approving and authorizing second amendment to Professional Landscape Architectural Task Order Contract between the City and **CLARK CONDON ASSOCIATES, INC** for the Moody Park Community Center Renovations - \$500,000.00 - Grant Fund - **DISTRICT H - GONZALEZ**
54. ORDINANCE appropriating \$49,970.00 out of Street & Bridge Consolidate Construction Fund as an additional appropriation for Professional Roofing Consultant Services Contract for Task Order Contract between the City of Houston and **BUILDING ENVELOPE CONSULTANTS, LLC** for Various City Departments; amending Ordinance No. 2008-0890 to increase the maximum contract amount - **DISTRICT I - RODRIGUEZ**
55. ORDINANCE appropriating \$1,280,260.00 out of Police Consolidated Construction Fund and \$460,259.00 out of Street & Bridge Consolidated Construction Fund for Job Order Contract for Roof Repair/Replacement Services for Houston Police Department Southeast Command Center and the Public Works & Engineering Department McCarty Maintenance Facility under an existing citywide contract with **CHARTER ROOFING COMPANY, INC** (Approved by Ordinance No. 2008-0891) - **DISTRICTS E - SULLIVAN and I - RODRIGUEZ**
56. ORDINANCE approving and authorizing Professional Architectural Services Contract between the City of Houston and **BAILEY ARCHITECTS, INC** for Relocation of Historical Houses and Locomotive Engine 982 - \$110,000.00 - Enterprise Fund - **DISTRICT I - RODRIGUEZ**
57. ORDINANCE appropriating \$733,335.00 out of Parks Consolidated Construction Fund awarding construction contract to **TIMES CONSTRUCTION, INC** for Marian 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 materials testing services, construction management services, Civic Art Program, and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK**

RESOLUTIONS AND ORDINANCES - continued

58. ORDINANCE appropriating \$1,266,020.00 out of Parks Consolidated Construction Fund; awarding construction contract to **MILLIS DEVELOPMENT & CONSTRUCTION, INC** for Stuebner Airline Park and Metropolitan Multi-Service Center Adaptive Recreation Trail; 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 materials testing services, construction management services, Civic Art Program, and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund and Texas Parks & Wildlife Department \$100,000.00 - Grant Funds - **DISTRICTS B - JOHNSON and D - ADAMS**
59. ORDINANCE No. 2010-0583, passed first reading on July 14, 2010
ORDINANCE amending Ordinance No. 2010-0482 relating to Water and Wastewater Impact Fees to correct certain clerical errors; and containing findings and other provisions relating to the foregoing subject - **SECOND AND FINAL READING**
60. ORDINANCE granting to **V.F. WASTE SERVICES, INC dba V.F. TRASH SERVICE, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **FIRST READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Clutterbuck 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

**NOTICE OF MEETING
OF THE
CITY COUNCIL OF THE CITY OF HOUSTON**

NOTICE is hereby given that a Regular Meeting of the City Council of the City of Houston will be held **TUESDAY, JULY 27, 2010 at 1:30 p.m. and WEDNESDAY, JULY 28, 2010 at 9:00 a.m.** with the reading of the descriptions, captions or titles of the agenda items by the City Secretary to begin not earlier than 60 minutes before the scheduled commencement, in the Council Chamber, Second Floor, City Hall, 901 Bagby, for the purpose of conducting the regular business and affairs of the City of Houston listed on the attached Agenda.

WITNESS my official signature this the 23rd day of JULY, 2010.

City Secretary

CERTIFICATE

I certify that the attached notice of meeting was posted on the Bulletin Board of the City Hall of the City of Houston, Texas, on JULY 23, 2010 at : p.m.

by _____

for Anna Russell
City Secretary

**CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - TUESDAY
JULY 27, 2010 – 2:00 PM**

AGENDA

3MIN

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3MIN

MS. LAUREN BARRASH – 5535 Memorial, Ste. F202 – 77007 – 713-863-9283 – Jitney Ordinance change
Item 25

NON-AGENDA

3MIN

3MIN

3MIN

MS. CLAUDINE WOOD – Post Office 2342 – 77252 – 281-236-5426 – United States Country Queen Stores
Woods Store Building Recommendation

MS. MICHELLE HARRIS – 12731 Braeswood – 77072 – 832-876-0339 – Overgrown trees

MS. ANNE VAUGHN – 270 N. Carolina – 77029 – 713-676-2916 - Corrupt in HPD and State Attorney
General

MS. DEBORAH ALLEN – Post Office Box 263252 – 832-885-1659 – We are a unity; We are Blacks and
Mexicans

MINISTER JOE ANGEL LOPEZ – 13334 Wells River – 77041 – 832-891-2724 – Coordination needed for
5th Ward Constable Deputy Program to succeed

MR. W. W. FISHER – 5638 Irish Hill – 77053 – 281-438-4039 – Disability reinstated

MR. JOSH VERDE – 610 W. Clay, No. 4 – 77019 – 713-382-4061 – Wal-mart

MS. MARLENE McCOURT – 3913 Barnes St. – 77009 – 281-888-7343 - Wal-mart

MS. ANNE BAUMGARDNER – 507 Highland – 77009 – 713-868-1574 – Wal-mart

MR. DOLAN SMITH – 518 Harvard – 77007 – 713-882-3263 – Wal-mart

MS. APRIL WILSON – 1166 Bonner St. – 77007 – 713-409-1286 – Wal-mart

MS. EILEEN REED – 1315 Cortlandt – 77088 – 713-861-1919 – Wal-mart

MS. LARISSA LINDSAY – 1816 Kane – 77007 – 713-540-0551 – Wal-mart

MR. LEOPOLDO H. MATA – 14619 Leacrest Dr. – 77049 – 281-458-9473 - Improving security at Hermann
Brown Park

MS. SHIRLEY GIBSON – 2010 Mandel Court – 77077 – 832-288-2385 – Term limits

MR. KISHOR MADRASI – 6009 North Fwy. – 77076 – 713-695-1777 – City of Houston Water Department
lost my paper work

MR. STEPHEN GARNEY – 8414 Argentina – 77040 – 713-937-6784 – Wrongful arrest

MR. JOUSHA CAUDILL – 8319 Tessa Ct. - 77040 – 832-893-7374 – Wrongful arrest

MS. IFIOK AGUSTA – 17210 Quiet Covey – Missouri City – TX – 77489 – 469-774-2694 – Police brutality
Mineral Rights

MR. CHARLES WAHL – 5615 Bissonnet, No. 217 – 77081 – 713-664-2491 – Raised maintenance fee in our
Subdivision

MR. AHNAD SOLOMON – 14855 Memorial Dr. – 77079 – 281-827-8337 – ISGH Officers use the Police
Department to intimidate Muslim Community

PASTOR JAMES NASH – 8418 Colonial Ln. – 77051 – 713-725-1664 – Police Department issues

MR. ROBERT JEFFERSON – 15233 Cullen Blvd. – 77047 – 713-734-0275 – Police Department issues

MS. ESTELL JIMENEZ – 2534 Chestnut Mills – 77067 – 713-572-7893 – Police harassment at Taco stand

Speaker List
July 27, 2010
Continued Page 2

3MIN	3MIN	3MIN
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MR. CHRISTOBAL HINOJOSA – 8210 Bauman – 77022 – 832-921-8873 – Police harassment at Taco stand

MR. THEODORE JOHNSON – 3318 Cornell St. – 77022 – 713-868-5801 – LBJ Doctrine - The War on Poverty

MS. BRENDA CLAY – 7930 Woodward St. – 77051 – 862-893-2594 – My rights with Houston Housing

MS. AMAL KUGNAR – 118 N. Woodstock Circle Dr. – The Woodlands – TX – 77381 – 281-731-0697 – Solution for the City of Houston traffic

MS. CHERYL AUTHY – 18203 Westfield – 77090 – 832-277-2944 – Abuse and death of my son (Ajuni Artis) - Parents Property – Bimbos

MR. /COACH R. J. BOBBY TAYLOR - 3107 Sumpter - 77026 - FA34511 - Behavior; Fiesta Ballroom, 200 Jackson Street, Houston, disgracing Parents/Children

MS. LATASHA WILLIAMS – 7711 Wayfair Ln. – 77075 – 713-731-0381 – Water bill

PREVIOUS

1MIN	1MIN	1MIN
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PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – Criminal charges – Officer Baines Terrorist False Arrest – Psychic threats - Stalked

MS. MARY TAYLOR - 1403 Fashion Hill Dr. - 77088 - 281-445-0682 – Police stole my car off my private property on July 15, 2010



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

JUL 28 2010

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 7-14-10
date

COUNCIL MEMBER: _____

July 14, 2010

The Honorable City Council
City of Houston, Texas

Dear Council Members:

Pursuant to Section 2-277 of the City of Houston Code of Ordinances, I am pleased to appoint Mr. Daniel W. Krueger, P.E., as Director of the Public Works and Engineering Department, subject to Council confirmation. Many of you are familiar with Mr. Krueger's able leadership as former Deputy Director for the Engineering and Construction Division of PWE. As you can see from his attached resume, Mr. Krueger's return to Houston will bring a wealth of experience to the department, including nineteen years with the United States Army and the Army Corps of Engineers.

He will be available to meet with each of you prior to his confirmation, which I expect to place on the July 28, 2010 agenda

Sincerely,

Annise D. Parker
Mayor

Attachment

MAP:MS



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

2

JUL 28 2010

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 7-12-10
date

COUNCIL MEMBER: _____

June 30, 2010

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to Houston Code of Ordinances, Sections 32-243 through 32-252, I am nominating the following individuals for appointment or reappointment to the Miller Theater Advisory Board, subject to Council confirmation:

- Ms. Susan Young, appointment to Position One, for a term to expire April 24, 2014;
- Mr. Steven W. Wallace, appointment to Position Four, for a term to expire April 24, 2013;
- Ms. Gwendolyn J. Samples, reappointment to Position Five, for a term to expire April 24, 2014;
- Ms. June Dadrick, reappointment to Position Six, for a term to expire April 24, 2014;
- Mr. Allen W. Ueckert, reappointment to Position Eight, for an unexpired term ending April 24, 2014;
- Ms. Grace Olivares Hernandez, reappointed to Position Thirteen, for a term to expire April 24, 2014; and
- Ms. Catherine C. Brock, reappointment to Position Twenty, for a term to expire April 24, 2014.

The résumés of the nominees are attached for your review.

Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

Attachments

cc: Ms. Cissy Segall Davis, Managing Director, Miller Theatre Advisory Board
Mr. Rodney E. Nathan, Chair, Miller Theatre Advisory Board

RECEIVED
JUL 12 2010
CITY SECRETARY

REQUEST FOR COUNCIL ACTION

SUBJECT: Motion approving second amendment to Ordinance No. 2008-806 for payment of FY2011 time and materials costs to CourtView Justice Solutions	Category #	Page 1 of 1	Agenda Item# 3
FROM: (Department or other point of origin): Municipal Courts Administration	Origination Date July 15, 2010		Agenda Date JUL 28 2010
DIRECTOR'S SIGNATURE: 	Council Districts affected: ALL		
For additional information contact: Sahira Abdool, Director Phone: (713) 247-4105	Date and identification of prior authorizing Council Action: Ord. #2008-806 Sept. 10, 2008 Ord. # 2010-150 Feb. 17, 2010		

RECOMMENDATION: (Summary)
Accept a motion approving second amendment to Ord. No. 2008-806 to authorize supplemental allocation of \$904,996 for payment of FY2011 time and materials costs to CourtView Justice Solutions

Amount and Source of Funding: \$904,996 Municipal Courts Technology Fee Fund (2207)	Finance Budget:
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SPECIFIC EXPLANATION:

The City of Houston Municipal Courts is the largest fine-only court system in the United States. Its operations involve the interaction of six City Departments, processing 1.2 million cases annually. In September 2009, Council approved a contract with Sogeti USA, Inc. to assist City personnel with the design and development of a Courts records management system that would fulfill the Courts' unique needs. The Courts System Management and Resource Technology initiative (CSMART) is expected to be operational in early FY2012. Under the terms of a Compromise and Settlement Agreement with a prior vendor, Maximus, Inc., the City engaged CourtView Justice Solutions to be paid on a time and materials basis to perform proprietary work to transition to the new system in an estimated amount of \$3,000,000.

In February 2010, Council approved Ordinance No. 2010-150; which removed the spending cap and provided for Council to authorize funding annually. A supplemental allocation of \$405,000 was approved to cover FY10 costs. The proposed motion would authorize a supplemental allocation of \$904,996 for the current fiscal year, as approved in the adopted FY2011 Budget. The source of funding is the Municipal Courts Technology Fee Fund (2207). This fund consists of the proceeds of a \$4 fee added to every Municipal Courts conviction, which under state law may be used only for Municipal Courts technology improvements.

An update on the CSMART implementation is scheduled for the August 3, 2010 meeting of the Budget and Fiscal Affairs Committee.

OTHER AUTHORIZATION

Richard Lewis, Chief Information Officer Information Technology Department		
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TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

SUBJECT: Goal for the Participation of Disadvantaged Business Enterprises ("DBEs") in U.S. Department of Transportation/Federal Aviation Administration ("DOT/FAA") Funded projects.	Page 1 of 2	Agenda Item # 4
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FROM (Department or other point of origin): Mayor's Office of Affirmative Action and Contract Compliance	Origination Date	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE: 	Council District affected:
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For additional information contact: Velma Laws Phone: 713.837.9015	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
 Adopt Motion setting overall goal of 24.74%, including a 1% race-neutral component for the participation of Disadvantaged Business Enterprises in DOT/FAA funded contracts from October 1, 2010 through September 30, 2013 in compliance with DBE Ordinance 99-893 and DOT/FAA mandated requirements.

Amount and Source of Funding:
 NA

SPECIFIC EXPLANATION:
 Effective March 4, 1999, the DOT adopted a final rule implementing changes to 49 CFR Part 26, which mandated new requirements for participation for Disadvantaged Business Enterprises ("DBEs") in DOT assisted contracts, for Houston Airport System projects, and if applicable, Department of Public Works and Engineering projects. Substantial changes in federal regulations required enactment of Ordinance 99-893 to comply with the revised federal requirements for DOT-assisted contracts. The City is not eligible to receive DOT financial assistance unless it is in compliance with these federal regulations.

Prior to February 2010 the regulations required the City to set and publish annually a proposed overall contract goal for DBE participation in DOT-assisted contracts, following guidelines set forth in regulations. Pursuant to Ordinance 99-893 approved by City Council on August 18, 1999, the city set an initial goal of 17% DBE participation, with a 1% race neutral component. The goals for subsequent fiscal years are as follows:

Fiscal Year	DBE Goal	Race Neutral Goal
2001	19.30%	2%
2002	19.38%	1%
2003	21.3%	1%
2004	20.0%	1%
2005	20.1%	1%
2006	19.7%	1%
2007	20.08%	1%
2008	21.8%	1%
2009	20.28%	1%
2010	20.28%	1%

REQUIRED AUTHORIZATION		
Other Authorization:	Other Authorization:	Other Authorization:

Date July 28, 2009	SUBJECT: Goal for the Participation of Disadvantaged Business Enterprises ("DBEs") in U.S. Department of Transportation/Federal Aviation Administration ("DOT/FAA") Funded projects.	Originator's Initials	Page 2 of 2
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Due to changes in the Code of Federal Regulations adopted in February of this year, the City is now required to submit a revised goal for the three year period of 2011 through 2013 federal fiscal years. The Affirmative Action and Contract Compliance Division of the Mayor's Office ("AAD"), in cooperation with the Houston Airport System, has analyzed the relevant criteria required by DOT, and recommends an overall contract DBE goal of 24.74% DBE participation, with a 1% race neutral goal for the 2011-2013 federal fiscal years.

The AAD recommends adoption of the Motion setting goals for the 2011-2013 federal fiscal years in order to comply with federal requirements.



CITY OF HOUSTON

Affirmative Action and Contract Compliance

Overview of the US Department of Transportation Section 49 of the Code of Federal Regulations (49 CFR), Part 26

Participation by Disadvantaged Business Enterprises (DBEs) in Department of Transportation Programs

The U.S. Department of Transportation's (DOT) Disadvantaged Business Enterprise (DBE) Program operates under City Ordinance 99-893. This Ordinance applies to Department of Aviation contracts that receive DOT funds (aka "DOT assisted contracts"), and is a reflection of Section 49 of the Code of Federal Regulations (49 CFR), sub-part 26. Note - This program represents the "D" in the City's MWDBE program.

In early 1999, the Department of Transportation revised 49 CFR to meet the "strict scrutiny" and "narrow tailoring" requirements of the Supreme Court, and to address issues raised during Congressional debates concerning the continuance of the DBE program. (Bipartisan majorities voted to retain the program because it serves a compelling national interest - another Supreme Court requirement).

The new regulation required that the City submit a DBE program conforming to the new 49 CFR. Additionally, in order to remain eligible to receive federal funds, the City must submit updated DBE goals every three years.

Some of the components of the Department of Transportation's DBE program are:

- ◆ All recipients of DOT funds are required to set an overall goal based on the availability of DBEs to participate on DOT assisted contracts, previous DBE utilization, and other factors.
- ◆ There are two ways to meet overall goals - by race neutral measures and race-conscious measures. Race neutral measures include business development programs, such as those that provide bonding and financial assistance; outreach; technical assistance; mentor/protégé programs, etc.. The Affirmative Action office and the HAS Small Business Development and Contract Compliance unit administer MWDBE programs, and facilitate small and MWDBE participation at the airports. Race conscious measures include the use of contract goals specifically for DBEs.
- ◆ Goals for various contracts will be flexible, based on the availability of DBEs to participate. Contract goals will be used only to meet the portion of a contract that cannot be met using race neutral measures.
- ◆ With the exception of concessionaires, eligible DBEs may not have a Personal Net Worth (not counting value of primary residence and interest in applicant firm) of more than \$750,000. Note – US DOT is proposing to adjust the PNW to \$1.3 million. (The City ordinance MWBE program does not have a personal net worth requirement).
- ◆ Recipients must collect data on all bidders for prime and subcontracts.
- ◆ All DOT recipients in each state must join in a Unified Certification Program. The City's Affirmative Action office is a founding member of the Texas Unified Certification program, and is the local DBE/ACDBE certifying agency for Harris and the surrounding 7 counties.

For additional information, contact Velma Laws at (713) 837-9015 or James Goodwille Pierre at 281.233.7833.

**City of Houston
Affirmative Action and Contract Compliance**

**Proposed Goal for the Participation of
Disadvantaged Business Enterprises in
Department of Transportation Funded Contracts
FY 2011-2013**

Pursuant to the Code of Federal Regulations, Section 49, Part 26, the City of Houston has proposed an overall goal of **24.74%** for the participation of Disadvantaged Business Enterprises (DBE) in its Houston Airport System contracts that are funded by the US Department of Transportation (DOT), effective October 1, 2010 thru September 30, 2013. Of the 24.74% overall goal, it is anticipated that 1.0% can be achieved by race/gender neutral means.

I. METHODOLOGY

Step 1

In order to determine an overall goal, the following data sources were utilized:

- 2007 Harris County Business Patterns for the Houston PMSA
- City of Houston (COH) Database of certified MWDBE firms
- State of Texas – Texas Unified Certification Program (TUCP) database of certified firms
- Bidders list for Houston Airport Construction and Professional Service Contracts for the previous fiscal year.

After identifying the anticipated types of contracts that will be awarded during the upcoming fiscal year, County Business Pattern data for all firms in the Houston PMSA was identified for the appropriate contracting area. The Houston PMSA was used as the local market area, since the majority of contractors and subcontractors are located in this area. Additionally, the data provided by TUCP included firms interested in working in the Houston region, but not necessarily located within the Houston PMSA. Two sources of data were used to calculate DBE availability: The COH database of certified MWDBE firms and the TUCP database of certified DBE firms. Harris County Business Patterns for the Houston PMSA-2007 was used to calculate the number of all ready, willing and able businesses available in the City's market that perform work in the applicable NAICS codes. It should be noted that because there were TUCP businesses located outside the Houston PMSA, the difference between the TUCP data and the DBEs within the Houston PMSA was added to the County Business Pattern data for the Houston PMSA in the appropriate contracting area. (NAICS)

The initial calculation of DBE availability was weighted based on the percentage of contract dollars that would be awarded in each area. A total of eighteen (18) projects totaling over \$146,268.000 are anticipated for Federal FY2011-2013. NAICS codes corresponding to the scope of work in each project was analyzed. (See Attachment 1) **The weighted availability figure was 28.69%.**

Bidders lists obtained from contractors bidding on DBE assisted jobs in the previous years were used to assist in determining the number of ready, willing and able firms. Generic bidders lists were screened to eliminate firms listed in areas that would not be included in upcoming DOT assisted contracts. **The resulting DBE availability from the bidders list was 27.85%. (See Table 1)**

Table 1.
Houston Airport System
Bidders List on DBE funded Projects

Category	Total Firms	DBE Firms	%DBE
Prime Contractors	44	4	9%
Subcontractors	35	18	51.43%
Total	79	22	27.85%

To determine a base DBE availability figure, the 28.69% DBE availability figure was averaged with the 27.85% bidders' list/ready, willing, and able DBE subcontractor data, resulting in a **Step 1 DBE availability figure of 28.27%.**

Step 2

The Step 2 analysis involved calculating the overall DBE participation for fiscal years 2006, 2007, 2008, 2009 and 2010 and then calculating the median DBE participation for all 5 years. (See Attachment 2) The DBE participation for FY 2006, 33.1%; for FY 2007, 18.1%, for FY 2008, 21.2%, for FY 2009, 18.5% and for FY 2010, 25.4% **The median of all five years is 21.2%.**

To arrive at the City's recommended overall goal, the Step 1 base figure 28.27% was averaged with the 21.20% median participation figure, resulting in 24.74%.

II. Breakout of the Estimated Race/Gender Neutral and Race/Gender Conscious Participation

Regarding the calculation of the race/gender neutral goal, several factors were considered. They are:

A. Past participation by DBE prime contractors.

No prime contractor awards to DBE firms

B. Voluntary DBE utilization on contracts with no DBE goals.

All Federal Funded Contract had a DBE goal.

C. The amount by which goals were exceeded in the past.

DBE participation for fiscal years 2006 – 2010 were reviewed to determine the extent to which overall DBE contract goals were exceeded in the past. The results are presented in the following table.

Fiscal Year	Actual Participation	Differences
2006	33.1%	+3.4
2007	18.1%	-.12
2008	21.2%	-2.77
2009	18.5%	-1.74
2010	25.4%	4.98
Median		-.12

Therefore, based on the aforementioned information, the FY 2011 race/gender neutral goal will be 1%.

D. Description of efforts to use race neutral means.

Examples of our efforts to use race-neutral means include, but are not limited to, the following:

- 1) Hosting Fourth Annual Houston Airport System's Small Business Networking Opportunity Fair. Over 1000 small business owners attended this event. These events connect DBE's to airport decision makers.
- 2) Participating in Outreach Fairs with other Stakeholders that receive federal DOT funding (Port of Houston, City of Houston Housing and Community Affairs, METRO, etc.). Recipient communicated to over 10,000 current and potential DBE's.
- 3) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBEs and other small businesses participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);
- 4) Providing technical assistance and other services;

- 5) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
- 6) Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
- 7) Ensuring distribution of the DBE directory through print and electronic means to the widest feasible universe of potential prime contractors; and
- 8) Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.
- 9) Maintaining the Mentor-Protégé program

III. Public Participation

In establishing an overall goal, the City of Houston provided time for public participation. This public participation included:

(1) Consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City of Houston's efforts to establish a level playing field for the participation of DBEs.

- a. Attachment 3a is an example of the letter sent describing inviting stakeholders to a public forum.
- b. Attachment 3b is a colorful advertisement in which we collaborated the FY'11 Stakeholders meeting with a Business Opportunity Networking Fair to reach more Stakeholders, especially potential DBE's.
- c. Attachment 4 is a list of minority, women's and general contractor groups, community organizations, and other officials or organizations to whom the attachment 3 letter was sent.
- d. Attachment 5 is the sign-in sheet of attendees to our Stakeholders meeting.
- e. Attachment 6 is the question and answer narrative recorded at one of our stakeholders meetings.

(2) A published notice announcing the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business

hours at the City Secretary's Office for 30 days following the date of the notice, and informing the public that the City of Houston and the Department will accept comments on the goals for 45 days from the date of the notice. The notice included addresses to which comments may be sent, and it was published in general circulation media and available minority-focused media and trade association publications. The notice was published in the City Secretary's Office and on the City of Houston Airport System's Website, www.fly2houston.com. Notices were also published in the following print media:

- Houston Defender
 - Southern Chinese Daily News
 - African American News and Issue
 - Christian Monitor (Nigerian Newspaper)
 - Lasubasta- Spanish Newspaper
 - Houston Chronicle
 - I-10 Media (Electronic Minority Business Newsletter)
- a. Attachments 7A, 7B and 7C are samples of the notice of the DBE goal published in newspapers in Spanish, English and Chinese.
- b. Attachment 8 is a copy of the notice of the DBE Goal.

Houston Airport System
Office of Small Business Development and Contract Compliance
DBE Goal Calculation FY-2011-2013
Capacity Estimates
Weighted Ratio of Certified DBEs to Available Firms in Market Area

NAICS Codes	Description	Total Available Firms	COH/DOT Companies	Weight	Weighted %
237310	Paving and Painting (Airport)	244	146	0.06	3.81
238110, 238120	Concrete Construction Work	350	121	0.42	14.68
238210 & 423610	Electrical	937	124	0.20	2.66
238910, 484220	Excavation, Earthwork, Hauling	591	214	0.09	3.08
238220	Mechanical	1,320	48	0.08	0.29
236220	Structural	770	242	0.11	3.38
541330	Engineering	1,622	339	0.04	0.79
	TOTAL	5,834	1234	1.00	28.69

Sources;

United States Census- Harris County Business Patterns for the TX Metropolitan Statistical Area-2007

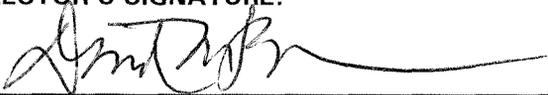
COH DBE Directory-May 2010

DOT-TUCP-May 2010

City of Houston
Affirmative Action and Contract Compliance

Analysis of Actual DBE Utilization
in DOT Funded Airport Contracts

	Project Description	Prime Contractor	Final	Total	Actual	Goals	Difference	
			Contract Amount	DBE Dollars	DBE %		Act DBE Goal	
FY 2006	#417B, Relocation of Taxiways "Y" & "Z" @ Hobby	W.W.Webber, Inc.	\$ 18,551,047	\$ 3,236,544	17.5%	17.00%	0.50%	
	#485, Miscellaneous Airfield improvements @ Hobby	W.W.Webber, Inc.	\$ 7,404,382	\$ 1,901,577	25.7%	17.00%	8.68%	
	#522 Runway 8L-26R Clearing, Grading & Drainage @ IAH	W.W.Webber, Inc.	\$ 11,681,770	\$ 2,357,927	20.2%	18.00%	2.20%	
	#522D, Airfield & Ground Facility, ARFF utilities, & Service Road @ IAH	W.W.Webber, Inc.	\$ 8,618,463	\$ 2,399,366	27.8%	19.30%	8.80%	
	#522E, 8L-26R, Final Grading & Airfield Drainage @IAH	W.W.Webber, Inc.	\$ 13,623,973	\$ 4,862,505	35.7%	19.30%	16.39%	
	#522G Connector Taxiways, Bridges, & Off-site Dranaige @ IAH	W.W.Webber, Inc.	\$ 46,209,290	\$ 10,389,262	22.5%	19.30%	3.20%	
	#522H,North Runway 8L-26R & Parallel Taxiway @ IAH	W.W.Webber, Inc.	\$ 41,210,871	\$ 8,071,433	19.6%	19.30%	0.29%	
	#522M Runway 8L-26R Midfield Grading @ Bush IAH	W.W.Webber, Inc.	\$ 2,948,495	\$ 606,600	20.6%	19.30%	1.30%	
	#554 - Terminal C Southeast Ramp Upgrade & Widening @ IAH	W.W.Webber, Inc.	\$ 28,538,932	\$ 6,880,011	24.1%	18.00%	6.10%	
	#555 Terminal B & C North Ramp Expansion @ Bush IAH	W.W.Webber, Inc.	\$ 14,657,494	\$ 5,600,636	19.1%	19.30%	-0.20%	
	#556 Runway 15R-33L Extension & Widening@ Bush IAH	W.W.Webber, Inc.	\$ 82,159,166	\$ 16,329,372	19.9%	17.00%	2.90%	
	#558A, Taxiway "SD" Bridge @ Bush IAH	W. W. Webber, Inc.	\$ 22,785,518	\$ 44,448,227	19.5%	19.30%	0.20%	
	#560-New Cargo area Infrastructure@ Bush IAH	W.W.Webber, Inc.	\$ 44,951,936	\$ 7,848,128	17.5%	18.00%	-0.50%	
	#568, Airfield Pavement Rehabilitation @ Ellington Field	W.W.Webber, Inc.	\$ 7,274,146	\$ 1,241,659	17.1%	19.30%	-2.20%	
				\$ 350,615,481	\$ 116,173,248	33.1%		3.40%
	FY 2007	#522F Runway 8L-26R New North Vault and Security fence @ IAH	PDG Electric Company	\$ 11,369,169	\$ 3,005,502	26.4%	19.30%	7.10%
#522G Rehab. Of T/W "NA", Extend T/W "N/B" & Drainage		W. W. Webber, Inc.	\$ 46,209,290	\$ 8,918,393	22.5%	19.30%	3.18%	
#522N R/W 8L-26R Reforestation, Wall, Fencing @ Access Rd @ IAH		W. W. Webber, Inc.	\$ 4,172,888	\$ 1,421,746	34.1%	19.30%	14.77%	
#542C Miscellaneous Drainage & Paving Improvements @ IAH		W. W. Webber, Inc.	\$ 12,800,363	\$ 2,573,594	20.1%	19.30%	0.80%	
#555 Term. B & C North Ramp Expansion @ IAH		W. W. Webber, Inc.	\$ 14,657,494	\$ 2,800,318	19.1%	19.30%	-0.19%	
#612B FIS/Terminal E Inline EDS Baggage Handling System @ IAH		Stewart-Matt, Ltd.	\$ 4,447,987	\$ 676,743	15.2%	17.00%	-1.80%	
#566C Asbestos Abate./Demo, Bldg 18,19, 20 & 21 for SMGCS @ HOU		ARC Abatement, Inc.	\$ 550,073	\$ 14,339	2.6%	24.00%	-21.39%	
#568 Airfield Pavement Rehabilitation @ EFD		W. W. Webber, Inc.	\$ 7,274,146	\$ 1,241,659	17.1%	19.30%	-2.23%	
#599 Misc. Airfield Pavement Repairs @ EFD		W. W. Webber, Inc.	\$ 4,008,989	\$ 702,531	17.5%	20.00%	-2.48%	
#603 Rehabilitation of Runway 15L-33R @ IAH		W. W. Webber, Inc.	\$ 17,916,563	\$ 3,603,997	20.1%	20.10%	0.02%	
424D-Central Plant Equipment Pre-Purchase package #1 IAH	Gowan, Inc.	\$ 16,115,484	\$ 104,751	0.6%	0.65%	-0.06%		
542C-Miscellaneous Drainage & Paving Improvements ar IAH	W. W. Webber, Inc.	\$ 12,800,363	\$ 2,470,470	20.1%	19.30%	0.81%		
			\$ 152,322,807	\$ 27,534,042	18.1%		-0.12%	
FY 2008	566B-SMGCS/ CIVIL SITE WORK, INSTR LANDING SYSTEM	W. W. Webber, Inc.	\$ 27,328,690	\$ 6,558,886	23.5%	24.00%	-0.55%	
	612A, IN-LINE EDS BAGGAGE SYSTEM AT HOU	VanDelLande Industries, Inc.	\$ 7,425,023	\$ 854,639	11.5%	20.10%	-8.59%	
	626 CONSTRUCTION OF TAXI-LANE K @ ELLINGTON	W. W. Webber, Inc.	\$ 2,764,548	\$ 544,818	20.5%	19.70%	0.82%	
			\$ 37,518,262	\$ 7,958,141	21.2%		-2.77%	
FY 2009	612G, IN-LINE EDS BAGGAGE SYSTEM AT IAH	VanDelLande Industries, Inc.	\$ 4,796,554	\$ 805,274	23.5%	20.10%	3.35%	
	606-Reconstruction of Runway 4-22, Storm Drainage @ EFD	VanDelLande Industries, Inc.	\$ 11,908,837	\$ 2,319,671	19.5%	20.10%	-0.63%	
	612H-Terminal D Explosive Detection System Interim In-line Baggage	VanDelLande Industries, Inc.	\$ 2,862,161	\$ 499,390	18.4%	20.10%	-1.74%	
			\$ 19,567,552	\$ 3,624,334	18.5%		0.33%	
FY 2010	576A-Access Control and Telecom Duct Bank @ HOU	TJ & T Enterprises	\$ 4,144,249	\$ 750,444	18.1%	19.70%	-1.59%	
	619 Rehab of Runway 12R/30L and Misc Electrical Repairs	EAS Contracting LP	\$ 15,988,863	\$ 4,161,694	26.3%	20.08%	6.21%	
	536H Automated People Mover Phase 3, Package 1, IAH	W. W. Webber, Inc.	\$ 2,234,006	\$ 708,202	31.7%	22.00%	9.70%	
	524=Professional consulting services for drainage...@IAH	S & B Infrastructure	\$ 1,370,500	\$ 405,778	29.6%	24.00%	5.61%	
			\$ 23,737,618	\$ 6,026,118	25.4%		4.98%	

SUBJECT: Cause No. 2008-48112; <i>Timoteo Saldierna, Maria Rodriguez Saldierna, Aurora Cortez, Individually and as Next of Friend of Jessica Rodriguez and Mario Rodriguez Minors vs. City of Houston and Natalie Renee Tidwell</i> ; in the 281 st Judicial District Court of Harris County, Texas. LD# 062-0800976-001		Category	Page 1 of 1	Agenda Item # 5
FROM (Department or other point of origin): <p style="text-align: center;">Legal</p>		Origination Date 7/14/10	Agenda Date JUL 28 2010	
DIRECTOR'S SIGNATURE: 		Council District affected: General		
For additional information contact: Patricia A. Harris Phone: (832) 393-6475		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) <p style="text-align: center;">Approve the referenced settlement</p>				
Amount of Funding: \$142,500.00 - Property and Casualty Fund (Claims and Judgments)		Finance Department:		
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund				
<input checked="" type="checkbox"/> Other (Specify)				
SPECIFIC EXPLANATION: <p style="text-align: center;"><u>FOR SETTLEMENT PURPOSES ONLY</u></p> <p>This is an automobile accident that occurred on June 2, 2007 when Officer Natalie Tidwell was responding to a call at about 70 mph. Officer Tidwell entered an intersection on a red light, without stopping and without slowing as necessary for safe operation. She was traveling south on West Fuqua. Plaintiff Saldierna was traveling east on South Sam Houston Parkway's south service road with his wife, his daughter-in-law, and his two minor grandchildren. He entered the intersection on a green light, and the police car struck his truck. Plaintiff Saldierna's truck hit an SUV. Officer Tidwell was faulted for not using due caution. Liability arises under §101.021(1) of the Texas Tort Claims Act and §546.001 of the Texas Transportation Code.</p> <p>Plaintiffs Timoteo Saldierna, Maria Rodriguez, and Aurora Cortez were taken to the hospital. Plaintiff Timoteo Saldierna suffered serious injuries which required surgery. Plaintiff Maria Rodriguez Saldierna also suffered serious injuries, and she was hospitalized for 3 weeks. Plaintiff Aurora Cortez was treated and released and underwent 3 months of physical therapy.</p> <p>The cost of Mr. Saldierna's surgery and hospitalization was \$58,839, future surgery \$25,000, and truck \$11,515. The cost of his wife's hospitalization was \$40,105, and her future medical care \$5,000. The cost of Aurora Cortez' medical care was \$3,500, and her future medical care may cost \$2,500.</p> <p>A check for \$80,000 should be made payable to Timoteo Saldierna and his attorney Matias Adroque, whose tax I.D. number is 90-0060774; a check for \$56,000 should be made payable to Maria Saldierna and her attorney Matias Adroque, whose tax I.D. number is 90-0060774; and a check for \$6,500 should be made payable to Aurora Cortez and her attorney Matias Adroque, whose tax I.D. number is 90-0060774.</p>				

SUBJECT: Accept Work Pemco, Inc. Underground Storage Tank Remediation, Removal and Installation at Fire Station 18 and Fire Station 42 WBS No. C-000170-0014-4	Page 1 of 2	Agenda Item 6
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FROM (Department or other point of origin): General Services Department	Origination Date 7/15/10	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Interim Director	Council Districts affected: B, I
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For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance No: 10-0085 Dated: 02-03-2010
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RECOMMENDATION: Pass a motion approving the final contract amount of \$221,821.00, accept the work and authorize final payment.

Amount and Source of Funding: No Additional Funding Required Previous Funding: \$385,462.00 Fire Consolidated Construction Fund (4500)	Finance Budget:
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$221,821.00 or 15.56% under the original contract amount, accept the work and authorize final payment to Pemco, Inc. for underground storage tank remediation, removal and installation at Fire Station 18 and Fire Station 42 for the Houston Fire Department.

PROJECT LOCATIONS: Fire Station 18 – 619 Telephone Road (Key Map 494-X) District I
 Fire Station 42 – 8675 Clinton Drive (Key Map 495-T) District B

PROJECT DESCRIPTION: The scope of work consisted of the following:

Fire Station 18: Removed one 1,000 gallon gasoline underground storage tank (UST) and one 1,000 gallon diesel UST along with associated lines, observation wells, and ancillary equipment. Installed one 3,000 gallon gasoline double wall Fiberglass Reinforced Plastic (FRP) single compartment UST and one 3,000 gallon diesel double wall Fiberglass Reinforced Plastic (FRP) single compartment UST along with associated appurtenances. The work also included demolition and removal of concrete paving over the UST and debris generated as a result of all activities, backfilling and compaction, loading, hauling and proper disposal.

Fire Station 42: Removed two 1,000 gallon USTs and one 6,000 gallon UST along with associated lines, observation wells, and ancillary equipment. The work also included disposal of aqueous liquid, concrete replacement, waste classification, backfilling and compaction.

REQUIRED AUTHORIZATION CUIC ID # 25GM230

General Services Department:  Humberto Bautista, P.E. City Engineer	Other Authorization:	Houston Fire Department:  Rick Flanagan Acting Fire Chief
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Date	SUBJECT: Accept Work Pemco, Inc. Underground Storage Tank Remediation, Removal and Installation at Fire Station 18 and Fire Station 42 WBS No. C-000170-0014-4	Originator's Initials GM	Page 2 of 2
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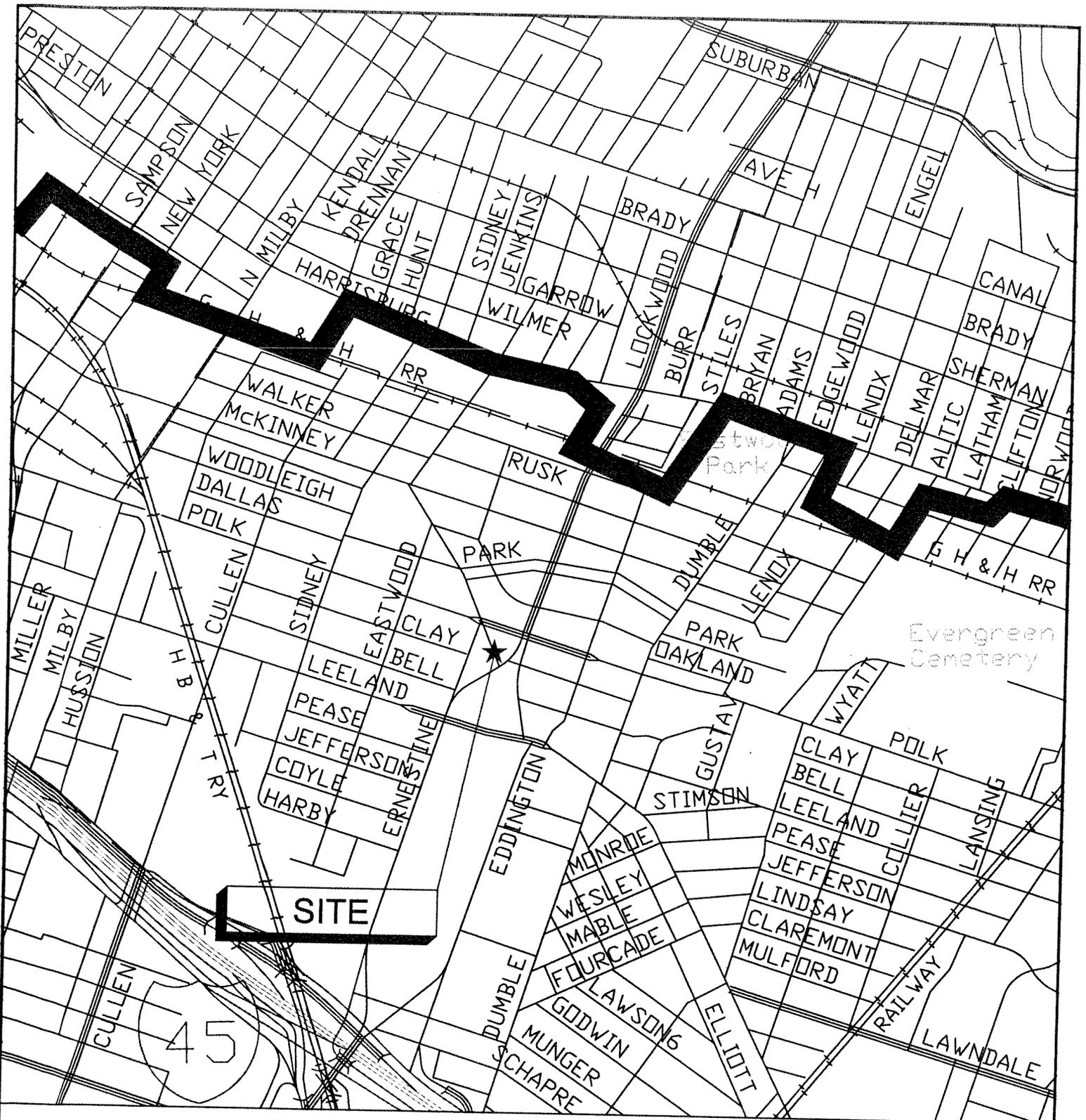
CONTRACT COMPLETION AND COST: The contractor completed the project within the original contract duration of 120 days. The final cost of the project, including Change Orders 1 and 2 is \$221,821.00, a decrease of \$40,871.00 under the original contract amount.

PREVIOUS CHANGE ORDERS: Change Order 1 added two Stage I vapor recovery 3-inch fiberglass reinforced plastic single wall piping, spill buckets and adapter lines for the new UST; removed 12-inch concrete curb to provide easier access for fire trucks for refueling at the dispenser island; and relocated emergency shut off switch and electronic monitoring system closer to the underground storage tank system. Change Order 2 provided credits to the contract for work not required to complete the project.



FRC:HB:JLN:GM:FK:fk

- c: Marty Stein,
- Jacquelyn L. Nisby
- Velma Laws
- Calvin Curtis
- Gabriel Mussio
- Jack Williams
- James Tillman
- File



Underground Storage Tank Remediation, Removal and Installation:

Fire Station 18

619 Telephone Rd.
Houston, TX 77023

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Cook Road Paving Improvements from Bissonnet Road to Bellaire Boulevard; WBS No. N-000639-0001-4, R-000500-0052-4; S-000500-0052-4.	Category #1, 7	Page 1 of 2	Agenda Item # 7
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date		Agenda Date JUL 28 2010
DIRECTOR'S SIGNATURE: Daniel R. Menendez, P.E. Interim Director 	Council District affected: F 		
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. # 2007-471 dated:04/11/2007 		

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$9,611,013.44 or 3.87% 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 \$12,178,000.00 with \$10,089,184.00 from the Metro Project Commercial Paper Series E Fund No. 4027 and \$2,088,816.00 from the Water and Sewer Consolidated Construction Fund No. 8500.

PROJECT NOTICE/JUSTIFICATION: This project was part of the Street and Traffic Control Improvement Program and was required to improve traffic flow/ circulation and reduce traffic congestion and hazards in service area.

DESCRIPTION/SCOPE: This project consisted of the reconstruction of approximately 9,800 linear feet of dual 24 foot wide concrete roadway with curb and gutter, raised median, two H.C.F.C.D. bridge crossings, necessary underground utilities and street lighting. Walter P. Moore and Associates, Inc. designed the project with 500 calendar days allowed for construction. The project was awarded to Reytec Construction Resources, Inc. with an original Contract Amount of \$9,997,653.85.

LOCATION: The project area is generally bounded by Bellaire Blvd. on the north and Bissonnet Road on the south. The project is located in Key Map Grids 529S, N and J.

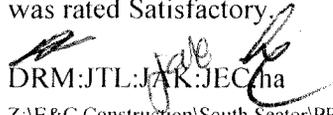
CONTRACT COMPLETION AND COST: The Contractor, Reytec Construction Resources, Inc., has completed the work under subject Contract. The project was completed with an extension of 8 days approved by Change Orders No. 1 and 2. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Orders No. 1 and 2 is \$9,611,013.44, a decrease of \$386,640.41 or 3.87% under the original Contract Amount.

The decreased cost is a result of difference between planned and measured quantities. This decrease is primarily the result of underrun in Bid Item No. 51 – 78” RCP Storm Sewer, All Depths, Complete in Place, Bid Item No. 87 – Lime for Subgrade, Bid Item No. 93 – 8-inch Reinforced Concrete Pavement (High Early Strength), Bid Item No. 104 – 5 Ft High Retaining Wall, Bid Item No. 105 – 9 ft. High Retaining Wall and Extra Unit Price Items, which were not necessary to complete the project.

REQUIRED AUTHORIZATION		20HA89	NOT
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

Date	SUBJECT: Accept Work for Cook Road Paving Improvements from Bissonnet Road to Bellaire Boulevard; WBS No. N-000639-0001-4, R-000500-0052-4; S-000500-0052-4.	Originator's Initials 	Page 2 of 2
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M/WBE PARTICIPATION: The M/W/SBE goal established for this project was 20.00%. According to Affirmative Action and Contract Compliance Division, the participation was 19.68%. Contractor's M/W/SBE performance evaluation was rated Satisfactory.


DRM:JTL:JAK:JEC/ha

Z:\E&C Construction\South Sector\PROJECT FOLDER\N-000639-0001-4\RCA\RCA - Closeout.doc

c: Velma Laws

Craig Foster

Marty Stein

File No.: N-0639-01/21.0

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000266-001A-4	Page 1 of 1	Agenda Item # 8
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 7/15/10	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council District affected: B, D, G and H
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For additional information contact: Dannelle H. Belhateche, P.E. Sr. Assistant Director Phone: (281) 575-2847	Date and identification of prior authorizing Council action: Ordinance No. 2008-433, dated 05/14/2008
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RECOMMENDATION: (Summary)
Pass a motion to approve the final contract amount of \$1,575,640.76, which is 0.97% over the original contract amount, accept the work, and authorize final payment. M.P. 7/2/10

Amount and Source of Funding: No additional funding required. Original appropriation of \$1,701,916.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 8500.
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SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: Under this project, the contractor provided sanitary sewer rehabilitation by sliplining and pipe bursting methods to deteriorated sewer collection systems throughout the City.

DESCRIPTION/SCOPE: This project consisted of sanitary sewer rehabilitation by sliplining and pipe bursting methods. The project was awarded to North Houston Pole Line, L.P. with an original contract amount of \$1,560,484.57. The Notice to Proceed date was 06/30/2008 and the project had 540 calendar days for completion.

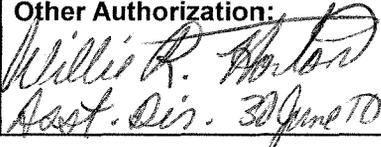
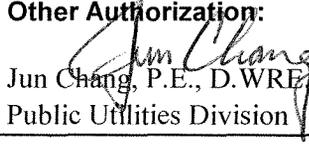
LOCATION: The project was located at various locations within Council Districts B, D, G and H.

CONTRACT COMPLETION AND COST: The contractor, North Houston Pole Line, L.P., has completed the work under the contract. The contract was completed within the contract time. The final cost of the project is \$1,575,640.76, an increase of \$15,156.19 or 0.97% over the original contract amount. More pipe bursting was needed than anticipated.

MWDBE PARTICIPATION: The MWDBE goal for this project was 22%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 24.89%. The contractor was awarded an "Outstanding" rating from Affirmative Action.

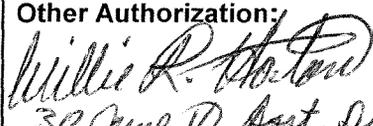
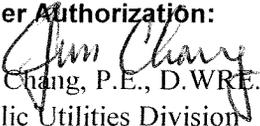
MSM:JC:DHB:JI:DR:mf
Attachments

cc: Velma Laws Craig Foster

Project File 4257-92	REQUIRED AUTHORIZATION	CUIC ID# 20DHB359 NO
Finance Department	Other Authorization:  Asst. Dir. 30 June 10	Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000294-0014-4		Page 1 of 1	Agenda Item # 9
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 7/15/10	Agenda Date JUL 28 2010
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director		Council District affected: D and I	
For additional information contact: Dannelle H. Belhateche, P.E. Sr. Assistant Director Phone: (281) 575-2847		Date and identification of prior authorizing Council action: Ordinance No. 2007-1134, dated 10/10/2007	
RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$3,643,993.86, which is 4.61% over the original contract amount, accept the work, and authorize final payment.			
Amount and Source of Funding: No additional funding required.		<i>M.P. 7/2/10</i>	
Original appropriation of \$3,764,727.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 8500.			
SPECIFIC EXPLANATION: PROJECT NOTICE/JUSTIFICATION: Under this project, the contractor provided sanitary sewer rehabilitation by sliplining and pipe bursting methods to deteriorated sewer collection systems throughout the City. DESCRIPTION/SCOPE: This project consisted of sanitary sewer rehabilitation by sliplining and pipe bursting methods. The project was awarded to PM Construction & Rehab, L.P. with an original contract amount of \$3,483,311.90. The Notice to Proceed date was 11/26/2007 and the project had 540 calendar days for completion. LOCATION: The project was located at various locations within Council Districts D and I. CONTRACT COMPLETION AND COST: The contractor, PM Construction & Rehab, L.P., has completed the work under the contract. The contract was completed within the contract time. The final cost of the project is \$3,643,993.86, an increase of \$160,681.96 or 4.61% over the original contract amount. More pipe bursting was needed than anticipated. MWDBE PARTICIPATION: The MWDBE goal for this project was 22%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 41.04%. The contractor was awarded an "Outstanding" rating from Affirmative Action.			
MSM:JC:DHB:JI:DR:mf Attachments			
c: Velma Laws		Craig Foster	
Project File 4257-86		REQUIRED AUTHORIZATION	
Finance Department		CUIC ID# 20DHB364	
Other Authorization:  30 June 10 Asst. Dir.		Other Authorization:  Jun Chang, P.E., D.WRE., Deputy Director Public Utilities Division	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000295-0013-4	Page 1 of 1	Agenda Item # 10
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 7/15/10	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council District affected: A, C, E and I
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For additional information contact: Dannelle H. Belhateche, P.E. Sr. Assistant Director Phone: (281) 575-2847	Date and identification of prior authorizing Council action: Ordinance No. 2007-1136, dated 10/10/2007
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RECOMMENDATION: (Summary)
Pass a motion to approve the final contract amount of \$3,331,364.31, which is 3.58% under the original contract amount, accept the work, and authorize final payment.

Amount and Source of Funding: No additional funding required. *U.P. 7/2/10*
Original appropriation of \$3,734,768.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 8500.

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: Under this project, the contractor provided sanitary sewer rehabilitation by sliplining and pipe bursting methods to deteriorated sewer collection systems throughout the City.

DESCRIPTION/SCOPE: This project consisted of sanitary sewer rehabilitation by sliplining and pipe bursting methods. The project was awarded to PM Construction & Rehab, L.P. with an original contract amount of \$3,455,181.23. The Notice to Proceed date was 11/15/2007 and the project had 540 calendar days for completion.

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

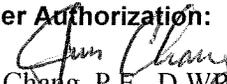
CONTRACT COMPLETION AND COST: The contractor, PM Construction & Rehab, L.P., has completed the work under the contract. The contract was completed within the contract time with an additional 60 days approved by Change Order No. 1. The final cost of the project is \$3,331,364.31, a decrease of \$123,816.92 or 3.58% under the original contract amount. Fewer point repairs were needed than anticipated.

MWDBE PARTICIPATION: The MWDBE goal for this project was 22%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 23.36%. The contractor was awarded an "Outstanding" rating from Affirmative Action.

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

c: Velma Laws Craig Foster

Project File 4257-88 REQUIRED AUTHORIZATION CUIC ID# 20DHB358 *NOT*

Finance Department	Other Authorization:  Asst. Dir. <i>WWDPS 25 JUN 10</i>	Other Authorization:  Jun Chang, P.E., D.WRE., Deputy Director Public Utilities Division
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SUBJECT: Parcel AY8-126; City of Houston v. Hiki Corporation, a Texas corporation, et al., Cause No. 951,771; Homestead Road Grade Separation Project (Ley Road - Firnat) WBS/CIP No. N-000713-0001-2-01; Legal Department File No. 052-0900033-015.	Page 1 of 2	Agenda Item # 11
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FROM (Department or other point of origin): Legal Department - Real Estate Section David Feldman, City Attorney	Origination Date 06/28/10	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE: 	Council District affected: "B" Jarvis Johnson; Key Map#454H
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For additional information contact: Russell G. Richardson <i>Red PM</i> Phone: 832.393.6285 (alternatively Joseph N. Quintal 832.393.6286)	Date and identification of prior authorizing Council action: A.O. #2009-438, psd. 5/27/09 B.A.O. #2007-1067, psd. 09/19/07
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RECOMMENDATION: (Summary)
That the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court and pay the costs of court incurred in this matter. Funding will be provided by a previously approved blanket Appropriation Ordinance.

Amount and Source of Funding:
\$51,583.75 (No appropriation needed as funding will be provided by previously approved Appropriation)

U.R. 7/7/10

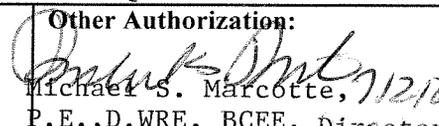
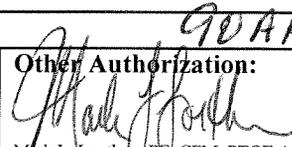
SPECIFIC EXPLANATION:

The Homestead Road Grade Separation Project (Ley Road - Firnat) will provide design, right-of-way acquisition, engineering and construction of a grade separation over the Union Pacific Railroad tracks. The project will reduce delays and improve traffic circulation on the major thoroughfare.

This eminent domain proceeding involves the acquisition of a permanent easement in and to 2,112 square feet (0.0485 acre) of land out of a parent tract containing 25,304 square feet of land. The property is located at 8805 Homestead Road and is owned by Hiki Corporation, a Texas corporation. The property is improved with a 10,350 square-foot neighborhood grocery store. The City's taking is a rectangularly shaped tract of land varying in width from 15.22 feet to 16.59 feet for 132.78 feet along the Homestead Road street frontage. The City's final offer of \$39,196.00, in August 2009, to purchase the needed property was rejected by the landowner's attorney and no counter-offer was submitted. Efforts by Public Works & Engineering to negotiate the purchase were unsuccessful and the matter was referred to the Legal Department to initiate eminent domain proceedings to acquire the property. The Legal Department retained the same appraiser utilized by Public Works & Engineering in making the City's final offer to value the property and testify at the Special Commissioners' Hearing. The appraiser updated the appraisal report for the hearing, and presented the following conclusions and opinions of market value for the Special Commissioners' consideration.

City's Testimony Before the Special Commissioners: \$42,588.00 (i.e. \$4.00 psf for the land being acquired; \$24,690.00 for the improvements thereon and \$9,450.00 for damages in the form of costs to cure)

Award of Special Commissioners: \$45,588.00 The landowner's legal representative promptly filed Objections to the Award of Special Commissioners and the matter was placed on the Court's trial docket.

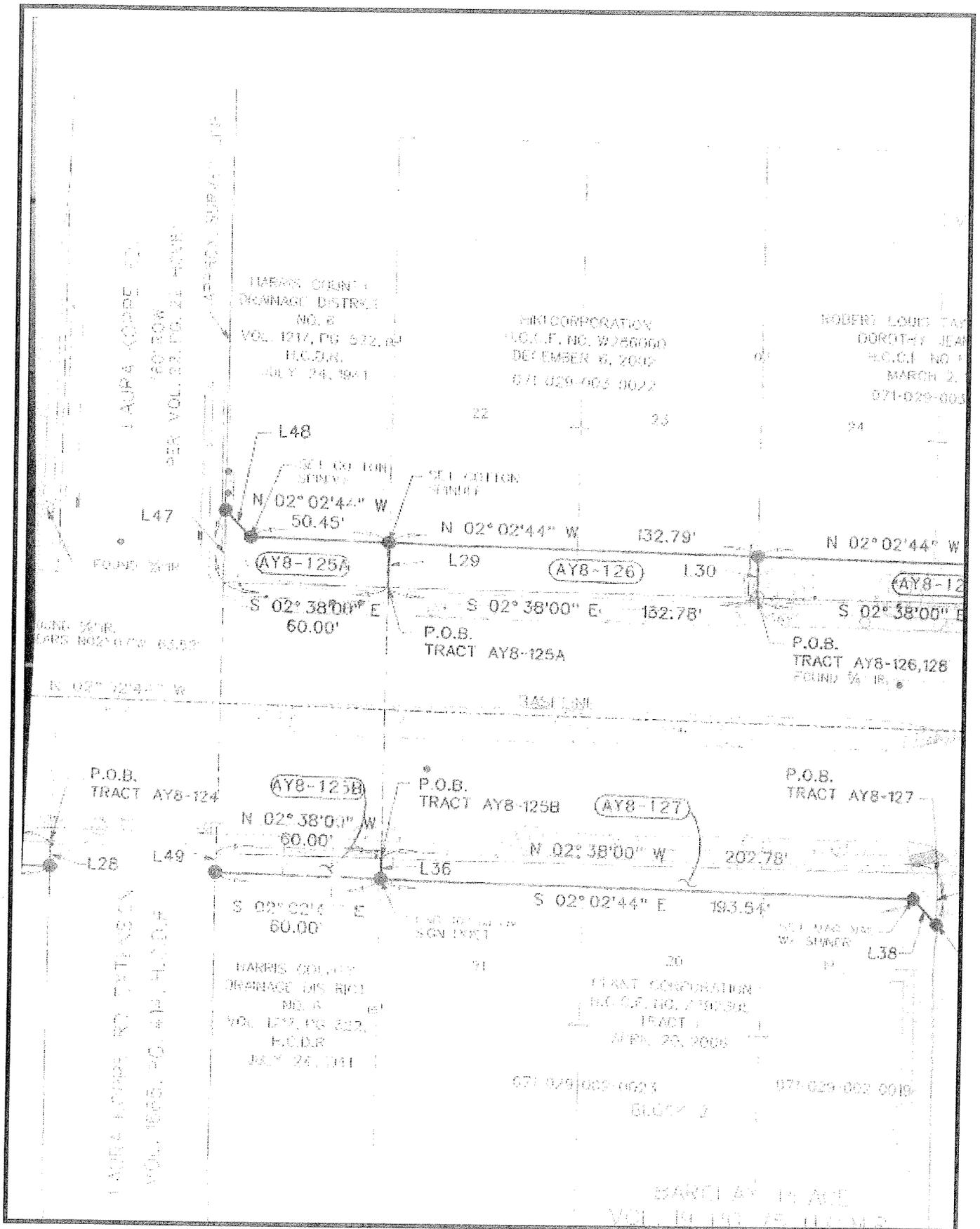
h:\mark\hikirca.wpd	REQUIRED AUTHORIZATION	
Other Authorization:	Other Authorization:  Michael S. Marcotte, 7/12/10 P.E., D.WRE, BCEE, Director	Other Authorization:  Mark L. Loethen, PE, CFM, PTOE Acting Deputy Director Planning and Development Services Division, PWE

90AH233

Date 06/28/10	SUBJECT: Parcel AY8-126; Hiki Corporation; Cause No. 951,771; Homestead Road Grade Separation Project; L.D. File No. 052-0900033-015;	Originator's Initials RGR/JNQ	Page 2 of 2
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The "**Costs of Court**" are as follows, to wit: \$172.00 filing fee; \$225.00 Service of process fee; \$1,350.00 Special Commissioners' fees (i.e. \$450.00 x 3); \$4,248.75 Appraiser's fee; **Total: \$5,995.75**. These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed herein.

We recommend that the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court and pay the costs of court incurred in this matter. Funding will be provided by a previously approved blanket Appropriation Ordinance.



SUBJECT: Appointment of two independent appraisers and an alternate appraiser in connection with the sale of approximately 2.30 acres of land and improvements located at 3300 and 3400 Main Street (Parcel SY7-127).	Page 1 of 1	Agenda Item <i>12</i>
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FROM (Department or other point of origin): General Services Department	Origination Date	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Interim Director 7/23/10	Council District affected: D
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For additional information contact: Jacquelyn L. Nisby Phone: (832) 393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Adopt a motion appointing two independent appraisers and an alternate appraiser to determine the fair market value of **Parcel SY7-127** located at 3300 and 3400 Main Street.

Amount and Source Of Funding: N/A	Finance Budget:
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SPECIFIC EXPLANATION: The General Services Department recommends that, pursuant to Code of Ordinances, section 2-241(c), City Council approve the appointment of two independent appraisers and an alternate appraiser, as listed below, to determine the fair market value in connection with the sale of approximately 2.30 acres of land and improvements located at 3300 and 3400 Main Street, inasmuch as the value is expected to exceed \$1million.

- Kim M. Kobriger – Lewis Realty Advisors
- Gerald A. Teel – The Gerald A. Teel Company
- Carl B. Raia, Jr. – Carl Raia and Associates (Alternate)

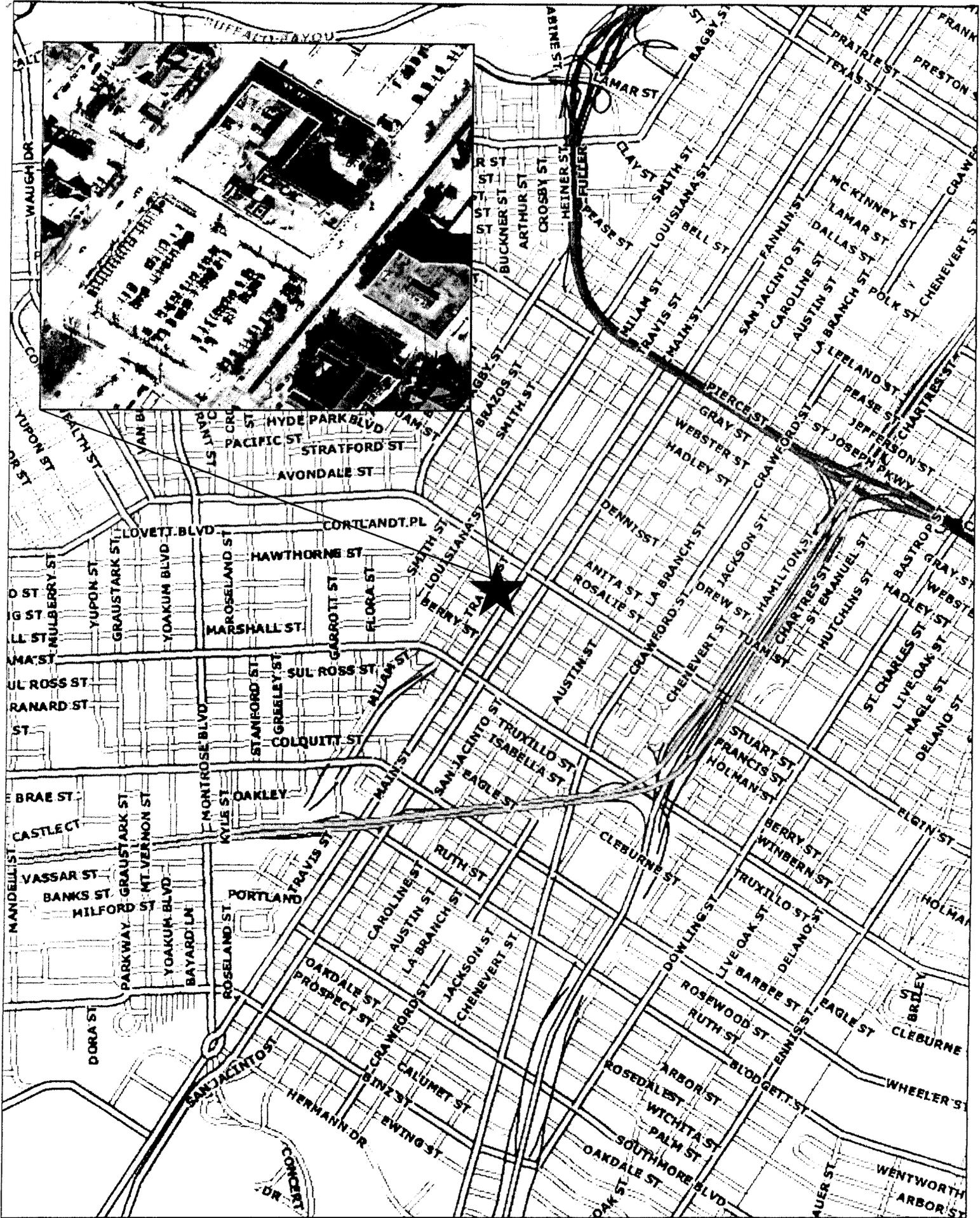
IZD:BC:JLN:WW:ddc

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

REQUIRED AUTHORIZATION CUIC ID# 25 WW 17

General Services Department: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Director Real Estate Division	
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3300 Main Street



SUBJECT: Request for the abandonment and sale of a ±6,592-square-foot unspecified easement, in exchange for the conveyance to the City of a ±7,725-square-foot storm sewer easement, all located within Tract E, River Oaks Homewoods Addition. Parcels SY10-065 and LY1-045	Page <u>1</u> of <u>2</u>	Agenda Item # <div style="font-size: 2em; text-align: center;">13</div>
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE: 	Council District affected: G Key Map: 492Q <i>sf</i>
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For additional information contact: Nancy P. Collins <i>sf</i> Phone: (713) 837-0881 Senior Assistant Director-Real Estate	Date and identification of prior authorizing Council Action:
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RECOMMENDATION: (Summary) It is recommended City Council approve a motion authorizing the abandonment and sale of a ±6,592-square-foot unspecified easement, in exchange for the conveyance to the City of a ±7,725-square-foot storm sewer easement, all located within Tract E, River Oaks Homewoods Addition. **Parcels SY10-065 and LY1-045**

Amount and Source of Funding: Not Applicable	
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SPECIFIC EXPLANATION:

Ali Tabboush of The Interfield Group, 401 Studewood, Suite 300, Houston, Texas, 77007, on behalf of John P. Havens and Theresa A. Havens, requested the abandonment and sale of a ±6,592-square-foot unspecified easement, in exchange for the conveyance to the City of a ±7,725-square-foot storm sewer easement, all located within Tract E, River Oaks Homewoods Addition. John P. Havens and Theresa A. Havens, the property owners, plan to relocate the subject easement to facilitate the construction of an addition to their existing home on the property.

This transaction is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an Ordinance effecting the abandonment and sale. The Joint Referral Committee reviewed and approved this request subject to the conveyance to the City of a ±7,725-square-foot storm sewer easement. Therefore, it is recommended:

1. The City abandon and sell a ±6,592-square-foot unspecified easement, in exchange for the conveyance to the City of a ±7,725-square-foot storm sewer easement, all located within Tract E, River Oaks Homewoods Addition;
2. The applicant be required to: (a) cut, plug, and abandon the 42-inch storm sewer line within the applicant's western and southern property lines; and (b) construct a 42-inch storm sewer line to be centered within the 10-foot-wide portion of the new storm sewer easement being conveyed to the City, all at no cost to the City and under the proper permits;
3. The applicant be required to prepare drawings that show the storm sewer line being abandoned, relocated, and 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;
4. In the interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost for work required in Item 2 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide an LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for the transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;

tj\sy10-065.rc1.doc	CUIIC #20TJ9127
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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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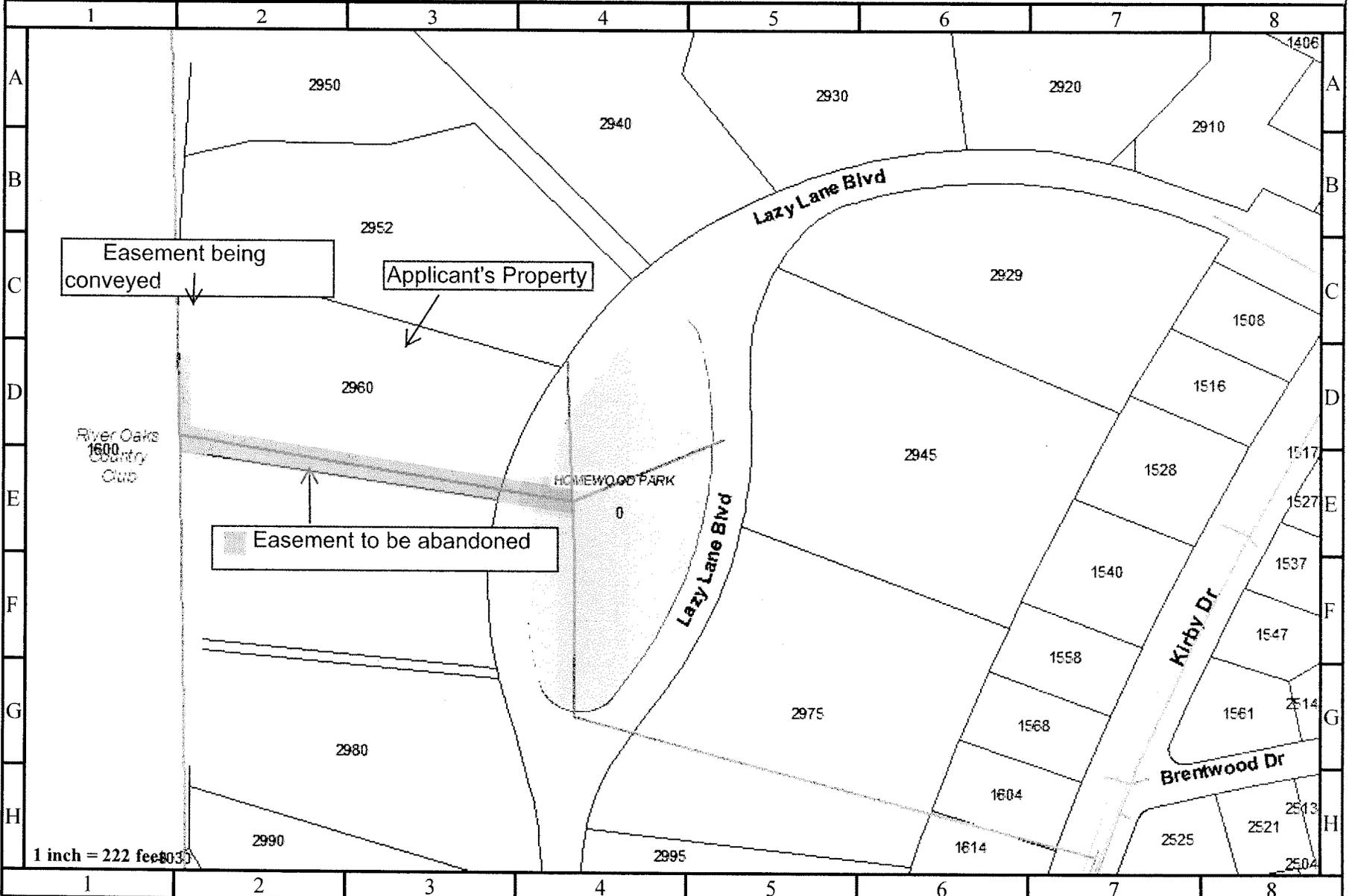
Date:	Subject: Request for the abandonment and sale of a ±6,592-square-foot unspecified easement, in exchange for the conveyance to the City of a ±7,725-square-foot storm sewer easement, all located within Tract E, River Oaks Homewoods Addition. Parcels SY10-065 and LY1-045	Originator's Initials 	Page <u>2</u> of <u>2</u>
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5. 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;
6. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the subject property being abandoned and sold;
7. The Legal Department be authorized to prepare the necessary transaction documents; and
8. Inasmuch as the value of the City's property interest is not expected to exceed \$50,000.00, that the value be established by a City staff appraiser or an appraiser appointed by the Director of Public Works and Engineering.

MSM: NPC:tj

- c: Jun Chang, P.E.
Rick Flanagan
Marlene Gafrick
Daniel R. Menendez, P.E., Interim Director
Marty Stein
Jeffrey Weatherford, P.E., PTOE

Abandonment and sale of a ±6,592-square-foot unspecified easement, in exchange for the conveyance to the City of a ±7,725-square-foot storm sewer easement, all located within Tract E, River Oaks Homewoods Addition. **Parcels SY10-065 and LY1-045**



CITY OF HOUSTON
 Department of Public Works and Engineering
 Geographic Information & Management System (GIMS)



DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY.
 THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS.
 FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Request for the abandonment and sale of Arcadia Street, from Quitman Street north to its terminus, a 6-foot-wide unspecified easement within Block 1, and a variable-width unspecified easement within Block 2, in exchange for the conveyance to the City of a ±5.49-foot-wide right-of-way easement for the widening of Abernathy Street, all located in the Arcadia Place Subdivision, within North Side Buffalo Bayou, out of the Harris & Wilson Survey, and a right of entry for Houston Independent School District. Parcels SY10-067A through C and AY10-222	Page <u>1</u> of <u>2</u>	Agenda Item # <p style="font-size: 2em; text-align: center;">14</p>
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE: 	Council District affected: B Key Map: 494B
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For additional information contact: Nancy P. Collins ^{D.S.} _{Senior P.E.} Phone: (713) 837-0881 Senior Assistant Director-Real Estate	Date and identification of prior authorizing Council Action:
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RECOMMENDATION: (Summary) It is recommended City Council approve a Motion authorizing the abandonment and sale of Arcadia Street, from Quitman Street north to its terminus, a 6-foot-wide unspecified easement within Block 1, and a variable-width unspecified easement within Block 2, in exchange for the conveyance to the City of a ±5.49-foot-wide right-of-way easement for the widening of Abernathy Street, all located in the Arcadia Place Subdivision, within North Side Buffalo Bayou, out of the Harris & Wilson Survey, and a right of entry for Houston Independent School District. **Parcels SY10-067A through C and AY10-222**

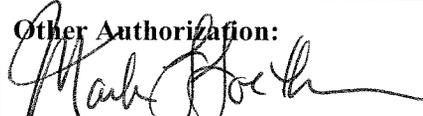
Amount and Source of Funding: Not Applicable	
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SPECIFIC EXPLANATION:
 Chuck Davis, C. L. Davis & Company, 1500 Winding Way, Friendswood, Texas, 77546, on behalf of Houston Independent School District (HISD), requested the abandonment and sale of Arcadia Street, from Quitman Street north to its terminus, a 6-foot-wide unspecified easement within Block 1, a variable-width unspecified easement within Block 2, a 5-foot-wide water line easement within Block 1, a 5-foot-wide water line easement within Block 2, a 5-foot-wide utility easement within Block 1, and a 5-foot-wide utility easement within Block 2, in exchange for the conveyance to the City of a ±5.49-foot-wide right-of-way easement for the widening of Abernathy Street, all located in the Arcadia Place Subdivision, within North Side Buffalo Bayou, out of the Harris & Wilson Survey. The 5-foot-wide water line easement within Block 1, 5-foot-wide water line easement within Block 2, 5-foot-wide utility easement within Block 1, and 5-foot-wide utility easement within Block 2 were conveyed to the City by deeds, which contain reversionary language. These easements will be handled by a separate City process. Signs notifying the public of the pending street abandonment application were posted for at least thirty days. HISD, the property owner, plans to construct improvements to the Dogan Elementary School Campus in the location of the subject street and easements. HISD also requested the City grant a right of entry onto the subject street and 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:

s:\dob\sy10-067.rc1.doc	CUIC #20DOB9129
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REQUIRED AUTHORIZATION

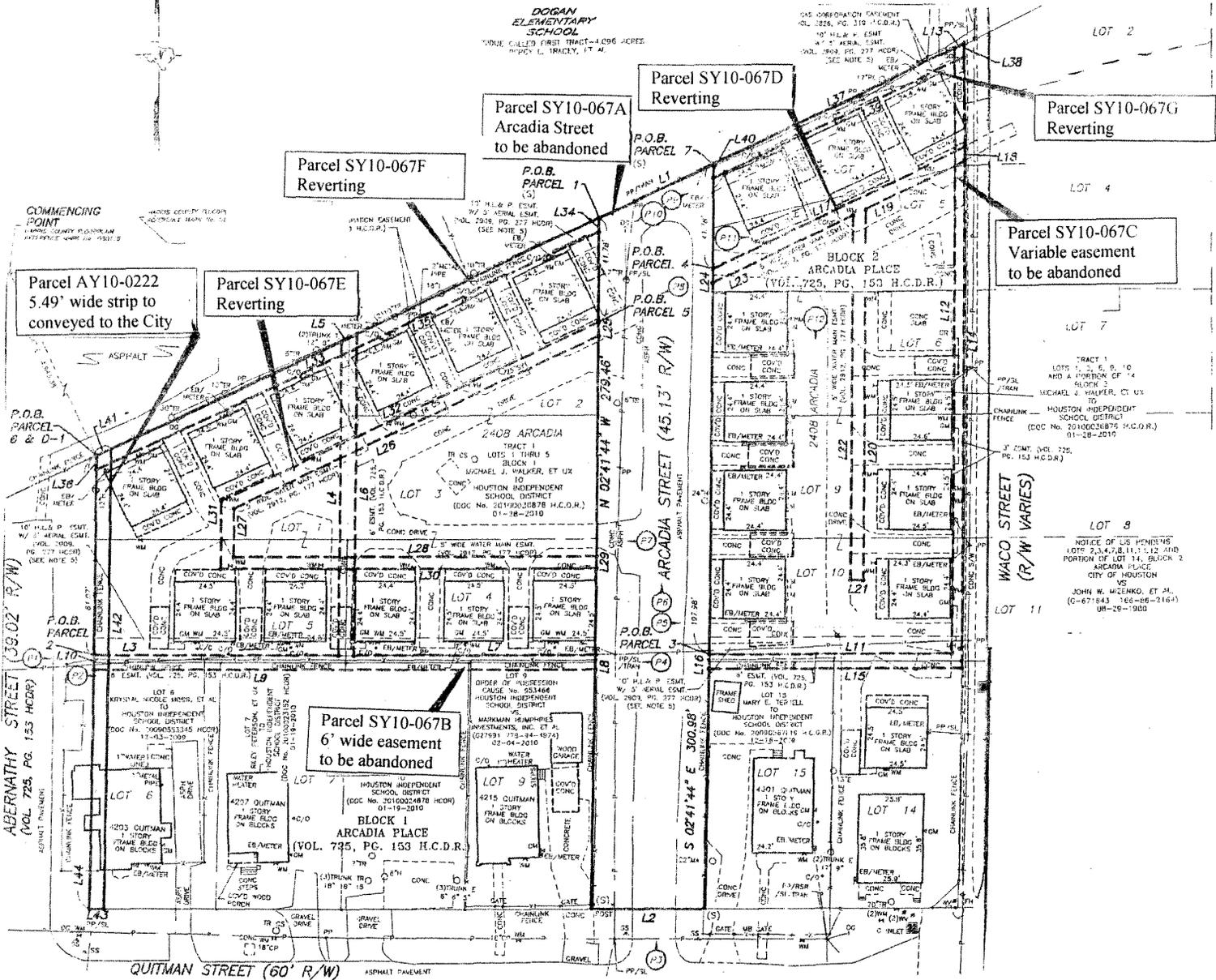
Finance Department:	Other Authorization:	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning and Development Services Division
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Date:	Subject: Request for the abandonment and sale of Arcadia Street, from Quitman Street north to its terminus, a 6-foot-wide unspecified easement within Block 1, and a variable-width unspecified easement within Block 2, in exchange for the conveyance to the City of a ±5.49-foot-wide right-of-way easement for the widening of Abernathy Street, all located in the Arcadia Place Subdivision, within North Side Buffalo Bayou, out of the Harris & Wilson Survey, and a right of entry for Houston Independent School District. Parcels SY10-067A through C and AY10-222	Originator's Initials 	Page <u>2</u> of <u>2</u>
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1. The City abandon and sell Arcadia Street, from Quitman Street north to its terminus, a 6-foot-wide unspecified easement within Block 1, and a variable-width unspecified easement within Block 2, in exchange for the conveyance to the City of a ±5.49-foot-wide right-of-way easement for the widening of Abernathy Street, all located in the Arcadia Place Subdivision, within North Side Buffalo Bayou, out of the Harris & Wilson Survey;
2. The City grant a right of entry to Houston Independent School District for the street and 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) Cut, plug, and abandon the existing 2-inch water lines located in the two 5-foot-wide water line easements that will revert to the underlying fee owner and the portion of Arcadia Street to be abandoned and sold at the intersection of Arcadia Street and Quitman Street. Any service connections must be relocated to Quitman Street, (b) pay the depreciated value amount for the water lines to be abandoned and sold, and (c) complete all of the foregoing items at no cost to the City and under the proper permits;
5. The applicant be required to: (a) Cut, plug, and abandon or convert to private service the existing 8-inch sanitary sewer lines located in the 6-foot-wide unspecified easement and the variable-width unspecified easement to be abandoned and sold and the two 5-foot-wide utility easements that will revert to the underlying fee owner from the manhole in Abernathy Street to their termini, (b) pay the depreciated value amount for the sanitary lines and manhole to be abandoned and sold, and (c) complete all of the foregoing items at no cost to the City and under the proper permits;
6. The applicant be required to: (a) Remove any existing culverts within Arcadia Street and replace them with an open ditch and (b) complete all of the foregoing items at no cost to the City and under the proper permits;
7. The applicant be required to: (a) Eliminate the public street appearance of the portion of Arcadia Street to be abandoned and sold and (b) complete all of the foregoing items at no cost to the City and under the proper permits;
8. The applicant be required to prepare drawings that show all public utilities (water, sanitary sewer, and storm sewer) 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 Motion shall be attached to the plan set when it is submitted for plan review;
9. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the street and easements being abandoned and sold;
10. The Legal Department be authorized to prepare the necessary transaction documents; and
11. 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.
David Feldman
Rick Flanagan
Marlene Gafrick
Daniel R. Menendez, P.E.
Marty Stein
Jeffery Weatherford, P.E., PTOE



Abandonment and sale of Arcadia Street, from Quitman Street north to its terminus, a 6-foot-wide unspecified easement within Block 1, and a variable-width unspecified easement within Block 2, in exchange for the conveyance to the City of a ±5.49-foot-wide right-of-way easement for the widening of Abernathy Street, all located in the Arcadia Place Subdivision, within North Side Buffalo Bayou, out of the Harris & Wilson Survey, and a right of entry for Houston Independent School District. Parcels SY10-067A through C and AY10-222

✦ The 5-foot-wide water line easement within Block 1, 5-foot-wide water line easement within Block 2, 5-foot-wide utility easement within Block 1, and 5-foot-wide utility easement within Block 2 were conveyed to the City by deeds, which contain reversionary language (Parcels SY10-067D through G). These easements will be handled by a separate City process.

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: PROPERTY: PURCHASE of Parcel AY10-043, located in the 9700 Block of Maxroy Street for the ELLA BOULEVARD (WHEATLEY STREET) PAVING PROJECT (from Little York to West Gulf Bank) WBS N-000533-0002-2 Owner: Chad R. Green, Sr.	Page 1 of 1	Agenda Item # <div style="text-align: right; font-size: 2em;">15</div>
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FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date <div style="text-align: center; font-size: 1.5em;">7/15/10</div>	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D. WRE, BCEE Director	Council District affected: <div style="text-align: center;">  Key Map 412P </div>
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For additional information contact: Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director	Date and identification of prior authorizing Council Action: Ordinance 2008-701, passed August 6, 2008
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RECOMMENDATION: (Summary)
 Authority be given through Council Motion to PURCHASE Parcel AY10-043

Amount and Source of Funding: No additional funding required (covered under Blanket Appropriation Ordinance 2008-701 N-00663A-00RE-2-01 Street and Bridge Consolidated Construction Fund 4506) *MP 7/2/10*

SPECIFIC EXPLANATION:
 The ELLA BOULEVARD (WHEATLEY STREET) PAVING PROJECT (from Little York to West Gulf Bank) provides for construction of an approximately 8,400 linear foot, four-lane reinforced concrete roadway from Little York to West Gulf Bank with concrete paving, curbs, sidewalks, street lighting, storm sewer, and necessary underground utilities.

PURCHASE:
 The City desires to acquire 43,500 square feet of unimproved residential land to be used as street right-of-way. This parcel is located in the 9700 block of Maxroy Street. The City's offer was based on an appraisal by Samuel Jarrett, Jr. The valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

LAND:

Parcel AY10-043 (Fee)	
43,500 square feet @ \$1.20	\$52,200.00
IMPROVEMENTS	\$ 2,258.00
TOTAL LAND AND IMPROVEMENTS	\$54,458.00
Title Policy/Services	\$ 1,333.00
TOTAL AMOUNT	\$55,791.00

It is recommended that authority be given through Council Motion to PURCHASE Parcel AY10-043 located in the 9700 block of Maxroy Street, owned by Chad R. Green, Sr. This parcel contains 43,500 square feet of land situated in the Phillip Thompson Survey, Abstract No. 768 and out of Lot 3 and 4 of Block 53 of Highland Height Annex No. 7, a subdivision recorded in Volume 9, Page 43 of the Harris County Map Records, Texas, conveyed from Vivian Y. Fillmore to Chad R. Green, Sr., by a Warranty Deed executed on November 23, 2005 recorded under Harris County Clerk File No. Y961097 of the Official Public Records of Real Property of Harris County, Texas, according to City of Houston field notes.

MSM:NPC:vt
 Tomlinson/Ella/AY10-043/RCA
 cc: Marty Stein

CUIC #20VAT06

REQUIRED AUTHORIZATION

	Other Authorization:	Other Authorization  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning and Development Services Division
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PARCEL VALUATION

Following is a breakdown of the consideration for Parcel AY10-043:

LAND: (Fee)

Parcel AY10-043

43,500 square feet @ \$1.20 per square foot.....\$ 52,200.00

IMPROVEMENTS:

646 square feet of asphalt paving @ \$2.00 psf less 80% depreciation.....\$ 258.00

2 metal posts @ \$250.00 each less 50% depreciation.....\$ 250.00

7 mature trees @ \$250.00 each.....\$ 1,750.00

TOTAL IMPROVEMENTS.....\$ 2,258.00

TOTAL CONSIDERATION.....\$ 54,458.00

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8783

Subject: Approve the Sole Source Purchase of QuantiFERON-TB Gold in Test Tube Products for the Houston Department of Health and Human Services
S21-S23634

Category #
4

Page 1 of 1

Agenda Item

16

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

Origination Date
June 28, 2010

Agenda Date
JUL 28 2010

DIRECTOR'S SIGNATURE


Council District(s) affected
All

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)
Approve the sole source purchase from Cellestis, Inc. in an amount not exceed \$333,070.00 for QuantiFERON-TB gold in test tube products for the Houston Department of Health and Human Services.

Estimated Spending Authority: \$333,070.00

Finance Budget

\$333,070.00 General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the sole source purchase from Cellestis, Inc. in an amount not to exceed \$333,070.00 for QuantiFERON-TB gold in test tube products for the Houston Department of Health and Human Services. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. This award consists of in vitro diagnostic test kits containing approximately 150 blood collection tube kits (100 bottles per kit), 350 enzyme assays and 50 blood collection dispenser kits that will be used by the Department's laboratory personnel for the screening of mycobacterium tuberculosis in patients visiting the City's health clinics.

Cellestis, Inc. is the sole distributor, designer, and manufacturer of this specialized equipment. No other manufacturer can provide this equipment.

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

Buyer: Laura A. Marquez

Attachment: M/WBE Zero-Percentage goal document approved by the Affirmative Action Division.

Estimated Spending Authority

DEPARTMENT	FY 2011	OUT YEARS	TOTAL
Houston Department of Health and Human Services	\$68,500.00	\$264,570.00	\$333,070.00

REQUIRED AUTHORIZATION

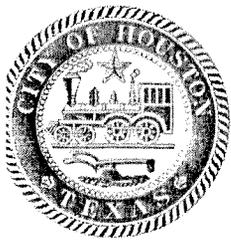
Finance Department:

Other Authorization:

Other Authorization:

MOT

DRL



CITY OF HOUSTON

Interoffice

Administration & Regulatory Affairs Department
Strategic Purchasing Division (SPD)

Correspondence

To: Calvin D. Wells, Deputy Director
City Purchasing Agent

From: Laura A. Marquez

Date: March 26, 2010

Subject: MWBE Participation Form

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

I am **requesting** a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes No 0%

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

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

Solicitation Number: S23634 Estimated Dollar Amount: \$327,570.00

Anticipated Advertisement Date: 4/1/2010 Solicitation Due Date: _____

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

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

Name and Intent of this Solicitation:

QuantiFERON TB Gold in Test Tube Products for the Houston Department of Health and Human Services.

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

The QuantiFERON TB gold in test products will be purchased directly from the sole source manufacturer/distributor that hold the patents/rights. This project encompasses miscellaneous diagnostic test kits that will be used on specific diagnostic test equipment located at the Health Department's laboratory that will be testing for TB tuberculosis, etc. These test kits must be compatible with the Health Department's equipment in order for it to render the appropriate and correct diagnosis.

Concurrence:

[Signature]
SPD Initials

[Signature]
Division Manager

[Signature]
Robert Gallegos, Deputy Assistant Director
*Affirmative Action

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

(R)

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8770

Subject: Formal Bids Received for Rolls-Royce Turbine Engine Replacement Parts, Overhaul/Exchange and Repair Services for the Police Department S21-S23652

Category # 4

Page 1 of 2

Agenda Item

17

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

Origination Date July 20, 2010

Agenda Date JUL 28 2010

DIRECTOR'S SIGNATURE [Signature]

Council District(s) affected All

For additional information contact: Joseph Fenninger Phone: (713) 308-1708 Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary) Approve an award to Vector Aerospace Helicopter Services, Inc. on its low overall bid meeting specifications in an amount not to exceed \$5,124,715.00 for Rolls-Royce turbine engine replacement parts, overhaul/exchange, and repair services for the Police Department.

Estimated Spending Authority: \$5,124,715.00

Finance Budget

\$5,124,715.00 General Fund (1000)

SPECIFIC EXPLANATION: The City Purchasing Agent recommends that City Council approve an award to Vector Aerospace Helicopter Services, Inc., on its low overall bid meeting specifications for Rolls-Royce turbine engine replacement parts, overhaul/exchange, and repair services in an amount not to exceed \$5,124,715.00. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. This award is for the overhaul/exchange of turbine engines, turbine sections, compressors, gearboxes and accessories as they come due for Federal Aviation Administration mandated overhauls based on hours of operation. It also consists of new replacement parts needed to support these engine components and accessories, as well as a \$143,000 labor component for the repair of these items as required between overhauls/exchanges.

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

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

Vector Aerospace Helicopter Services, Inc.: Award on its low overall bid meeting specifications for Groups 1 - 3 (Aviall 2010 Model 250 Price List; which includes but is not limited to, new over the counter parts for stock, washers, connectors, levers, sump assemblies, igniters and bolts); Group 4 (overhaul/exchange turbine engines) and Groups 5 - 9 (labor repair services) in an amount not to exceed \$5,124,715.00.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

[Signature]

Date: 7/20/2010	Subject: Formal Bids Received for Rolls-Royce Turbine Engine Replacement Parts, Overhaul/Exchange and Repair Services for the Police Department S21-S23652	Originator's Initials LM	Page 2 of 2
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COMPANY

SAMPLE PRICING AND LINE ITEM TOTAL

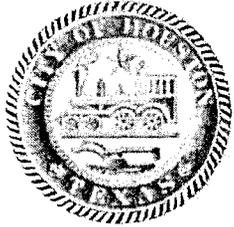
1. Rolls Royce Engine Services Oakland	\$4,822,381.19 (Partial Bid/Higher Unit Price)
2. Vector Aerospace Helicopter Services, Inc.	\$4,897,612.20
3. Standard Aero	\$5,120,556.30
4. McTurbine, Inc.	\$6,168,111.24

Buyer: L. Marquez

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

Estimated Spending Authority

DEPARTMENT	FY2011	OUT YEARS	TOTAL
Police	\$970,743.00	\$4,153,972.00	\$5,124,715.00



CITY OF HOUSTON

Interoffice

Administration & Regulatory Affairs Department
Strategic Purchasing Division (SPD)

Correspondence

To: Calvin D. Wells, Deputy Director
City Purchasing Agent

RECEIVED

APR 20 2010

CITY OF HOUSTON
Affirmative Action

From: Laura Marquez

Date: 04/20/2010

Subject: MWBE Participation Form

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

I am requesting a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes No 0%

I am requesting a revision of the MWBE Goal: Yes No Original Goal: _____ New Goal: _____

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

Solicitation Number: S21-S23652 Estimated Dollar Amount: \$5,308,310.00

Anticipated Advertisement Date: 4/23/2010 Solicitation Due Date: 5/13/2010

Goal On Last Contract: 0% Was Goal met: Yes No

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

Name and Intent of this Solicitation:

Rolls-Royce Turbine Engine Replacement Parts, Overhaul/Exchange and Repair Services for the Police Department. RE-ADVERTISEMENT

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

This award consists of overhauled and or exchanged engines, turbines, compressors, gearboxes, pumps, etc. that will enable the Police Department to replace faulty parts in order to maintain the helicopters patrol division. It also consists of new replacements parts needed to support the helicopters' engines and other major components. This award includes a labor component of \$138,600.00 for repairs that cannot be performed by City personnel. Helicopter replacement parts and their overhaul exchange is specialized and requires the Federal Aviation Administration (FAA) to certify and qualify maintenance centers. Currently, there are no certified MWBE's capable to meet these requirements.

Concurrence:

SPD Initiator

Division Manager

Robert Gallegos, Deputy Assistant Director
*Affirmative Action

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

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8781

Subject: Sole Bid Received for Main Rotor Hub Assembly Overhaul/Exchange 369E for the Police Department S21-S23656

Category #
4

Page 1 of 1

Agenda Item

18

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

Origination Date
July 08, 2010

Agenda Date
JUL 28 2010

DIRECTOR'S SIGNATURE


Council District(s) affected
All

For additional information contact:
Joseph Fenninger *JDF 7/20/10* Phone: (713) 308-1708
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Helimart, Inc. on its sole bid in an amount not to exceed \$697,500.00 for main rotor hub assembly overhaul/exchange 369E for the Police Department.

Estimated Spending Authority: \$697,500.00

Finance Budget

\$697,500.00 - General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing agent recommends that City Council approve an award to Helimart, Inc. on its sole bid in an amount not to exceed \$697,500.00 for main rotor hub assembly overhaul/exchange services for the Police Department. It is further requested that authorization be given to make purchases, as needed, for a 36-month period. This award consists of twelve (12) main rotor assembly overhauls over the next 36 months for helicopters operated by the Houston Police Department. The Air Support Division operates ten (10) MD 369E helicopters and it is mandated by the Federal Aviation Administration that these main rotor hubs be serviced every 2,770 hours. This is a planned expenditure within the Houston Police Department's approved FY2011 budget. This award also includes a \$37,500.00 labor component in the event a main rotor hub may require a repair between overhauls.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Three prospective bidders downloaded the solicitation document from SPD's e-bidding website, and one bid was received. Due to the specific requirements for FAA certified repair stations, this solicitation resulted in a sole bid.

Buyer: L. Marquez

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

Estimated Spending Authority

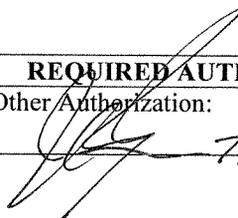
DEPARTMENT	FY2011	OUT YEARS	TOTAL
Police	\$232,500.00	\$465,000.00	\$697,500.00

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

 7/20/10

NOT

SUBJECT: Allocate Funds and Authorize Issuance of a Purchase Order to AIA General Contractors, Inc. for Underground Storage Tank Removal at 1700 East Crosstimbers Street.		Page 1 of 2	Agenda Item 19
FROM (Department or other point of origin): General Services Department		Origination Date	Agenda Date JUL 28 2010
DIRECTOR'S SIGNATURE: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Interim Director		Council District affected: H	
For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023		Date and identification of prior authorizing Council action:	

RECOMMENDATION: Adopt a Motion authorizing issuance of a purchase order and allocate funds.

Amount and Source of Funding: \$71,912.50 Storm Water Fund (2302)	Finance Budget: <i>Michelle Mitchell</i>
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council allocate \$71,912.50 and authorize issuance of a purchase order to AIA General Contractors, Inc. for underground storage tank removal at the East Crosstimbers Right-of-Way and Fleet Maintenance Facility for the Department of Public Works and Engineering. Pemco. Inc., the apparent low bidder, was disqualified for failure to provide an original signed bid bond.

PROJECT LOCATION: 1700 East Crosstimbers Street
Houston, Texas (Key Map No. 453-M)

PROJECT DESCRIPTION: The scope of work consists of removing one 6,000 gallon gasoline underground storage tank (UST) with associated lines, observation wells, manholes and ancillary equipment. The work also includes disposal of aqueous liquid, saw-cutting, demolition and removal of concrete paving over the UST, off-site disposal of concrete, product lines and debris generated as a result of all activities, backfilling and compaction and concrete replacement, waste classification, loading, hauling and proper disposal.

The contract duration for this project is 60 calendar days.

BIDS: The following two bids were received on May 27, 2010:

	<u>Bidder</u>	<u>Bid Amount</u>
1.	Pemco, Inc. *	\$61,950.00
2.	AIA General Contractors, Inc	\$65,375.00

*Non-Responsive

REQUIRED AUTHORIZATION CUIC ID # 25GM229

General Services Department: <i>Humberto Bautista</i> Humberto Bautista, P.E. City Engineer	Other Authorization: <i>Eric Darga</i> 070610	Department of Public Works and Engineering: <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., D.WRE, BCEE Director
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Date	SUBJECT: Allocate Funds and Authorize Issuance of a Purchase Order to AIA General Contractors, Inc. for Underground Storage Tank Removal at 1700 East Crosstimbers Street.	Originator's Initials GM	Page 2 of 2
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AWARD: It is recommended that City Council award the construction contract to AIA General Contractors, Inc. and allocate funds for the project.

FUNDING SUMMARY:

\$	65,375.00	Construction Contract Services
\$	<u>6,537.50</u>	10% Contingency
\$	71,912.50	Total Funding


FRC:HB:JLN:GM:FK:fk

- c: Marty Stein
- Jacquelyn L. Nisby
- Velma Laws
- Calvin Curtis
- Gabriel Mussio
- File

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8725

Subject: Formal Bids Received for Clarifier Spur Gear Drive Assemblies and Speed Reducer Gearboxes for the Public Works & Engineering Department
S12-N23497

Category #
4

Page 1 of 1

Agenda Item

20

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

Origination Date
July 08, 2010

Agenda Date
JUL 28 2010

DIRECTOR'S SIGNATURE


Council District(s) affected
All

For additional information contact:
David Guernsey Phone: (832) 395-3640
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)
Approve an award to Globe Electric Supply Company, Inc. on its low bid in the total amount of \$342,058.00 for clarifier spur gear drive assemblies and speed reducer gearboxes for the Public Works & Engineering Department.

Award Amount: \$342,058.00

Finance Budget

\$342,058.00 - Combined Utility System General Purpose Fund (8305)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Globe Electric Supply Company, Inc. on its low bid in the total amount of \$342,058.00 for the purchase of clarifier spur gear drive assemblies and speed reducer gearboxes for the Public Works & Engineering Department and that authorization be given to issue a purchase order. These clarifier spur gear drive assemblies and speed reducer gearboxes will be utilized at the Department's Southeast Water Purification Plant to operate submerged clarifier scrapers that separate biological particles during the potable drinking water treatment process.

This project 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 detailed below:

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Globe Electric Supply, Inc.	\$342,058.00
2. Walker Process Equipment	\$342,065.00
3. Coastal Pump Services	\$343,504.90
4. Bevco Company	\$546,445.94

This purchase consists of five clarifier spur gear drive assemblies and two speed reducer gear boxes. The clarifier spur gear drive assemblies and speed reducer gear boxes will come with a full one-year warranty and will replace 20-year-old units that have exceeded their life expectancy and are not repairable. The old units will be stripped of salvageable parts, which will be placed in inventory and used to repair similar units in the Department's inventory and the unusable parts will be sent to the Property Disposal Management Office for disposition. The life expectancy of the new units is 15-20 years.

Buyer: Martin L. King
PRNos. 10088134, 10088349 and 10088360

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

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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NOT


REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8796

Subject: Amend Council Motion 2007-0039, Passed January 10, 2007, for Chemical, Hydrofluorosilicic Acid for the Public Works & Engineering Department.
S12-S22137-A1

Category #
4

Page 1 of 1

Agenda Item

21

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

Origination Date
July 05, 2010

Agenda Date
JUL 28 2010

DIRECTOR'S SIGNATURE


Council District(s) affected
All

For additional information contact:
David Guernsey Phone: (832) 395-3640
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:
CM No. 2007-0039, Passed 1/10/07

RECOMMENDATION: (Summary)
Amend Council Motion 2007-0039, Passed January 10, 2007, to increase the spending authority from \$1,956,892.00 to \$2,446,115.00 for chemical, hydrofluorosilicic acid for the Public Works & Engineering Department.

Spending Authority Increased by: \$489,223.00

Finance Budget

\$489,223.00 - Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council amend Council Motion 2007-0039 to increase the spending authority, for hydrofluorosilicic acid (aka fluoride) awarded to Pencco, Inc., from \$1,956,892.00 to \$2,446,115.00. The additional spending authority is required to continue daily operations of the Department's Drinking Water Operations Branch and is expected to sustain the Department for approximately 120 days or until a new award is made for this vital chemical. Fluoride is used to treat potable drinking water and is necessary to maintain compliance with the Environmental Protection Agency, Center for Disease Control and the National Safety Federation's safe drinking water mandates and standards.

This award began January 16, 2007 for a 60-month period, in an amount not to exceed \$1,956,892.00. Expenditures as of June 30, 2010 totaled \$1,871,892.00. The initial spending authority will be exhausted prior to the end of the awarded term due to significant increases in raw material, sulfuric acid, fuel costs and usage as a result of Hurricane "Ike". Also, the City assumed operational control of the Northeast Water Purification Plant, but the plant's daily fluoride usage was not factored into the initial award/spending authority amount. Additionally, in partnership with the City, the contractor voluntarily agreed to reduce the City's current fluoride cost by 6.5%, which is expected to save the City approximately \$36,500.00 within the next 120 days. All terms and conditions shall remain as originally approved by City Council.

The initial award consisted of approximately 6,580 tons of hydrofluorosilicic acid and has been utilized by the Department's Drinking Water Operations Branch to fluoridate potable drinking water during the water treatment process at water purification plants citywide.

This solicitation was issued with a 4% goal for M/WBE participation and Pencco, Inc. is currently achieving 1.03%, due to limited requests for laboratory testing and analysis.

Buyer: Martin L. King

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MA
D

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8780

Subject: Approve a Sole Source Purchase of Software Maintenance for the Integrated Land Management System for the Public Works & Engineering Department
S17- H23692

Category #
4

Page 1 of 2

Agenda Item

22

FROM (Department or other point of origin):

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

Origination Date

June 29, 2010

Agenda Date

JUL 28 2010

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

David Guernsey Phone: (832) 395-3640
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve a sole source purchase of software maintenance for the integrated land management system (ILMS) in the total amount of \$100,000.00 for the Public Works & Engineering Department.

Award Amount: \$100,000.00

Finance Budget

\$100,000.00 - Building Inspection Fund (Fund 2301)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve a sole source purchase of software maintenance for the integrated land management system (ILMS) in the total amount of \$100,000.00 for the Public Works & Engineering Department (PWE) and that authorization be given to issue a purchase order to Gartek Technologies, Inc.

The ILMS is the software application that operates on the HP-UX servers. The ILMS will maintain the detailed records of all inspections and permits issued for all private construction projects throughout the City. The ILMS will allow the PWE systems to interface internally, as well as externally, with other systems located outside of the City's system via the Internet. Additionally, the ILMS will be accessible to the Neighborhood Protection Division, Legal Department, Fire Department, Police Department, Health Department, Customer Service Response Center, Plan Review Sections of Public Works & Engineering and the Solid Waste Management Departments. The Departments will use the system to review enforcement activities and monitor the status of properties located throughout the City.

The software maintenance will include the following:

- Phone support during operation hours (7:00am to 7:00pm) Central Time, Monday through Friday, excluding weekends and City holidays
- Five days of on-site application review service, two on-site emergency response service calls and two after-hours service calls for each annual maintenance cycle
- Basic service for all ILMS programs, screens, Application Program Interface(s) and sub-systems
- Emergency service during hours not encompassed by basic service hours at a surcharge payable at the surcharge rate

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MOY

Date: 6/29/2010	Subject: Approve a Sole Source Purchase of Software Maintenance for the Integrated Land Management System for the Public Works & Engineering Department S17- H23692	Originator's Initials MS	Page 2 of 2
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- Repairs or fixes to currently installed applications, programs and support programs on the ILMS system
- Releases, updates and patches on CD ROM, magnetic tape, downloadable files or transferred files via modem, Internet or a Virtual Private Network(VPN) onto the designated server and into the appropriate directory, group or account, at no additional charge to the City
- Documentation for such releases, updates and patches explaining the contents of the release and instructions for the installation; and
- Support for the previous two release versions of all programs on the ILMS system

Gartek Technologies, Inc. is the sole source provider and distributor of the software support and the copyright holder for the ILMS software, including upgrades, revisions and maintenance.

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

Buyer: Murdock Smith III

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Resolution amending Resolution No. 2010-33 approving and authorizing the nomination of Tyson Refrigerated Processed Meats, Inc. as an Enterprise Project.

Category #

Page 1 of
1

Agenda Item#

23

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

Origination Date
July 16, 2010

Agenda Date
JUL 28 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:
Resolution 2010-33 dated May 12, 2010

RECOMMENDATION: (Summary) Adopt a Resolution amending Resolution No. 2010-33 approving and authorizing the nomination of Tyson Refrigerated Processed Meats, Inc. as an Enterprise Project.

Amount of Funding: Not Applicable

Finance Budget:

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

SPECIFIC EXPLANATION:

On May 12, 2010, City Council adopted a resolution nominating Tyson Refrigerated Process Meats, Inc. ("Tyson") as an Enterprise Project pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code. The Office of the Governor, Economic Development and Tourism, returned Tyson's application for Enterprise Project designation and requested correction of the Tyson's name to the exact corporate name.

An Amendment to Resolution No. 2010-33 will substitute the name "Tyson Refrigerated Processed Meats, Inc." for "Tyson Refrigerated Process Meats, Inc.", wherever it appears in Resolution No. 2010-33.

No other changes are necessary.

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:

Tim [Signature]

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of a resolution designating Casa a la Punta at 3223 Chevy Chase Drive as a Historic Landmark in accordance with Chapter 33, Code of Ordinances	Category #	Page 1 of 1	Agenda Item # <div style="text-align: right; font-size: 2em; font-family: cursive;">24</div>
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FROM (Department or other point of origin): Planning and Development	Origination Date July 9, 2010	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE: <div style="font-family: cursive; font-size: 1.2em;"> MS Marlene A. Bajrick </div>	Council District affected: G
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For additional information contact: Courtney Spillane Phone: (713) 837-7894	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
 Approval of a resolution designating Casa a la Punta at 3223 Chevy Chase Drive as a Historic Landmark

Amount and Source of Funding: N/A	Finance Budget:
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SPECIFIC EXPLANATION:
 A property owner may initiate an application for the designation of a Historic Landmark. This application for Historic Landmark designation of Casa a la Punta at 3223 Chevy Chase Drive was initiated by the owner.

Public hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission on June 17, 2010 and June 24, 2010 respectively and there were no objections to the designation. Both commissions determined that the application satisfied applicable criteria of the ordinance and unanimously recommended approval of the Historic Landmark designation.

Photos of the proposed landmark can be found by going to the following on the Planning Department's website: http://www.houstontx.gov/planning/historic_pres/pending.htm.

MG: rp

Attachments: Application and Staff Report

xc: Minnette Boesel, Mayor's Assistant for Cultural Affairs
 David M. Feldman, City Attorney
 Deborah McAbee, Land Use Division, Legal Department
 C.A. McClelland, Chief, Police Department
 Rick Flanagan, Acting Chief, Fire Department

REQUIRED AUTHORIZATION		
Finance Director:	Other Authorization:	Other Authorization:

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

LANDMARK DESIGNATION REPORT

LANDMARK NAME: Casa a la Punta

OWNERS: Mike and Jodie Gallagher

APPLICANTS: Same

LOCATION: 3223 Chevy Chase Drive – River Oaks

30-DAY HEARING NOTICE: N/A

AGENDA ITEM: IV

HPO FILE NO: 10L229

DATE ACCEPTED: Apr-29-2010

HAHC HEARING: Jun-17-2010

PC HEARING: June-24-2010

SITE INFORMATION

Lot 1, Block 1, River Oaks Country Club Estate, City of Houston, Harris County, Texas. The site includes a two-story, masonry and stucco, single family residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY

Casa a la Punta at 3223 Chevy Chase Drive is situated in the original section of River Oaks that was platted in May 1924 by Michael Hogg and Hugh Potter. The house was designed by Charles Oliver in the Spanish Colonial Revival style and was built in 1930 by Hall Building Company. The name “Casa a la Punta” is Spanish for “House on the Point” and derives its name from the unique location on a point of land bounded by Groveland and Chevy Chase Drive. In the *Houston Architectural Survey* conducted by Rice University, the house is lauded as “a fine example of Oliver’s mastery of picturesque details.” Oliver worked for the Russell Brown Company and later as the in-house architect for the River Oaks Corporation. Charles Oliver designed over 75 houses in River Oaks in a variety of architectural styles yet his Spanish Colonial Revival style homes are known as his most distinctive. Casa a la Punta is one of only eight Spanish Colonial Revival houses designed by Oliver, two of which have been demolished.

Casa a la Punta meets Criteria 1, 4, 5, and 6 for Landmark designation.

HISTORY AND SIGNIFICANCE

Casa a la Punta at 3223 Chevy Chase Drive in River Oaks was designed by Charles Oliver and was built in 1930 by Hall Building Company. The house was built for William and Laura Ryan. At the time of move-in, Mr. Ryan was an agent for National Cash Register with offices at 515 Caroline (City of Houston Landmark, 2006).

On September 29, 1929, a watercolor sketch of the proposed home was featured in the Houston Post Dispatch accompanied by the following text:

“The Post-Dispatch presents today a reproduction of a new Spanish-type residence now under construction at 3223 Chevy Chase Drive, River Oaks, for William A. Ryan, local representative of National Cash Register Company. The house is a long rambling Mexican

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

farmhouse type, the house and garage being connected by a covered passageway and the garden enclosed by a patio wall. When completed, the house will appear to have been built for many years. The roof will be swayed timbers, antiqued and the exterior finished in such a way as to give it an appearance of age and weathered beauty. The home was designed by Charles Oliver, architect for River Oaks Corporation, and is being constructed by Hall Building Company.”

Shortly after completion, on July 13, 1930, the Houston Gargoyle featured the home in an article with a large photographic layout of interior and exterior views:

“Casa a la Punta: The Spanish Farmhouse of Mr. and Mrs. William Albert Ryan...In all details, the Spanish motif predominates, from the pigeon-splashed red roof to the beams of pecky cypress and old square tiles used 50 years ago on one of Houston’s thoroughfares...tiles rescued from abandonment by Mr. Ryan himself...”

Inside the visitor notices at once the varying levels of the floor, which add much space and interest to the aspect of the rooms...The large living room...opens onto a delightful piazza which again gives onto the walled garden or patio where brilliant flowers and scrubs grow in the sunlight.”

William and Laura Ryan remained in the home for approximately eight years. In 1939, Dick and Ruby Schwab purchased the home. Mr. Schwab was an independent oil operator with offices at the Second National Bank Building in downtown Houston. In 1954, the Schwabs sold the house to W. F. Lacy, an oil operator. Around 1960, Mr. Lacy sold the house to Robert and Dorothy D. Eikel. The Eikel family remained for 28 years until the house was purchased by the current owners, Mike and Jodie Gallagher, in 1988.

Robert Eikel

The longest owner of the house, Robert Eikel (1906-1995), was a scholar, military hero and prominent admiralty attorney. He was born in Houston in 1906, attended University of Texas and the University of Texas law school. He was awarded the prestigious Rhodes scholarship in 1930 and attended Oxford University in London, England. Between 1930 and 1940, Eikel was one of only three University of Texas students to receive a Rhodes scholarship.

After studying in England under the Rhodes scholarship, Eikel returned to Houston to start a career in law. In 1937, he represented the plaintiff in a case before the Supreme Court, Osaka Shosen Kaisha Line versus the United States, 300 U.S. 98. He then served in World War II as a Commanding Officer in the Pacific where he earned a Navy Cross for heroism. He was recognized:

“...for extraordinary heroism and distinguished service in the line of his profession as Commanding Officer of an LCI(G) Close-in First Support Unit, during action against enemy Japanese forces at Tanapag Harbor, Saipan Island, on 26 June 1944. Skilled in directing his ships through intense darkness and under difficult navigational conditions,

CITY OF HOUSTON

Commander Eikel boldly repulsed an attack of heavily armed enemy barges, preventing the tactical movement of enemy troops by sea and possible danger to our ships and planes anchored in the area. Later, after leading a small detachment of troops aboard a stranded hulk used by the enemy as a sniper's nest, Commander Eikel neutralized this menace to our force by destroying four Japanese soldiers hidden on board. His aggressive leadership, great personal valor and devotion to duty upheld the highest traditions of the United States Naval Service.”

After the war, Eikel returned to Houston to resume his admiralty law practice. He served as chief counsel to the West Gulf Maritime Association (WGMA) for many years. The WGMA is an association of steamship owners, operators, agents along with stevedoring and terminal companies located in all Texas ports and the Port of Lake Charles, Louisiana. They negotiate and administer various labor agreements with the International Longshoremen's Association in West Gulf ports. Internet research shows a long list of cases that Eikel served on during his long career in Houston. He died at age 89 in Houston.

Charles Oliver

Casa a la Punta was designed by noted Houston architect, Charles Oliver, who was the in-house architect for the River Oaks Corporation from 1926 to 1931. According to notes from Stephen Fox, Oliver was a native of Dallas and had previously worked in the architectural/construction firm of the Russell Brown Company, which constructed many stylish homes in Dallas and Houston during the first quarter of the 20th century. Oliver worked for the Russell Brown Company from 1916 until 1926, when he was hired away by the River Oaks Corporation. Eventually, Oliver would design 75 homes in the upscale River Oaks neighborhood in many styles including Georgian, Tudor, Dutch Colonial, Mediterranean and Norman. Stephen Fox described his Mediterranean style homes as some of his most “distinctive.” Casa a la Punta is one of six that are still standing in River Oaks. A partial list of his designs include:

- 2203 Brentwood (1925)
- 1059 Kirby Drive (1928) City of Houston Landmark
- 1903 Bellmeade (1926)
- 2508 Pelham Drive (1927)
- 1528 Kirby Drive (1927-28)
- 1827 Kirby Drive, (1927-28)
- 3394 Chevy Chase (c. 1928)
- 1925 Bellmeade (1928) City of Houston Landmark
- 2007 River Oaks Boulevard (1929) Home of Mike Hogg, developer of River Oaks.
- 3015 Del Monte (c. 1929)
- 2504 Pelham Drive (c. 1929)
- 2141 Pine Valley (c. 1930)
- 3358 Inwood Drive (1931)
- 1407 Kirby Drive (1930)

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Archaeological & Historical Commission

Planning and Development Department

- 2970 Lazy Lane (1934) As consulting architect to James C. Mackenzie with Birdsall Briscoe

River Oaks

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

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

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

“River Oaks is by Buffalo Bayou and Memorial Park in west central Houston. The residential garden suburb, which comprises 1,100 acres, was developed in the 1920s by Michael Hogg and attorney Hugh Potter, who in 1923 obtained an option to purchase 200 acres surrounding the River Oaks Country Club. In 1924 Hogg organized Country Club Estates to promote the development. The two developers retained Kansas City landscape architects Hare and Hare to provide a master plan that would protect the environmental

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

integrity and natural beauty of the area. They also hired J. C. Nichols, who built one of the first major shopping centers in the United States, to serve as a design consultant. The master plan included homesites, a fifteen-acre campus for River Oaks Elementary School, two shopping centers, and esplanades planted with flowers. It called for underground utility lines, eliminated alleys, allowed only three intersecting streets, provided rigid building codes, and eventually banned all commercial traffic. Deed restrictions and centralized community control assured exclusivity; approval of house designs by a panel of architects and citizens and a purchase price of at least \$7,000 were required. A "gentleman's agreement" excluded blacks, Jews, and other minorities. The first home in the area, built by Will and Sue Clayton, is now listed in the National Register of Historic Places. Among the other notable houses is Ima Hogg's family home Bayou Bend [City of Houston Landmark], designed by John F. Staub and Birdsall P. Briscoe. In the late 1920s the development lost money, but by the late 1930s developers had invested \$3 million in the project, and the community had begun to influence development patterns downtown. In the 1990s River Oaks was at the geographic center of Houston. The community operated independently for three years, after which it was annexed by the city of Houston."

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

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

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

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Archaeological & Historical Commission

Planning and Development Department

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

Casa a la Punta was designed and built in 1929-30 in the Spanish Colonial Revival style. It was featured in the Houston Architectural Survey prepared by Rice University (1980) and The Houston Gargoyle in 1930. In the Rice survey, the home is noted as a “fine example of Oliver’s mastery of picturesque details and ability to adapt his designs to difficult sites.” (The difficulty that is referred to is the home’s position on a spit of land bounded by Groveland and Chevy Chase.)

The house is asymmetrically composed with one and two-story portions. The windows are bordered with rough-hewn wooden shutters. On the far west of the home, the old wavy glass is particularly lovely in the paned windows. There is a hexagonal window in the middle of the home with a wrought iron grille. Many of the most interesting details are found on the south side of the home that faces Groveland. A lovely wooden gate opens onto a patio bordered by a low garden wall as described in 1929. There are two windows with rough-hewn shutters and a balustrade that looks down upon the patio.

In the 1980s, the Gallagher family purchased the home after it had been on the market for several years. At the time, the home was in horrible shape as maintenance had been deferred. They restored the home and adapted it to modern use while maintaining the Spanish Revival feel. The covered walkway to the garage was enclosed and turned into a two-story addition. The front door was then shifted to a more eastern location where the previous old house had connected with the passageway. They also had to completely bring all of the wiring and plumbing up to date. According to Stephen Fox, he sees these changes as not impacting the integrity of the home.

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

BIBLIOGRAPHY

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CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

APPROVAL CRITERIA FOR LANDMARK DESIGNATION

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

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

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

STAFF RECOMMENDATION

Accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of Casa a la Punta at 3223 Chevy Chase Drive.

PLANNING COMMISSION ACTION

Recommended to City Council the Landmark Designation of Casa a la Punta at 3223 Chevy Chase Drive.

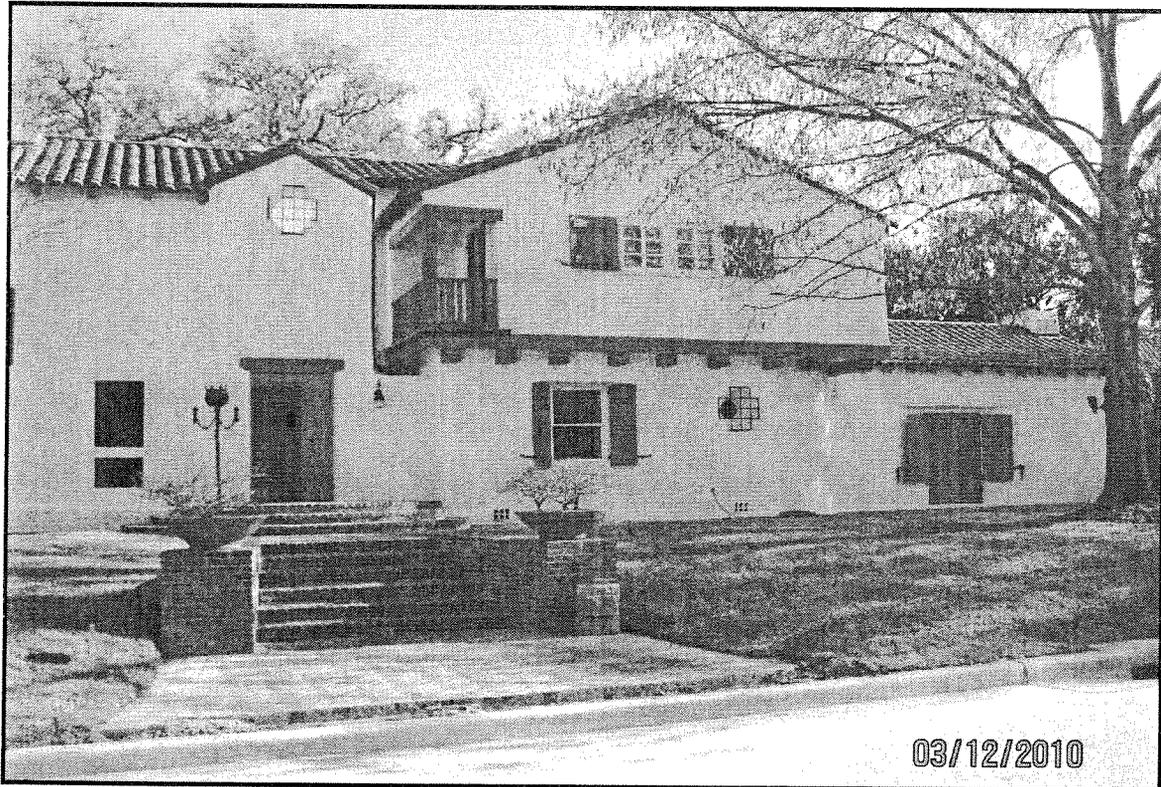
CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

EXHIBIT A

Casa a la Punta
3223 Chevy Chase Drive



CITY OF HOUSTON

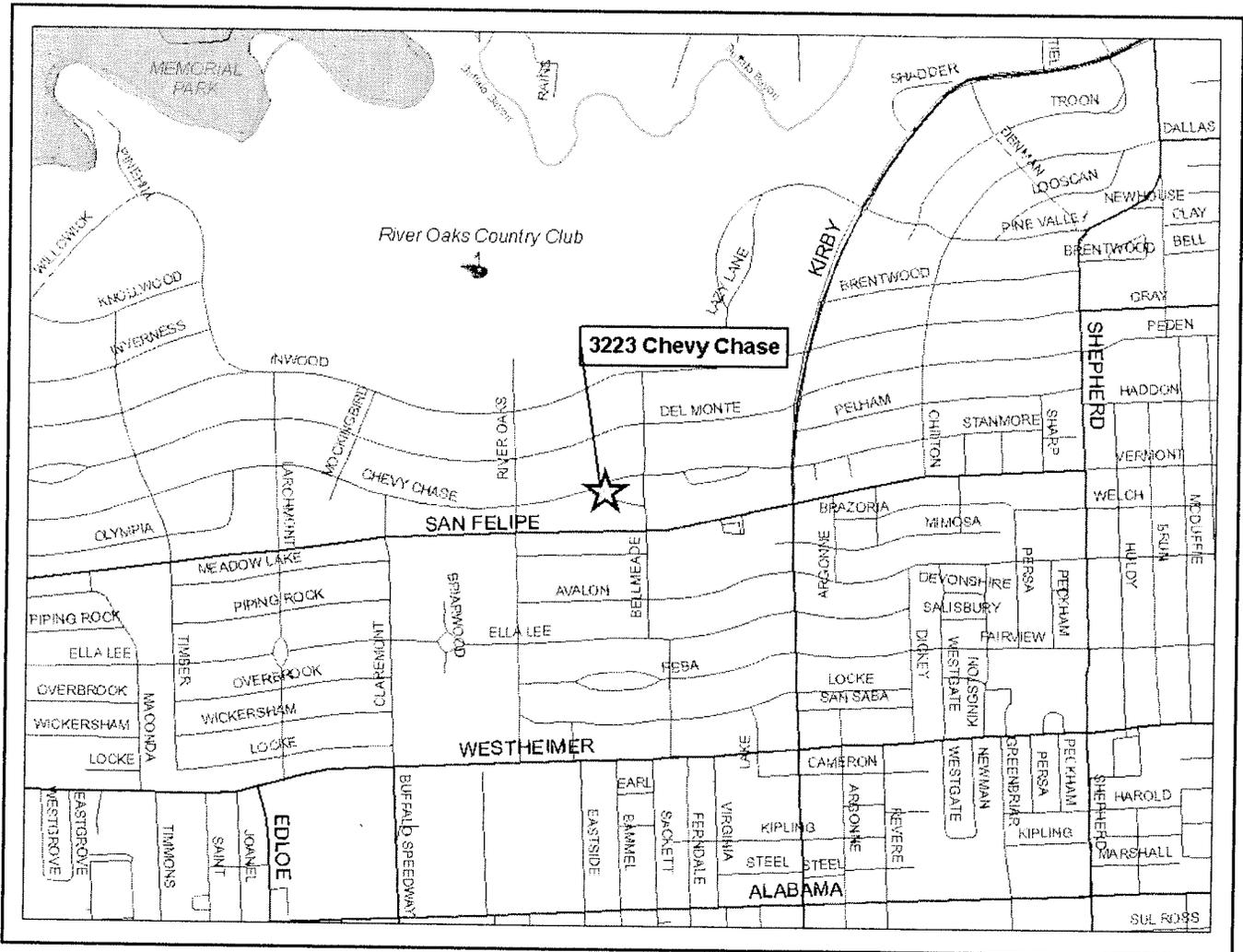
Archaeological & Historical Commission

Planning and Development Department

EXHIBIT B SITE LOCATION MAP

Casa a la Punta
3223 Chevy Chase Drive

NOT TO SCALE



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8635

Subject: Approve an Ordinance Amending Chapter 46, Article VI, Sections 46-321 through 46-355 of the Houston Code of Ordinances relating to Jitneys.

Category #

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Agenda Item

25

FROM (Department or other point of origin):

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

Origination Date

July 16, 2010

Agenda Date

JUL 28 2010

DIRECTOR'S SIGNATURE

Council District(s) affected

All

For additional information contact:

Tina Paez Phone: (713) 837-9630
Christopher Newport Phone: (713) 837-9533

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an Ordinance amending Chapter 46, Article VI, Sections 46-321 through 46-355 of the Houston Code of Ordinances relating to Jitneys.

Amount of Funding: N/A

Finance Budget

SOURCE OF FUNDING: N/A

SPECIFIC EXPLANATION:

The Director of the Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an Ordinance amending Chapter 46, Article VI, Sections 46-321 through 46-355 of the Houston Code of Ordinances ("Chapter 46") relating to Jitneys.

A "jitney" is a form of vehicle for hire that serves fixed, closed loop, "short haul" circulator routes that are designed to transport passengers within areas of concentrated economic activity. The City of Houston first implemented provisions to regulate jitneys in 1995. Since that time, only four permits have been issued – one in 1995, one in 2009 and two in 2010 – with only two permittees currently providing service in Houston. We believe that there are several obsolete provisions in the jitney ordinance that may have discouraged entrepreneurs wishing to offer these services. Accordingly, the proposed ordinance amendments constitute an "overhaul" of the jitney provisions to enhance understanding of what is required of permit and license applicants, remove requirements which are inconsistent with those to which other types of vehicles for hire must comply, and to enhance market function and encourage investment in these services. Several revisions requested by industry, pursuant to meetings of the Transportation Subcommittee of the Washington Avenue Advisory Committee as well as other stakeholder meetings, are incorporated into these recommended amendments.

Specifically, ARA recommends the following amendments to the jitney provisions in Chapter 46:

- Define "jitney service"
- Clarify the definitions of "License", "Licensee", "Permit", and "Permittee"
- Prescribe specific requirements that must be met by applicants for a jitney permit and license.
- Fees: Create a license (driver) application fee of \$10.00 and a vehicle inspection fee of \$25.00. Both fees are non-refundable. Existing fees will remain at current levels until the Finance Department concludes its omnibus review of permit fees and is prepared to make recommendations for changes. The existing fees affecting jitneys include a \$400 annual fee per vehicle, a \$100 non-refundable permit application fee, and a \$30 rate & route fee to be paid with each rate filing.
- Fingerprinting and License Term: Rather than designate the responsibility within the City for the criminal background check, and to allow for any future changes in this area, amend the Ordinance to require that the applicant submit himself/herself for fingerprinting at a location approved by the Director of ARA.

Secondly, licenses for jitney drivers are currently issued for a five-year term. This is inconsistent with license terms for other vehicle for hire drivers. Accordingly, ARA recommends the license term be limited to two years.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date: 7/16/10	Subject: Approve an Ordinance Amending Chapter 46, Article VI, Sections 46-321 through 46-355 of the Houston Code of Ordinances relating to Jitneys	Originator's Initials TP	Page 2 of 2
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- False or Materially Incomplete Applications; Due Process: Add a provision that clearly communicates under what specific conditions an application may be denied, and applicants' rights to due process upon denial.
- Vehicle Appearance; Required Markings: Allow applicants to submit distinct color schemes for approval by the Director rather than requiring that vehicles be painted a uniform white. The proposed provision also requires that vehicles be cleaned and disinfected at least once in each 24-hour period.
- Required Equipment and Route Information: In the event one jitney services multiple routes, a changeable electronic or analog sign shall indicate the route the vehicle is currently servicing, and current route and rates for each must be posted in a conspicuous manner in the interior of the vehicle. Rates and routes are to be submitted to the Director for approval.
- Insurance Requirements: Require specific proof of insurance upon application for a permit or to renew a permit.
- Authorized Operators: Allow jitneys to be operated by independent contractors and non-employees. The proposed provision is identical to that which applies to taxicabs.
- Licensee Responsibility for Passenger Safety: Prohibit a licensee from allowing passengers to stand or ride on the running board, dash board, fender, or any outside portion of the vehicle, or to impede the licensee's view of other traffic. Restrict licensees (drivers) to operating a jitney no more than 12 hours in a 24-hour period.
- Discrimination Prohibited: Prohibit any licensee from refusing to board and convey a passenger on the basis of race, color, religion, sex, national origin, age, or disability or refusing to board and convey a service animal.
- Minimum Passenger Requirement and Maximum Vehicle Age: The Ordinance currently defines a jitney as a motor vehicle having a manufacturer's rated seating capacity of not less than four nor more than 15 passengers. The seating capacity specified in the existing provision would allow sedans and other small vehicles to be used for jitney services. There are existing provisions for smaller vehicles in other areas of Chapter 46 and additional provisions for no-emission, low speed vehicles will be presented to Council within 60 days. Taxicabs, limousines and other vehicles for hire are distinctive and easy to identify. ARA's intent is to encourage the use of trolleys and small buses for jitney services so that these vehicles come to be easily identified by the riding public as jitney vehicles. To that end, ARA recommends that the seating capacity be amended to no fewer than 9 passengers, while the maximum will remain at 15 passengers.

These vehicles also have longer useful lives than sedans. Small buses reportedly have useful lives of up to 20 years, while trolley-type vehicles have useful lives of 20 to 40 years. To allow operators of these vehicles to recoup their investment, ARA recommends that the maximum allowable vehicle age limit be increased from the existing five years to ten years. This change also recognizes that these vehicles operate fewer miles per year than other vehicles for hire in Houston, thereby enduring less wear and tear on an annual basis.
- Use of Bus Zones: With the agreement of Metropolitan Transit Authority, as expressed during the Transportation Subcommittee meetings, jitneys will be permitted to pickup and discharge passengers at designated bus stops. However, the restriction against pickup and discharge at taxi zones will remain.

ARA proposes to review and recommend additional changes to Chapter 46 to address the emergence of several low speed and/or no-emission vehicles in the market, including pedicabs and neighborhood electric vehicles. ARA is continuing to analyze the approaches taken by other municipalities with regard to these types of vehicles to ensure the City of Houston adopts a "best practices" approach to regulating these emerging industries. ARA intends to present preliminary recommendations to regulate these vehicles to City Council within the next 60 days. The next scheduled stakeholder meeting regarding these revisions will be conducted on Monday, July 26, 2010.

Recommendation:

The Administration & Regulatory Affairs Department respectfully requests City Council's approval of the recommended revisions to Chapter 46 of the Code of Ordinances.

The recommended amendments to the Code of Ordinances were presented to the Transportation, Infrastructure and Aviation Committee on July 13, 2010.

ARTICLE VI. JITNEYS

DIVISION 1. GENERALLY

Sec. 46-321. Definitions.

When 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 another meaning:

Director means the director of administration and regulatory affairs or his designee.

Jitney means a motorized passenger vehicle having a manufacturer's rated seating capacity of not less than ~~nine~~ four nor more than 15 persons including the driver, that is operated upon a closed loop route following specified streets and highways in a specified direction, and is operated without a fixed schedule, carrying passengers from place to place in exchange for a fee.

Jitney service means the business of renting, leasing, or owning a "jitney," as defined in this section, including the services of a driver, for the use and convenience of the general public. Specifically excluded from this definition are the following:

- (1) Vehicles, and the drivers thereof, provided for use in connection with, or attending, or participating in any phase of a funeral or funeral service.
- (2) All taxicabs licensed by the city.
- (3) All vehicles operating under a contract with the city.
- (4) All sightseeing or charter vehicles licensed by the city.

License means a current and valid jitney driver's license issued under division 2 of this article.

Licensee means any person who is the holder of a current and valid jitney driver's license issued under division 2 of this article.

Permit means a current and valid jitney permit issued under division 2 of this article.

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JUL 28 2010

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Revised

Permittee means any person, entity, business, partnership, joint venture, or corporation that the holder of a current and valid permit to operate a jitney service issued under division 2 of this article.

Route means the route for a jitney, as filed with the director in accordance with section 46-340 of this Code.

Sec. 46-322. Penalty.

Any person who violates any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$100.00 nor more than \$500.00. Each day that any violation continues shall constitute a separate offense.

Sec. 46-323. Article is cumulative.

This article is cumulative of all other applicable laws and ordinances. Without limitation, this article is expressly made cumulative of division 3 5 of article II of chapter 9 of this Code. The director shall not approve a route that involves the operation of a jitney upon any airport terminal complex unless the permittee has first obtained an airport use permit for use of that jitney upon that route.

Sec. 46-324. Exception for existing permits.

The minimum seating capacity of a jitney prescribed in section 46-321 of this Code shall not apply to any permit issued on or before _____.¹ The minimum seating capacity requirements provided in this article shall be immediately applicable to all permittees who received a permit on or before _____² upon:

- (1) The expiration of the vehicle age limitations set forth in section 46-353; or
- (2) A finding that the permittee has failed to comply with all other applicable provisions of this article resulting in the suspension, revocation, or refusal for renewal of a permit.

Secs. 46-325-46-330. Reserved.

¹Editor/City Secretary shall insert the effective date of this Ordinance.

²Editor/City Secretary shall insert the effective date of this Ordinance.

DIVISION 2. LICENSES AND PERMITS

Sec. 46-331. Permit required.

(a) It shall be unlawful for any person to drive or operate or cause to be driven or operated any jitney service unless a permit has been issued for the operation of the jitney service under this article.

(b) Each applicant for a permit required by this division must:

- (1) Have no conviction of an offense stated in subsection (c) of section 1-10 of this Code;
- (2) Identify the make, model, manufacturer's rated seating capacity and vehicle identification number for each vehicle the applicant desires to receive a permit for and operate as a jitney;
- (3) Be 18 years of age or older, if a natural person;
- (4) Be able to read and write the English language, if a natural person;
- (5) Provide written character references from two persons who have known the applicant for at least two years and who attest that the applicant is of good moral character, which references shall be from persons who reside in the city unless the applicant has not resided in the city or county for the preceding five-year period;
- (6) Hold a current and valid class A, B or C Texas driver's license;
- (7) Not have had a license, permit or franchise issued under any article of this chapter revoked or not renewed for cause by the city within the five-year period preceding the date of filing of the application; and
- (8) Provide any other information reasonably requested by the director for administration of this article.

Sec. 46-332. License required.

It shall be unlawful for any person to drive a jitney unless the person holds a license issued for the driving of a jitney under this article. In addition to the permit requirements provided in subsection 46-331, each applicant for a license required by this division must provide medical evidence from a Texas licensed physician on a certificate form promulgated by the director attesting that the applicant is not subject to any disability that would cause the applicant to be unable to safely operate a jitney.

Sec. 46-333. Fees.

(a) There shall be ~~a no-fee of \$10.00~~ for the issuance of a license.

(b) There shall be a nonrefundable application processing fee of \$100.00 payable upon the filing of each application for one or more permits, regardless of the number of permits requested.

(c) In addition to the application processing fee provided in subsection (b) of this section, an annual permit fee shall be payable for each jitney before it is placed into service and annually thereafter; as more particularly provided in section 46-336 of this Code.

Sec. 46-334. Application.

(a) Each person desiring to obtain a license or one or more permits shall make application on forms provided by the director and shall include the information requested by the director for implementation of this article.

(b) Upon notification by the director, each permit and license applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer, director or holder of ten percent or more of the outstanding stock if a corporation) shall present himself at the location identified by the director to the police department for identification and fingerprinting to determine if he has been convicted of any applicable offense(s) as set forth in item (4) of subsection (a) of section 1-10 of this Code. If so, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested.

Sec. 46-335. Review.

(a) Following review of the application, the director shall provide issue or notify the applicant with written notification of intent to issue the approval or denial of the requested permit(s) or license, unless:

~~(1) The applicant is determined to be unfit in accordance with the criteria of section 1-10 of this Code following a hearing under section 1-9 of this Code, if a hearing is timely requested;~~

~~(2) If the application is for one or more permits, the applicant failed to specify the number of vehicles (and also to provide the make, model, manufacturer's rated seating capacity and vehicle identification number for each vehicle, if the applicant has acquired the vehicles);~~

~~(3) The applicant, if a natural person, is not yet 18 years old;~~

- ~~(4) The applicant, or a representative of the applicant who shall be designated as the applicant's liaison with the director, is unable to read and write the English language;~~
- ~~(5) The applicant failed to provide written character references from two persons who have known the applicant for at least two years and who attest that the applicant is of good moral character, which references shall be from persons who reside in the city unless the applicant has not resided in the city or county for the preceding period of five years;~~
- ~~(6) If the application is for a license, the applicant failed to demonstrate that he holds a current and valid class A, B or C Texas driver's license;~~
- ~~(7) If the application is for a license, the applicant failed to provide medical evidence from a Texas licensed physician on a certificate form promulgated by the director attesting that the applicant is not subject to any disability that would cause the applicant to be unable to safely operate a jitney;~~
- ~~(8) The applicant failed to provide any other information reasonably requested by the director for administration of this article;~~
- ~~(9) Any information provided in the application was materially incomplete or false; or~~
- ~~(10) The applicant has had a license, permit or franchise issued under any article of this chapter revoked or not renewed for cause by the city within the five-year period next preceding the date of filing of the application.~~

(b) The submission of any false information or a materially incomplete application, including but not limited to an applicant's failure to provide any other information reasonably requested by the director, shall be immediate grounds for denial of the application. In the event that the application is denied, the applicant shall be given written notice of each reason for the denial. The applicant shall be entitled to appeal the decision if the application is denied in whole or in part upon section 1-10 of this Code. Notice of denial in whole or in part upon section 1-10 of this Code shall comply with section 1-9 of this Code and applicable state laws. If the application is denied in whole or in part on the basis of any other criteria stated in sections 46-331 and 46-332, the applicant may request a hearing regarding the denial by submitting a written notice of appeal to the director within 15 days following the date that notice of the director's decision is deposited in the United States mail, addressed to the applicant. The director shall cause an informal hearing to be conducted on the matter by a disinterested hearing officer who shall render a decision within 30 days from the date of the filing of the appeal. In the hearing, the burden shall be upon the applicant to demonstrate that he is entitled to the issuance of the license or permit.

~~(b) In the event that the application is denied, the applicant shall be given written notice of each reason for the denial. If the application is denied in whole or in part upon the basis of the first criterion specified above, the applicant shall be entitled to appeal the decision regarding the first criterion in the manner provided by the applicable state law. If the application is denied in whole or in part on the basis of any of criteria (2) through (10), above, then the applicant may request a hearing regarding the denial under those criteria by submitting a written notice of appeal to the director within 15 days following the date that notice of the director's decision is deposited in the United States mail, addressed to the applicant. The director shall cause an informal hearing to be conducted on the matter by a disinterested hearing officer who shall render a decision within 30 days from the date of the filing of the appeal. In the hearing, the burden shall be upon the applicant to demonstrate that he is entitled to the issuance of the license or permit.~~

(c) If the reason for the denial of an application is curable, the director shall allow the applicant, upon the applicant's request, to submit an amendment within the time allowed in subsection (b) for an appeal, in lieu of filing of an appeal. If the application is again denied, the applicant shall still be entitled to file an appeal within 15 days following the date that notice of the director's decision regarding the amended application is deposited in the United States mail, addressed to the applicant.

(d) If the application is for a license, then the license shall be issued upon the approval of the application. Following approval of an application for one or more permits, the actual permits shall not be issued until the applicant has provided the make, model, manufacturer's seating capacity and vehicle identification number of each jitney, if not provided with the application, and also has paid the annual fee, obtained an inspection certificate, provided proof of insurance, provided proof of ownership or lease and filed routes and rate data for each jitney in a manner consistent with, ~~all as provided by sections 46-336 through 46-340 of this Code for each jitney.~~

Sec. 46-336. Annual permit fee.

(a) There is hereby assessed an annual permit fee of \$400.00 per jitney, which shall be payable on or before June 1 of each year, provided that the director shall alternatively allow the fee to be paid in two installments, with one half due by June 1 and the balance by December 1. In the event that a permit is issued after December, then an amount equal to one-half of the foregoing fees shall be payable for the balance of the annual fee period.

(b) There shall be no fee for replacement of a jitney with another jitney.

(c) In the event that any permittee fails to pay the fee or any installment before the applicable due date for any permit, the permit shall be suspended, and no jitney may be operated under the permit. If the fee or installment is not paid by the thirtieth day following

the due date, the permit shall terminate and not thereafter be subject to renewal, provided that the former permittee may apply for a new permit in the manner specified in this article.

(d) The fee imposed under this section is based upon an estimate of the fee allowed pursuant to section 502.003 of the Texas Transportation Code by Texas Revised Civil Statutes article 6698 in the amount of two percent of gross receipts. Any permittee who wishes to do so may keep a record of gross receipts in the manner prescribed by regulation of the director. Within 90 days following the expiration of any permit year (June 1 to May 31) a permittee who has kept a record of gross receipts in the prescribed form may apply to the director for a refund of any portion of his total fees paid under this section for the previous permit license year that exceeds two percent of the permittee's gross receipts from the operation of the vehicle to which the permit pertains. The refund application shall be made on a form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of records maintained by the permittee in the form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by or on behalf of the permittee. The permittee shall state that the application and all attachments thereto are correct and complete and do not omit any material item, and that the permittee either: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating same, the director shall either:

- (1) Refund or credit to the account of the permittee the amount stated on the application; or
- (2) Deny the refund. If the refund is denied, the director shall give written notice of the reason and, upon request, shall afford the permittee an informal hearing on the matter before a disinterested hearing official.

Sec. 46-337. Vehicle inspection; fee.

(a) It shall be unlawful for any person to drive or operate or cause to be driven or operated any jitney, unless the jitney has been inspected as required in this section and has a current and valid certification decal affixed. There shall hereby be a non-refundable vehicle inspection fee of \$25.00 per jitney. All jitneys shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

(b) Each jitney shall be inspected before it is initially placed into service and thereafter before October 1 of each year by the director at such location as the director may specify. The director shall approve the jitney if he determines that:

- (1) The jitney has current Texas registration and required Texas vehicle inspection stickers for both safety and air quality, if applicable;
- (2) The jitney is of the approved ~~required~~ color scheme and is marked as provided in this article;
- (3) The jitney is in generally sound working condition with no apparent safety-related defects, including inspection or testing of the speedometer, odometer, horn, windshield wipers, mirrors, steering, service brake, parking brake, tires, exhaust system, high beam indicator, tail lamp, stop lamps, license plate lamp, rear reflectors, turn signal lamps and headlamps.
- (4) The jitney has a lap or lap/shoulder seat belt for the driver and for each passenger seating space to the extent that the vehicle was so equipped by the manufacturer;
- (5) The jitney has no seats that have been added in excess of the manufacturer's specifications; and
- (6) The jitney complies with all other applicable requirements of this article.

(c) Upon the satisfactory completion of the inspection, the director shall issue and permanently affix a certification decal to the lower right portion of the windshield of the jitney. In any prosecution under this section, it shall be presumed that a jitney has not been inspected as required in this section unless it has a current and valid certification decal affixed.

(d) Replacement certification decals shall only be provided upon reinspection of the jitney.

Sec. 46-338. Insurance.

(a) Before any permit shall be issued to any person, or before renewal of any permit shall be granted, the applicant shall file an insurance policy evidencing insurance coverage complying with the requirements contained in subsection (b) below or give proof that he is qualified as self-insured, including the provision of a certificate of self-insurance issued pursuant to the Texas Motor Vehicle Safety Responsibility Act as now in force or hereafter amended. Each jitney operated by any permittee under his permits shall be covered by public liability insurance meeting all requirements of Texas Revised Civil Statutes article 6701h and having policy limits of not less than the minimum coverage amounts required by law.

(b) The insurance required in subsection (a) shall be in the form of commercial auto liability coverage in no less than the minimum coverage amounts specified in the Texas

Motor Vehicle Safety Responsibility Act issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. The policy must be issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and those jitneys may not be operated. If a proper replacement policy is not provided to the director on or before the date of termination or cancellation of the policy, the permit shall automatically terminate. Proof of the insurance required in subsection (a) shall be accepted only in the authorized form that has been promulgated by the city and adopted by the Texas Automobile Insurance Plan Association. A copy of the authorized form has been placed on file for inspection in the office of the city secretary, and it is adopted as a part of this Code by reference.

~~———— (c) In lieu of proof of insurance as provided in subsections (a) and (b), the permit holder may be self-insured and provide a certificate of self-insurance issued pursuant to Chapter 601 of the Texas Transportation Code.~~

Sec. 46-339. Authorized operators Ownership of vehicles; use of drivers.

No jitney for which a permit has been issued under this article shall be operated by anyone except the permittee or an employee of the permittee or other person who may be operating the jitney under a written agreement specifically incorporating therein any rules, regulations, and conditions as may be reasonably required by the director to ensure compliance with applicable laws and regulations. The permittee shall be responsible for anyone operating under his permit whether he be an employee or other person operating under a written agreement. Any person driving or operating a jitney upon the streets or other public property of the city is presumed to be an employee of the permittee or to have entered into a written agreement with the permittee. Any person driving or operating a jitney upon the streets or other public property of the city shall be required to secure a license pursuant to division 2 of this article.

~~———— (a) Each jitney must be registered to or leased on a long-term basis of at least a year to the permittee who operates the jitney, a copy of which title or lease shall be provided to the director.~~

~~———— (b) Each driver of a jitney, other than the proprietor of a proprietorship-permittee or partner of a partnership-permittee, shall be a salaried employee of the permittee.~~

~~———— (c) It is the express intent of the city council in establishing the requirements of this section to encourage owner operation of jitneys, to ensure that permit holders are fully responsible for the maintenance and operation of their jitneys and to avoid any sort of scheme or artifice in which jitneys are operated by persons who "lease" licenses or drive~~

vehicles as "independent contractors." The director shall promulgate any regulations that are necessary to carry out this section. Without limitation, the regulations may require that each permittee make his drivers' payroll records available for inspection and copying at the offices of the director to verify compliance.

Sec. 46-340. Rates; routes.

(a) Each jitney shall be operated upon a route, including a direction of travel upon that route, that has been filed by the permittee with the director. The permittee may file two or more routes for the same jitney if each route is specified for use during different times that are clearly specified. The rate shall be a fixed amount, per person, for transportation from any place on the route to any other place on the route. Rates may either be constant or may be differentiated between peak and off-peak hours, provided that the hours during which each rate will be imposed are specified.

(b) The permittee shall submit all proposed rates and route cards for review and approval by the director. Rates and routes may be amended from time to time. Routes shall not be exclusive. A fee of \$30.00 shall be imposed for each route or rate filing, per jitney. Each route application that involves use of airport facilities shall be accompanied by the proof required under section 46-323 of this Code. 

(c) Approved ~~The director shall provide~~ rate and route cards for each jitney that shall be conspicuously posted in the manner specified by regulation of the director. The route card shall state the route and the rate. The information shall also be posted on each side of the vehicle in a manner and location approved ~~posted on the rear quarter panel of the vehicle on each side in a manner prescribed by the director.~~ The director may assign route numbers and may assign ~~issue~~ different colors of route cards to signify fare amounts. ~~Cards shall remain the property of the city and shall be surrendered to the director upon request.~~

(d) It shall be unlawful for ~~the driver of any jitney~~ a licensee or permittee while in service with any passenger for hire on board to deviate from the route or to deviate from the direction of travel as filed with the director for that jitney.

(e) It shall be unlawful for ~~the driver of any jitney~~ a licensee or permittee to impose a fare other than as filed with the director. ~~It shall be unlawful for any driver of any jitney to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability.~~

(f) It shall be unlawful to drive or operate or cause to be driven or operated any jitney without the current rate cards posted as provided by the director for the jitney.

(g) Following notice and a hearing, the director may cancel any route that was authorized in error.

Sec. 46-341. Transfer; nonexclusive.

(a) A license or permit is personal to the licensee or permittee to whom it is issued and may not be leased, rented, sold, transferred or conveyed by operation of law or otherwise. Provided, any change of proprietor, change of partnership interests or change of corporate officer, director or holder of ten percent or more of the outstanding shares of stock as shown on the permit application shall render a permit void, unless an application for transfer is filed within ten days following the effective date of the change. The director shall promulgate procedures for the processing of amendments and may suspend the permit(s) pending the completion of the processing if any additional person who has acquired an interest in the business is determined to have been convicted of an applicable offense as provided in ~~item (4)~~ of subsection (ca) of section 1-10 of this Code. The fee for filing an application amendment shall be \$100.00.

(b) Each permit is nonexclusive, and no limits or restrictions shall exist upon the number of jitneys that may be permitted, provided that each must be operated pursuant to a permit and in accordance with all applicable requirements of this article.

Sec. 46-342. Terms; suspension.

(a) A license shall be valid for two years from the date of its issuance. ~~or~~ A permit shall be valid for five years from the date of its issuance.

(b) A license or permit may be sooner terminated by operation of law as provided in sections 46-336 and 46-338 of this Code for failure to pay annual permit fees or maintain required insurance.

(c) A license or permit may be revoked or refused for renewal based upon the applicable grounds specified in section 1-10 of this Code by following the procedures specified in section 1-9 of this Code.

(d) Additionally, a license or permit may be revoked or refused for renewal following notice and a hearing conducted by an impartial hearing officer appointed by the director if:

- (1) The license or permit was issued through error;
- (2) The applicant provided materially false or incomplete information on the license or permit application; or

- (3) There are three or more instances within any period of one year in which the licensee or permittee or any permittee's employee violates any provision of this article or regulation issued by the director hereunder.

(e) In accordance with regulations promulgated by the director, a ~~jitney~~ permit may be amended, without charge, for the limited purpose of adding, deleting or substituting ~~jitney~~ vehicles.

Secs. 46-343--46-350. Reserved.

DIVISION 3. OPERATING REQUIREMENTS

Sec. 46-351. Licensee Driver appearance and conduct.

(a) It shall be the duty of every ~~licensee jitney driver~~ to be hygienically clean, well groomed, neat, and suitably dressed in compliance with all applicable requirements of this section at all times while a ~~jitney~~ is in his or her custody.

(b) ~~Licensees Drivers~~ shall be clean-shaven, and facial hair shall be neatly trimmed. If a beard or moustache is worn, it shall be well groomed and neatly trimmed at all times in order not to present a ragged appearance.

(c) The term "suitably dressed" shall be interpreted to mean the ~~driver~~ licensee shall wear slacks or trousers, a shirt with collar or blouse with or without a tie, a dress or suit, shoes, and, if desired, appropriate outer garments.

(d) Clothing that is not considered appropriate and is not permitted, when the ~~driver~~ licensee is in charge of a ~~jitney~~ includes: T-shirts, underwear (as an outer garment), tank tops, body shirts, swimwear, jogging suits, or similar types of attire when worn as an outer garment, shorts or trunks (jogging or bathing), or sandals.

(e) No licensee shall permit or allow passengers or employees to stand or ride on the running board, dash board, fender or any outside portion of the vehicle, nor shall a licensee permit any passenger to stand in such a position that the licensee's vision forward or to the right front or left is blocked.

(f) It shall be unlawful for any licensee to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability.

Sec. 46-352. Jitney equipment.

(a) It shall be unlawful for any person to drive or operate or cause to be driven or operated any jitney that is not marked in a manner and location approved by the director; painted and equipped as provided in this section.

(b) No licensee or permittee shall drive or cause to be driven any jitney in the city until the permittee has filed with the director, for approval, the color scheme that he proposes to use in conjunction with the provision of the jitney service. In approving or disapproving the color scheme submitted, the director shall consider:

- (1) The color scheme presently in use by the permittee, if any;
- (2) The color schemes of other permittees; and
- (3) Which permittee first used or requested approval of the color scheme.

If the director finds that the permittee is entitled to the use of the requested color scheme because of first or prior use and that it does not deceptively resemble the approved color scheme of another permittee, he shall approve its use by the permittee.

(c) If the color scheme is approved, the permittee shall, within 15 days, deliver to the director a color photograph, of a size and kind to be approved by the director, of a jitney of his color scheme, and he shall not change the color scheme without approval of the director.

(d) Additionally, eEach jitney shall:

- (1) Be painted a uniform color of white, a sample of which color is on file with the director;
- ~~—~~ (2) Be equipped with a light-equipped roof sign, which shall have the word "jitney" visible from the front and rear in red letters at least three inches tall with a brush stroke of at least 5/16 inch upon a white background and shall be illuminated at all times while the jitney is in service;
- (23) Have no taxi meter;
- (34) Have the word "jitney" painted on each side of the vehicle in black in letters at least 6 12-inches tall with a brush stroke width of at least one inch;
- (45) Have the following signage in letters not less than three inches in height nor less than 5/16 of an inch in brush stroke and of contrasting color to the background:

- a. The name and telephone number of the permittee and rate structure on both front doors;
 - b. The telephone number of the permittee on the rear deck or trunk lid;
 - c. The permit number on the right side of the trunk or rear deck, the right side of the hood, and below the rear door handle on each side of the vehicle; and
 - d. The street names or route name below the permit number on each side of the vehicle. In the event one jitney services multiple routes, a changeable electronic or analog sign shall indicate the route the vehicle is currently servicing. The current route and rate structure for each must be posted in a conspicuous manner in the interior of the vehicle so as to be clearly visible and understood by all passengers.
- (56) Have a dashboard-mounted holder of a type approved by the director in which shall be mounted the operator's license, a photograph of the operator and one set of rate and route cards approved ~~provided~~ by the director under section 436-340(d) of this Code; and
- (67) Have a radio, mobile telephone or other means of two-way communication that may be used to request assistance in the event of an emergency.

The information required in items (12), (34) and (45) above shall be painted upon the vehicle, provided that the director may allow the street name or route name information only to be posted upon a magnetic sign or other removable sign of durable materials.

Sec. 46-353. Age of vehicle.

No person shall drive or operate or cause to be driven or operated any jitney that is more than ten ~~five~~-years old. For purposes of this requirement, a jitney is considered to be ten ~~five~~-years old on the thirty-first day of May of the tenth ~~fifth~~-year following the manufacturer's model year of the jitney, regardless of the date of its original purchase or the date it was first placed into service.

Sec. 46-354. Operating requirements.

(a) It shall be the duty of the licensee driver to ensure that his jitney is operated in accordance with this section.

(b) Solicitation of passengers is unlawful. However, a licensee jitney driver may indicate available space by gesture from within the jitney and may stop when flagged or hailed by a potential passenger.

(c) No jitney shall stop or stand to pick up or discharge any passenger ~~at a bus stop~~ or in a taxicab zone.

(d) No jitney shall stop or stand to pickup or discharge any passenger at any place that is not upon the streets and highways designated upon the route.

(e) No jitney shall stop or stand upon the public streets or other public property, except as required to comply with lawful traffic control devices and to discharge and pick up passengers.

(f) Additional passengers shall have the right to utilize the jitney up to the manufacturer's rated seating capacity.

(g) A log shall be maintained within each jitney in a form prescribed by the director setting forth the hours of work of each licensee driver. No licensee driver shall operate a jitney for more than 12 hours in any 24-hour period and no permittee shall allow or cause any licensee to drive a vehicle in operation as a jitney more than 12 hours in a 24-hour period. Each permittee shall maintain the log for a period of six months and shall make the same available for inspection or copying upon request at the offices of the director.

Sec. 46-355. Inspection.

The director may inspect any jitney and any records or documents required to be carried in or upon the jitney at any time upon presentation of identification to the driver in order to determine operation in compliance with the provisions of this article and the regulations adopted hereunder by the director.

Sec. 46-356. Regulations.

The director is authorized to adopt any regulations to implement this article. A copy of the regulations shall be maintained in the director's office for inspection by the public, and copies shall be made available for purchase at the fees prescribed by law.

Secs. 46-357-46-360. Reserved.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8635

Subject: Approve an Ordinance Amending Chapter 46 of the Houston Code of Ordinances, Specifically Sections 46-61 through 46-72 relating to Taxicabs and 46-191 through 46-247 relating to Sightseeing and Charter Services to Correct Scriveners' Errors

Category #

Page 1 of 1

Agenda Item

26

FROM (Department or other point of origin):

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

Origination Date

July 16, 2010

Agenda Date

JUL 28 2010

DIRECTOR'S SIGNATURE

Council District(s) affected

All

For additional information contact:

Tina Paez Phone: (713) 837-9630
Christopher Newport Phone: (713) 837-9533

Date and Identification of prior authorizing Council Action:

Ord. 2007-1419 (12/12/07);
Ord. 2009-0411 (5/13/09)

RECOMMENDATION: (Summary)

Approve an Ordinance Amending Chapter 46 of the Houston Code of Ordinances, specifically Sections 46-61 through 46-72 relating to Taxicabs and 46-191 through 46-247 relating to Sightseeing and Charter Services to correct errors.

Amount of Funding: N/A

Finance Budget

SOURCE OF FUNDING: N/A

SPECIFIC EXPLANATION:

The Director of the Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an Ordinance amending Chapter 46 of the Houston Code of Ordinances ("Chapter 46"), specifically Sections 46-61 through 46-72 relating to Taxicabs and 46-191 through 46-247 relating to Sightseeing and Charter Services to correct scrivener errors.

As part of the One-Stop Permitting Initiative, and to facilitate the application and permitting process, ARA has been conducting an ongoing review of all regulatory language associated with our commercial and vehicle-for-hire permits to determine whether the permits are still applicable and necessary, and whether the Code provisions governing those permits are onerous, outdated, redundant or inconsistent. We are also reviewing internal business processes to ensure our regulatory and enforcement compliance with the Ordinance provisions. This review has resulted in numerous recommendations for amendments to the Code of Ordinances over the past year.

In our most recent review of Chapter 46, we identified several provisions that were inconsistent with recent changes made to this chapter. For example, in December 2007, omnibus changes to the taxicab provisions of Chapter 46 were approved by City Council. Because the amendments were extensive, the approved changes were made to some provisions but were inadvertently omitted in other sections of Chapter 46 where they were supposed to have been duplicated for consistency. ARA is recommending changes to correct this minor oversight.

In addition, we are including proposed amendments to the Charter & Sightseeing provisions of Chapter 46. These are provisions that formerly existed in the Suburban Buses sections of the Code. The Suburban Buses provisions were repealed during the first phase of our permit review and consolidation effort in May 2009, but some of those provisions were material requirements for Charter & Sightseeing vehicles. ARA is recommending that the relevant, inadvertently deleted provisions be added to the Charter & Sightseeing sections of Chapter 46 at this time.

Recommendation:

The Administration & Regulatory Affairs Department respectfully requests City Council's approval of the recommended revisions to Chapter 46 of the Code of Ordinances to correct various scriveners' errors that resulted from recent changes to this Chapter.

The recommended amendments to the Code of Ordinances were presented to the Transportation, Infrastructure and Aviation Committee on July 13, 2010.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

ARTICLE II. TAXICABS

* * *

DIVISION 2. VEHICLE PERMIT

* * *

Sec. 46-65. Applications.

(a) Applications for permits may be filed on or before December 1 of each permit year in which permits are determined to be available pursuant to section 46-63 of this Code. Each applicant shall utilize forms promulgated by the director and shall submit any information requested in accordance with instructions that shall be promulgated by the director. Without limitation of other information that the director may require in order to determine compliance with this Code and other applicable laws, the applicant shall set forth and provide under oath:

- (1) The applicant's name, mailing address (and street address if different), and telephone number.
- (2) Evidence of the type of business enterprise that the applicant utilizes, e.g. proprietorship, partnership, or corporation, together with the identity and address of each principal.
- (3) Criminal history information for every principal as required by the director to determine compliance with section 1-10 of this Code.
- (4) Evidence that the applicant has a place of business within the metropolitan area from which the applicant's taxicab business is or will be operated and that use of the proposed location is in compliance with any applicable deed restrictions.
- (5) A statement indicating the number of permits requested by a new entrant applicant or an other applicant.
- (6) A statement indicating whether the applicant is a new entrant applicant or an other applicant.
- (7) For new entrant applicants, evidence that the applicant's operator has within the preceding period of ten years had at least five years active and practical taxicab business experience, with at least two of those years in the city.
- (8) For other applicants, the identity of the permittee as defined in section 46-16 of this Code on whose behalf the application is filed.

- (9) Evidence that the operator is either a United States citizen or an alien legally residing in the United States with the legal right to engage in employment in the United States.

Each application shall be accompanied by a filing fee. The filing fee shall be an amount established by city council by motion upon recommendation of the director of administration and regulatory affairs. ~~In addition to the filing fee, the applicant shall provide funding to the director in a form and manner specified by the director for criminal history checks to be performed by state and federal agencies, as applicable under subsection (b) below:~~

(b) Each applicant and principal shall provide fingerprints in a manner specified by the director within five days following the application filing deadline. The director shall make arrangements for the fingerprints to be taken without charge by the director or by the city police department or another agency and, for the convenience of persons who may not reside in the city, shall accept finger prints taken by law enforcement agencies of other jurisdictions, provided that they are taken and transmitted to the director under methods specified by the director to prevent falsification. Each person who is required to provide fingerprints shall also complete any state or federal request and release forms that are required to obtain the criminal history and authorize it to be forwarded to the director.

(c) Each applicant, whether a new entrant applicant or other applicant shall be limited to the consideration of one application per permit computation year. An application filed by a new entrant applicant shall be considered a duplication if any principal is also named in another application. An application filed by an other applicant shall be considered to be a duplicate if it identifies the same permittee as any previously filed application. In case of multiple applications, the first one filed shall be considered, and all others shall be returned unless the applicant elects in writing to withdraw the earlier-filed application.

(d) The director shall review applications received and on or before March 1 of the permit distribution year advise each applicant whether the applicant has been determined to be qualified or unqualified. An applicant is considered qualified if each of the following criteria is met:

- (1) The application was filed in completed form with no material inaccuracies or omissions, provided that if the application as originally filed was substantially complete and in proper form, the director shall allow an applicant a reasonable opportunity to correct any minor inaccuracies or omissions if that can be accomplished without delaying the processing of applications.
- (2) Neither the applicant nor any other business entity with which any of its principals is or was then associated has transferred one or more permits to another person within the four year period preceding the date of filing of the application, exclusive of transfers made for the purpose of settlement of

estates and divorce proceedings, or exclusive of transfers to effect a change in the form of entity when the principal owner in the original company remains a principal in the subsequent entity, e.g., sole proprietorship or partnership to a corporation. This item applies only to the transferor and not the transferee.

- (3) The applicant and its principals are in compliance with the criminal history provisions of section 1-10 of this Code.
- (4) The applicant's operator has the experience required in item (a)(7) above.
- (5) The applicant's operator is a citizen or resident alien with work privileges as provided in item (a)(9) above.
- ~~(6) The director is able to verify compliance with the financial ability requirement as provided in item (a)(5) above for other applicants.~~
- ~~(67)~~ The applicant has a place of business within the metropolitan area as provided in item (a)(4) above.
- ~~(78)~~ The applicant is in compliance with any other applicable requirement of this Code and other laws.

(e) Applicants who are determined to be unqualified shall also be notified of the grounds asserted for that determination and of their right to a hearing upon the determination to be conducted by an independent hearing examiner designated by the director. If the determination is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws. The determination of the hearing examiner with respect to the application shall be final, unless otherwise provided by law. ~~With respect to the financial ability requirement of item (a)(5) above, an applicant shall be unqualified for purposes of the entire application unless the director is able to verify compliance in the total amount required for all permits requested, and the applicant shall not be allowed to reduce the number of permits requested if the verified financial ability is insufficient.~~

(f) Following the completion of the appeal hearings, if any, as provided in subsection (e), the director shall generate a list of qualified new entrant applicants and a list of qualified other applicants.

Sec. 46-66. Drawing; distribution.

(a) Based upon the list generated for new entrant applicants in section 46-65(f) of this Code and the number of permits reserved for new entrant applicants in section 46-

64(a) of this Code, the director shall conduct or cause to be conducted a public drawing to determine the granting of permits. All qualified new entrant applicants shall be invited to attend the drawing. The drawing shall be conducted in such a manner as to ensure distribution of the permits by random chance. Each new entrant applicant may receive no more than one permit.

(b) For other applicants, an equal percentage of permits shall be granted to each qualified applicant based on the total number of permits reserved for other applicants in section 46-64(a) of this Code and the total number of permits requested by qualified other applicants. For example, if a total number of 100 permits is reserved for other applicants and the qualified other applicants have cumulatively requested a total number of 200 permits, then each qualified other applicant shall receive 50 percent of the number of permits he requested. Fractional permits may not be issued. The director may adjust percentages as required equitably to dispose of fractions or conduct a public drawing in accordance with regulations promulgated for that purpose to resolve any fractional imbalance.

(c) Within five days following the completion of the drawing and distribution process, the director shall notify qualified applicants of the number of permits granted to each by mailing a notice to each qualified applicant at his last known address.

(d) In permit years in which permits are issued, a qualified other applicant who meets the criteria set forth below may petition the city council requesting that he be granted permits or additional permits in an amount not exceeding the difference between the number of permits the applicant requested in his application and the number of permits that the applicant was granted, if any, under subsection (b) above. Petitions shall be filed with the director within 30 days following the date of mailing of the notices under subsection (c) above, upon forms promulgated by the director. The director shall forward to city council each timely filed petition. In order to be considered for permits hereunder, a petitioner shall be required to demonstrate through written evidence submitted with the petition that is independently verifiable by the director that each of the following criteria has been satisfied:

- (1) The petitioner has had an overall vehicle utilization rate of 90 percent or more during the six month period preceding the date of filing of the petition as determined in accordance with computation regulations established by the director. Acceptable evidence shall include lease documents or employer tax records; and
- (2) The petitioner's taxicab business has sustained growth from sources other than trips departing from the city airports in a percentage at least equal to the taxicab permit adjustment factor. Acceptable evidence shall be in the form of growth in radio dispatch trips, growth in trips from contracts, growth in reservation trips (commonly known as personal trips), or any combination thereof. Percentage growth shall be measured over the three year period

preceding the filing date of the petition; provided, however, that during the 2001 permit issuance process, growth shall be measured from February 2000 to the date of filing of the petition, and a corresponding adjustment shall be made to the taxicab permit adjustment factor for purposes of petitions under this subsection (d), ~~and~~

~~(3) The petitioner continues to have the financial ability required in section 46-65(a)(5) of this Code for each additional permit requested.~~

(e) The total number of additional permits granted to all petitioners under this subsection (~~de~~) may not exceed 25 percent of the available permit number. The purposes of granting additional permits, if any, by petition under this subsection (~~de~~) are (i) to foster enhanced competition within the taxicab industry, (ii) to increase the level and quality of taxicab service available to the public for other than city airport departure trips, and (iii) to promote more efficient utilization of taxicabs, which purposes should enhance the public satisfaction and generate operating cost and fare savings. Within 60 days following the last day for filing of petitions, the director shall submit the petitions to the city council for consideration with a report setting forth and including:

- (1) The director's determination whether each of the petitioners has met each of the consideration criteria set forth above and is therefore eligible or ineligible to be considered hereunder; and
- (2) If two or more petitioners have met each of the consideration criteria, the relative ranking of those petitioners with respect to their utilization rates and sustained growth rates for service other than trips departing from city airports.

The director shall forward the petitions and report to city council accompanied by any relevant portions of the application processing record. City council shall consider the matter based upon the petition, report, and record in the same manner as an appeal under City Council Rule 12. The decision of city council shall be based upon the consideration criteria and purposes set forth above, and the city council's decision whether to grant any additional permits and, if so, the distribution thereof shall be final.

**ARTICLE IV. SIGHTSEEING, CHARTER AND
CHAUFFEURED LIMOUSINE SERVICES**

* * *

DIVISION 2. SIGHTSEEING AND CHARTER SERVICES

* * *

Sec. 46-206. Reserved Vehicle condition, safety and equipment.

~~————— In the matter of the condition, safety and equipment of the vehicles operated by a sightseeing and charter service licensee, the licensee shall observe all of the provisions of and the director shall have all of the powers given by sections 46-137, 46-142, 46-143, 46-145 and 46-146 of this Code except to such extent, if any, as any provisions of such sections are by their language completely inapplicable other than to the operation of buses upon fixed schedules.~~

Sec. 46-207. Insurance requirements.

(a) Every vehicle operated under a charter and sightseeing service license issued pursuant to the provisions of this division shall at all times be covered by liability insurance meeting all requirements of Chapter 643 of the Texas Transportation Code.

(b) Policies issued under this section shall contain a provision for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon, and that 30 days written notice shall be given the director before cancellation of such policy is effective. In the matter of cancellation of such policies, replacements thereof by new policies, and all such related matters, the licensee shall have the responsibility to comply with the provisions of section 46-140 of this Code, and the mayor and the director shall have all of the powers given them by such section.

(c) The insurance required in subsection (a) shall be issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. Proof of coverage shall be accepted only in the authorized form that has been promulgated by the city for that purpose. A copy of the authorized form has been placed on file for inspection in the office of the city secretary, and it is adopted as a part of this Code by reference.

Sec. 46-208. Maintenance and operation of vehicles; qualifications of drivers.

(a) No operator of any sightseeing or charter service shall permit or cause to be driven, nor shall any driver of any sightseeing or charter service drive, on any street of the city any vehicle which does not comply with all of the provisions of this article. It shall be

a violation of this article on the part of any operator of a sightseeing or charter service and on the part of any driver of a sightseeing or charter service to fail to comply and to fail to require compliance with any of the provisions of this article.

(b) All vehicles operating as a sightseeing or charter service shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

(c) All vehicles operating as a sightseeing or charter service shall be equipped with rear vision mirrors, a double windshield wiper, a partition or other guard to keep passengers from standing to the left of the driver, proper headlights and taillights which shall always be in good working condition and which shall be lit from one-half hour after sunset to one-half hour before sunrise. If the sightseeing or charter service vehicle is being driven, all four-wheel brakes employed may be either hydraulic or air brakes and shall always be kept in first-class working order.

(d) Every vehicle operating as a sight seeing or charter service shall have posted in a conspicuous place in the vehicle the route to be traveled thereby and a schedule of the rates of fares and shall have painted on the front and on the rear thereof, or on both sides, a serial number indicating the sightseeing or charter service vehicle's route in accordance with the classification and enumeration of routes as the director may devise and order.

(e) The director, or his duly appointed representative, may at any time make tests and inspections of all vehicles operating as a sightseeing or charter service, and if, as a result of such inspection, any vehicle is found to be in an unsatisfactory condition, the owner or operator thereof shall be notified of the defects observed and shall immediately correct same to the satisfaction of the director. If the director finds any sightseeing or charter service vehicle to be unfit or unsafe for the carriage of passengers, he shall forthwith notify the operator of the sightseeing or charter service and such operator shall not thereafter cause or permit such vehicle to be operated on any street of the city until it has been made safe for the carriage of passengers. The director and any employee whom he may designate to the duty of inspection of sightseeing or charter service vehicles shall be given free and ready access to all sightseeing or charter service vehicles.

(f) Drivers of a sightseeing or charter service shall not smoke or use tobacco during the time they are driving vehicles that are operating as a sightseeing or charter service.

(g) No driver of a sightseeing or charter service shall drive for more than 12 hours in any twenty-four-hour period and no licensee of any sightseeing or charter service shall permit any person to drive a vehicle operating as a sightseeing or charter service more than 12 hours in any 24-hour period.

(h) The doors of a vehicle operated as a sightseeing or charter service shall be securely closed at all times while the vehicle is in motion.

(i) Passengers of a sightseeing or charter service shall not be received or discharged in the traveled portion of any street, but if passengers are to be received or discharged, the driver shall pull the vehicle to the curb and discharge the passengers on the side of the vehicle immediately against the curb.

(j) No driver of a sightseeing or charter service shall permit or allow passengers or employees to stand or ride on the running board, dash board, fender or any outside portion of the vehicle, nor shall he permit any passenger to stand in such a position that the driver's vision forward or to the right front or left is blocked.

(k) Sightseeing or charter service operators shall make immediate report to the director regarding each and every accident in which any sightseeing or charter service vehicle is involved. Such report shall give the time and place of the accident, the number and names of all persons injured or killed, both passengers and nonpassengers.

(l) Notwithstanding other provisions of this article or any franchise granted under this article, the city reserves the right, by ordinance or any other lawful rule or regulation, to regulate the operation of all motor vehicles on the streets of the city.

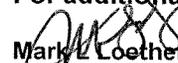
~~The provisions of sections 46-137, 46-142, 46-147 through 46-150 and 46-153 through 46-156 of this Code shall also apply to the condition, safety and equipment of vehicles operated by a sightseeing and charter service licensee.~~

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

SUBJECT: Petition for the City's consent to the addition of 0.5600 acres of land to Harris County Municipal Utility District No. 23 (Key Map No. 410-P)	Page 1 of 1	Agenda Item # 27
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 7/1/10	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: "ETJ"
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For additional information contact:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director (713) 837-0724	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)

The petition for the addition of 0.5600 acres of land to Harris County Municipal Utility District No. 23 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Harris County Municipal Utility District No. 23 has petitioned the City of Houston for consent to add 0.5600 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

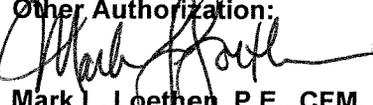
The district is located in the vicinity of West Little York, Windfern, Breen and Fairbanks North Houston. The district desires to add 0.5600 acres, thus yielding a total of 432.8598 acres. The district is served by the Harris County Municipal Utility District No. 23 Wastewater Treatment Plant. The other district served by this plant is Harris County Municipal Utility District No. 220. The nearest major drainage facility for Harris County Municipal Utility District No. 23 is White Oak Bayou which flows to Buffalo Bayou and then into the Houston Ship Channel.

Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

The Utility District Review Committee recommends that the subject petition be approved.

Attachments

- cc: Marty Stein Marlene Gafrick Jun Chang
Bill Zrioka Deborah McAbee Carl Smitha

REQUIRED AUTHORIZATION 20UPA40	
Finance Department	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning & Development Services Div.



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form



Application Accepted as Complete (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the creation/ addition of 0.5600 acres to HCMUD No. 23 under the provisions of Chapters 49 and 84 Texas Water Code.

Attorney for the District

Attorney: Michael a. Cole, Esq.

Address: 5120 Bayard Lane, Houston, Texas

Zip: 77006

Phone: 713-880-3800

Engineer: Sherrington, Inc.

Address: 14870 Skinner Road, Cypress, Texas

Zip: 77429

Phone: 281-758-1531

Owners: Minhas R. Vellani and Farzana M. Vellani

Address: 7335 Fairbanks No. Houston

Zip: 77040

Phone: 281/568-4448
ext. 101

(If more than one owner, attach additional page. List all owners of property within the District)

LOCATION

INSIDE CITY

OUTSIDE CITY

NAME OF COUNTY (S) Harris

Survey John Waugh Survey

Abstract No. 831

Geographic Location: List only major streets, bayous or creeks:

North of: West Little York ✓

East of: Windfern ✓

South of: Breen ✓

West of: Fairbanks No. Houston ✓

WATER DISTRICT DATA

Total Acreage of District: 432.2998

Existing Plus Proposed Land 432.8598 ac.

Development Breakdown (Percentage) for tract being considered for annexation:

Single Family Residential 0

Multi-Family Residential 0

Commercial 100%

Industrial 0

Institutional 0

Sewage generated by the District will be served by a : District Plant

Regional Plant

Sewage Treatment Plant Name: Harris County Municipal Utility Dist. No. 23 WWTP

NPDES/TPDES Permit No: WQ0011485001

TCEQ Permit No: TX0062235

20 UPA-40



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.75

Ultimate Capacity (MGD): 0.75

Size of treatment plant site: 11.622 acres square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: _____ MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: 0.75

MGD of (Regional Plant).

Name of District: Harris County MUD No. 220

MGD Capacity Allocation 0.13

or property owner(s)

Name of District: _____

MGD Capacity Allocation _____

Water Treatment Plant Name: Harris County MUD No. 23 Water Plant

Water Treatment Plant Address: 7314 Shady Mill Road

Well Permit No: 134081 & 134082

Existing Capacity:

Well(s): 2,000

GPM

Booster Pump(s): 3,200

GPM

Tank(s): 0.84

MG

Ultimate Capacity:

Well(s): 2,000

GPM

Booster Pump(s): 3,200

GPM

Tank(s): 0.84

MG

Size of Treatment Plant Site: 1.610 Ac. & 0.625 Ac.

square feet/acres.

Comments or Additional Information: N/A

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

SUBJECT: Petition for the City's consent to the addition of 3.855 acres of land to Harris-Fort Bend Counties Municipal Utility District No. 5 (Key Map No. 485-J & N)	Page 1 of 1	Agenda Item # 28
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 7/14/10	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE  Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: "ETJ"
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For additional information contact: Mark L. Loethen, P.E., PTOE Acting Deputy Director (713) 837-0724	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)

The petition for the addition of 3.855 acres of land to Harris-Fort Bend Counties Municipal Utility District No. 5 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Harris-Fort Bend Counties Municipal Utility District No. 5 has petitioned the City of Houston for consent to add 3.855 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of FM 1093, Interstate 10, Katy-Gaston Road, and State Highway 99. The district desires to add 3.855 acres, thus yielding a total of 451.988 acres. The district is served by a regional plant, the Harris-Fort Bend Counties Municipal Utility District No. 5 Wastewater Treatment Plant. This wastewater treatment plant also serves Harris-Fort Bend Counties Municipal Utility District No. 1. The nearest major drainage facility for Harris-Fort Bend Counties Municipal Utility District No. 5 is Buffalo Bayou which flows into the Houston Ship Channel.

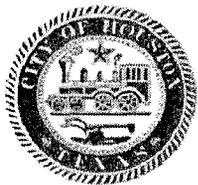
Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marty Stein Marlene Gafrick Jun Chang
Bill Zrioka Deborah McAbee Carl Smitha

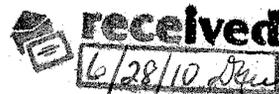
Finance Department	REQUIRED AUTHORIZATION 20UPA65 Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning & Development Services Div.	Other Authorization:
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CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form



Application Accepted as Complete (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the creation/ addition of 3.855 acres to Harris-Fort Bend MUD No. 5 under the provisions of Chapter 49 Texas Water Code.

Attorney for the District

Attorney: Howard M. Cohen, Schwartz, Page & Harding, L.L.P.

Address: 1300 Post Oak Blvd., Suite 1400, Houston, Texas Zip: 77056 Phone: 713-623-4531

Engineer: Asim Tufail, Van De Wiele & Vogler, Inc.

Address: 2925 Briarpark, Suite 275, Houston, Texas Zip: 77042 Phone: 713-782-0042

Owners: Ennis M. Cooley, Trustee

Address: 6621 FM 723, Richmond, Texas Zip: 77406 Phone: 281-342-3999

(If more than one owner, attach additional page. List all owners of property within the District)

LOCATION

INSIDE CITY OUTSIDE CITY NAME OF COUNTY (S) Fort Bend County
Survey Stephen Habermacher 1/4th League Abstract 189

Geographic Location: List only major streets, bayous or creeks:

North of: FM 1093 East of: Katy-Gaston Road
South of: I-10 West of: State Highway 99

WATER DISTRICT DATA

Total Acreage of District: 448.133 Existing Plus Proposed Land 451.988

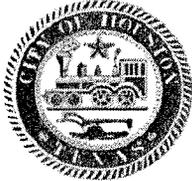
Development Breakdown (Percentage) for tract being considered for annexation:

Single Family Residential ____ Multi-Family Residential ____
Commercial 100% Industrial ____ Institutional ____

Sewage generated by the District will be served by a : District Plant Regional Plant

Sewage Treatment Plant Name: Harris-Fort Bend Counties MUD No. 5 WWTP

NPDES/TPDES Permit No: WQ0013775001 TCEQ Permit No: _____



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.95

Ultimate Capacity (MGD): 0.995

Size of treatment plant site: 4.422 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: N/A MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: 0.995

MGD of (Regional Plant).

Name of District: Harris-Fort Bend MUD No1

MGD Capacity Allocation 0.37

or property owner(s)

Name of District: Harris-Fort Bend MUD No5

MGD Capacity Allocation 0.58

Water Treatment Plant Name: Water Plant No. 1 & Water Plant No. 2

Water Treatment Plant Address: 24235 Roesner Road; 3507 1/2 Greenbusch

Well Permit No: 1239, 716

Existing Capacity:

Well(s): 2,900 GPM

Booster Pump(s): 7,750 GPM

Tank(s): 1.05 MG

Ultimate Capacity:

Well(s): 2,400 GPM

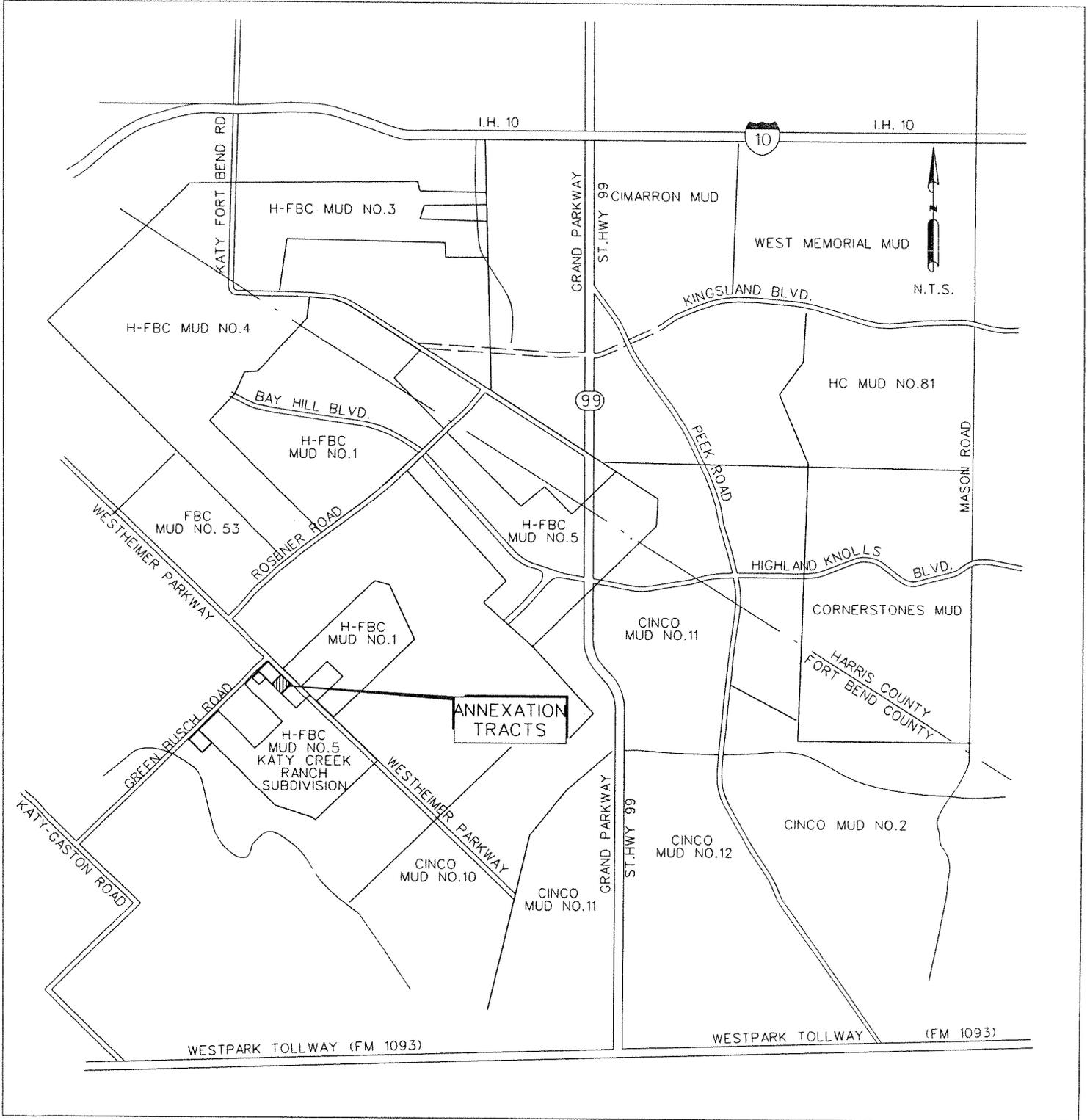
Booster Pump(s): 7,750 GPM

Tank(s): 1.05 MG

Size of Treatment Plant Site: WP1 - 1.647; WP2 - 1.060

square feet/acres.

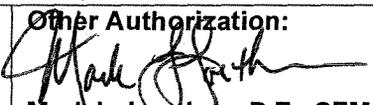
Comments or Additional Information: N/A



VICINITY MAP

KEY MAP 485J&N

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

SUBJECT: Petition for the City's consent to the addition of three (3) tracts of land totaling 63.4308 acres to North Belt Utility District (Key Map No. 373-X,Z & 374-W)		Page 1 of 1	Agenda Item # 29
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 5/24/10	Agenda Date JUL 28 2010
DIRECTOR'S SIGNATURE  Michael S. Marcotte, P.E., D.WRE, BCEE		Council District affected: "ETJ"	
For additional information contact: Ann Marie Stone Sheridan, P.E. Supervising Engineer (713) 837-9142		Date and identification of prior authorizing Council action:	
RECOMMENDATION: (Summary) The petition for the addition of 63.4308 acres of land to North Belt Utility District be approved.			
Amount and Source of Funding: NONE REQUIRED			
SPECIFIC EXPLANATION: North Belt Utility District has petitioned the City of Houston for consent to add 63.4308 acres of land, located in the city's extraterritorial jurisdiction, to the district. The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services. The district is located in the vicinity of Aldine Bender, Hardy Road, Greens Road, and US Highway 59. The district desires to add 63.4308 acres, thus yielding a total of 577.9356 acres. The district is served by the City of Houston Intercontinental Airport Wastewater Treatment Plant. The nearest major drainage facility for North Belt Utility District is Greens Bayou which flows into the Houston Ship Channel. Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction. The Utility District Review Committee recommends that the subject petition be approved.			
Attachments cc: Marty Stein Marlene Gafrick Jun Chang Bill Zrioka Deborah McAbee			
REQUIRED AUTHORIZATION		20UPA50	
Finance Department	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning & Development Services Div.		Other Authorization:



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

received
5/11/10 Jea

Application Accepted as Complete (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the creation/ addition of 63.4308 acres to North Belt Utility District under the provisions of 49 & 54 Texas Water Code.

Attorney for the District

Attorney: James D. Bonham, Smith, Murdaugh, Little & Bonham

Address: 1100 Louisiana Street, #400, Houston, TX Zip: 77002 Phone: 713/652-6500

Engineer: Ronald Koehn, Koehn & Associates Engineers, Inc.

Address: 2500 Central Parkway, Suite Z, Houston, TX Zip: 77092 Phone: 713/682-2527

Owners: See additional page

Address: _____ Zip: _____ Phone: _____

(If more than one owner, attach additional page. List all owners of property within the District)

LOCATION

INSIDE CITY OUTSIDE CITY NAME OF COUNTY (S) Harris
Survey See additional page Abstract _____

Geographic Location: List only major streets, bayous or creeks:

North of: Aldine Bender East of: Hardy Road

South of: Greens Road West of: US 59

WATER DISTRICT DATA

Total Acreage of District: 514.5048 Existing Plus Proposed Land 577.9356

Development Breakdown (Percentage) for tract being considered for annexation:

Single Family Residential _____ Multi-Family Residential 19%

Commercial 6% Industrial 75% Institutional _____

Sewage generated by the District will be served by a : District Plant Regional Plant

Sewage Treatment Plant Name: City of Houston Intercontinental Airport WWTP

NPDES/TPDES Permit No: See City records TCEQ Permit No: _____



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): _____

Ultimate Capacity (MGD): _____

Size of treatment plant site: _____ square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: _____ MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: _____

MGD of (Regional Plant).

Name of District: North Belt UD

MGD Capacity Allocation 1.0

or property owner(s)

Name of District: _____

MGD Capacity Allocation _____

Water Treatment Plant Name: Water Plant Nos. 1 & 2

Water Treatment Plant Address: 1903 Jeffers Circle & 1220 East North Belt

Well Permit No: 109715, 104109 (HGCSO)

Existing Capacity:

Well(s): 2,000 GPM

Booster Pump(s): 3,500 GPM

Tank(s): 0.64 MG

Ultimate Capacity:

Well(s): 2,000 GPM

Booster Pump(s): 5,000 GPM

Tank(s): 0.64 MG

Size of Treatment Plant Site: 0.66 +1.15 acres

square feet/acres.

Comments or Additional Information: See attached.



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

CHECKLIST

- The attorney for the district signed the application.
- The rounding of the acreage is consistent throughout the metes and bounds, petition, application, survey, and vicinity map, if listed.
- All documents are scanned electronically including survey and vicinity maps and copies submitted by e-mail or cd-rom (the original with original signature must be delivered in hard copy).

Attachments

- Petition to the state.
- Exhibit A metes and bounds.
- Exhibit B Consent Conditions, either ETJ (2006 version) or in-city. If this is an in-city mud, exhibit must state bonds must be approved by the city.
- The sealed survey plat is included.
- An 8 ½ inches by 11 inches vicinity map is attached and shows nearby roads and depicts the original boundary of the district (East West South and North direction delineated correctly on maps). If this is an annexation, also highlight the area to be annexed.
- Letters from adjacent districts and municipalities stating availability of utility service are attached. (This is for creation petitions and is applicable only if there is not an existing regional plant.)
- Certificates of Authority from lien holders.
- An application fee of \$425 per each non-contiguous tract included.

Please submit a complete original with all attachments to:

City of Houston, Planning & Development Services Division, Attention: Veronica Osegueda, 611 Walker St., 21st Floor; Houston, TX 77002.

An electronic copy of the entire consent application, including all attachments, will expedite processing and is encouraged. Please submit the electronic copy to mudreview@cityofhouston.net.

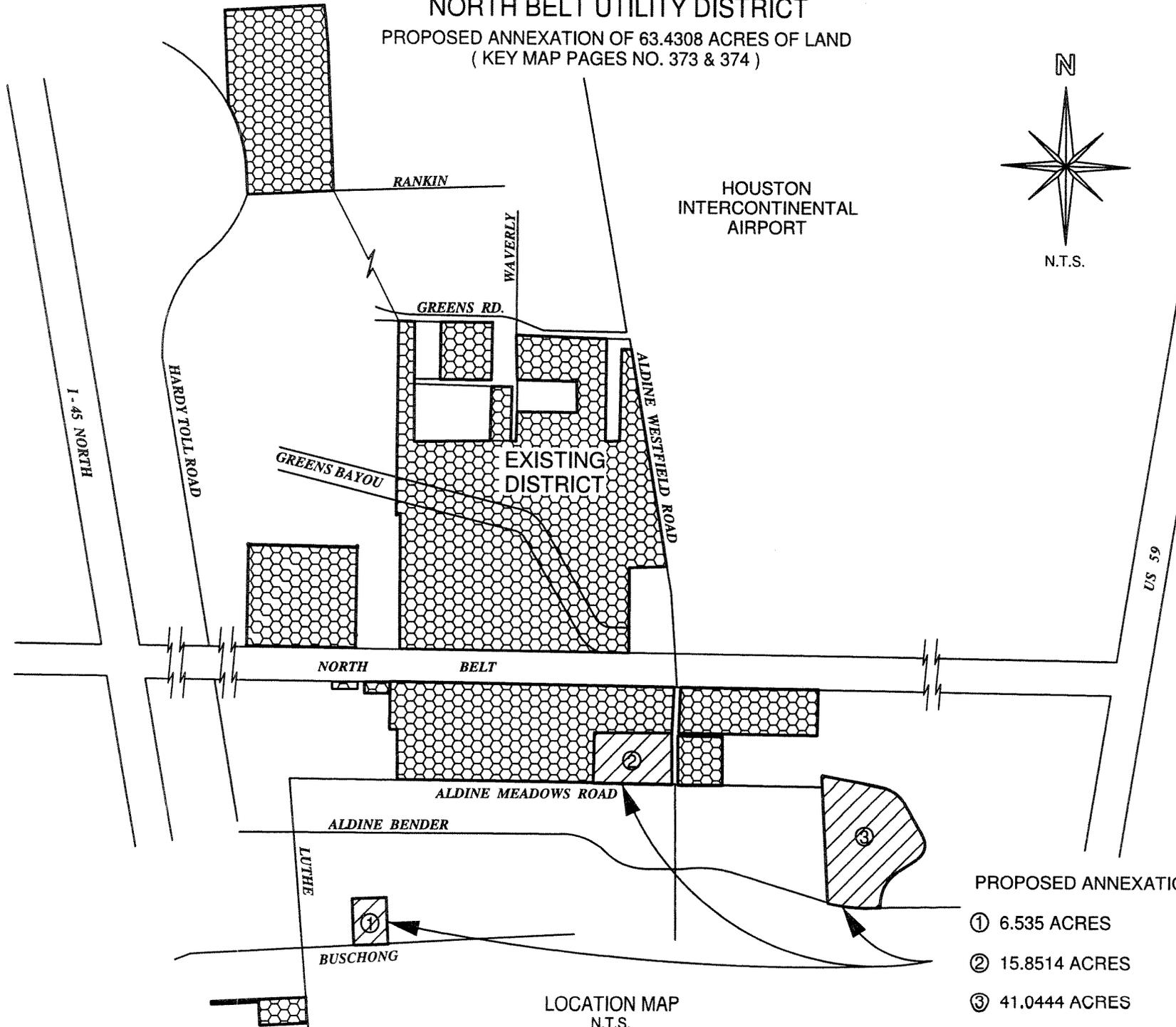
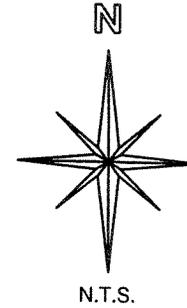
PLEASE NOTE, APPLICATION WILL NOT BE ACCEPTED AS COMPLETE FOR PROCESSING UNLESS ALL ITEMS ARE INCLUDED. INCOMPLETE APPLICATIONS ARE SUBJECT TO RETURN.

The applicant may be contacted at anytime during the review process for additional information, even after the application is accepted as complete.

Please direct any questions regarding consent applications to mudreview@cityofhouston.net.

NORTH BELT UTILITY DISTRICT
 PROPOSED ANNEXATION OF 63.4308 ACRES OF LAND
 (KEY MAP PAGES NO. 373 & 374)

HOUSTON
 INTERCONTINENTAL
 AIRPORT



PROPOSED ANNEXATION TRACTS

- ① 6.535 ACRES
- ② 15.8514 ACRES
- ③ 41.0444 ACRES

LOCATION MAP
 N.T.S.

Owners:

Schlumberger Technology Corporation 281/285-8349
300 Schlumberger Drive, MD 23
Sugar Land, Texas 77478

Breen Road Duron Partners, Ltd. 713/787-9182
Mr. Arturo Barragan
International Investor Group, Inc.
2411 Fountainview, Suite 150
Houston, Texas 77057

Aldine Intercontinental, Ltd. 713/787-9182
Mr. Arturo Barragan
International Investor Group, Inc.
2411 Fountainview, Suite 150
Houston, Texas 77057

Location:

North Belt Utility District is within the boundaries of the following surveys:

Survey:	Abstract:
Juan Maldonado	A-589
S.W. Upshaw	A-821
J. Hopkins	A-334
Malcolm McCauley	A-577
Willis S. Novell	A-602
Joseph McGinnis	A-587

Comments or Additional Information:

Development breakdown as follows:

6.535 acres – currently developed as Industrial.
15.8514 acres – currently undeveloped. Proposed 25% Commercial, 75% Multi-Family.
41.0444 acres – currently undeveloped. Proposed 100% Industrial/Detention/Mitigation.

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

SUBJECT: Petition for the City's consent to the addition of 91.8768 acres of land to Northwest Harris County Municipal Utility District No. 10 (Key Map No. 367-F)	Page 1 of 1	Agenda Item # 30
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 6-3-10	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: "ETJ"
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For additional information contact: Ann Marie Stone Sheridan, P.E. Supervising Engineer (713) 837-9142	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)

The petition for the addition of 91.8768 acres of land to Northwest Harris County Municipal Utility District No. 10 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Northwest Harris County Municipal Utility District No. 10 has petitioned the City of Houston for consent to add 91.8768 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

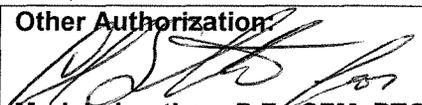
The district is located in the vicinity of US Highway 290, Skinner Road, Jarvis Road, and Cypress Creek. The district desires to add 91.8768 acres, thus yielding a total of 1,152.7741 acres. The district is served by the Northwest Harris County Municipal Utility District No. 10 Sewer Treatment Plant. The nearest major drainage facility for Northwest Harris County Municipal Utility District No. 10 is Cypress Creek which flows into Spring Creek and then into the San Jacinto River and finally into Lake Houston.

Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marty Stein Marlene Gafrick Jun Chang
Bill Zrioka Deborah McAbee

REQUIRED AUTHORIZATION 20UPA59	
Finance Department	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning & Development Services Div.
	Other Authorization:



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

received
5/25/10 [Signature]

Application Accepted as Complete (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the creation/ addition of 91.8768 acres to Northwest Harris County MUD 10 under the provisions of 49 and 54 Texas Water Code.

Sara J. Anderson
Attorney for the District

Attorney: Sara J. Anderson, Smith, Murdaugh, Little & Bonham

Address: 1100 Louisiana, Suite 400, Houston, TX Zip: 77002 Phone: 713/652-6500

Engineer: Jeffrey W. Vogler, PE, Van De Wiele & Vogler, Inc.

Address: 2925 Briarpark, Suite 275, Houston, TX Zip: 77042-9720 Phone: 713/782-0042

Owners: Sysco Corporation

Address: c/o Mark Arnold, 600 Travis, Suite 4200, Houston, Texas Zip: 77002 Phone: 713/229-3938

(If more than one owner, attach additional page. List all owners of property within the District)

LOCATION

INSIDE CITY OUTSIDE CITY NAME OF COUNTY (S) Harris
Survey T.J. Stansbury/W.K. Hamblin Abstract 710/316

Geographic Location: List only major streets, bayous or creeks:

North of: U.S. 290 East of: Skinner Road
South of: Jarvis Road West of: Cypress Creek

WATER DISTRICT DATA

Total Acreage of District: 1060.8973 / Existing Plus Proposed Land 1152.7741 ✓

Development Breakdown (Percentage) for tract being considered for annexation:

Single Family Residential 0% Multi-Family Residential 0%
Commercial 100% Industrial 0% Institutional 0%

Sewage generated by the District will be served by a : District Plant Regional Plant

Sewage Treatment Plant Name: NWHCMUD 10 STP

NPDES/TPDES Permit No: _____ TCEQ Permit No: 11912-002



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.995

Ultimate Capacity (MGD): 1.5

Size of treatment plant site: 3.078 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.995 MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: N/A

MGD of (Regional Plant).

Name of District: N/A

MGD Capacity Allocation _____

or property owner(s)

Name of District: N/A

MGD Capacity Allocation _____

Water Treatment Plant Name: NWHCMUD 10 Water Plant Nos. 1 and 2

Water Treatment Plant Address: 14335 Barker Cypress; 13528 1/2 Skinner Road

Well Permit No: 119662; 119663; 119664

Existing Capacity:

Well(s): 2,450 GPM

Booster Pump(s): 6,600 GPM

Tank(s): 840,000 MG

Ultimate Capacity:

Well(s): 2,450 GPM

Booster Pump(s): 7,000 GPM

Tank(s): 1.05 MG

Size of Treatment Plant Site: 26,764 WP1; 39,375 WP2 square feet/acres.

Comments or Additional Information: _____



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

CHECKLIST

- The attorney for the district signed the application.
- The rounding of the acreage is consistent throughout the metes and bounds, petition, application, survey, and vicinity map, if listed.
- All documents are scanned electronically including survey and vicinity maps and copies submitted by e-mail or cd-rom (the original with original signature must be delivered in hard copy).

Attachments

- Petition to the state.
- Exhibit A metes and bounds.
- Exhibit B Consent Conditions, either ETJ (2006 version) or in-city. If this is an in-city mud, exhibit must state bonds must be approved by the city.
- The sealed survey plat is included.
- An 8 ½ inches by 11 inches vicinity map is attached and shows nearby roads and depicts the original boundary of the district (East West South and North direction delineated correctly on maps). If this is an annexation, also highlight the area to be annexed.
- Letters from adjacent districts and municipalities stating availability of utility service are attached. (This is for creation petitions and is applicable only if there is not an existing regional plant.)
- Certificates of Authority from lien holders.
- An application fee of \$425 per each non-contiguous tract included.

Please submit a complete original with all attachments to:

City of Houston, Planning & Development Services Division, Attention: Veronica Osegueda, 611 Walker St., 21st Floor; Houston, TX 77002.

An electronic copy of the entire consent application, including all attachments, will expedite processing and is encouraged. Please submit the electronic copy to mudreview@cityofhouston.net.

PLEASE NOTE, APPLICATION WILL NOT BE ACCEPTED AS COMPLETE FOR PROCESSING UNLESS ALL ITEMS ARE INCLUDED. INCOMPLETE APPLICATIONS ARE SUBJECT TO RETURN.

The applicant may be contacted at anytime during the review process for additional information, even after the application is accepted as complete.

Please direct any questions regarding consent applications to mudreview@cityofhouston.net.

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 2.021 acres of land to Timber Lane Utility District (Key Map No. 333-F)	Page 1 of 1	Agenda Item # 31
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 7/1/10	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: "ETJ"	
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For additional information contact: Mark L. Loether, P.E., CFM, PTOE Acting Deputy Director (713) 837-0724	Date and identification of prior authorizing Council action:	
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RECOMMENDATION: (Summary)

The petition for the addition of 2.021 acres of land to Timber Lane Utility District be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Timber Lane Utility District has petitioned the City of Houston for consent to add 2.021 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of FM 1960, Interstate 45, Cypress Creek and Cypresswood Drive. The district desires to add 2.021 acres, thus yielding a total of 2,064.269 acres. The district is served by the Timber Lane Utility District Wastewater Treatment Plant. The nearest major drainage facility for Timber Lane Utility District is Cypress Creek which flows into Spring Creek then to the San Jacinto River and finally into Lake Houston.

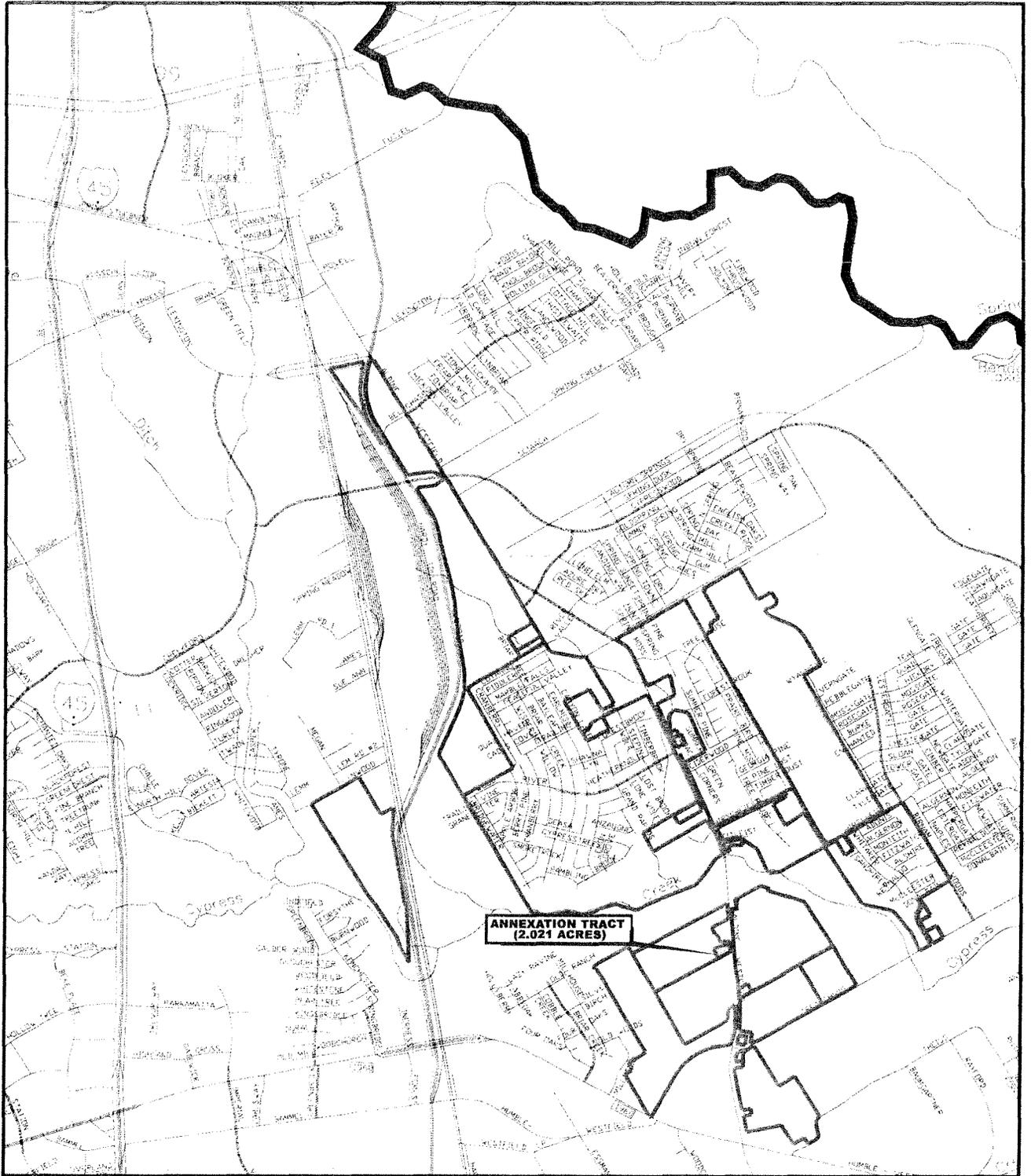
Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marty Stein Marlene Gafrick Jun Chang
Bill Zrioka Deborah McAbee Carl Smitha

REQUIRED AUTHORIZATION		20UPA63
Finance Department	Other Authorization: <i>Mark L. Loether</i> Mark L. Loether, P.E., CFM, PTOE Acting Deputy Director Planning & Development Services Div.	Other Authorization:



**ANNEXATION TRACT
(2.021 ACRES)**

**TIMBER LANE
ANNEXATION TRACT**



VanDeWick & Vogler Incorporated	Consulting Engineers
	2535 B Terapark, Suite 275 Houston, Texas 77042-3719 713/782-8042 www.vandewick.com Texas Professional Engineering Firm Registration No. 1148

F:\05200\000-0\CAD\Exhibit COH Annex 5-28-10.dgn
 5/27/2010
 4:22:22 PM



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

received
6/16/10
[Signature]

Application Accepted as Complete (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the creation/ addition of 2.021 acres to Timber Lane U.D. under the provisions of 49 & 54, Texas Water Code.

[Signature]
Attorney for the District

Attorney: Smith, Murdaugh, Little & Bonham, L.L.P.

Address: 1100 Louisiana St., Suite 400 Zip: 77002 Phone: 713-652-6500

Engineer: Van De Wiele Engineering Inc.

Address: 2925 Briarpark, Suite 275, Houston, TX Zip: 77042 Phone: 713-782-0042

Owners: BSB Realty Investments, Inc

Address: 2800 Post Oak Blvd. #2300, Houston, TX Zip: 77056 Phone: 713-577-1616

(If more than one owner, attach additional page. List all owners of property within the District)

LOCATION

INSIDE CITY OUTSIDE CITY NAME OF COUNTY (S) Harris County
Survey Mays, Ayers, Decrow, Bulrice, Hanks, Bar Abstract No. 543, 105, 129, 360, 126

Geographic Location: List only major streets, bayous or creeks:

North of: FM 1960 ✓ East of: I45 ✓
South of: Cypress Creek ✓ West of: Cypresswood Drive ✓

WATER DISTRICT DATA

Total Acreage of District: 2062.248 Existing Plus Proposed Land 2064.269

Development Breakdown (Percentage) for tract being considered for annexation:

Single Family Residential 0% Multi-Family Residential 0%

Commercial 100% Industrial 0% Institutional 0%

Sewage generated by the District will be served by a : District Plant Regional Plant

Sewage Treatment Plant Name: Timber Lane.U.D. Wastewater Treatment Plant

NPDES/TPDES Permit No: 11142-002 TCEQ Permit No: TX11142-002



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 2.25

Ultimate Capacity (MGD): 2.62

Size of treatment plant site: 11.403 acres square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 2.25 MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: N/A

MGD of (Regional Plant).

Name of District: N/A

MGD Capacity Allocation N/A

or property owner(s)

Name of District: N/A

MGD Capacity Allocation N/A

Water Treatment Plant Name: Timber Lane Water Treatment Plant

Water Treatment Plant Address: See attached

Well Permit No: See attached

Existing Capacity:

Well(s): 5,500 GPM

Booster Pump(s): 11,900 GPM

Tank(s): 2,309 MG

Ultimate Capacity:

Well(s): 5,500 GPM

Booster Pump(s): 11,900 GPM

Tank(s): 2,309 MG

Size of Treatment Plant Site: See attached

square feet/acres.

Comments or Additional Information:

Timber Lane Utility District - Attachment

Water Treatment Plant Addresses:

- 1) 2611½ Ciderwood
- 2) 22548 Canyon Lake
- 3) 23702 Pebworth
- 4) 21670½ Aldine Westfield Rd.

Well Permit Numbers:

- 1) 136080
- 2) 136081
- 3) 136082
- 4) 136083

Size of Treatment Plant Site:

- 1) 39,988 SF or 0.918 acres
- 2) 41,832 SF or 0.960 acres
- 3) 12,777 SF or 0.2933 acres
- 4) 31,944 SF or 0.7345 acres

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: AN ORDINANCE RELATING TO THE RETAIL ELECTRIC RATES OF CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC WITHIN THE CITY OF HOUSTON, TEXAS; SUSPENDING FOR 90 DAYS THE EFFECTIVE DATE OF NEW RATES AND MAINTAINING CURRENT RATES IN EFFECT

Category #

Page 1 of 1

Agenda Item#

32W

FROM: (Department or other point of origin):

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

Origination Date

July 15, 2010

Agenda Date

JUL 28 2010

DIRECTOR'S SIGNATURE:

Council Districts affected:

All

For additional information contact:

Tina Paez Phone: 713-837-9630
Alisa Talley Phone: 713-837-0849

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Adopt an ordinance relating to the retail electric rates of CenterPoint Energy Houston Electric, LLC within the City of Houston, Texas; suspending for 90 days the effective date of new rates, maintaining existing rates in effect.

Amount of Funding: N/A

FIN Budget:

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

SPECIFIC EXPLANATION:

The Administration & Regulatory Affairs Department (ARA) recommends that Council adopt an ordinance relating to the retail electric rates of CenterPoint Energy Houston Electric, LLC ("CenterPoint") within the City of Houston, Texas; suspending for 90 days the effective date of new rates and maintaining existing rates in effect. CenterPoint operates the power transmission and distribution systems in the Houston metropolitan area. The City of Houston exercises original jurisdiction over the rates, operations and services of CEHE under the provisions of the Public Utility Regulatory Act ("PURA") for customers inside city limits.

On June 16, 2010, CenterPoint filed a Statement of Intent to Change Rates ("Statement of Intent") within its service territory, including the City of Houston. CenterPoint's proposed rate change will affect approximately 99% of the residential, commercial and industrial customers in Houston.

According to the utility's Statement of Intent, CenterPoint is requesting a total increase of approximately \$94 million in its transmission and distribution utility rates. Approximately \$76 million will be for retail electric customers. If CenterPoint's proposed rates are adopted, the average residential customer using 1,000 kWh per month would experience an approximate 5% increase — \$5.53 per month — assuming an existing retail rate of \$0.1115 per kWh. Residential customers will experience an increase, while decreases are proposed for certain rate classes of commercial and industrial customers. The Company is also requesting a \$7 million or approximate 14% increase in revenue requirement for street lights, which affects the City of Houston as a customer. A complete copy of CenterPoint Electric's filed Statement of Intent is available for review in the City Secretary's Office.

In addition, CenterPoint is requesting a streamlined ratemaking mechanism, a Distribution Cost Recovery Factor ("DCRF"). This is an automatic adjustment mechanism that would allow the company to flow the respective costs through to customers outside of a rate case. Another item of particular concern is the potential for diminution of electric franchise fees. In another recent electric rate case the Public Utility Commission of Texas ("PUC") disallowed the portion of the franchise fees paid to the cities pursuant to a negotiated franchise agreement that were higher than the statutory formula.

According to the provisions of PURA, the new rates will take effect August 4, 2010 — 35 days after filing — unless City Council acts to determine rates or adopts an ordinance suspending the proposed effective date. PURA allows the City, as local regulatory authority, to suspend the proposed effective date of the new rates for 90 days beyond the proposed effective date (from August 4, 2010 to November 2, 2010). During the suspension period, the City must obtain and review all the information necessary to determine just and reasonable rates.

As part of the review process, public meetings will be scheduled to allow ratepayers the opportunity to voice quality of service concerns and/or objections to the proposed rate increase. In addition, a rate analyst will be engaged to assist in preparing a final recommendation.

ARA recommends that City Council adopt an ordinance relating to the retail electric rates of CenterPoint Energy Houston Electric, LLC ("CenterPoint") within the City of Houston, Texas; suspending for ninety days the effective date of new rates and maintaining existing rates in effect.

REQUIRED AUTHORIZATION

ARA Director:

SUBJECT: Ordinance approving and authorizing a Professional Services Agreement between the City of Houston and Central Houston Civic Improvement, Inc.		Category #	Page 1 of	Agenda Item # 33
FROM (Department or other point of origin): Convention & Entertainment Facilities Department		Origination Date July 14, 2010	Agenda Date JUL 28 2010	
DIRECTOR'S SIGNATURE: Dawn Ullrich <i>Dawn Ullrich</i>		Council District affected: District I		
For additional information contact: Stephen Lewis (713) 853-8888		Date and identification of prior authorizing Council action: None		
RECOMMENDATION: (Summary) Approve a Professional Services Agreement between the City of Houston and Central Houston Civic Improvement, Inc. for a George R. Brown Convention Center Master Plan.				
Amount of Funding: \$159,500 Original Allocation & Maximum Amount		Finance Budget:		
[x] Enterprise Fund Civic Center Facility Revenue Fund (8601) \$159,500				
SPECIFIC EXPLANATION: The Convention and Entertainment Facilities Department asks the City Council to approve an agreement between the City of Houston and Central Houston Civic Improvement, Inc. ("Central Houston") for a George R. Brown Convention Center ("GRB") Master Plan. Central Houston is currently performing an in-depth study of an area which includes all of the blocks bounded by Preston Street, St. Charles Street, Pease Avenue, and Austin Street. This study is funded by a Livable Centers grant and is being coordinated with the City of Houston Planning and Development Livable Centers Grant request for the entirety of the METRO LRT corridors. There has been significant development within the Central Houston study area such as the construction of the Hilton Americas Houston Hotel, the expansion of the GRB, Minute Maid Park, Toyota Center, Discovery Green Park, One Park Place, Hess Tower and the Columbia Tap Hike & Bike Trail. Additional proposed new facilities include the new Major League Soccer stadium, METRO light rail facilities and increased public spaces. The GRB is surrounded by the new development. The Central Houston study will be used to insure maximum synergy between existing projects, the development of additional desired land uses, and connectivity to adjacent communities to create a great district in the City center. Other studies have been conducted for individual projects, but none have addressed the entire district or created a coordinated development framework or pedestrian streetscape master plan. Central Houston desires to create a framework so that all new projects will be developed to be accessible by public transportation along with workforce and multifamily housing in proximity to jobs and entertainment destinations. Since the GRB Master Plan study will greatly influence the Livable Centers study, as future growth plans for the GRB will dictate many of the other development possibilities in the area, the City determined that Central Houston should continue its current Livable Centers work and perform the Master Plan for the GRB. The GRB update will include hotel room supply analysis, comparable/competitive facility analysis, and parking needs as well as surveys with meeting planners. The study will also include the review of general demographic characteristics and trends, general market characteristics, recessionary impacts on the hospitality and convention industry, and real estate trends. The proposed contract requires compliance with the City's "Pay or Play" ordinance regarding health benefits for employees of City contractors. In this case, Central Houston Civic Improvement, Inc. provides health benefits to eligible employees in compliance with City policy. The MWBE goal for this agreement is 24%.				
REQUIRED AUTHORIZATION				
Finance Department:		Other Authorization:		Other Authorization:

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance authorizing a contract between the City of Houston and The Houston Council On Alcoholism and Drug Abuse, dba The Council on Alcohol and Drugs Houston, a non-profit corporation	Category #	Page 1 of 1	Agenda Item # 34
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FROM (Department or other point of origin): Department of Health and Human Services	Origination Date 6/21/10	Agenda Date
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DIRECTOR'S SIGNATURE: 	Council District affected: All
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For additional information contact: Kathy Barton Telephone: 832-393-5045; Cell: 713-826-5801	Date and identification of prior authorizing Council action:
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RECOMMENDATION: An ordinance authorizing a contract between the City of Houston and the Houston Council On Alcoholism and Drug Abuse, dba the Council on Alcohol and Drugs Houston, a non-profit corporation

Amount of Funding: Maximum Contract Amount: \$700,000.00 Initial Allocation : \$350,000.00 Federal State Local - Pass Through Fund (5030)	Finance Department:
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SOURCE OF FUNDING: [] General Fund [X] Grant Fund [] Enterprise Fund []
Other (Specify):

The Houston Department of Health and Human Services (HDHHS) requests City Council to approve an ordinance authorizing a contract with the Houston Council on Alcoholism and Drug Abuse, Inc. dba the Council on Alcohol and Drugs Houston, LLC, a non-profit corporation. The initial term of the contract will begin on the date of countersignature and expire on September 30, 2010 with two one year renewals. The maximum amount \$700,000.00.

HDHHS received a Social Service Block Grant (SSBG) from the Houston Galveston Area Council (HGAC) in January 2010. SSBG funding will be utilized to provide professional services that include substance abuse prevention education (youth, parents and families), substance abuse intervention (individuals and families), substance abuse assessment and treatment referrals (parents and families), and training (knowledge and skills development, including recovery coaching).

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 play by providing health insurance to its employees.

cc: Finance Department
Legal Department
Agenda Director

REQUIRED AUTHORIZATION

Finance Department	Other Authorization:	Other Authorization:
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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance authorizing increasing the maximum contract amount for Heights Hearing Aids and MPJ Audiology Consultant, LLP	Category #	Page 1 of 2	Agenda Item # 35
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FROM (Department or other point of origin): Department of Health and Human Services	Origination Date 07/05/10	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE: <i>[Signature]</i>	Council District affected: All
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For additional information contact: Kathy Barton Telephone: 832-393-5045; Cell: 713-826-5801	Date and identification of prior authorizing Council action: 07-28-09; 09-0689
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RECOMMENDATION: An ordinance authorizing increasing the maximum contract amount for Heights Hearing Aids and MPJ Audiology Consultant, LLP

Amount of Funding:	New Maximum Contract Amount: \$900,000.00 Total Funding Increase: \$626,000.76 Federal State Local – Pass through Fund (5030)	Finance Department:
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SOURCE OF FUNDING: [] General Fund [X] Grant Fund [] Enterprise Fund []
Other (Specify):

The Houston Department of Health and Human Services (HDHHS) requests City Council to approve an ordinance authorizing increasing the maximum contract amount for Heights Hearing Aids and MPJ Audiology Consultant, LLP. These supportive service providers were selected through a request for proposal process in 2008 to provide hearing services, e.g., screening and assistive devices, to seniors (60+) who reside in the City of Houston and Harris County. The respective contracts were approved July, 28, 2009 under Ordinance No. 09-0689, each contract was effective on the date of countersignature and extends through September 30, 2010 with three one-year renewal periods.

The providers are recipients of Social Service Block Grant (SSBG) Funding for FY2010. The Harris County Area Agency on Aging (HCAAA) received SSBG funding from the Houston Galveston Area Council (H-GAC) which expire September 30, 2010. The funding will enable HCAAA to provide additional supportive services, i.e. hearing services to eligible seniors (60+) who reside in the City of Houston and Harris County.

Contractor	Original Contract Cap	Contract Cap Increase	New Contract Cap	Services
Heights Hearing Aids, LLC.	\$150,700.32	\$349,299.68	\$500,000.00	Hearing Services
MPJ Audiology Consultant, LLC.	\$123,298.92	\$276,701.08	\$400,000.00	Hearing Services

This matter was presented to the Council Committee on Technology Initiatives and Human Services on May 10, 2010.

cc: Finance Department
Legal Department
Agenda Director

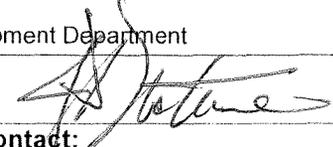
REQUIRED AUTHORIZATION

Finance Department	Other Authorization:	Other Authorization:
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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: The Housing and Community Development Department recommends City Council's approval of an Ordinance approving an amendment to the Neighborhood Stabilization Program (NSP 1) Grant under the 2008 Consolidated Plan (Plan), as amended (1) to allow 25% of the grant be spent to create permanent housing for households whose income is at or below 50% of the Area Median Income (AMI), as required by the NSP program, through both single family homeownership projects and multifamily rental projects, (2) to align program activities with project descriptions, and (3) to include land banking as a potential activity.	Category # 1, 2	Page 1 of 1	Agenda Item # <div style="text-align: right; font-size: 2em; font-weight: bold;">36</div>
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FROM (Department or other point of origin): Jim Noteware Housing and Community Development Department	Origination Date June 28, 2010	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE: 	Council District affected: A, B, D, E, H, I
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For additional information contact: Eta Paransky - Phone: 713-868-8449 (regarding the NSP Program) Brenda Scott - Phone : 713- 868-8484 (regarding the Amendment)	Date and identification of prior authorizing Council action: Ordinance No. 2009-1275, 12/09/2009 (Amendment 1) Ordinance No. 2008-1051, 04/30/2008 (Application)
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RECOMMENDATION: (Summary)
 The Housing and Community Development Department recommends City Council's approval of an Ordinance approving an amendment to the Neighborhood Stabilization Program (NSP 1) Grant under the 2008 Consolidated Plan (Plan), as amended, to allow 25% of the grant be spent to create permanent housing for households whose income is at or below 50% of the Area Median Income (AMI), as required by the NSP program, through both single family homeownership projects and multifamily rental projects and to align program activities with project descriptions, and to include land banking as a potential activity.

Amount of Funding:	Finance Budget:
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify) **NSP Grant**

SPECIFIC EXPLANATION:
 The Housing and Community Development Department recommends City Council's approval of an Ordinance amending the Neighborhood Stabilization Program (NSP 1) Grant under the 2008 Consolidated Plan (Plan), as amended. The changes to the NSP 1 Grant constitute a substantial amendment under the 2008 Plan. The proposed substantial amendment entails the changes as described below.

In Section F, page 7 – Acquisition/Rehabilitation--Single Family — under the current description, the NSP 1 Grant reflects that HCDD will acquire foreclosed single family houses and then convey those properties to qualified non-profit developers selected through a Request for Proposal process for redevelopment and sale. The description also states that the developed single family houses must be sold exclusively to households with incomes at or below 50% of the Area Median Income (AMI) in order to meet the NSP required 25% very low income set-aside. Due to the current economic climate and stricter lending requirements imposed on borrowers, the City has now determined that it would be more practical and advantageous to residents if the City allowed the selected non-profits to also sell redeveloped homes to households between 50 and 120% of AMI as allowed by NSP 1. However, the non-profits would still be required to set aside at least 25% of their NSP allocation to serve households at or below the 50% AMI category. Additionally, the amendment also adds the phrase "subrecipient" to the selected non-profits to accommodate those who were designated as subrecipients and not developers.

In Section G, page 9 – Acquisition/Rehabilitation-Multifamily- under the description, the NSP 1 Grant reflects that HCDD will acquire one foreclosed multifamily property and, through an RFP process, convey the property to a qualified non-profit developer. The description requires 25% of the NSP funding spent on the project must be for rental to households with incomes at or below 50% of AMI. With a better understanding of the NSP program and the needs of the citizens within the target areas identified in the City's 2008 NSP Substantial Amendment, the City believes that it would practical to allow more than one developer to participate, where feasible. In addition, although the activity description states that 25% of the units must be rented to families at 50% of AMI and below, the income targeting and allocation sections of the plan do not reflect this requirement.

REQUIRED AUTHORIZATION		
Finance Director:	Other Authorization:	Other Authorization:

Date 6/28/10	Subject: The Housing and Community Development Department recommends City Council's approval of an Ordinance approving an amendment to the Neighborhood Stabilization Program (NSP 1) Grant under the 2008 Consolidated Plan (Plan), as amended (1) to allow 25% of the grant be spent to create permanent housing for households whose income is at or below 50% of the Area Median Income (AMI), as required by the NSP program, through both single family homeownership projects and multifamily rental projects, (2) to align program activities with project descriptions, and (3) to include land banking as a potential activity.	Originator's Initials 	Page <u>2</u> of <u>2</u>
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This amendment will make the necessary changes to ensure that the multifamily activity is reflected as a part of the 25% set aside. **Activity Description under Sections F and G, Pages 7 and 9** - This amendment also removes the language which states "HCDD acquiring foreclosed properties" in both the single family and multifamily activities since the selected non-profits will acquire the properties directly.

The above change in scope will accelerate the obligation and expenditure of NSP 1 funds thus ensuring that the City meets its NSP objective to sell or rent the redeveloped houses in lieu of leaving them vacant.

These changes do not trigger any reduction or increase in funding categories nor the number of beneficiaries served by the program.

Finally, by the amendment, the City hereby adds new section H to reflect the reflect land banking as an activity that it wishes to undertake. The new activity description is appended hereto.

In accordance with HUD regulations, a substantial amendment is triggered when (1) an activity is added; (2) an activity is deleted; (3) a change in the scope of an activity or reallocation of funds increases or decreases the budget of an activity by more than twenty-five (25%) of the original budget; or (4) when there is a change in the purpose, location or beneficiaries of an activity, or when a priority has changed. The amendments herein reflect changes in the purpose and a new activity has been added.

Through a Notice published in the Houston Chronicle on July 3, 2010, the public is notified of these proposed changes to the NSP. The public has fifteen (15) days to comment on these proposed changes. The comment period extended from Saturday, July 3, 2010 to Monday, July 19, 2010. Therefore, approval of an ordinance is recommended.

The Housing and Community Development Committee reviewed this item on July 15, 2010.

JN: EP:DR

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

HCD 10-132

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance to amend an Agreement between the City of Houston and Habitat for Humanity		Category #	Page 1 of 2	Agenda Item # 37
FROM (Department or other point of origin): Jim Noteware Housing and Community Development Department		Origination Date July 7, 2010	Agenda Date JUL 28 2010	
DIRECTOR'S SIGNATURE: <i>for James D. Noteware</i>		Council District affected: District B		
For additional information contact: Eta Paransky Phone: 713-868-8449		Date and identification of prior authorizing Council action: 6-16-10 / 2010-0458		

RECOMMENDATION: (Summary)

The Department recommends approval of an Ordinance to amend an agreement between the City of Houston and Habitat for Humanity to allow for the purchase, rehabilitation, and resale of 15 single-family homes.

Amount of Funding: \$ 875,000 Previously Awarded \$ 340,000 Additional Funds \$ 1,215,000 TOTAL	Finance Budget:
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify) **NSP Funds**

SPECIFIC EXPLANATION:

On June 16, 2010, City Council approved an Agreement with Habitat for Humanity, a 501(c)(3) affordable housing builder, to provide a loan of Federal Neighborhood Stabilization Program (NSP) funds in the amount not to exceed \$875,000 for eligible costs in connection with the acquisition, rehabilitation and resale to income-qualified households of up to eleven (11) foreclosed homes. The Housing and Community Development Department (HCDD) has identified \$340,000 in additional NSP funding, and would like to amend the Agreement to allow Habitat to acquire, rehabilitate, and resell a minimum of fifteen (15) single-family homes. The additional \$340,000 was made available when Covenant Neighborhoods, a nonprofit affordable housing builder, elected not to participate in the City's NSP program. HCDD has identified Habitat to receive extra funding because they currently have homes in the pipeline and the resources necessary to meet the aggressive timeline requirements of NSP.

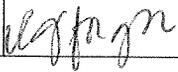
Houston Habitat will perform all needed repairs to bring properties into compliance with HCDD's Minimum Property and Rehabilitation Standards, after which, Houston Habitat will sell rehabilitated properties to families earning less than 50% area median income, as defined by the U.S. Department of Housing and Urban Development (HUD). Housing units will be sold at or below cost of acquisition, demolition and rehabilitation. Houston Habitat will offer below-cost, no interest mortgages, with payments lower than average rent, allowing families to build equity in their homes. Proceeds of sale will remain with Houston Habitat and will be used to build affordable housing for future homeowners who would qualify under this program.

This project is consistent with the City of Houston Consolidated Plan to create affordable housing units. The City's participation in the project will contribute to the goal of expanding sustainable homeownership opportunities for low-income families in the Houston Area.

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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NOT

Date 7/7/10	Subject: An Ordinance to amend an Agreement between the City of Houston and Habitat for Humanity.	Originator's Initials 	Page <u>2</u> of <u>2</u>
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Total Funds and Sources:

Total NSP Funds	\$1,215,000
Reallocated from Covenant Neighborhoods Inc.	\$255,000
Funds allocated from remaining NSP Funds	\$85,000
Funds previously allocated from NSP Funds	\$875,000
Number of Persons to be Served:	15 Households
Category of Persons:	Households with incomes at or below 50% of AMI

The Housing and Community Development Committee reviewed this item on July 15, 2010.

JN: EP:DR

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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD 10-133

SUBJECT: An Ordinance to amend an Agreement between the City of Houston and Tejano Center for Community Concerns.	Category #	Page 1 of 2	Agenda Item # 38
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FROM (Department or other point of origin): James Noteware, Director Housing and Community Development Department	Origination Date July 7, 2010	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE: <i>Veronica Chapa-gonzalez for James D. Noteware</i>	Council District affected: District B
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For additional information contact: Eta Paransky Phone: 713-868-8449	Date and identification of prior authorizing Council action: 4/21/10 - 2010-0307
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RECOMMENDATION: (Summary)
The Department recommends approval of an Ordinance to amend an Agreement between the City of Houston and Tejano Center for Community Concerns to allow for an additional \$340,000 in NSP funds to purchase, rehabilitate, and resell four (4) additional single-family homes, and for Tejano Center to retain up to \$10,000 per property out of loan proceeds for project delivery costs.

Amount of Funding: \$595,000 Previously Awarded \$340,000 Additional Funding \$935,000 TOTAL	Finance Budget:
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify) NSP Funds

SPECIFIC EXPLANATION:
On April 21, 2010, City Council approved an Agreement with Tejano Center for Community Concerns, a 501(c)(3) affordable housing builder, to provide a loan of Federal Neighborhood Stabilization Program (NSP) funds in the amount not to exceed \$595,000 for eligible costs in connection with the acquisition, rehabilitation and resale to income-qualified households of up to seven (7) foreclosed homes. The Housing and Community Development Department (HCDD) has identified \$340,000 in additional NSP funding, and would like to amend the Agreement to allow Tejano Center to acquire, rehabilitate, and resell a minimum of eleven (11) single-family homes. The additional \$340,000 was made available when Covenant Neighborhoods, a nonprofit affordable housing builder, elected not to participate in the City's NSP program. HCDD has identified Tejano Center to receive extra funding because they currently have homes in the pipeline and the resources necessary to meet the aggressive timeline requirements of NSP.

In addition, in order to cover all project delivery expenses incurred by the Borrower, the Housing and Community Development Department (HCDD) is requesting that Council amend the Loan Agreement between the City of Houston and Tejano Center to increase the allowed project delivery costs from \$5,000 to \$10,000 per property. This amendment represents a line item change and will not affect the total amount awarded to Tejano Center or the amount allotted per property.

Tejano Center will perform all needed repairs to bring properties into compliance with HCDD's Minimum Property and Rehabilitation Standards, after which, Tejano Center will sell rehabilitated properties to families earning less than 50% area median income, as defined by the U.S. Department of Housing and Urban Development (HUD). Housing units will be sold at or below cost of acquisition, demolition and rehabilitation. Proceeds from sales will be returned to the City of Houston NSP Program.

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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This project is consistent with the City of Houston Consolidated Plan to create affordable housing units. The City's participation in the project will contribute to the goal of expanding sustainable homeownership opportunities for low-income families in the Houston Area.

Total Funds and Sources:

Total NSP Funds	\$935,000
Reallocated from Covenant Neighborhoods Inc.	\$340,000
Funds previously awarded from NSP Funds	\$595,000
Number of Persons to be Served:	11 Households
Category of Persons:	Households with incomes at or below 50% of AMI

The Housing and Community Development Committee reviewed this item on July 15, 2010.

JN:EP:DR

- cc: City Secretary
- Controller's Office
- Finance Department
- Legal Department
- Mayor's Agenda Office

SUBJECT: An ordinance authorizing an appropriation of \$100,000 from TIRZ Affordable Housing Funds for project delivery costs on multifamily affordable housing.	Category # 1	Page 1 of 1	Agenda Item # 39
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FROM (Department or other point of origin): James D. Noteware, Director Housing and Community Development Department	Origination Date June 1, 2010	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE: <i>Ginger Vinson for Jim Noteware</i>	Council District affected: All Districts
For additional information contact: Eta Paransky Phone: (713) 868-8449	Date and identification of prior authorizing N/A

RECOMMENDATION: (Summary)
Approval of an ordinance authorizing an appropriation of \$100,000 from TIRZ Affordable Housing Funds to cover multifamily affordable housing project delivery services and costs that cannot be paid with or are disallowed under federal funds.

Amount of Funding: \$100,000.00	Finance Budget:
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify) TIRZ Fund (2409) -\$100,000

SPECIFIC EXPLANATION:

HCD requests that City Council approve an appropriation of \$100,000 from TIRZ Affordable Housing Funds to be used to cover multifamily affordable housing project delivery services and costs that cannot be paid with or are disallowed under federal funds. HCD's intent is that this funding be available for future expenditures, as well as for funds previously expended under contract but disallowed under federal funding sources. In the administration of the Department's multifamily housing program HCD is required to ensure multifamily projects are compliant with all regulations. In adherence, HCD may engage industry and service professionals to help them achieve these objectives. Project delivery costs may include but are not limited to items such as inspection services, appraisals, cost reasonableness analysis, etc. Contracts with any vendor that will exceed \$50,000 or the then applicable limitation determined by City Charter Article II Sec. 19a will be submitted for approval by City Council.

The Housing and Community Development Committee reviewed this item on July 15, 2010.

HCD requests City Council approval of this action and ordinance.

JN: GV

cc: City Secretary
Legal Department
Mayor's Office
Finance

REQUIRED AUTHORIZATION		
Finance Director:	Other Authorization:	Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Ordinance authorizing the application for and receipt of a grant from Texas Parks and Wildlife Department for the Archery Houston Initiative.

Category #

Page 1 of 1

Agenda Item

40

FROM (Department or other point of origin):

Houston Parks and Recreation Department

Origination Date:

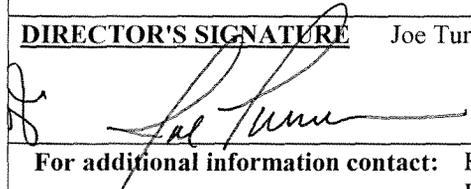
July 9, 2010

Agenda Date

JUL 28 2010

DIRECTOR'S SIGNATURE

Joe Turner, Director



Council District(s) affected:

ALL

For additional information contact: Karen Cullar: (832) 395-7056
Dan Pederson: (832) 395-7062

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Adopt Ordinance authorizing the application for and receipt of a grant from Texas Parks and Wildlife Department (TPWD) and certifying the 25% matching share is readily available.

Amount and Source of Funding:

TPWD GRANT: \$507,200 from Texas Parks and Wildlife Department
MATCHING FUNDS: to be met by land value plus in-kind value of Montgomery County access road construction for a total of \$300,000.00

Finance Budget:

SPECIFIC EXPLANATION:

Houston Parks and Recreation Department (HPARD) is applying for a \$507,200 grant from the Texas Parks and Wildlife Department, Target Range Grant Program. This grant application proposes the creation of an Archery Range at Lake Houston Wilderness Park (LHWP) to be completed in phases. Lake Houston Wilderness Park is located in the Pineywoods region, at 22031 Baptist Encampment Road, New Caney, Texas 77357, approximately 30 miles from downtown Houston.

The proposed Archery Range project features sustainable design, and is conceptual at this time. The Archery Trade Association and state archery experts will be consulted to develop a state of the art facility with a special area for youth, an elevated platform for shooting for local bowhunters and the capacity to host tournaments. With this Archery Range, LHWP will offer special days for hunters to come and "tune their bows" before hunting season. Also, it extends an opportunity to introduce individuals to the sport of Archery if they have not been exposed to it in the past. There are very few existing Houston recreational opportunities for youth, adults and families to enjoy archery. This target range facility at LHWP is part of an overall TPWD plan to promote archery in large urban cities, also including an indoor archery facility at Moody Park and several small outdoor ranges placed strategically to allow as many residents to participate as possible. The anticipated cost for the complete project is \$857,200, including archery programs operations and maintenance.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

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

SUBJECT: Ordinance Authorizing the Greater Sharpstown Management District to Borrow up to \$2,500,000	Category #	Page 1 of 1	Agenda Item # 41
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FROM (Department or other point of origin): Planning and Development	Origination Date June 14, 2010	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE: <i>MS</i> 	Council District affected: F, C and G
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For additional information contact: Nicole Smothers Phone: 713-837-7856	Date and identification of prior authorizing Council action: August 16, 2006 Ordinance No. 2006-868
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RECOMMENDATION: (Summary) Approve ordinance authorizing the Greater Sharpstown Management District to borrow up to \$2,500,000

Amount and Source of Funding: N/A	Finance Budget:
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SPECIFIC EXPLANATION:

Management districts are special districts created by the Texas legislature. Generally, these districts are empowered to promote, develop, encourage and maintain employment, commerce, transportation, housing, tourism, recreation, arts, entertainment, economic development, safety and public welfare. Typically, management districts are given the power to finance their operations by issuing bonds or other obligations, payable in whole or in part from ad valorem taxes, assessments, impact fees or other funds of the District to provide improvements and services. They may not levy a tax assessment on single-family detached residences. Further, districts may levy a tax only after holding an election within the district.

Greater Sharpstown Management District: Authorized by the 79th Legislature in 2005, the majority of this district is located in Council District F with small portions in Districts C and G. The City Council consented to the creation of the District on August 16, 2006.

State law requires approval by the City Council prior to the issuance of any bonds or notes whose proceeds will be utilized to construct capital improvements within the District. The Greater Sharpstown Management District Board is now seeking that approval.

Following city approval of the district's request to borrow up to \$2,500,000, the District's Board of Directors will proceed with a loan they have negotiated with Amergy Bank subject to City Council approval of said loan. Proceeds from this loan will be used to implement projects in keeping with the District Service Plan. These projects include: 1. the construction of a district branding and way finding signage capital improvement plan along the District's major commercial corridors and 2. a landscaping plan for the major commercial corridors in the District.

A management district is intended to supplement, not supplant, existing public services. Except as a result of a Governing Body's action to dissolve a district, the municipality assumes no liability for the debts, obligations or liabilities of the district. Loan proceeds will be repaid using a portion of the District's annual assessment revenue stream.

The Planning and Development Department recommends City Council authorize the Greater Sharpstown Management District to borrow up to \$2,500,000.

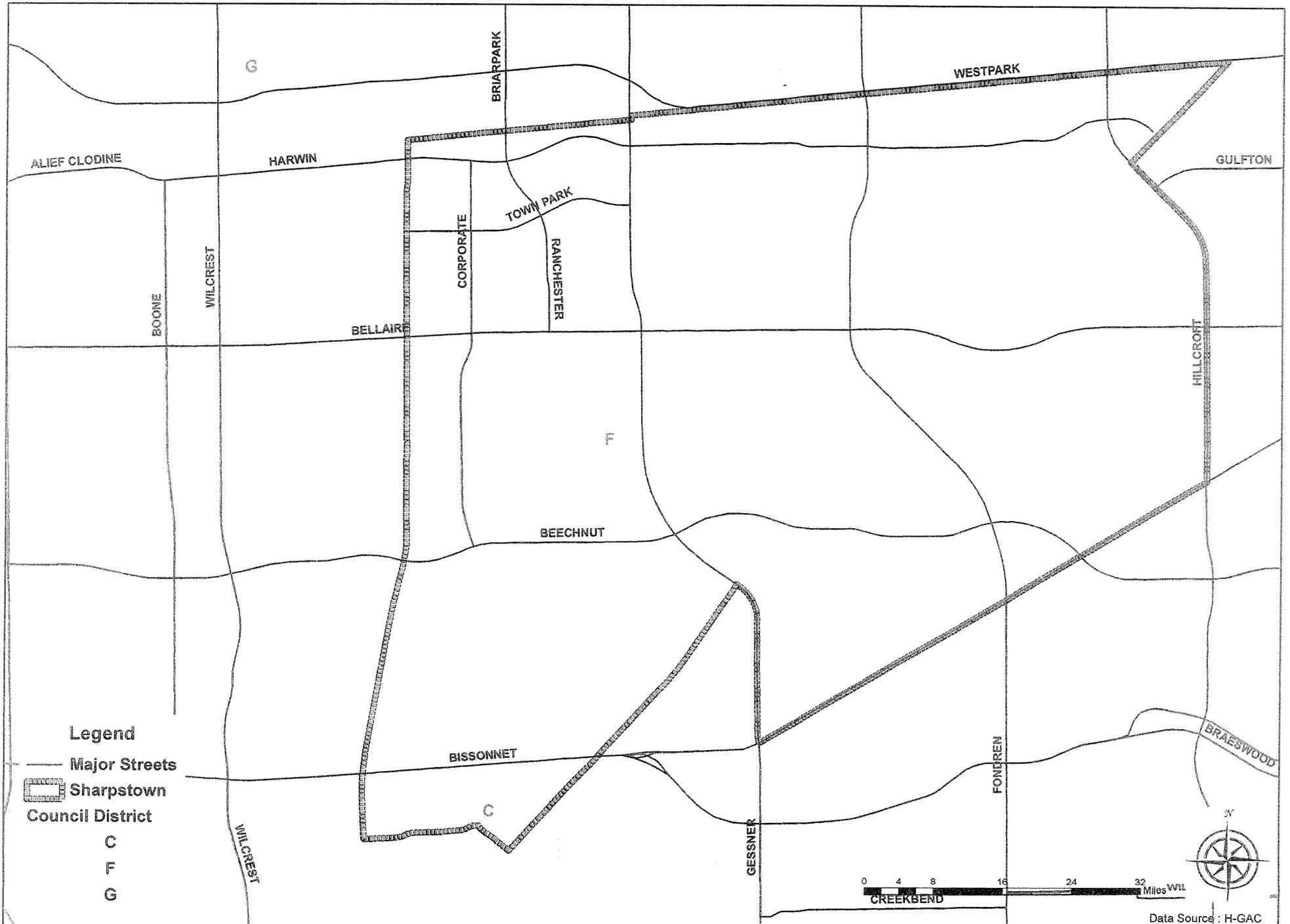
cc: Marty Stein
David Feldman
Deborah McAbee
Anna Russell

REQUIRED AUTHORIZATION		
Finance Director:	Other Authorization:	Other Authorization:

MS



Sharpstown Management District 2010



**GREATER SHARPSTOWN
MANAGEMENT DISTRICT**

2006-2015

**SERVICE and IMPROVEMENT PLAN
and
ASSESSMENT PLAN**

Adopted: February 28, 2007

Table of Contents

2006-2015 SERVICE AND IMPROVEMENT PLAN AND ASSESSMENT PLAN

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Preface

This document presents a Ten-Year Plan (2006-2015), which sets forth a vision, goals to be achieved, services to be rendered, and improvements to be made in support and to the benefit of the property owners of the Greater Sharpstown Management District (the "District"). In addition, the document outlines costs and a proposal for funding the plan for the area comprising the District.

BACKGROUND

Sharpstown began as the vision of developer Frank Sharp in the mid 1950s. By the time he completed his masterpiece in 1961, Sharpstown was widely recognized as the largest subdivision in the United States -- complete with its own air-conditioned shopping mall and some 7,000 homes.

Back then, Sharpstown was a true suburb of Houston, a get-a-way from the hustle and bustle of the city and a quick 15-minute commute from downtown. During the next decade, Sharpstown was a great place to be. With elegant brick homes spaced among generous lawns and quiet streets, the planned community was everything Sharp had envisioned.

During the 1980s, however, new residential and commercial development jumped past Sharpstown and spread farther from Houston along the Southwest Freeway. In an attempt to escape Houston's phenomenal outward expansion, many middle-class families opted for newer developments in Missouri City, Stafford, Sugar Land, and First Colony, causing a deterioration in property values and the quality of life in Sharpstown.

But as flight from the city continued through the '90s, a new and more diverse class of homeowner began to find in Sharpstown the same benefits Frank Sharp had seen 40 years earlier -- quiet neighborhoods, easy access to freeways, and quality housing. These new residents, many of whom were first generation Americans, began opening their own businesses, attending school, and building pride in their new community.

Significant numbers of Chinese, Hispanic, African-American, and Vietnamese mixed with Anglo residents, so that as the new century approached, the Sharpstown/West Bellaire area had become one of the most ethnically diverse neighborhoods in the nation.

No longer a suburb, the new neighborhood was more appropriately described as a cosmopolitan urban edge city, with numerous types of housing, commercial and retail development, and a modern mix of cultures and incomes.

Partly due to programs and projects administered through the Southwest Houston Redevelopment Authority (SHRA) and Sharpstown Economic Development Authority (SEDA), this edge city began to grow, particularly to the west. Seeking a means to extend services and shape this positive growth, area business owners and civic leaders proposed to create a municipal management district to better serve their burgeoning community.

Created by the Texas Legislature in 2005, the **Greater Sharpstown Management District** will replace the Sharpstown Public Improvement District created by the city of Houston in 1998. This new, larger district will provide many of the same basic supplemental public services as the PID as well as additional public projects and services.

What follows is the basis for creation of this district, including proposed services and improvements to be made in support of the businesses and residents representing many diverse cultures already living together and supporting one another economically and politically in Southwest Houston.

THE VISION

The area within the **Greater Sharpstown Management District** covers not only the core of the original Sharpstown neighborhood but also much of the area to the west of the Sharpstown Center mall, including the Bellaire commercial corridor, which has become the center for a myriad of Asian cultures. With more than 80 languages spoken, this corridor and its surrounding neighborhoods now represents the most international region within the greater Houston metro area.

The Greater Sharpstown Management District will strive to serve this dynamic community, embrace its diversity, encourage measured and sustainable growth, and ensure its place among Houston's premier regional neighborhoods. Furthermore, the District will undertake certain projects with widespread benefits that are beyond the ability of individual property owners to provide.

Since 1998, such projects had been provided by the Sharpstown Economic Development Authority, a public improvement district created by the city of Houston. However, due to statutory limitations including its inability to expand, this entity will be eliminated and replaced by the Greater Sharpstown Management District.

Property owners in the current district would notice little difference in their annual rate of assessment or services available through the District. However, net revenue of the management district would be approximately three times that of SEDA, enabling the District to finance large-scale projects and services and leverage its resources to maximize governmental grant funding.

In order to fund this vision, the District will levy an assessment on commercial property owners within its boundaries to provide services and improvements in the following areas: (i) Enhanced Public Safety; (ii) Environmental and Urban Design; (iii) Mobility and Transportation; and (iv) Business Development.

The following plan outlines the nature of the services to be provided by the District working in conjunction with property owners, service providers, residents, and the public sector to develop and implement programs to achieve the District's goals. All programs will be approved and monitored on an ongoing basis by the District's board of directors, which has adopted the following Mission Statement to guide its efforts as it develops, implements, and refines specific projects:

GREATER SHARPSTOWN MANAGEMENT DISTRICT MISSION STATEMENT:

To establish and implement projects and programs to:

- a. Enhance and promote the image of the District;**
- b. Create a desirable area to attract more businesses, investments, and residents;**
- c. Provide services and information that will stimulate business growth in the District;**
- d. Provide for easy access to, from, and through the District; and**
- e. Create a safe environment for businesses and residents in the District in order to increase revitalization, and spur redevelopment of this mixed-use urban neighborhood for all property owners, residents, and tenants.**

THE FIRST TEN YEARS

Public Safety

The District will focus on improving communication and cooperation among property owners, tenants, and public safety departments to maintain and enhance the District's current levels of public safety. This will ensure the residential neighborhoods and business community will continue to grow economically and competitively and become a more vibrant place for employers, employees, and residents alike.

MISSION: *To attract new investment to the District by maintaining and enhancing a safe environment in both perception and reality with focused public safety programs.*

PROGRAMS and PROJECTS:

1. Partner with local law enforcement agencies to provide additional funding as well as focused attention on the safety needs of the area.
2. Develop programs to supplement law-enforcement patrols where necessary.
3. Build positive relationships between property owners and public safety agencies through sponsorship of safety awareness programs and activities.
4. On behalf of property owners, advocate for regional security needs with county, city, state, and federal law enforcement agencies.
5. Develop a plan in conjunction with CenterPoint Energy, the City of Houston, retail electric providers, and others to increase and maintain consistent street lighting in public areas.
6. Develop a plan to address removal of graffiti to reduce gang communication.
7. Partner with City of Houston and Harris County to abate abandoned structures and vehicles.

Environmental and Urban Design

Environmental and urban design provides the foundation for improving how the District looks and works. This aspect of the plan will affect the quality of the business community and influence decisions of potential investors. The District will be concerned with improving the appearance and the image of the area, private and public infrastructure needs, and open spaces such as parks and trails. The District will work to promote conservation programs, improved streetscapes, and park facilities. Each of these elements will add to a “sense of place” and identity.

A variety of landscape and maintenance initiatives will impact the District’s appearance. The District will develop programs to beautify and landscape streets and freeway frontages, reduce visual blight, and create a sense of identity for the area. The District will also work with property owners and public entities to coordinate maintenance of setbacks, rights-of-way, and planting.

MISSION: *To mobilize resources to enhance the visual appeal of the District and to address current and future infrastructure, land development, and open space needs of the growing Southwest Houston area in order to attract and retain employees and residents, increase values, and facilitate business development.*

PROGRAMS and PROJECTS:

1. Work with Southwest Houston Redevelopment Authority to develop and construct beautiful esplanades and Metro transit stops throughout the District. The District will provide funds necessary to maintain infrastructure investments made by the Authority (TIRZ#20).
2. Address water, wastewater, and drainage requirements of the District and advocate for necessary infrastructure improvements through city, county, and state resources to mitigate flooding.
3. Assist with flood mitigation for development and existing businesses in the area.
4. Maximize utilization of existing natural resources through partnerships, planning, and advocacy to create an interconnected system of parks, trails, and open spaces serving both commercial and residential populations.
5. Develop a utility relocation plan to reduce visual blight and enhance the appearance of commercial corridors.
6. Create District identity, visual continuity, and inviting streetscapes through improvements in landscaping, street furnishings, signage, sign control, and other visual elements to improve the image and appeal of the commercial community.
7. Prepare basic District development, renovation, and maintenance guidelines for property owners, managers, and investors to use in evaluating and executing projects.
8. Develop a plan to address removal of litter, bandit signs, graffiti, and other forms of visual blight along the commercial corridors.

Mobility and Transportation

The predominant issue facing the District is the improvement of mobility along the Bellaire and Fondren corridors and the enhancement of major gateway intersections along U.S. 59, Beltway 8, and the Westpark Tollway. The District will work with city, county, regional, state, and federal entities to ensure that the area receives the required investment in the construction and maintenance of that infrastructure and that basic roadway, traffic control, public transportation, and utility systems are addressed in a unified and consistent manner.

MISSION: *To take maximum advantage of all available resources to create a well-planned transportation system that effectively addresses the current and future mobility needs of the area.*

PROGRAMS and PROJECTS:

1. Develop and implement a transportation/mobility master plan for the District and integrate it into existing federal, state, regional, county, and city planning transportation efforts.
2. Work with other governmental agencies, including City of Houston Tax Increment Reinvestment Zone Number 20, to improve ingress and egress along these corridors, and enhance access to the corridors and the region as a whole.
3. Provide resources for transportation and traffic flow studies and use available resources to assist in certain mobility projects, such as traffic signal timing along the corridors.
4. Work with existing public, private, and nonprofit entities to ensure that the District is included in long- and short-term transportation planning efforts.
5. Prepare and implement design plans in partnership with TXDOT and Harris County Toll Road Authority with regard to the aesthetics and overall look of area overpasses, exit/entry ramps, and landscaping.
6. Enhance amenities for pedestrians and cyclists by coordinating with regional, county, and city agencies on capital improvement plans, street and sidewalk standards, bikeways, and facilities.
7. Improve signage within the District to provide a highly visible and creative way-finding, monument, and identity system that serves the community while reflecting the character and diversity of its businesses and patrons.

Business Development

The District will be the focal point for economic development and promotional initiatives and will coordinate these activities with other private sector and public economic development organizations at the local and state level. District staff will be available to businesses, brokers, and relocation companies to promote the area with speakers, demographic information, and presentations to those considering the District as a future business location. A presentation combining information, statistics, and photographs to acquaint audiences with the District's many offerings will be available for use at business and civic group meetings throughout the region.

MISSION: *Support and promote economic growth by creating and reinforcing positive perceptions of the District as an outstanding place in which to live, work, learn, shop, visit, build and invest. Emphasize redevelopment and investment opportunities that ensure the District is among the most desirable areas in the City of Houston and Harris County.*

PROGRAMS and PROJECTS:

1. Implement a public relations and image campaign that will improve the public perception and increase public awareness of the District.
2. Boost business opportunities by identifying specific areas of involvement with the Greater Houston Partnership, West Houston Association, Southwest Houston Chamber of Commerce and other business and civic organizations.
3. Sponsor research for District marketing materials to meet the needs of current and prospective property owners and tenants, employers, brokers, meeting planners, and the general public.
4. Provide public relations and marketing support for the District's mobility and transportation, environmental and urban design, and public safety efforts.
5. Create a District web site and regular newsletter to be made available to employees, employers, nearby residents, and the general public.
6. Establish the District as a clearinghouse for information, including upcoming events in the District, press clippings, demographics, and brochures about the area.
7. Monitor and encourage business retention and expansion within the Sharpstown area.

Administration

MISSION: *Provide effective, efficient support services to District programs, including mobility and transportation, environmental and urban design, public safety and business development at the least possible cost to commercial property owners of the District.*

PROGRAMS and PROJECTS:

1. Respond to the day-to-day needs of the District while initiating plans for long-term stability and growth.
2. Utilize human and financial resources in an efficient manner to accomplish the ten-year service and improvement plan.
3. Advocate for the District's fair share of the city, county, state, and federal services.
4. Accurately reflect the costs of providing services in each program area through a carefully monitored cost allocation system.
5. Provide annual financial audits that protect the financial integrity of the District and help ensure the most efficient use of monetary resources.
6. Ensure compliance with the Texas Public Information Act ("Open Records Act"), Open Meetings Act, Public Funds Investment Act, and all other applicable state, federal and local laws and regulations.
7. Maintain an efficient level of office technology to ensure the fullest utilization of all available resources.
8. Monitor, evaluate and adjust administrative systems and procedures to assure maximum benefit on revenues received by the District from property owner assessments, grants, contracts and other financial resources.

THE 2006-2015 BUDGET

The District will provide funding to the four major project areas and administration of the District as outlined below. These figures are general projections based on needs and priorities anticipated today. From year to year, as priorities change, this plan provides that the District's Board of Directors will have the flexibility to adjust the application of resources to meet the changing needs of the area.

Each year the District's Board of Directors will re-evaluate the plan, determine the projects and approve a budget for that year. The following is the projected average annual expenditure for the services authorized under this *Service and Improvement Plan*.

Project Area	Projected Average Annual Expenditure	Projected Ten-Year Total	Percentage
Public Safety	\$289,100	\$2,891,000	35%
Environmental & Urban Design	\$206,500	\$2,065,000	25%
Mobility & Transportation	\$165,200	\$1,652,000	20%
Business Development	\$82,600	\$826,000	10%
Administration	\$82,600	\$826,000	10%
Total	\$826,000	\$8,260,000	100%

ASSESSMENT PLAN: FINANCING THE VISION

Under this *Service and Improvement Plan*, the District will assess the land and improvements of commercial property owners within the District's boundaries to provide funding for the projects within the major areas of service outlined. The assessment for each year of the *Service and Improvement Plan* will be \$0.06 for each \$100 of value based on the taxable property value as certified by the Harris County Appraisal District (HCAD) with respect to that calendar year. Services and improvements are intended to be provided on a pay-as-you-go basis with assessments made to fund projects. If the Board determines that projects are needed which cannot be financed on this basis, the Board may authorize bonds or other debt financing after calling a public hearing regarding the financing options.

MORE DETAILED INFORMATION ON THE SERVICE AND IMPROVEMENT PLAN

Property Subject to Assessment. The property subject to assessment will be the land and improvements of the commercial property owners within the boundaries of the District. The following property will be exempt from assessment: single-family detached residential, duplexes, triplexes, quadraplexes, condominiums, municipalities, counties, other political subdivisions, entities exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, public utilities, and recreational property or scenic use property that meets the requirements of Section 375.163, Texas Local Government Code.

Yearly Budgets and Assessment Rates. The Board of Directors will annually evaluate the need for and advisability of the services authorized under this *Service and Improvement Plan* to determine the specific projects within the *Service and Improvement Plan* that will be undertaken the following year. The Board will then set and approve a budget for the following year consistent with the yearly plan, taking into consideration the value of the property subject to assessment and the revenue that the assessment rate will produce.

As this plan is ten years in length, it is probable that the service needs in each of the major categories will change, particularly as District objectives are met. Therefore, this *Service and Improvement Plan* allows the Board of Directors the flexibility to apply the assessment revenue to the major categories of services in varying percentages.

The District proposes to set the rate of assessment at \$0.06 per \$100 valuation for each year of the Service and Improvement Plan based on the taxable property value as certified by HCAD with respect to that calendar year. The assessment will be made after the District's tax rolls are certified by HCAD each year to generate funds for implementation of the *Service and Improvement Plan* in the following year. The assessment roll will be revised and amended as necessary to accommodate certified valuation changes or additions made by HCAD from time to time. This would mean that a property subject to assessment valued by HCAD at \$1 million in any given year would pay an assessment of \$600 to fund projects in the following year if the rate of assessment were \$0.06 per \$100 valuation.

Assessment Rate Increases. Pursuant to this *Service and Improvement Plan*, the District Board of Directors is proposing a one-time assessment payable over the life of the Plan (10 years).

Cap on the Amount of Individual Property Assessments. The plan provides that no property may be assessed an amount in any year of this plan that exceeds twice the amount such property was assessed for projects in the first year of the *Service and Improvement Plan* (2006), plus any value added by new construction on such property so designated by HCAD. Thus, the maximum for which the owner of a property valued at \$1 million in 2006 would ever be liable in any year under this *Service and Improvement Plan* would be \$1,200 (2 times the \$600 assessed in 2006 for 2007 projects) plus any assessment on new construction added to this property.

Basis for Assessment. In each year of the plan, the assessment will be based on the HCAD certified taxable value for each property in such year as established by HCAD. This means that an individual property owner's assessment may vary each year.

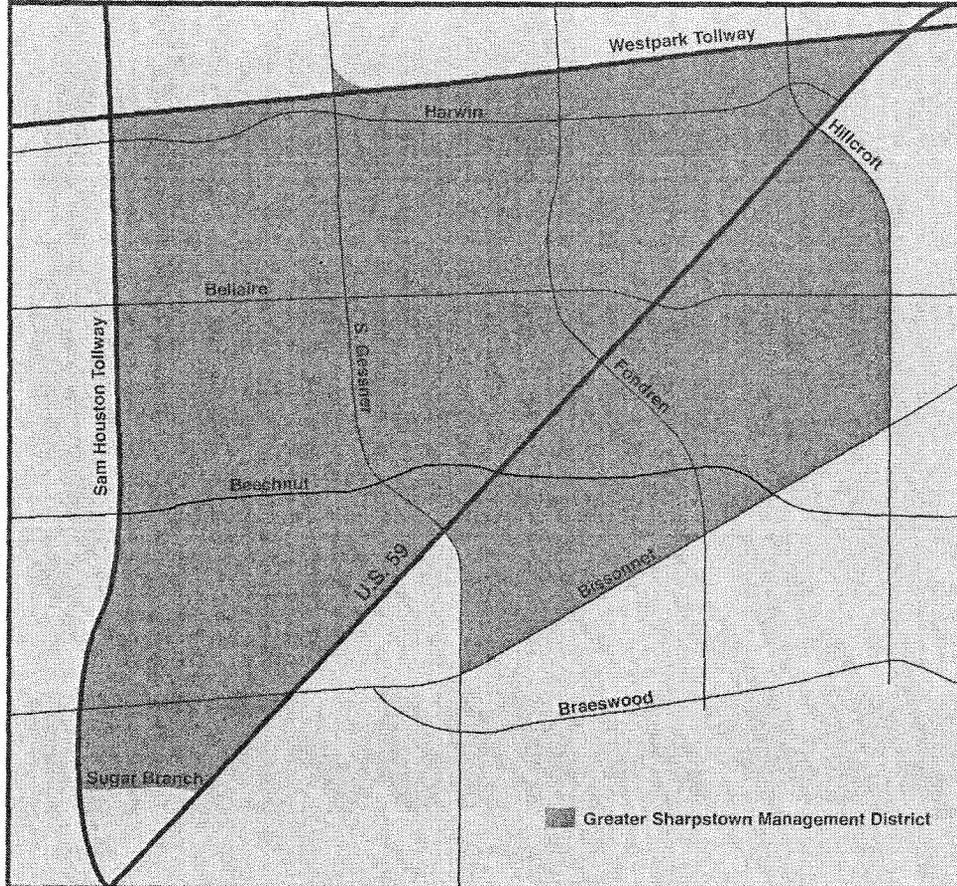
New Construction. New construction so designated by HCAD and any property annexed into the District, if any, will be added to the assessment roll at the value set by HCAD. The Board will prepare a supplemental assessment roll for such property and levy assessments on such property for the specific benefits to be received by the services and improvements to be provided by the District. Such new construction in the District and annexations, if any, will generate new revenue. The average expenditures projected above assume a 2% growth in value per year. Over the years, it will also be necessary for the Board of Directors to consider the effects of inflation and to factor it into the District's budgets. If inflation remains low or values increase more than 2% per year, the Board anticipates the growth in assessment revenue from new construction will cover inflation during the ten-year period and allow the District to provide most, if not all, of the services contemplated hereunder. If revenues exceed projections, the Board may allocate those additional revenues to each program category.

Assessments would become due and payable and become delinquent and incur penalties and interest in accordance with the provisions relating to ad valorem taxation contained in the Texas Tax Code. Assessments will also be subject to the recapture provisions, which apply to change in use of agricultural land in accordance with the Texas Tax Code.

The delivery of the services and improvements is anticipated to add value to all properties within the District. The District property owners will be able to collectively leverage greater resources, resulting in increased levels of service and an enhanced public awareness and image for the District. An improved District benefits property owners directly and also the Houston metropolitan region at large. A boundary map of the District is attached.

Credit against certain property owners' association assessments. The Purposes of the District are served when groups of property owners take upon themselves the goals and functions that would otherwise be carried out by the District. In some instances, the financial efforts of associations of the owners of assessable property in the District duplicate the services or projects of the District, thereby allowing the District to focus its financial efforts on other property. In such event, a property owners' association representing property subject to assessment by the District may petition the District's Board for a credit against a District assessment if such duplication is established to the satisfaction of the Board. The petition must be received on or before 15 days prior to the date the budget for the following year is finalized by the Board to allow the Board to accommodate a valid petition. In the alternative, the Board may allow a credit applicable to the entire Plan or the balance thereof. The credit shall be determined calculating the amount of the petitioner's self-assessment representing the duplicated efforts, and providing a corresponding offset against the applicable District annual assessment.

APPENDIX A
Greater Sharpstown Management District
Boundary Map



*This document is on file with Greater Sharpstown Management District.
A copy may be obtained by written request addressed to the
Greater Sharpstown Management District
P.O. Box 22167
Houston, Texas 77227
713.541.0447*

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of an ordinance appropriating \$3,500,000 from the Dangerous Building Consolidated Fund to be used for the abatement of dangerous buildings.	Page 1 of 1	Agenda Item # 42
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FROM: (Department or other point of origin): Houston Police Department	Origination Date: July 9, 2010	Agenda Date: JUL 28 2010
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DIRECTOR'S SIGNATURE:  C. A. McClelland, Jr., Chief of Police	Council District affected: All
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For additional information contact: Joseph A. Fenninger <i>JAF 7/8/10</i> Phone: 713-308-1770 CFO and Deputy Director	Date and identification of prior authorizing Council action: May 19, 2010, Ordinance 2010-0387; June 16, 2010, Ordinance 2010-0468
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RECOMMENDATION: (Summary) Adopt an ordinance approving the appropriation of \$3,500,000 from the Dangerous Building Consolidated Fund to be used for the abatement of dangerous buildings.

Amount and Source of Funding: \$3,500,000 – Dangerous Building Consolidated Fund (1801)

Specific Explanation:

The Chief of Police recommends that City Council approve an ordinance authorizing the appropriation of \$3,500,000 from the Dangerous Building Consolidated Fund. This appropriation will serve two purposes: (1) repay the Houston Police Department FY10 General Fund in an amount of \$1,428,506.60 for the funds used to pay the cost of the May 22, 2010 "Demo Day" event that saw the demolition of approximately 185 unsafe structures across the City and (2) make available the balance of \$2,071,493.40 for continued demolition and abatement work into FY11.

On May 19, 2010, City Council approved the use of the Houston Police Department FY10 General Fund as an interim funding source for the "Demo Day" activities and authorized a subsequent reimbursement from an issuance of Certificates of Obligation. City Council approved the issuance of the Certificates of Obligation on June 16, 2010 to repay the General Fund and fund the demolition work over the next two to three years. The \$9,000,000 proceeds from the issuance have been received and deposited into the Dangerous Building Consolidated Fund.

The remainder of the appropriation will fund into FY11 the continued demolition of buildings that have been determined to be dangerous by the Buildings and Standards Commission, a Neighborhood Protection Corps Official, or a registered structural engineer. In addition to demolition services, the proceeds from this appropriation will fund the necessary support work that includes, but is not limited to, asbestos/lead testing and removal services and appraisal services.

REQUIRED AUTHORIZATION 10MLC003

Finance:	Other Authorization: 	Other Authorization:
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R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8635

Subject: Approve an Ordinance Authorizing the Execution of an Interlocal Agreement Between the City of Houston and the Houston Independent School District for Printing, Copying, Scanning and on-site Management Services for the City of Houston - L23521

Category #

Page 1 of 2

Agenda Item

43

FROM (Department or other point of origin):
Alfred J. Moran, Jr., Director
Administration & Regulatory Affairs Department

Origination Date
July 15, 2010

Agenda Date
JUL 28 2010

DIRECTOR'S SIGNATURE
Amelia Chen

Council District(s) affected
All

For additional information contact:
Frank Carmody Phone: (713) 837-9521
Christopher Newport Phone: (713) 837-9533

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the execution of an Interlocal Agreement between the City of Houston and the Houston Independent School District for printing, copying, scanning and on-site management services for the City of Houston.

Finance Budget

Maximum Contract Amount: \$7,557,460.00 (5 years)

Source of Funds:

Central Service Revolving Fund (1002)
Initial Allocation - \$200,000

SPECIFIC EXPLANATION:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance authorizing the execution of an Interlocal Agreement between the City of Houston and the Houston Independent School District (HISD) for a five-year term, with five one-year options for renewal, for printing, copying, scanning, imaging, mailing and on-site management services for all City departments. The estimated contract spending for FY11, based on the adopted FY11 Budget, is \$1,511,492.00. A breakdown of the departmental budgeted funds is included in the attached spreadsheet.

The Houston Independent School District (HISD) has specific printing needs to serve its own internal purposes. To address this requirement, HISD elected to invest in specialized printing equipment which allows it to produce a broad array of print services and products. Because HISD had excess capacity for printing equipment utilization, it began offering print services on a fee-for-service basis to other governmental and non-profit organizations. The diversity of specialized equipment and non-profit status of HISD enables it to produce a very diverse mix of printing services internally, avoiding the need to outsource print jobs and the accompanying mark-up.

HISD provides print and copy services to Lone Star College, Crosby ISD, Huffman ISD, Klein ISD, Spring ISD, Spring Branch ISD, Tomball ISD, the Mental Health and Mental Retardation Authority of Harris County (MHMRA), SPARK School Park Program, Harris County Department of Education, and approximately 50 other non-profit organizations. HISD is therefore able to achieve a scale of production that minimizes its operating costs and prices it may offer to provide print services.

Under the proposed contract, HISD will operate Image Solutions and will provide full-service design, copying, offset printing and bindery at their main facility located within ten minutes of City Hall. HISD will establish an electronic web-based print request system to handle all print requests from City departments, at no additional monthly expense. This paperless ordering system will provide departments with real time status of their requests for services.

REQUIRED AUTHORIZATION

NOT

Finance Department:

Other Authorization:

Other Authorization:

Date: 6/21/2010	Subject: Approve an Appropriating Ordinance; Approve a Contract for an Automated Time and Attendance System and Authorize the Purchase of Hardware and Software from the GSA Schedule 70 Contract through the Coop. Purchasing Program for ARA/ S46-E23596	Originator's Initials EA	Page 2 of 2
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ARA compared HISD's prices to Texas Multiple Award Schedule (TXMAS) prices. TXMAS is the State's cooperative purchasing group, and the City is a member. TXMAS contracts have been developed from contracts that have been competitively awarded by the federal government or another governmental entity, and cover multiple commodities and services.

HISD's prices range from 3% less to as much as 75% less than those on the TXMAS schedule. The average is 35% less; and, in not one single case was the TXMAS price less.

ARA estimates that the City of Houston can reduce print service cost by approximately \$300,000 per year, or 18%, under the proposed contract. The savings are a result of the negotiated fixed prices of the proposed contract and the capability of HISD to process the majority of jobs internally.

ARA recommends that Council approve HISD as the new service provider to improve service and reduce cost. The proposed contract allows the City of Houston to more efficiently utilize equipment already financed by Houston taxpayers, and to forego unnecessary additional outsourcing mark-up expenses incurred by the current "print broker" business model employed by the incumbent vendor.

M/WBE Subcontracting:

HISD has agreed to a 15% M/WBE participation level and has designated the below named companies as its certified M/WBE subcontractors:

Name

Allprint & Office Supply, Inc.
Absolute Color, Ltd

Type of Work

Printing and Scanning Services
Printing and Scanning Services

This recommendation is made pursuant to Chapter 791 of the Texas Local Government Code for exempt procurement.

This item was presented to the Budget & Fiscal Affairs Committee on July 6th, 2010.

City Of Houston
 FY11 Budget Summary
 Printshop Services & Printing & Reproducing Services

Printshop Services

Fund Number	Fund Name	Dept Name	520515 Budget
1000	General Fund	HPD	30,000
1000	General Fund	HFD	5,950
1000	General Fund	MCA	4,574
1000	General Fund	MCJ	300
1000	General Fund	PWE	7,000
1000	General Fund	SWD	27,416
1000	General Fund	GSD	7,000
1000	General Fund	HPL	2,229
1000	General Fund	PRD	18,600
1000	General Fund	HHS	32,592
1000	General Fund	MYR	4,000
1000	General Fund	AA	13,902
1000	General Fund	CNL	8,482
1000	General Fund	CTR	6,185
1000	General Fund	FINANCE	37,695
1000	General Fund	ARA	28,736
1000	General Fund	IT	2,500
1000	General Fund	PD	3,942
1000	General Fund	CS	10,000
1000	General Fund	HR	4,500
1000	General Fund	LGL	5,600
Total Gen. Fund			<u>261,203</u>

Printing & Reproduction Services

Fund Number	Fund Name	Dept Name	520520 Budget
1000	General Fund	HPD	28,700
1000	General Fund	HFD	33,082
1000	General Fund	MCA	102,927
1000	General Fund	MCJ	200
1000	General Fund	PWE	5,500
1000	General Fund	SWD	57,000
1000	General Fund	GSD	21,000
1000	General Fund	HPL	43,460
1000	General Fund	PRD	4,600
1000	General Fund	HHS	49,600
1000	General Fund	MYR	1,100
1000	General Fund	AA	900
1000	General Fund	CNL	5,866
1000	General Fund	CTR	16,100
1000	General Fund	ARA	69,418
1000	General Fund	IT	1,500
1000	General Fund	HR	2,160
1000	General Fund	LGL	35,000
Total Gen. Fund			<u>478,113</u>

8001	HAS-Revenue	HAS	12,815
8601	C&E Facility/Rev	C&E	2,725
8300	Wtr&SwrSystOperatng	PWE	77,200
2302	Stormwater	PWE	800
8700	Parking Management	ARA	15,027
2205	Houston Emergency Ctr	HEC	6,500
2401	Cable Television	MYR	200
2211	Juvenile Case Managr	MCJ	300
2100	Park Special Rev.	PRD	200
2301	Building Inspection	PWE	59,200
Enterprise Fund			<u>174,967</u>

8001	HAS-Revenue	HAS	92,928
8601	C&E Facility/Rev	C&E	1,750
8300	Wtr&SwrSystOperatng	PWE	106,300
2302	Stormwater	PWE	300
8700	Parking Management	ARA	64,000
2205	Houston Emergency Ctr	HEC	7,000
2211	Juvenile Case Managr	MCJ	5,000
2100	Park Special Rev.	PRD	15,200
2404	Supplemental Environ	HPD	30,000
2301	Building Inspection	PWE	44,400
2404	Supplemental Environ	PWE	10,000
2305	Recycling Revenue	SWD	220,331
Total Enterprise Fund			<u>597,209</u>

General Fund	261,203
Enterprise Fund	174,967
Total	<u>436,170</u>

General Fund	478,113
Enterprise Fund	597,209
Total	<u>1,075,322</u>



City of Houston
Administration & Regulatory Affairs Department
Executive Summary – Interlocal Agreement with Houston Independent School District
July 8, 2010

I. Background

The Administration & Regulatory Affairs Department (ARA) is tasked with examining City of Houston processes and operations to identify opportunities to improve efficiency and cost-effectiveness. ARA conducted a review of the existing print services contract with Oce Business Services, Inc. (Oce), a North American subsidiary of the parent company Océ N.V., the shares of which are listed on the NYSE Euronext exchange in Amsterdam. Océ Business Services, Inc. is headquartered in New York, NY.

In 2005, the City of Houston contracted with Océ Business Services, Inc. to provide on-site management of Image Solutions, the City's Print Shop facility, and to provide printing, copying and scanning services. The contract was amended in 2006 to include the provision of coin operated copy machines for Houston Public Library facilities.

In January 2007 and January 2009, the City of Houston conducted audits of the Image Solutions contract. The audits revealed material weaknesses in the operational performance of its accounting and print management functions.

Following the 2009 audit of FY07 and FY08 transactions, ARA proactively engaged Océ to improve Image Solutions accounting and product service delivery to a level of Best Practices for its City of Houston customers. ARA scheduled monthly meetings with Océ to reconcile monthly expenses and to review opportunities for service enhancement. A number of these meetings were rescheduled or cancelled by Image Solutions due to being unprepared for the meetings.

II. ARA Analysis of Océ Contract

ARA conducted a review of the existing print services contract with Océ. The review revealed that basic on-site services do not cover the fixed costs of the Print Shop facility as it is currently operated by Océ because much of the work is outsourced. Océ employs a "printing broker" business model to manage the Print Shop facility. Approximately 85% of the print jobs submitted to Image Solutions are outsourced to subcontractors, the mark-up for which is passed back to the City of Houston.

Additionally, Océ has not implemented industry-standard processes known to increase efficiency and reliability. Examples include web-based ordering and tracking, and sequential order numbers that facilitate performance monitoring. Although the City's contract with Océ provides that web-based ordering and tracking be made available to its customers in City departments, Océ has indicated this service would require an additional expense of \$3,000 per month. Océ representatives have described the implementation of sequential job numbering (a standard operating procedure found in all printing companies) as "impossible".



III. Houston Public Library Experience

As mentioned above, in 2006 the City of Houston and Oce negotiated an amendment to their contract to provide on-site coin operated copy machines to Houston Public Library (HPL) facilities. The HPL system is the City's largest provider of free internet access and computer instruction. HPL provides access to more than 4,000 computer users per day.

HPL reports that Oce has repeatedly and systematically failed to meet minimum customer service contract commitments of the 2006 contract amendment. HPL's service delivery is severely impacted when public service computer printers are nonoperational for extended periods of time. It should be noted that HPL provides free computer and printer access to individuals who would otherwise not have access to this equipment.

In 2009, HPL registered 465 service calls with Oce, which required an average 3.82 days to resolve. In the first quarter of 2010, HPL registered 157 service calls to Oce, which required an average 4.12 days to resolve. HPL reports that by late 2009 and into 2010 customers regularly called HPL facilities to determine whether printers and copiers were operational prior to travelling to HPL facilities.

HPL believes Oce's performance under this contract has materially impacted its ability to provide service to City of Houston residents. As a result, HPL recommended that City Council approve a contract with a new vendor to provide print and copy services in HPL facilities. Council approved the new contract on June 30, 2010.

IV. Interlocal Cooperation Contracts (Interlocal Agreements)

Chapter 791 of the State of Texas Government Code authorizes one local government to agree with another local government to purchase goods or services. The 72nd Legislature stated that the purpose of this provision is:

To increase the efficiency and effectiveness of local governments by authorizing them to contract, to the greatest possible extent, with one another and with agencies of the state.

The intent of Chapter 791 is to allow local government entities to leverage the goods and services financed by taxpayers to provide functions associated with the routine operation of government, specifically including printing services.

Section 791.025 (c) states that "a local government that purchases goods and services under this section satisfies the requirement of the local government to seek competitive bids for the purchase of the goods and services." This section allows one local government to benefit from a competitive bid process undertaken by another entity, allowing it to realize the higher value and/or lower prices which result from this process without incurring the financial and search cost of undertaking its own redundant competitive bid process.

V. Proposed Interlocal Agreement with Houston Independent School District

The Houston Independent School District (HISD) has specific printing needs to serve its own internal purposes. To address this requirement, HISD elected to invest in specialized printing equipment which allows it to produce a broad

array of print services and products. Because HISD had excess capacity for printing equipment utilization, it began offering print services on a fee-for-service basis to other governmental and non-profit organizations.

HISD is by definition prohibited from generating a profit for the provision of its services. The diversity of specialized equipment and non-profit status of HISD enables it to produce a very diverse mix of printing services internally, avoiding the need to outsource print jobs and the accompanying mark-up. The HISD Printing Services Department operates as an internal service fund, similar to City of Houston enterprise funds. The Printing Services Department is required to submit a business and marketing plan as part of the annual HISD budget process.

HISD provides print and copy services to Lone Star College, Crosby ISD, Huffman ISD, Klein ISD, Spring ISD, Spring Branch ISD, Tomball ISD, the Mental Health and Mental Retardation Authority of Harris County (MHMRA), SPARK School Park Program, Harris County Department of Education, and approximately 50 other non-profit organizations. HISD is therefore able to achieve a scale of production that minimizes its operating costs and the prices it may offer to provide print services.

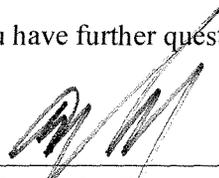
VI. Recommendation

ARA estimates that the City of Houston can reduce print service cost by approximately \$300,000 per year, or 18%. The savings are a result of the fixed prices for typical printing jobs and fully negotiated pricing for more custom orders under the proposed contract, as well as the capability of HISD to process the majority of jobs internally.

Under the proposed contract, HISD will operate Image Solutions and will provide full-service design, copying, offset printing and bindery at their main facility located within ten minutes of City Hall at 228 McCarty Road. HISD will establish an electronic web-based print request system to handle all print requests from City departments, at no additional monthly expense. This paperless ordering system will provide departments with real time status of their requests for services.

ARA recommends that Council approve HISD as the new service provider to improve service and reduce cost. The proposed contract allows the City of Houston to more efficiently utilize equipment already financed by Houston taxpayers, and to forego unnecessary additional outsourcing mark-up expenses incurred by the current “print broker” business model employed by Oce.

Should you have further questions, please do not hesitate to contact Frank Carmody at (713) 837-9521.



Alfred J. Moran, Jr., Director
Administration and Regulatory Affairs

cc: Wyanette Chan
Lloyd Waguespack
Marty Stein

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8739

Subject: Emergency Remediation and Cleanup of Diesel Fuel for the General Services Department
S12-E23694

Category #
4

Page 1 of 1

Agenda Item
44

FROM (Department or other point of origin):

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

Origination Date

July 19, 2010

Agenda Date

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

1

For additional information contact:

Jacquelyn L. Nisby Phone: (832) 393-8023
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$20,774.13 out of the Fire Consolidated Construction Fund (Fund 4500) for emergency remediation and cleanup of diesel fuel at Fire Station No. 8 for the General Services Department.

Payment Amount: \$20,774.13

Finance Budget

\$20,774.13 - Fire Consolidated Construction Fund (Fund 4500) WBS C-000170-4-01-01

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$20,774.13 from the Fire Consolidated Construction Fund for the emergency remediation and cleanup of diesel fuel at Fire Station No. 8 for the General Services Department.

On February 6, 2010, Houston Fire Department personnel reported a release of diesel fuel caused by a malfunction of an over-fill switch on an emergency generator at Fire Station No. 8, located at 1919 Louisiana Street. Progressive Environmental Services, Inc. dba Eagle-SWS was contacted to contain the spill and assist with the emergency cleanup.

The scope of work required the contractor to provide all labor, supervision, materials, personal protection and oil/water separator equipment, tools and transportation necessary to immediately mobilize, contain and recover approximately 2,270 gallons of the released diesel fuel. The contractor's responsibilities included, but were not limited to, screening, removing and disposing of contaminated soils, utilizing absorbent pads, drums, barrels and other containers as required in accordance with all applicable local, State and Federal laws and regulations pertaining to solid and liquid hazardous waste handling, transportation, storage, recycling and disposal. The recovered liquids were transported to Liquid Environmental Solutions for recycling.

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

Buyer: Martin L. King

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

RCA# 8684

TO: Mayor via City Secretary

Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract No. 4600007645 for Operation and Maintenance of the Oxygen Plant for the Public Works & Engineering Department S30/T20863-A1	Category # 4	Page 1 of 1	Agenda Item 45
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FROM (Department or other point of origin): Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department	Origination Date July 09, 2010	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE 	Council District(s) affected All
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For additional information contact: David Guernsey Phone: (832) 395-3640 Douglas Moore Phone: (832) 393-8724	Date and Identification of prior authorizing Council Action: Ordinance No. 2007-730; Passed 6/20/2007
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RECOMMENDATION: (Summary)
Approve an amending ordinance to increase the maximum contract amount from \$8,492,400.00 to \$10,615,500.00 for the contract between the City of Houston and Air Products and Chemicals, Inc. for operation and maintenance of the oxygen plant for the Public Works & Engineering Department.

Maximum Contract Amount Increased by : \$2,123,100.00	Finance Budget
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\$2,123,100.00 - Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:
The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount from \$8,492,400.00 to \$10,615,500.00 for the contract between the City of Houston and Air Products and Chemicals, Inc. for operation and maintenance of the oxygen plant for the Public Works & Engineering Department (PWE).

This contract was awarded on June 20, 2007 by Ordinance No. 2007-730 for a three-year term, with two one-year options in the original amount of \$8,492,400.00. Expenditures as of March 3, 2010 totaled \$7,283,597.00. The oxygen plant's complicated internal infrastructure and mechanical conditions have generated unanticipated, additional maintenance and service repair requests for PWE. The contract included the rebuild and modernization of Plant "A" of the Oxygen plant. Once the cold box was disassembled for replacement of the Rockwool it was evident that to increase the efficiency of the plant major piping would have to be replaced which was not anticipated at the time the contract was awarded. Once this rehab is complete the intent is to operate the two plants on an alternating basis to facilitate maintenance.

The scope of work requires the contractor to provide all labor, materials, equipment, tools, supervision, training, and transportation necessary to operate the oxygen plants as well as perform preventive and remedial maintenance services at the 69th Street wastewater treatment facility oxygen plant.

This contract was awarded with a 3% M/WBE participation goal and the contractor is currently achieving the goal.

Buyer: Richard Morris

REQUIRED AUTHORIZATION

NDT

Finance Department:	Other Authorization:	Other Authorization:
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REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8717

Subject: Formal Bids Received for Automatic Transmission Repair/Exchange Services for Various Departments
L23491

Category #
4

Page 1 of 2

Agenda Item

46

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

Origination Date
June 29, 2010

Agenda Date
JUL 28 2010

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
John Erdeljac Phone: (713) 308-1717
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to Drive Train Services, Inc. on its low bid in an amount not to exceed \$3,425,210.00 for automatic transmission repair/exchange services for various departments.

Maximum Contract Amount: \$3,425,210.00

Finance Budget

\$3,099,210.00 - General Fund (1000)
\$ 326,000.00 - Fleet Management Fund (1005)
\$3,425,210.00 - Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options to renew, for a total five-year term, to Drive Train Services, Inc. on its low bid in an amount not to exceed \$3,425,210.00 for automatic transmission repair/exchange services for various departments. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor. Under this contract, the contractor will be required to provide automatic transmission repair/exchange services for the Fleet Divisions of the Fire, Police and Public Works and Engineering Departments.

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

<u>COMPANY</u>	<u>TOTAL BID AMOUNT</u>
1. Drive Train Services, Inc.	\$3,926,075.00
2. Hwy 6 Transmission and Auto Repair	\$5,057,112.50

NOTE: Due to the City's budget constraints, the contract award amount is less than the contractor's total bid amount. The contractor has been notified of this reduction and has acknowledged receipt and acceptance of the City's reduced award amount of \$3,425,210.00.

Due to the disparity between the bids, Strategic Purchasing spoke with a representative of Drive Train Services, Inc. to discuss and review the scope of work for this project. The Drive Train Services, Inc. representative stated that its bid includes all costs associated with performing the work called for in the published scope of work, and subsequently provided an e-mail to Strategic Purchasing confirming the same. Based on the aforementioned, the Strategic Purchasing Division and user departments are confident that the recommended company can perform the specified work for the price bid.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

[Signature] 7/8/10

[Signature]

Date: 6/29/2010	Subject: Formal Bids Received for Automatic Transmission Repair/Exchange Services for Various Departments L23491	Originator's Initials GK	Page 2 of 2
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The scope of work requires the contractor to provide all tools, equipment, labor, materials, parts, supplies, supervision and transportation necessary to perform automatic transmission repair/exchange services. Services to be provided include, but are not limited to, removing the transmission from vehicle, repairing or exchanging the transmission, as necessary, and reinstalling the transmission on the vehicle. All worn or damaged parts shall be replaced with original equipment manufactured (OEM) certified parts or equivalent. Additionally, the contractor shall be required to electronically test the transmission to ensure compliance with OEM standards and to road test the vehicle. The transmission repair/exchange warranty on fire/police pursuit cars and ambulances is 24-months/75,000 miles and 36-months/36,000 miles for all other vehicles.

M/WBE Subcontracting:

The invitation to bid was issued as a goal oriented contract with a 10% M/WBE participating level. Drive Train Services, Inc. has designated the below-named company as its certified M/WBE subcontractor.

<u>Name</u>	<u>Type of Work</u>	<u>Dollar Amount</u>	<u>Percentage</u>
B-W Industrial Supply	Dispose of Fluids, Solvents and Waste	\$342,421.00	10%

The Affirmative Action Division will monitor this contract.

Pay or Play Program

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

ESTIMATED SPENDING AUTHORITY

Department	FY11	Out Years	Total
Public Works & Engineering	\$ 65,200.00	\$ 260,800.00	\$ 326,000.00
Houston Fire	\$ 10,000.00	\$ 60,800.00	\$ 70,800.00
Houston Police	\$605,682.00	\$2,422,728.00	\$3,028,410.00
Grand Total	\$680,882.00	\$2,744,328.00	\$3,425,210.00

Buyer: Gloria Jordan-King



CITY OF HOUSTON

Strategic Purchasing Division
Administration & Regulatory Affairs
Department

Annise D. Parker

Mayor

Calvin D. Wells, Deputy Director
City Purchasing Agent
P.O. Box 1562
Houston, Texas 77251-1562

F. 832.393.8765
<https://purchasing.houstontx.gov>

May 24, 2010

Mr. Chad Bollmeyer
Drive Train Services, Inc.
9584 FM 1960 West
Houston, Texas 77070

Subject: Notice of Budgetary Reduction

Re: Invitation Bid No. S11-L23491 for Automatic Transmission Repair/Exchange Services for Various Departments

Dear Mr. Bollmeyer:

Please be advised that City staff will be recommending to the Mayor and City Council that your company be awarded the contract for Automatic Transmission Repair/Exchange Services. However, because of budget constraints, the recommended contract award amount will be approximately 12.76% or \$500,865.00 less than your company's total bid amount (\$3,926,075.00) for the aforementioned services. Therefore, the recommended contract award amount for five years will be \$3,425,210.00. Accordingly, please acknowledge receipt and acceptance of the reduced award amount by signing in the space provided below.

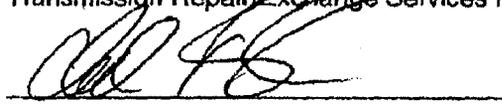
Thank you and I look forward to the timely receipt of your acceptance of the reduce award amount due to the City's budget constraints. If you should have any questions regarding this reduction, please contact Glorla King at (832) 393-8750.

Sincerely,


Calvin D. Wells, Deputy Director
City Purchasing Agent

D cc: Solicitation File

Drive Train Services, Inc. hereby acknowledges receipt and acceptance the City's reduction of Drive Train Services, Inc.'s bid amount. Drive Train Services, Inc. will accept the reduced contract amount if the Mayor and City Council approves the contract award to Drive Tran Services, Inc. for Automatic Transmission Repair/Exchange Services for various City of Houston Departments.

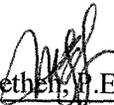
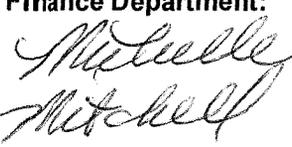


Signature of Authorized Officer or Agent
General Manager
Title

5-26-10
Date
Chad Bollmeyer
Name

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Local Advance Funding Agreement between the City of Houston and Texas Department of Transportation (TxDOT) for the Construction of Museum District/Main Street Corridor Improvement Project. WBS Number: N-000824-0002-4		Page 1 of 1	Agenda Item # 47
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 7/14/10	Agenda Date JUL 28 2010	
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council District affected: C & D 		
For additional information contact:  Mark L. Loethen, P.E., CFM, PTOE. Phone: (713) 837-0724	Date and identification of prior authorizing Council action: Ord. No. 2010-581 July 14, 2010		
RECOMMENDATION: (Summary) It is recommended that City Council pass an Ordinance authorizing an Advance Funding Agreement with Texas Department of Transportation and appropriate funds.			
Amount and Source of Funding: \$20,000 from The Woodlands Regional Participation Fund 2425 			
PROJECT NOTICE: This project includes right-of-way enhancements in the vicinity of the Museum District and Main Street Corridor to enhance pedestrian mobility and create a transit supportive environment. The improvement includes widening of sidewalks along Transit Corridors, restoration of existing ramps & pedestrian crossings to current City standard, installation of way finding signs, construction of medians and landscape improvements within the Main Street corridor and Museum District venues.			
SCOPE OF THIS AGREEMENT: This agreement outlines right-of-way enhancements within the Museum District and Main Street Corridor. Federal participation of \$3,050,000 has been allocated for this project; with a local participation of \$762,500. The local participation is a 20% match which includes \$20,000 for TxDOT review, inspection, and oversight; \$482,500.00 from the sale of Calumet Street right-of-way; and \$260,000.00 local contributions from Rice University and Grayco Partners LLC. The contribution agreements with Rice and Grayco were approved prior to the TxDOT agreement in order for the City to satisfy its local match under the TxDOT agreement.			
LOCATION: The Main Street Corridor Revitalization Project is located on Main Street from Holcombe to MacGregor, and the Museum District bounded by Southmore to the north, Herman Drive to the south, Montrose on the west, and Crawford to the east. Key Map Grid No. 532D, 532H, 493W & 533A.			
REQUIRED AUTHORIZATION		CUIC ID# 20MLL57	
Finance Department:  Michelle Mitchell	Other Authorization:	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning and Development Services Division.	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Adopt a Municipal Setting Designation ordinance prohibiting the use of designated groundwater for FPA/PinPoint Mykawa, LLC for the site located at 6712 Telean Street, Houston, TX 77075. (MSD # 2009-020-GMI)		Page 1 of 1	Agenda Item # 48
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date JUL 28 2010
DIRECTOR'S SIGNATURE: 		Council District affected: 1 CEF	
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: 6/16/2010 – 2010-0392 6/30/2010 – 2010-0511	

RECOMMENDATION: (Summary)
It is recommended that City Council adopt a Municipal Setting Designation (MSD) ordinance prohibiting the use of designated groundwater at the FPA/PinPoint Mykawa, LLC site located at 6712 Telean Street, Houston, TX 77075, and support issuance of an MSD by the Texas Commission on Environmental Quality (TCEQ). (MSD # 2009-020-GMI)

Amount and Source of Funding: N/A

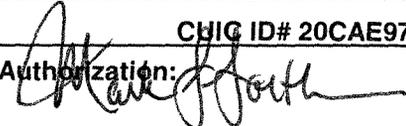
BACKGROUND: In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSD), which designate areas in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by the Texas Commission on Environmental Quality (TCEQ) and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting the public health. On August 22, 2007, City Council approved an ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support an MSD application to the State. This ordinance requires a written public notice to be mailed to property owners within one-half mile of a proposed MSD site 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.

FPA/PINPOINT MYKAWA, LLC APPLICATION: FPA/PinPoint Mykawa, LLC is seeking a Municipal Setting Designation (MSD) for 19.34-acres of land located at 6712 Telean Street, Houston, TX 77075. The contamination consists of Benzene, bis(2-chloroethyl)ether, trichloroethene (TCE), vinyl chloride, arsenic, and lead. The Former Gulf Metals site was previously used as a landfill from the 1950s to 1970s. In 2002, the organic waste material within the landfill was solidified by mixing with Portland Cement, and a two-foot clay landfill cap was constructed with one-foot of soil. This is a former State Super Fund site and it is currently enrolled in the Texas Voluntary Clean-up Program. The contamination plume is stable and decreasing. A public meeting was held at 6:00 PM on 6/15/2010 at the Crestmont Community Center, 5200 Selinsky Road.

FPA/PinPoint Mykawa, LLC is seeking an MSD for this property to restrict access to groundwater to protect the public against exposure to the 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. In addition, a public meeting (held on 6/15/2010) and a public hearing (held on 7/14/2010) are required to be held prior to City Council's consideration of support.

RECOMMENDATIONS: It is recommended that City Council adopt a Municipal Setting Designation (MSD) ordinance prohibiting the use of designated groundwater at the FPA/PinPoint Mykawa, LLC site located at 6712 Telean Street, Houston, TX 77075, and support issuance of an MSD by the Texas Commission on Environmental Quality.

MSM:MLL:CEH
P:\PLANNING BRANCH\MSD\DATABASE\GENERIC RCA - ORDINANCE SUPPORT.DOC
C: Marty Stein, Ceil Price

REQUIRED AUTHORIZATION CHIC ID# 20CAE97		
Other Authorization:	Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning & Development Services Division	Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriate Funds for Issuance of a Purchase Order to Mity-Lite, Inc. through the State of Texas Building and Procurement Commission Contract (TXMAS) for furniture for the Renovation of Godwin Park Community Center. WBS No. F-504A07-0002-5	Page 1 of 1	Agenda Item 49
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FROM (Department or other point of origin): General Services Department	Origination Date 7/15/10	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Interim Director	Council District affected: C
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For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Appropriate funds for the purchase of furniture for the Community Center at Godwin Park.

Amount and Source of Funding: \$6,859.58 Parks Consolidated Construction Fund (4502)	Finance Budget: <i>Mitchell Mitchell</i>
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$6,859.58 to fund the issuance of a purchase order to Mity-Lite, Inc., through the State of Texas Building and Procurement Commission Contract for the purchase of furniture for the Community Center at Godwin Park for the Parks and Recreation Department.

PROJECT LOCATION: 501 Rutherglen (Key Map 531U)

PROJECT DESCRIPTION: The furniture, consisting of 100 folding chairs, ten tables and three carts, will be used to furnish the activity rooms. The furniture will be covered under manufacturer's warranties.

JLN
FRC:RAV:JLN:LJ:DE:de

c: Marty Stein, Jacquelyn L. Nisby, Calvin Curtis, Mark Ross, Angela Jackson, Daniel Pederson, Christopher Gonzales, File

REQUIRED AUTHORIZATION CUIC# 25PARK117

General Services Department:

Richard A. Vella

Richard A. Vella
Chief of Design & Construction Division

Parks and Recreation Department:

Joe Turner

Joe Turner
Director



GODWIN PARK
 5101 RUTHERGLEN DR.
 HOUSTON, TX

SUBJECT: Appropriate Funds for Issuance of a Purchase Order to Inland Environments, Ltd. for Asbestos and Lead Abatement at 9003 North Main Administration Building. WBS No. L-000054-0002-4	Page 1 of 1	Agenda Item 50
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FROM (Department or other point of origin): General Services Department	Origination Date 7/14/10	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Interim Director	Council District(s) affected: H
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For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Appropriate funds for the project.

Amount and Source Of Funding: \$ 8,113.35 Solid Waste Consolidated Construction Fund (4503)	Finance Budget: <i>Michelle McCall</i>
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$8,113.35 out of the Solid Waste Consolidated Construction Fund to fund the issuance of a purchase order to Inland Environments, Ltd. to provide asbestos and lead abatement services at 9003 North Main. The existing facility is an empty warehouse which will be converted to an administration building for the Solid Waste Management Department.

PROJECT LOCATION: 9003 North Main, Houston, Texas (Key Map No. 453-J)

PROJECT DESCRIPTION: The scope of work includes asbestos and lead abatement throughout the building. to accommodate future renovation. The work also includes loading, hauling and proper disposal of debris generated due to all activities.

The contract duration for this project is ten calendar days.

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

FRC:HB:JLN:GM:fk *JLN*

REQUIRED AUTHORIZATION CUIC# 25GM223 *MT*

General Services Department: <i>Humberto Bautista</i> Humberto Bautista, P.E. City Engineer	Solid Waste Management Department: <i>Harry J. Hayes</i> Harry J. Hayes Director
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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Award Construction Contract and Authorize Issuance of Purchase Orders Spaw Glass Construction Corporation HPD Fondren Police Station—District 17 WBS No. G-000123-0002-4	Page 1 of 3	Agenda Item 51
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FROM (Department or other point of origin): General Services Department	Origination Date <i>07-23-2010</i>	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Interim Director	Council District(s) affected: C
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For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Award construction contract, authorize issuance of purchase orders to various vendors and appropriate funds for the project.

Amount and Source of Funding: \$ 500,000.00 Federal Government – Grant Funded (5000) CDBG 1,617,600.00 Fondren Police Station Fund (4041) SERIES E 5,300,000.00 Police Consolidated Construction Fund (4504) \$ 7,417,600.00 Total Funding	Finance Budget:
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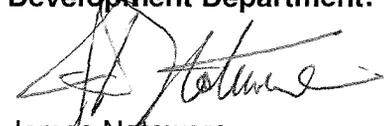
SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to Spaw Glass Construction Corporation (Spaw Glass) on the proposal amount of \$6,295,670.00 to provide construction services for the new Houston Police Department (HPD) Fondren Police Station—District 17.

PROJECT LOCATION: 8605 Westplace Drive (570B)

PROJECT DESCRIPTION: The scope of work includes site clearing and grading, the construction of an approximately 29,000 square foot police station that will include short term holding cells, front desk enclosed in a bullet resistant partition, administrative offices, narcotics investigative unit, tactical unit, radio room, a public meeting room, conference rooms, exercise room, male and female locker rooms, surface parking of approximately 140 spaces including handicapped spaces, and on site stormwater detention.

The project will incorporate the LEED™ (Leadership in Energy and Environmental Design) Green Building rating system to achieve certification.

The contract duration for this project is 365 days. Roth + Sheppard Architects is the design consultant for the project.

REQUIRED AUTHORIZATION			CUIC ID # 25CONS158
General Services Department:  Richard A. Vella Chief of Design & Construction Division	Housing and Community Development Department:  James Noteware Director	Houston Police Department: MO  Charles A. McClelland, Jr. Chief of Police	

Date	SUBJECT: Award Construction Contract and Authorize Issuance of Purchase Orders Spaw Glass Construction Corporation HPD Fondren Police Station—District 17 WBS No. G-000123-0002-4	Originator's Initials ON	Page 2 of 3
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PROPOSALS: On April 16 and 23, 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 received on May 13, 2010, and nine firms responded. GSD evaluated the respondents and Spaw Glass received the most points and offers the best value for the City based on the advertised criteria. The nine proposals are ranked as follows:

Proposer

- 1 Spaw Glass Construction Corporation
- 2 JE Dunn Construction Co. – South Central Region
- 3 Teal Building and Construction, Ltd
- 4 The Gonzalez Group, LP
- 5 Times Construction, Inc.
- 6 W. M. Dillard & Associates, L.P.
- 7 Martin-Harris Construction, Texas
- 8 Turner Construction Company
- 9 Workman Commercial Construction Services, LTD

AWARD: It is recommended that City Council award the construction contract to Spaw Glass Construction Corporation, appropriate funds for the project including additional appropriations of \$90,065.00 for engineering/material testing services under the existing contract with Tolunay-Wong Engineers, Inc., and \$147,924.00 for access-intercom and CCTV systems under the existing contract with BL Technology, Inc.; and authorize issuance of purchase orders in the amounts of \$146,222.00 and \$101,940.00 for systems and non-systems furniture, respectively, through the State of Texas Building and Procurement Commission's Contract (TXMAS); and \$176,541.00 for IT/Telephones/Computers through the Texas Department of Information Resources (DIR) contract.

FUNDING SUMMARY:

\$ 6,295,670.00	Construction Contract Services
<u>314,784.00</u>	5% Contingency
\$ 6,610,454.00	Total Contract Services
110,174.00	Civic Art (1.75%)
90,065.00	Engineering/Material Testing
147,924.00	Access-Intercom and CCTV Systems
146,222.00	Systems Furniture
101,940.00	Non-Systems Furniture
176,541.00	IT/Telephones/Computers
<u>34,280.00</u>	Fitness Equipment
\$ 7,417,600.00	Total Appropriation

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.

Date	SUBJECT: Award Construction Contract and Authorize Issuance of Purchase Orders Spaw Glass Construction Corporation HPD Fondren Police Station—District 17 WBS No. G-000123-0002-4	Originator's Initials ON	Page 3 of 3
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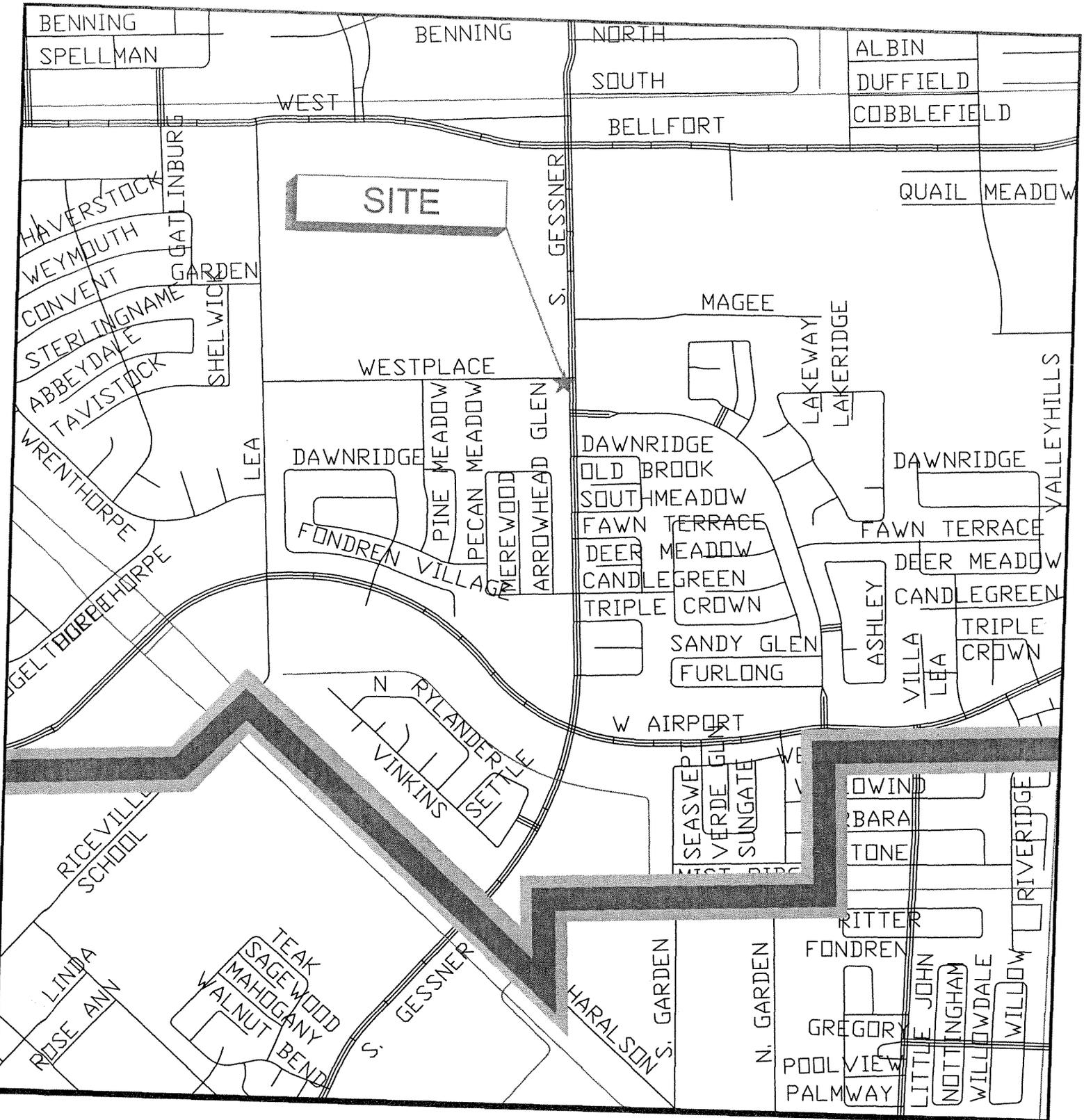
CONSTRUCTION GOALS: A 14% MBE goal and 10% SBE goal have been established for this contract. The contractor has submitted the following certified firms to achieve the goals:

<u>FIRM (MBE)</u>	<u>SCOPE</u>	<u>AMOUNT</u>	<u>% of CONTRACT</u>
Matt Mechanical LLC	Plumbing/UG Utilities	\$ 287,400.00	4.57
TAG Electric company, L.P.	Electrical	965,899.00	15.34
Environmental Allies GP, Inc.	SWPPP	9,644.00	0.15
S & S Masonry, Inc.	Masonry	43,000.00	0.68
TOTAL		\$ 1,305,943.00	20.74%

<u>FIRM (SBE)</u>	<u>SCOPE</u>	<u>AMOUNT</u>	<u>% of CONTRACT</u>
Vivas Contractors, Inc.	Painting	\$ 143,755.00	2.28
Genesis Fire Protection, Inc.	Fire Sprinklers	128,930.00	2.05
Mikada Group, LLC	Millwork/Countertops	83,419.00	1.33
Burts Construction, Inc.	Earthwork	139,850.00	2.22
Contractors Paving Supply, LLP (2nd tier subcontractor)	Site Utilities	58,455.00	0.93
Distrib Aire, Inc. (2nd tier subcontractor)	HVAC	127,000.00	2.02
TOTAL		\$ 681,409.00	10.83%

FRC:RAV:JLN:ON:ps

c: Marty Stein, Jacquelyn L. Nisby, Calvin Curtis, David Godwin, Kirk Munden, Laura Ortiz, Christopher Gonzales, Jean Abercrombie, Darien Helton, Martha Leyva, File G-000123-0002-4/813



HPD Fondren Police Station
 8605 Westplace Drive
 Houston, TX 77071

COUNCIL DISTRICT "C"

WBS No. G-000123-0002-4

KEY MAP NO. 570B

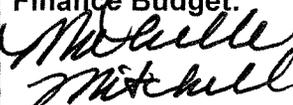
SUBJECT: First Amendment to Construction Contract Apache Services, Inc. Eastwood and Cliff Tuttle Parks WBS No. F-000669-0002-4	Page 1 of 1	Agenda Item 52
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FROM (Department or other point of origin): General Services Department	Origination Date 7/14/10	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE: Forest R. Christy, Jr., Interim Director 	Council Districts affected: H
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For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance No. 2009-1320; dated December 16, 2009
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RECOMMENDATION: Approve First Amendment to Construction Contract and appropriate additional funds for the project.

Amount and Source of Funding: \$25,928.37— Parks Consolidated Construction Fund (4502)	Finance Budget: 
Previous Funding: \$ 336,783.00—Parks Consolidated Construction Fund (4502)	

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a First Amendment to the construction contract with Apache Services, Inc. to increase the interim director's authority to approve Change Orders up to 14.0% of the original contract price. This First Amendment and requested appropriation are necessary to provide the following additional improvements at Cliff Tuttle Park, requested by the Parks and Recreation Department and other unforeseen conditions, which will exceed the original 5% contingency.

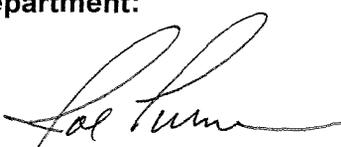
- A concrete apron at entry drive to assist drainage and maintenance at the street (safety enhancement).
- A new security entry gate to the new parking lot (security enhancement).
- Additional select fill, placement, and compaction of sub-grade foundation for parking lot. (unforeseen condition).

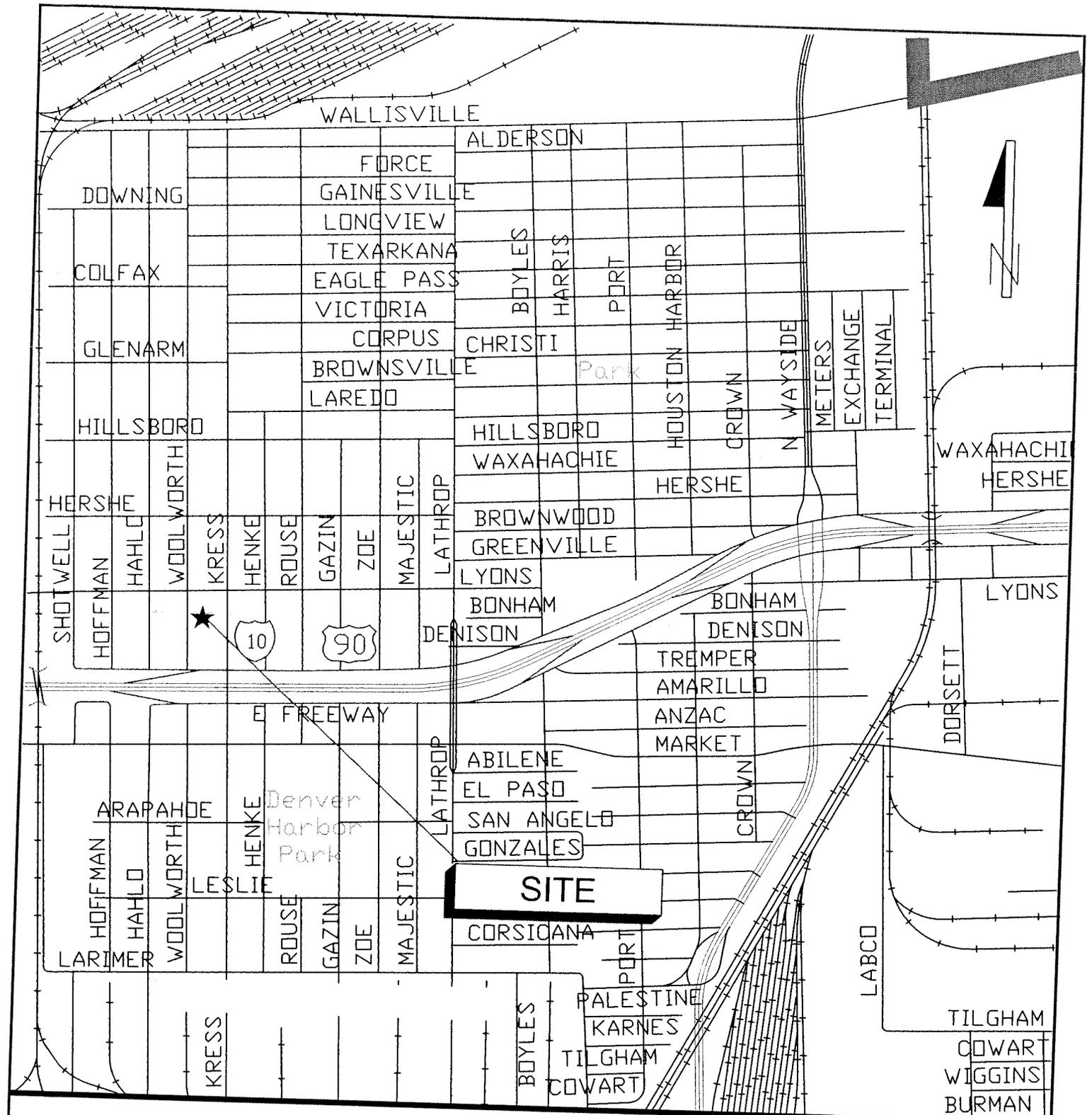
PROJECT LOCATION: Cliff Tuttle Park 6200 Lyons (495 H)

PREVIOUS HISTORY AND PROJET DESCRIPTION: On December 16, 2009, City Council awarded a construction contract to Apache Services, Inc. to expand the existing parking lot including installation of security lights, site grading, sidewalks, and landscape and irrigation at Eastwood Park and construct a new parking lot, sidewalk, grading, drainage, and landscape and irrigation at Cliff Tuttle Park

FRC:RAV:JLN:LURJO:

c: Marty Stein, Jacquelyn L. Nisby, Mark Ross, Dan Pederson, Jean Abercrombie, Lisa Johnson, Calvin Curtis, Morris Scott, Christopher Gonzales, Martha Leyva, File 712

REQUIRED AUTHORIZATION		CUIC ID # 25PARK112
General Services Department:  Richard A. Vella Chief of Design & Construction Division	Other Authorization:	Houston Parks and Recreation Department:  Joe Turner Director



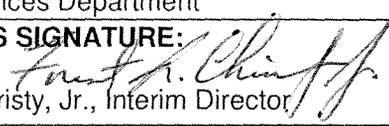
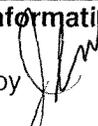
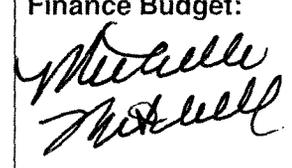
CLIFF TUTTLE PARK
 6200 LYONS
 HOUSTON, TX 77020

COUNCIL DISTRICT "H"

KEY MAP NO. 494H

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amend Ordinance No. 2008-0455 to set a Maximum Contract Amount and Approve 2nd Amendment to the Professional Landscape Architectural Task Order Contract with Clark Condon Associates, Inc. for the Parks and Recreation Department WBS No. F-00504B-0002-3		Page 1 of 2	Agenda Item 53
FROM (Department or other point of origin): General Services Department		Origination Date 7/13/2010	Agenda Date JUL 28 2010
DIRECTOR'S SIGNATURE:  Forest R. Christy, Jr., Interim Director		Council District affected: H	
For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023		Date and identification of prior authorizing Council action: Ordinance No. 2008-0455, 05/28/08 Ordinance No. 2008-1016, 11/12/08	
RECOMMENDATION: Approve (1) an Ordinance amending Ordinance 2008-0455 to set a maximum contract amount, and (2) a 2nd Amendment to the professional landscape architectural task order contract with Clark Condon Associates, Inc., and allocate funds.			
Amount and Source of Funding: Maximum Contract Amount: \$3,394,350.00 \$500,000.00 Federal Government -Grant Funded (5000) CDBG		Finance Budget: 	
Previous Funding: \$ 1,899,251.13 Parks Consolidated Construction Fund (4502) \$ 537,000.00 Parks Special Fund (4012) \$ 2,436,251.13 Total			
<p>SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve an ordinance amending Ordinance No. 2008-0455 to set a maximum contract amount and delegate authority to the director to approve supplemental allocations up to the maximum contract amount of \$3,394,350.00. Periodically, as PARD identifies projects, additional funding will be made available by supplemental allocations from various funds and appropriations from various bond funds up to the maximum contract amount. The fees for each project will be negotiated based upon the size and complexity of the tasks.</p> <p>It is further recommended that City Council approve a 2nd Amendment to the professional landscape architectural task order contract with Clark Condon Associates, Inc. to incorporate CDBG requirements relating to the use of CDBG funds. The requested allocation of \$500,000.00 will allow Clark Condon to provide landscape architectural, architectural and engineering services for the Moody Park Community Center renovations.</p> <p>PROJECT LOCATION: Moody Park – 3725 Fulton (453Y)</p> <p>PROJECT DESCRIPTION: The scope of work consists of renovations to the existing community center including improvements to the gym, servery, restrooms, offices, weight room, multipurpose room and electrical and mechanical systems upgrades. The community center will also be expanded to include a lobby, additional classrooms, storage and restrooms. The playground will also be replaced along with associated sitework and detention.</p>			
REQUIRED AUTHORIZATION		CUIC ID# 25PARK103	
General Services Department:  Richard A. Vella Chief of Design & Construction Division	Housing & Community Development Department  James Noteware Director	Parks and Recreation Department:  Joe Turner Director	

BT

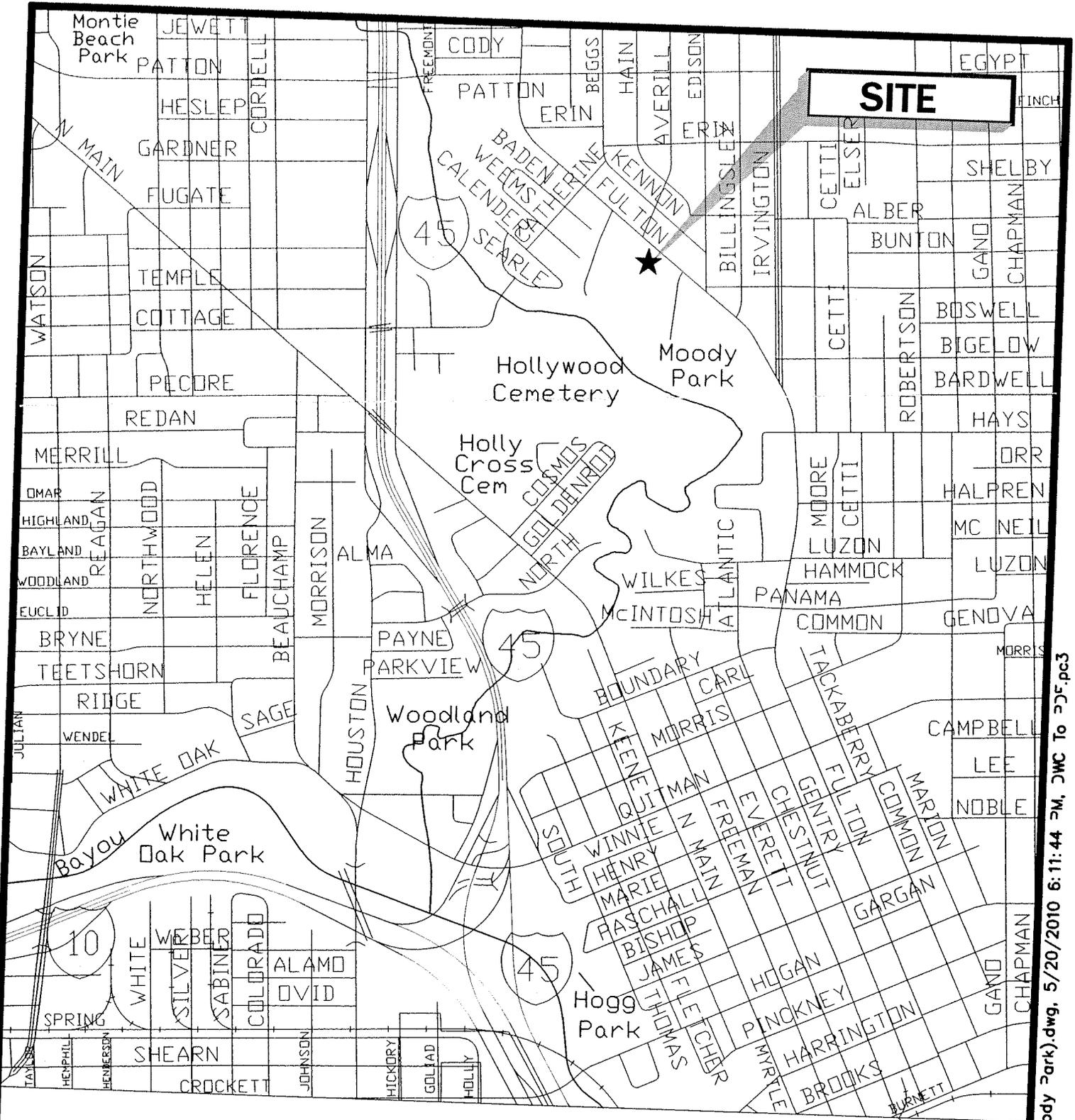
Date:	SUBJECT: Amend Ordinance No. 2008-0455 to set a Maximum Contract Amount and Approve 2 nd Amendment to the Professional Landscape Architectural Task Order Contract with Clark Condon Associates, Inc. for the Parks and Recreation Department WBS No. F-00504B-0002-3	Originator's Initials LJ	Page 2 of 2
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PREVIOUS HISTORY AND PROJECT SCOPE: On May 28, 2008, City Council approved a landscape architectural task order contract with Clark Condon to perform design services for 11 PARD CIP projects. On November 12, 2008, City Council approved a First Amendment and appropriated additional funds to allow Clark Condon to continue design services for PARD.

M/WBE INFORMATION: The original Task Order Contract and this additional allocation have a 24% M/WBE goal. The consultant will utilize the certified firms referenced in the original contract to achieve the goal. Through March 2010, Clark Condon Associates has achieved 37.17% M/WBE participation.

FRC:RAV:JLN:LJ:CFP

c: Marty Stein, Mark Ross, Jacquelyn L. Nisby, Chris Gonzales, Morris Scott, Velma Laws, Kim Nguyen, Pirooz Farhoomand, Gayve Anklesaria, Dan Pederson, File



MOODY PARK
3725 FULTON
HOUSTON , TX 77009-4757

COUNCIL DISTRICT "H"

SITE MAP

KEY MAP NO. 453Y

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amend Ordinance No. 2008-0890 to Increase Maximum Contract Amount and Appropriate Additional Funds Roof Consulting Services Task Order Contract for Various City Departments Building Envelope Consultants, LLC Roof Replacement (Design) at PWE McCarty Maintenance Facility WBS No. N-000396-0018-3	Page 1 of 2	Agenda Item <div style="text-align: right; font-size: 2em; font-weight: bold;">54</div>
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FROM (Department or other point of origin): General Services Department	Origination Date <i>07-22-2010</i>	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Interim Director	Council District(s) affected: 1
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For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance No. 2008-0890; October 8, 2008
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RECOMMENDATION: Approve an Ordinance amending Ordinance No. 2008-0890 (passed October 8, 2008) to increase the maximum contract amount to \$1,500,000 and appropriate additional funds for the project.

Amount and Source of Funding: \$49,970.00 Street & Bridge Consolidated Construction Fund (4506) Previous Funding: Maximum contract amount: \$800,000 – 3 years \$ 200,000.00—General Improvement Consolidated Construction Fund (4509) \$ 150,000.00—Public Library Consolidated Construction Fund (4507) \$ 100,000.00—Public Health Consolidated Construction Fund (4508) \$ 200,000.00—Police Consolidated Construction Fund (4504) \$ 650,000.00 Total Funding	Finance Budget: <div style="text-align: center; font-size: 2em;">✓</div>
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve an Ordinance amending Ordinance No. 2008-0890 to increase the maximum contract amount from \$800,000 to \$1,500,000 for the existing task order contract with Building Envelope Consultants, LLC, (BEC) and appropriate an additional \$49,970.00 for roof consulting services for replacement of the roofs at the Public Works and Engineering Department (PWE) McCarty Maintenance Facility. Concurrently, with this action Council will be requested to appropriate funds for construction to expedite the project and avoid further water infiltration into the buildings. Periodically, as departments identify projects, additional funding will be made available by supplemental allocations from various departmental budgets, or appropriations from various bond funds up the maximum contract amount of \$1,500,000.

PROJECT LOCATION: 5500 McCarty Road (455U)

PROJECT DESCRIPTION: The project will replace the failed roof system at three buildings of the complex. The roofs are over 19 years old and are nearing the end of their useful life cycle. The scope of services consists of preparation of specifications and construction documents, construction administration and inspection services for the project.

REQUIRED AUTHORIZATION CUIC # 25DSGN62

General Services Department: <div style="text-align: center; font-size: 1.5em;"><i>H. Bautista</i></div> Humberto Bautista, P.E. City Engineer	Public Works and Engineering Department: <div style="text-align: center; font-size: 1.5em;"><i>D. Menendez</i></div> Daniel R. Menendez, P.E. Interim Director
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Date	SUBJECT: Amend Ordinance No. 2008-0890 to Increase Maximum Contract Amount and Appropriate Additional Funds Roof Consulting Services Task Order Contract for Various City Departments Building Envelope Consultants, LLC Roof Replacement (Design) at PWE McCarty Maintenance Facility WBS No. N-000396-0018-3	Originator's Initials EA	Page 2 of 2
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PREVIOUS HISTORY AND PROJECT SCOPE: On October 8, 2008, Ordinance 2008-0890, City Council approved a three-year task order contract with BEC in an amount not to exceed \$800,000, for citywide task order roofing and waterproofing consulting services for various departments. Under the terms of the contract, BEC performs design phase services, on an as needed basis, for various City departments and seals documents to comply with the City Building Code. Fees for each project is negotiated based upon the size and complexity of the tasks involved.

M/WBE INFORMATION: The original contract and this additional appropriation have an 8% M/WBE participation goal. Currently, BEC has achieved 5.43% M/WBE participation and has contracted with an additional MBE construction management firm to further assist in achieving the goal. It is anticipated that BEC will achieve the goal by the completion of the contract.

FRC:JLN:RAV:EA:ps

c: Marty Stein, Jacquelyn L. Nisby, Calvin Curtis, Christopher Gonzales, Morris Scott, Josie Sun, Juan Rendon, Martha Leyva, File

SUBJECT: Appropriate Funds Charter Roofing Company, Inc. Roof Replacement at HPD Southeast Command Center and PWE McCarty Maintenance Facility WBS No. G-000102-0002-4; N-000396-0018-4	Page 1 of 1	Agenda Item 55
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FROM (Department or other point of origin): General Services Department	Origination Date 07-21-2010	Agenda Date JUL 28 2010
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INTERIM DIRECTOR'S SIGNATURE: Forest R. Christy, Jr., Interim Director <i>Forest R. Christy, Jr.</i>	Council District affected: E, I
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For additional information contact: Jacquelyn L. Nisby <i>Jacquelyn L. Nisby</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance No. 2008-0891; Dated October 8, 2008
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RECOMMENDATION: Appropriate funds for the projects.

Amount and Source Of Funding: \$ 1,280,260.00 Police Consolidated Construction Fund (4504) \$ 460,259.00 Street & Bridge Consolidated Construction Fund (4506) \$ 1,740,519.00 Total Funding	Finance Budget: 
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$1,740,519.00 to the existing citywide contract with Charter Roofing Company, Inc. for replacement of the roofs at the Houston Police Department Southeast Command Station and the Public Works and Engineering Department McCarty Maintenance Facility.

PROJECT LOCATIONS: 8300 Mykawa Road (574C) and 5500 McCarty Road (455U)

PROJECT DESCRIPTION: The projects will replace the failed roof systems. The roofs are over 19 years old and are nearing the end of their useful life cycle. The scope includes removal of the existing roof down to the concrete substrate, patching and repairing the substrate as required, and installation of a new 3-ply built-up roofing system. The scope also includes but is not limited to flashing all roof penetrations, repair and replacement of lightning protection where required, fabrication and installation of rooftop equipment supports, and pre-fabricated maintenance walkways.

PREVIOUS HISTORY AND PROJECT SCOPE: On October 8, 2008, Ordinance 2008-0891, City Council awarded a five-year job order contract to Charter Roofing Company, Inc., in an amount not to exceed \$7,500,000.00, for roof repair/replacement services for various departments. The contract is funded through various appropriations/allocations. Periodically, as departments identify projects and specific funding for each project, Council will be requested to appropriate additional funds to this contract. To date, \$1,119,821.00 has been expended on the contract.

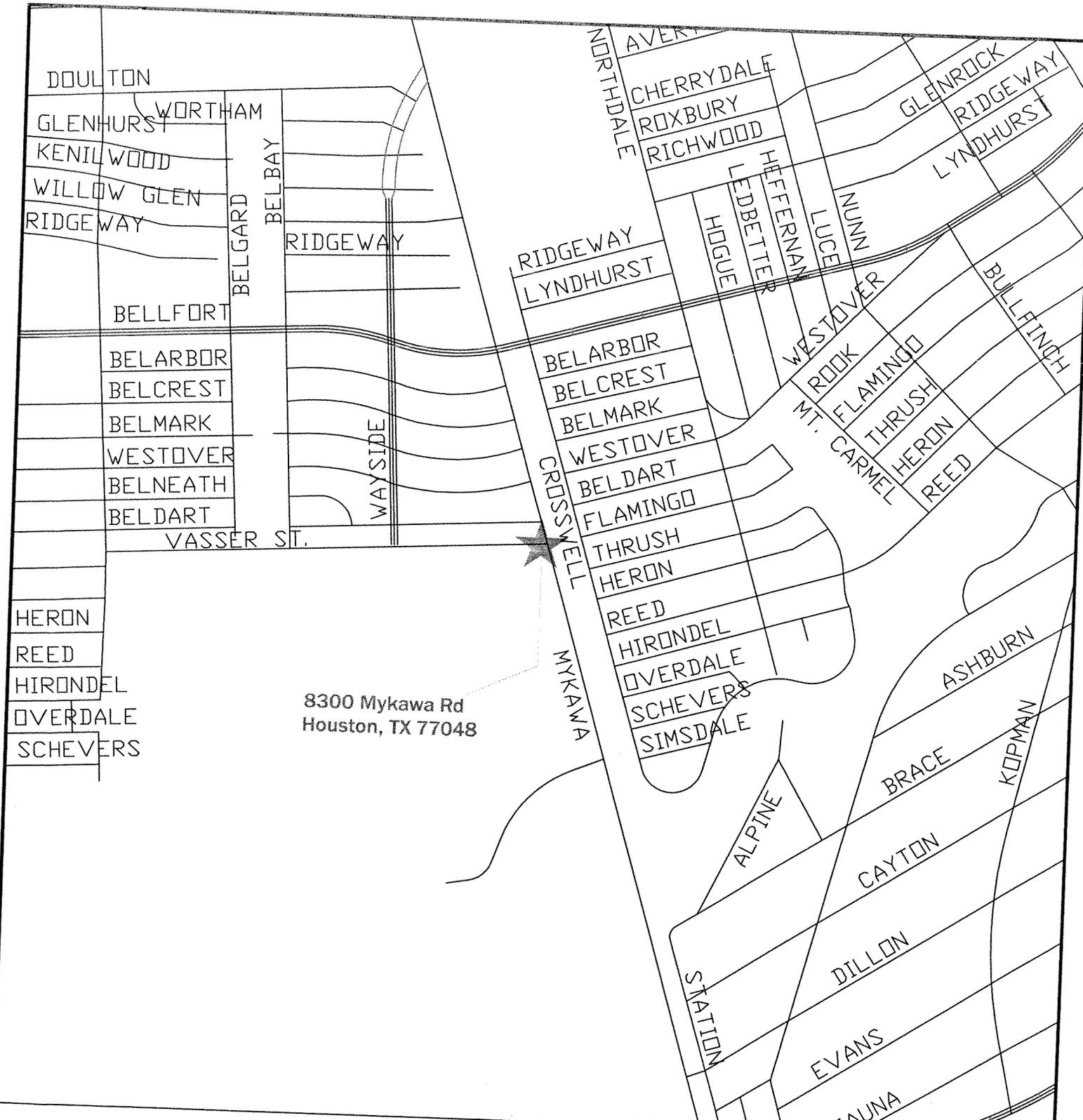
M/WBE INFORMATION: The contract was awarded with 14% MBE, 5% WBE and 3% SBE participation goals. Currently, Charter Roofing Company, Inc. has achieved 7.05% MBE, 15.04% WBE and 0.00% SBE participation.

PAY OR PLAY PROGRAM: The contract requires compliance with the City's "Pay or Play" Ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

FRC:JLN:RAV:ON:EA
 c: Marty Stein, Jacquelyn L. Nisby, Calvin Curtis, Christopher Gonzales, Martha Leyva, Kirk Munden, Morris Scott, Lacy Lovelady, File

REQUIRED AUTHORIZATION CUIC ID# 25CONS149 NDT

General Services Department:  Richard A. Vella Chief of Design and Construction	Public Works and Engineering Department:  Daniel R. Menendez, P.E. Interim Director	Houston Police Department:  7-6-a C. A. McClelland Chief
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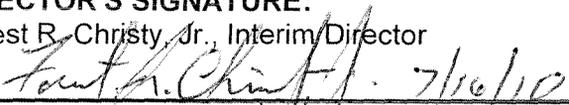
8300 Mykawa Rd
Houston, TX 77048

Roof Replacement at:
HPD Southwest Command Center
 8300 Mykawa Rd.
 Houston, TX 77048

CE

SUBJECT: Professional Architectural Services Contract Bailey Architects, Inc. Relocation of Historical Houses and Locomotive Engine 982 WBS No. B-000177-0001-3	Page 1 of 2	Agenda Item 56
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FROM (Department or other point of origin): General Services Department	Origination Date 07-21-2010	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE: Forest R. Christy, Jr., Interim Director 	Council District(s) affected: 1
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For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Approve architectural services contract and allocate funds for the project.

Amount and Source Of Funding: \$110,000.00 C&E – Civic Center Facility Revenue Fund (8601)	Finance Budget:
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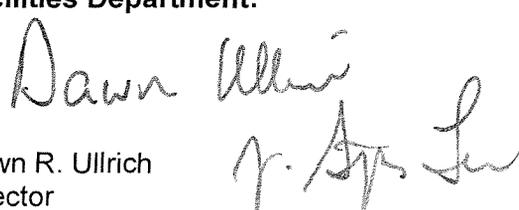
SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve an architectural services contract with Bailey Architects, Inc., to perform design and construction phase services for the relocation and placement of the Cohen and Foley Historical Houses and Locomotive Engine 982 for the Convention and Entertainment Facilities Department.

Bailey Architects, Inc. is a Houston-based firm familiar with the regulations required by the historical commission and the stakeholders for the relocation of the houses. In addition, they were involved in developing a master plan for a proposed Heritage Visitor Center that will showcase the houses. Bailey Architects, Inc. offers the best value for the City based on their experience.

PROJECT LOCATION: 600 Avenida de las Americas (Key Map 493R)

PROJECT DESCRIPTION: The historic Cohen and Foley houses are located on the west side of the 700 block of Avenida de las Americas. The houses will be relocated to the east side of the 600 block of Avenida de las Americas alongside the steam locomotive engine 982. Following the relocation, plans call for restoring the homes, building a connector building and creating a local heritage center which will feature displays, provide tourism information and initiate local heritage tours. The locomotive engine, which was relocated from Hermann Park in 2005, will be moved a short distance to accommodate the site for the heritage center. The new location will provide sufficient space to accommodate the houses, a new connector building and the locomotive. This project will provide construction documents and construction administration for the relocation and reconfiguration of the property to accommodate the houses and the locomotive engine, structurally fortify the houses, demolish a portion of the street, concrete paving, traffic control measures and fencing.

REQUIRED AUTHORIZATION CUIC ID# 25DSGN61

General Services Department:  Richard A. Vella Chief of Design & Construction Division	Convention and Entertainment Facilities Department:  Dawn R. Ullrich Director
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Date	SUBJECT: Professional Architectural Services Contract Bailey Architects, Inc. Relocation of Historical Houses and Locomotive Engine 982 WBS No. B-000177-0001-3	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 lump sum and certain Additional Services to be paid on a reimbursable basis.

\$ 65,000.00	Basic Services
\$ 42,000.00	Additional Services
\$ 3,000.00	Reimbursable Expenses
\$ 110,000.00	Total Contract Services

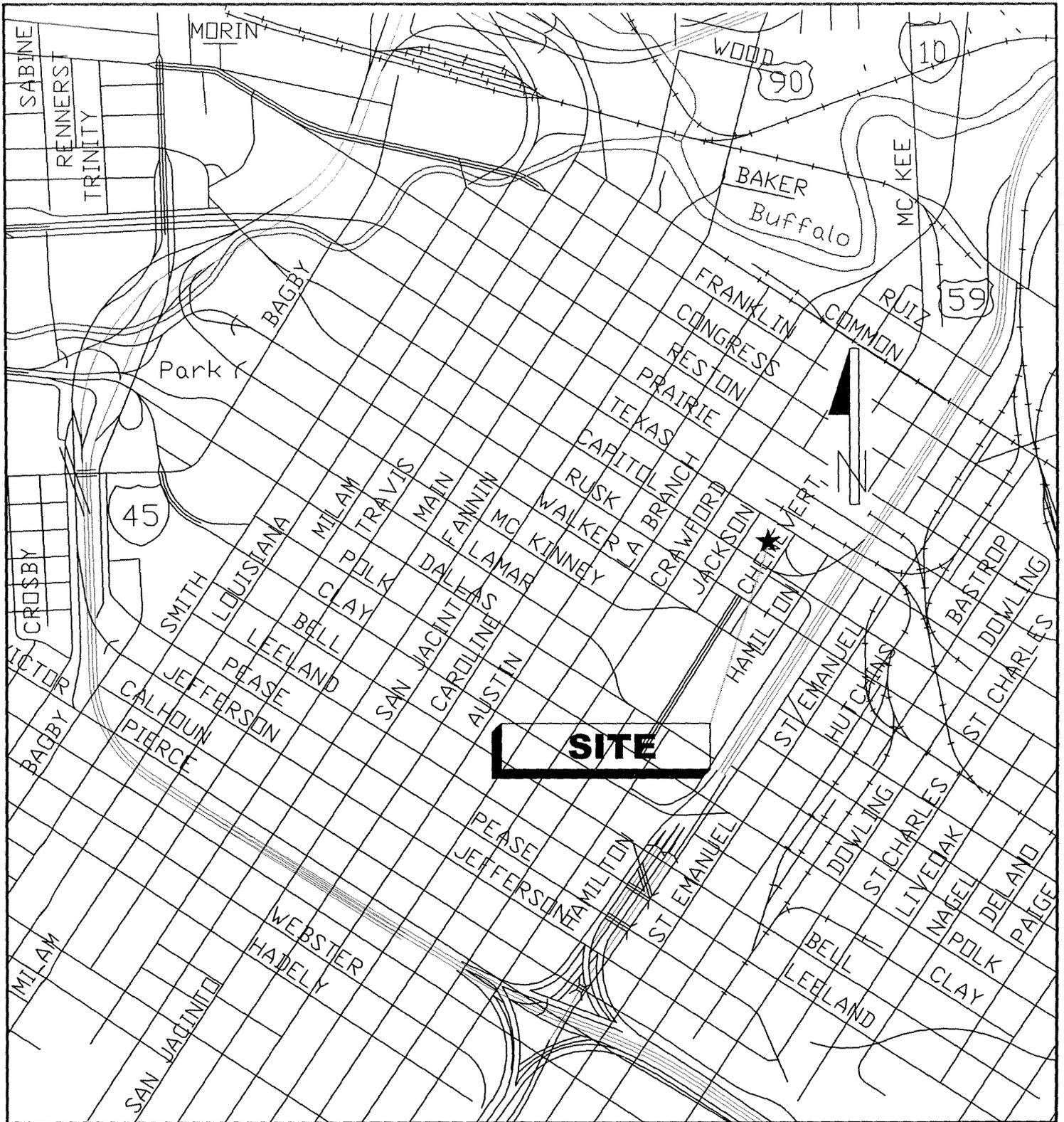
M/WBE INFORMATION: A MWBE goal of 24% has been established for this contract. The architect has submitted the following certified firms to achieve the goal:

<u>Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Aviles Engineering Corporation	Geotechnical Services	\$5,500.00	5.00
Kuo & Associates, Inc.	Land Survey Services	\$5,000.00	4.54
Henderson + Rogers, Inc.	Structural Engineering Services	<u>\$18,000.00</u>	<u>16.36</u>
Total		\$28,500.00	25.90

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 architect provides health benefits to eligible employees in compliance with City policy.

FRC:JLN:RAV:JJR:jr

c: Marty Stein, Jacquelyn L. Nisby, Esq., Calvin Curtis, Esq., Mary Villarreal, Morris Scott, Kim Nguyen, Martha Leyva, File



**Relocation of Historical Houses
and Locomotive Engine 982
600 Avenida de las Americas
Houston, TX 77003**

SUBJECT: Award Construction Contract Times Construction, Inc. Marian Park WBS No. F-000674-0001-4		Page 1 of 2	Agenda Item 59
FROM (Department or other point of origin): General Services Department	Origination Date	Agenda Date JUL 28 2010	
DIRECTOR'S SIGNATURE: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Interim Director 7/13/10	Council District affected: C		
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: \$ 733,335.00 Parks Consolidated Construction Fund (4502)		Finance Budget:	
SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to Times Construction, Inc. on the proposal amount of \$642,000.00 to provide construction services for Marian Park for the Parks and Recreation Department.			
PROJECT LOCATION: 11000 South Gessner (Dr. 530X)			
PROJECT DESCRIPTION: The scope of work includes a new water sprayground, decorative front plaza and entry to the community center, lighting, parking lot expansion, trellis, awning, landscape, irrigation and painting.			
The contract duration for this project is 150 calendar days. M2L Associates, Inc. is the design consultant and construction manager for this project.			
PROPOSALS: On April 30 and May 7, 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 May 27, 2010, and nine 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.			
The nine proposals are ranked as follows:			
<p style="text-align: center;"><u>PROPOSER</u></p> <ol style="list-style-type: none"> 1. Times Construction, Inc. 2. Gulf Coast Landscape Services, Inc. 3. The Gonzalez Group, LP 4. Arriba Construction 5. Millis Development & Construction, Inc. 6. D.L. Meacham Construction, LP 7. Carrera Construction, Inc. 8. Resicom, Inc. 9. Ashley, Inc. dba Stratus Contracting 			
REQUIRED AUTHORIZATION			
General Services Department:		Parks and Recreation Department:	
 Richard A. Vella Chief of Design & Construction Division		 E.J.T. Joe Turner Director	

Date:	Subject: Award Construction Contract Times Construction, Inc. Marian Park WBS No. F-000674-0001-4	Originator's Initials RJO	Page 2 of 2
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AWARD: It is recommended that City Council award the construction contract to Times Construction, Inc. and appropriate funds for the project, including additional appropriations of \$32,000.00 for construction management services under the existing contract with M2L Associates and \$16,000.00 for engineering and materials testing services under the existing contract with Alliance Laboratories, Inc.

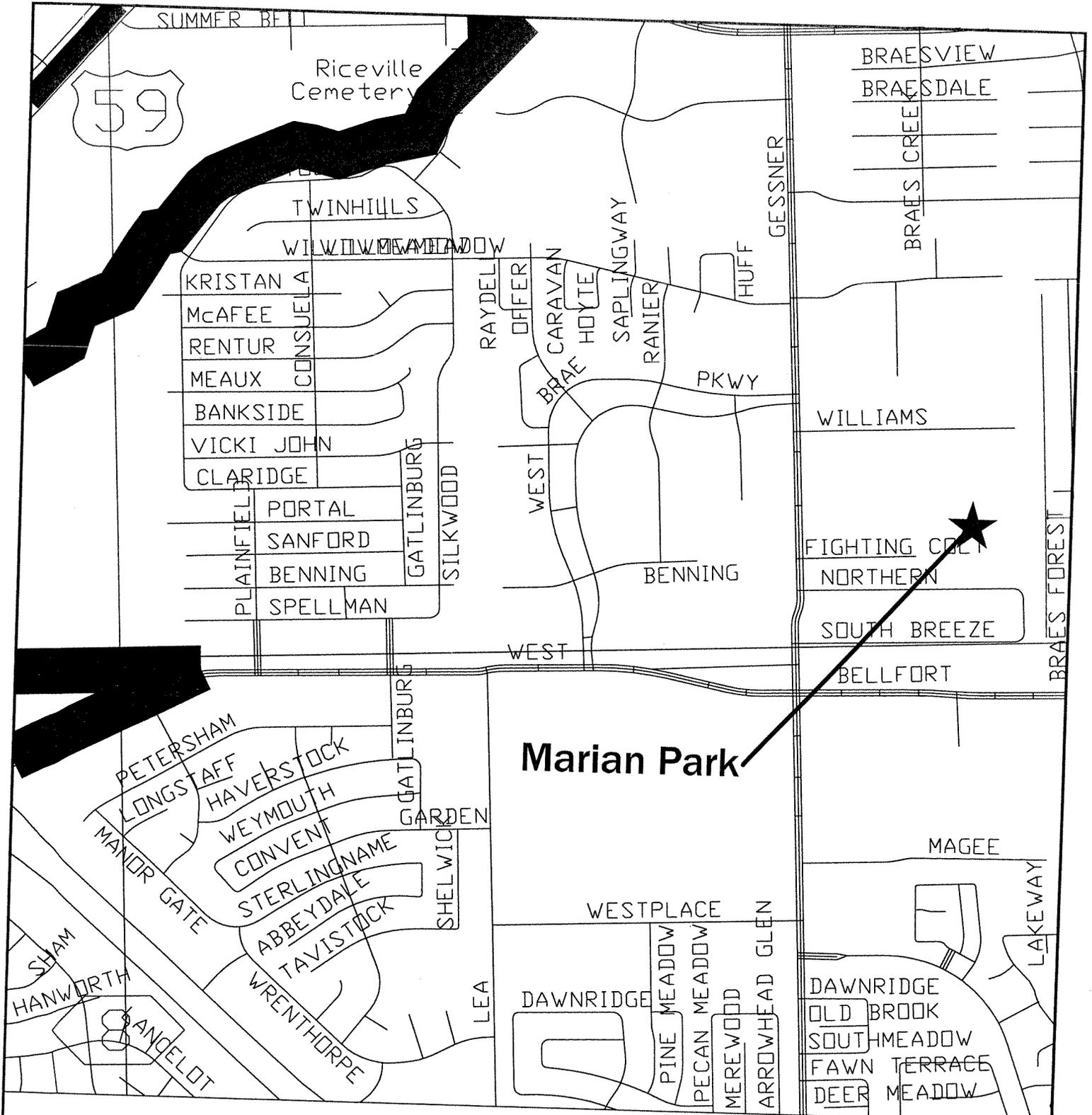
FUNDING SUMMARY:

\$ 642,000.00	Construction Contract
\$ 32,100.00	5% Contingency
\$ 674,100.00	Total Contract Services
\$ 16,000.00	Engineering Testing
\$ 32,000.00	Construction Management
\$ 11,235.00	Civic Art (1.75%)
\$ 733,335.00	Total Funding

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's "Play or Pay" 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.

FRC:RAV:JLN:LJ:RJO:rio

c: Marty Stein, Velma Laws, Jacquelyn L. Nisby, Calvin Curtis, Mark Ross, Richard A. Vella, Lisa Johnson, Christopher Gonzales, Dan Pederson, Morris Scott, Gabriel Mussio, Martha Leyva, File 813

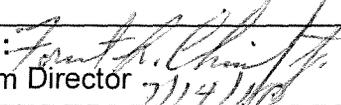


Marian Park

Marian Park
11000 South Gessner Dr.
Houston, TX 77071

COUNCIL DISTRICT "C"

KEYMAP No. 530X

SUBJECT: Award Construction Contract Millis Development & Construction, Inc. Stuebner Airline Park and Metropolitan MSC Adaptive Recreation Trail WBS No. F-504B04-0001-4 & F-000713-0001-4		Page 1 of 2	Agenda Item 58
FROM (Department or other point of origin): General Services Department		Origination Date	Agenda Date JUL 28 2010
DIRECTOR'S SIGNATURE:  Forest R. Christy, Jr., Interim Director 71141110		Council District affected: B, 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: \$ 100,000.00 State – Grant Funded (5010) – Texas Parks and Wildlife Department \$ 1,266,020.00 Parks Consolidated Construction Fund (4502) \$ 1,366,020.00 Total Appropriation			Finance Budget:
SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to Millis Development & Construction, Inc. on the proposal amount of \$1,224,336.00 to provide construction services for Stuebner Airline Park and Metropolitan MSC Adaptive Recreation Trail for the Parks and Recreation Department (PAR).			
PROJECT LOCATIONS: Stuebner Airline Park - 9201 Veterans Memorial Blvd. (412 K) District B Metropolitan MSC Adaptive Recreation Trail - 1475 West Gray (492 R) District D			
PROJECT DESCRIPTION: The scope of work consists of the following improvements:			
Stuebner Airline Park: This undeveloped park site will be selectively cleared of understory vegetation and re-graded for installation of entry drive and parking lot, lighting, detention, playground, water sprayground, picnic pavilion, pathways, drinking fountains, picnic tables, benches, grilles, landscape and irrigation.			
Metropolitan MSC Adaptive Recreation Trail: The adjacent park area will be renovated with new walking trail information kiosk, picnic tables, benches, and drinking fountain.			
The contract duration for the Stuebner Airline Park is 240 calendar days. Clark Condon Associates is the design consultant and will serve as the construction manager for both projects. The contract duration for the Metropolitan MSC Adaptive Recreation Trail is 100 calendar days and M2L Associates is the design consultant.			
PROPOSALS: On April 2 and 9, 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 May 6, 2010, and seven firms responded. GSD evaluated the respondents and Millis Development & Construction, Inc. received the most points and offers the best value for the City based on the advertised criteria.			
REQUIRED AUTHORIZATION CUIC ID # 25PARK114			
General Services Department:  Richard A. Vella Chief of Design & Construction Division		Parks and Recreation Department:  Joe Turner Director	

Date:	Subject: Award Construction Contract Millis Development & Construction, Inc. Stuebner Airline Park and Metropolitan MSC Adaptive Recreation Trail WBS No. F-504B04-0001-4 & F-000713-0001-4	Originator's Initials RJO	Page 2 of 2
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PROPOSAL CONT: The seven proposals are ranked as follows:

PROPOSER

1. Millis Development & Construction, Inc.
2. Times Construction, Inc.
3. The Gonzales Group, L.P.
4. Carrera Construction, Inc.
5. Resicom, Inc.
6. D. L. Meacham, LP
7. Jerdon Enterprise, LP

AWARD: It is recommended that City Council award the construction contract to Millis Development & Construction, Inc., and appropriate funds for the project, including additional appropriations of \$16,000.40 for engineering and materials testing services under the existing contract with Geotest Engineering, Inc., and \$43,040.92 for construction management services under the existing contract with Clark Condon Associates, Inc.

FUNDING SUMMARY:

\$ 1,224,336.00	Construction Contract
\$ 61,216.80	5% Contingency
\$ 1,285,552.80	Total Contract Services
\$ 16,000.40	Engineering Testing
\$ 43,040.92	Construction Management
\$ 21,425.88	Civic Art (1.75%)
\$ 1,366,020.00	Total Funding

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's "Play or Pay" Ordinance regarding health benefits for employees of City contractors. In this case, the contractor will provide health benefits to eligible employees in compliance with City policy.

CONSTRUCTION GOALS: A 14% MBE goal and 10% SBE goal have been established for this contract. The contractor has submitted the following certified firms to achieve the goals:

<u>FIRM (MBE)</u>	<u>SCOPE</u>	<u>AMOUNT</u>	<u>% of CONTRACT</u>
Hope Construction	Sitework and paving	\$ 78,000.00	6.4%
LandPRO, Inc.	Landscape irrigation	\$ 93,000.00	7.6%
TOTAL		\$171,000.00	14.0%

<u>FIRM (SBE)</u>	<u>SCOPE</u>	<u>AMOUNT</u>	<u>% of CONTRACT</u>
Integrity Interior Exterior, Inc.	Paving	\$ 58,818.00	4.8%
McKenna Contracting, Inc.	Site Furnishings & Installation	\$ 63,000.00	5.1%
Environmental Allies GP, Inc.	Erosion Control	\$ 12,000.00	1.0%
TOTAL		\$ 133,818.00	10.9%

FRC:RAV:JLN:JJ:RJO:ijo
 c: Marty Stein, Velma Laws, Jacquelyn L. Nisby, Calvin Curtis, Mark Ross, Richard Vella, Lisa Johnson, Christopher Gonzales, Dan Pederson, Morris Scott, Gabriel Mussio, Martha Leyva, File 712

SITE

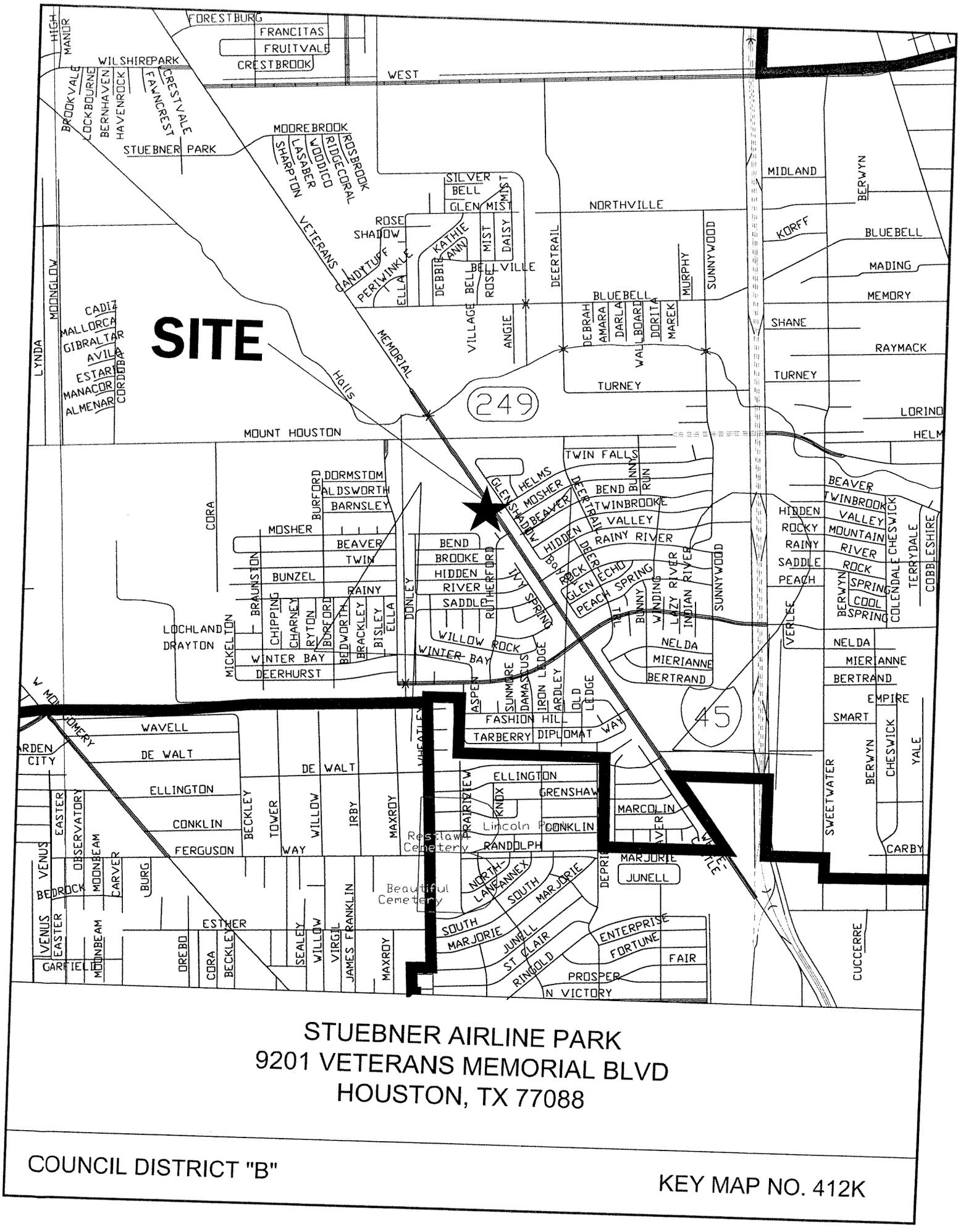
249

45

STUEBNER AIRLINE PARK
9201 VETERANS MEMORIAL BLVD
HOUSTON, TX 77088

COUNCIL DISTRICT "B"

KEY MAP NO. 412K



REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending Ordinance No. 2010-0482 to correct certain clerical errors relating to Water and Wastewater Impact Fees <i>2nd - final</i>	Page 1 of 1	Agenda Item <i>59 44</i>
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FROM (Department or other point of origin): Department of Public Works and Engineering <i>Reading</i>	Origination Date: July 8, 2010	Agenda Date: JUL 14 2010
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DIRECTOR'S SIGNATURE: <i>MS</i>  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council District affected: <i>JUL 28 2010</i>
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For additional information contact: Mark Loethen, P.E., CFM, PTOE Acting Deputy Director  713-837-0724	Date and identification of prior authorizing Council action: Ordinance No. 2010-0482 June 30, 2010
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RECOMMENDATION: Adopt Ordinance amending Ordinance No. 2010-0482 to correct certain clerical errors relating to Water and Wastewater Impact Fees

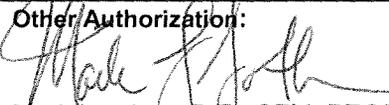
Amount and source of funding: N/A	Finance Budget
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EXPLANATION

On June 30, 2010, City Council approved updated Water and Wastewater Impact Fees based on a decennial review required under Chapter 395 of the Texas Local Government Code. The adopted ordinance contained typographical errors with respect to the dollar amount for the maximum allowable impact fee for both water and wastewater. The proposed ordinance corrects those amounts so they are consistent with the published update report approved by the Planning Commission and recommended to Council. The adopted ordinance correctly stated the recommended impact fees that the City will charge for new development, which are substantially lower than the maximum allowable amounts.

REQUIRED AUTHORIZATION

20MLLS9A

Other Authorization:	Other Authorization:  Mark Loethen, P.E., CFM, PTOE Acting Deputy Director	Other Authorization:
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REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:
Ordinance granting a Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

Agenda Item#

60

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

Origination Date
July 12, 2010

Agenda Date
JUL 28 2010

DIRECTOR'S SIGNATURE:



Council Districts affected:

ALL

For additional information contact:

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

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

RECOMMENDATION: (Summary)

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

Amount of Funding:
REVENUE

FIN Budget:

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

SPECIFIC EXPLANATION:

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

1. V.F. Waste Services, Inc. DBA V.F. Trash Service

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

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

REQUIRED AUTHORIZATION

Finance Director: