

AGENDA - COUNCIL MEETING - WEDNESDAY - NOVEMBER 3, 2010 - 9:00 A. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

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

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Bradford

9:00 A. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

9:30 A. 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

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** on proposals for the City of Houston to enter into separate strategic partnership agreements with the below named districts in Harris County and Fort Bend County; on separate proposals by the City of Houston to annex for limited purposes certain territory within said Districts; and on separate proposals by the City of Houston to annex for limited purposes certain territory in the vicinity of certain Districts:
 - a. Cinco Southwest Municipal Utility District No. 4
 - b. Faulkey Gully Municipal Utility District
 - c. Harris County Water Control Improvement District No. 109
 - d. Mills Road Municipal Utility District
 - e. Mission Bend Municipal Utility District No. 1
 - f. Fort Bend County Municipal Utility District No. 142
 - g. Harris County Municipal Utility District No. 44
 - h. Harris County Water Control Improvement District No. 91
 - i. Bridgestone Municipal Utility District
 - j. Chimney Hill Municipal Utility District
 - k. Cinco Southwest Municipal Utility District No. 2
 - l. Cy-Champ Public Utility District
 - m. Harris County Fresh Water Supply District No. 61
 - n. Harris County Municipal Utility District No. 11
 - o. Harris County Municipal Utility District No. 248
 - p. Harris County Municipal Utility District No. 285
 - q. North Belt Utility District
 - r. Ponderosa Forest Utility District
 - s. El Dorado Municipal Utility District

HEARINGS - continued

Item 1 - continued

- t. Harris County Municipal Utility District No. 1
- u. Harris County Municipal Utility District No. 64
- v. Harris County Municipal Utility District No. 82
- w. Harris County Water Control Improvement District No. 132
- x. Kleinwood Municipal Utility District
- y. Louetta North Public Utility District
- z. North Green Municipal Utility District
- aa. Northgate Crossing Municipal Utility District No. 1
- bb. West Harris County Municipal Utility District No. 9
- cc. Woodcreek Municipal Utility District

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 38

MISCELLANEOUS - NUMBER 2

2. CONFIRMATION of the appointment of the following to the **HOUSTON BUSINESS DEVELOPMENT INC**, for three year terms:
 - Position 2 - **MS. ELLE SHEBAY**
 - Position 4 - **MR. MICHAEL A. NEBGEN, JR.**
 - Position 6 - **MR. CHAD KHAN**
 - Position 8 - **MR. ROBERT N. COLLIER**
 - Position 10 - **MS. ANGELA BLANCHARD**
 - Position 12 - **MS. ZAWADI BRYANT**

ACCEPT WORK - NUMBERS 3 through 7

3. RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$147,358.66 and acceptance of work on contract with **AIA GENERAL CONTRACTORS, INC** for Underground Storage Tank System Improvements at Fire Department Administration and Fleet Maintenance Building - 8.45% over the original contract amount **DISTRICT H - GONZALEZ**
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$870,590.28 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.**, for Safe Sidewalk Program H4 and H5 Projects - 3.41% over the original contract amount - **DISTRICTS B - JOHNSON; E - SULLIVAN and H - GONZALEZ**
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,511,720.69 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Chocolate Bayou Wastewater Treatment Plant - 4.49% under the original contract amount - **DISTRICT D - ADAMS**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,413,290.01 and acceptance of work on contract with **MCKINNEY CONSTRUCTION, INC** for Water Line Replacement in the Greensboro Area - 1.27% under the original contract amount - **DISTRICT D - ADAMS**

AGENDA - NOVEMBER 3, 2010 - PAGE 3

ACCEPT WORK - continued

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,582,114.50 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Forest West and Cole Creek - 1.78% under the original contract amount - **DISTRICT A - STARDIG**

PROPERTY - NUMBERS 8 through 11

8. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY9-419, located at 8612 Long Point Road, owned by Arroyos Real Estate Limited Partnership, a Texas limited Partnership, Alexander G. Arroyos, General Partner, for the **LONG POINT RECONSTRUCTION PROJECT from Pech to Hollister**) - \$268,050.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT A - STARDIG**
9. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY9-420, located at 1801 Bingle Road, owned by Luis E. Parreno and Jose E. Parreno, for the **LONG POINT RECONSTRUCTION PROJECT from Pech to Hollister**) - \$59,630.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT A - STARDIG**
10. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY9-421, located at 8607 Long Point Road, owned by Longpoint 8607, Ltd., a Texas limited partnership, Roger Saa, General Partner, for the **LONG POINT RECONSTRUCTION PROJECT from Pech to Hollister**) - \$62,320.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT A - STARDIG**
11. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY9-424, located at 8510 Long Point Road, owned by Festival Properties, Inc., a Texas corporation, Dan Silvestri, President, for the **LONG POINT RECONSTRUCTION PROJECT from Pech to Hollister**) - \$935,657.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT A - STARDIG**

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 16

12. **GILBREATH COMMUNICATIONS, INC** for Community/Disaster Preparedness Education/ Outreach Programs and Companion Marketing for the Houston region for the Mayor's Office of Public Safety & Homeland Security - \$437,947.13 - Grant Fund
13. **SOUTHWESTERN BELL TELEPHONE COMPANY d/b/a AT&T TEXAS** for Voice Communication Services through the City's Master Agreement with the Texas Department of Information Resources for the Information Technology Department - 2 Years - \$10,000,000.00 Central Service Revolving Fund
14. **HOV SERVICES, INC** for Mail Processing Services from the Texas Procurement and Support Services Contract through the Texas Procurement and Support Services' Cooperative Purchasing Program for the Department of Public Works & Engineering - \$604,800.00 - Enterprise Fund
15. ORDINANCE appropriating \$5,669,104.00 out of Water & Sewer System Consolidated Construction Fund for Emergency Repairs to the East and West Lift Stations at the Almeda-Sims Wastewater Treatment Plant for the Public Works and Engineering Department
 - a. **BOYER, INC** for Emergency Repairs to the East and West Lift Stations at the Almeda-Sims Wastewater Treatment Plant for the Department of Public Works & Engineering

PURCHASING AND TABULATION OF BIDS - continued

16. **VARIAN, INC** for Inductively Coupled Plasma Optical Emission Spectrometer from the Texas Procurement Support Services' Contract through the Texas Procurement and Support Services Cooperative Purchasing Program for the Department of Public Works & Engineering - \$91,653.00 Enterprise Fund

ORDINANCES - NUMBERS 17 through 38

17. ORDINANCE **AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, related to the consolidation of the Municipal Courts Department; containing findings and other provisions relating to the foregoing subject; providing for severability; providing an effective date
18. ORDINANCE **AMENDING CHAPTER 43 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to regulation of swimming pools and spas; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing a penalty therefor; containing a savings clause; providing for severability
19. ORDINANCE relating to the adoption of Construction Codes for the protection and preservation of lives and property from fire and other perils; adopting amendments to the City of Houston Construction Code and containing other provisions relating to the foregoing subject; containing a repealer; containing a savings clause; providing for severability
20. ORDINANCE approving and authorizing the sale of 151.7 acres of land in the H.T.&B. RR. Company Survey No. 1, Abstract No. 387, Houston, Harris County, Texas to Enterprise Crude Pipeline LLC for \$6,315,400.00 and other consideration to the City - **DISTRICT E - SULLIVAN**
21. ORDINANCE appropriating \$23,539.00 for acquisition of Fine Arts Insurance Coverage from Hanover Insurance Group for 26 Works of Art in the collection of the Convention and Entertainment Facilities Department - Enterprise Fund - **DISTRICTS D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**
22. ORDINANCE approving and authorizing contract between the City of Houston and the **TEXAS DEPARTMENT OF STATE HEALTH SERVICES** for Vital Records Database Services for the Houston Department of Health and Human Services; providing a maximum contract amount 2 Years - \$80,000.00 - Health Special Revenue Fund
23. ORDINANCE approving and authorizing contract between the City of Houston and the **TEXAS DEPARTMENT OF STATE HEALTH SERVICES** for Family Planning Services for the Houston Department of Health and Human Services - 1 Year - \$1,221,390.00 - Grant Fund
24. ORDINANCE authorizing the termination of a Performance Based Loan Agreement between the City of Houston and **JACKSON HINDS GARDENS, INC** relating to a 90 unit Very Low Income Single Occupancy Project located at 607 Thornton Road, Houston, Texas approved and authorized by Ordinance 2009-1256; de-obligating \$1,200,000.00 of Community Development Block Grant Funds which were previously appropriated for payments under the Loan Agreement **DISTRICT H - GONZALEZ**
25. ORDINANCE approving and authorizing a second amendment to the Interlocal Agreement (Ordinance No. 2005-956, Approved August 10, 2005) between the City of Houston and **HARRIS COUNTY** for Support of the Joint City-County Commission on Children

ORDINANCES - continued

26. ORDINANCE appropriating \$344,704.00 out of Equipment Acquisition Consolidated Fund for Purchase of Software and other Technology Equipment Items for the City's Enterprise Geographic Information System
27. ORDINANCE appropriating \$13,180.00 out of General Improvement Consolidated Construction Fund for Emergency Mold Remediation at the Bob Lanier Public Works & Engineering Building for the General Services Department - **DISTRICT I - RODRIGUEZ**
28. ORDINANCE appropriating \$187,195.00 out of Airports Improvement Fund and approving transfer of such amount from the Houston Airport System to the Department of Public Works and Engineering for Reimbursement for utility improvements - **DISTRICT B - JOHNSON**
29. ORDINANCE appropriating \$514,855.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 2 to an agreement for Professional Architectural/Engineering Services between the City of Houston and **3D/INTERNATIONAL, INC** (Project No. 490M); providing funding for the Civic Art Program - **DISTRICT B - JOHNSON**
30. ORDINANCE appropriating \$10,299,432.69 out of Airports Improvement Fund and awarding construction contract to **UNITED RESTORATION AND PRESERVATION, INC** for the Repair of Parking Structures at William P. Hobby Airport (Project 592); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for Civic Art Program, engineering testing services and for contingencies relating to construction of facilities financed by such funds - **DISTRICT I - RODRIGUEZ**
31. ORDINANCE appropriating \$100,000.00 out of General Improvement Consolidated Construction Fund, \$50,000.00 out of Public Health Consolidated Construction Fund, \$50,000.00 out of Public Library Consolidated Construction Fund, and \$110,000.00 out of Police Consolidated Construction Fund as an additional appropriation for Professional Architectural Services Task Order Contract between the City of Houston and **BUILDING ENVELOPE CONSULTANTS, LLC** for Various City Departments (Approved by Ordinance No. 2008-0890)
32. ORDINANCE consenting to the addition of 205.5297 acres of land to **CYPRESS FOREST PUBLIC UTILITY DISTRICT**, for inclusion in its district
33. ORDINANCE consenting to the addition of 1,421.89 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 491**, for inclusion in its district
34. ORDINANCE consenting to the addition of 38.454 acres of land to **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1**, for inclusion in its district
35. ORDINANCE consenting to the addition of 0.8970 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109**, for inclusion in its district
36. ORDINANCE approving and authorizing first amendment to Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** under the American Recovery and Reinvestment Act for Harwin Street, W. Dallas Street, Beechnut Street, Broadway Street and Navigation Street (Approved by Ordinance No. 2010-0070) - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; F - HOANG; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ**

ORDINANCES - continued

37. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and the **HARRIS COUNTY FLOOD CONTROL DISTRICT** for Construction and Maintenance of a Storm Water Detention Basin, hereinafter referred to as the Bretshire Basin, for the Public Works and Engineering Department - **DISTRICT B - JOHNSON**
38. ORDINANCE appropriating \$991,716.00 out of Parks Consolidated Construction Fund; awarding construction contract to **TIMES CONSTRUCTION, INC** for Memorial Park Greenhouse; 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, environmental monitoring, Civic Art Program and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund and Hurricane Ike Aid & Recovery Fund - \$288,147.00 Hurricane Ike Aid & Recovery Fund - **DISTRICT G - PENNINGTON**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 39 and 39A

MISCELLANEOUS

39. MOTION to suspend the rules of Council for the purpose of setting a date as listed in Item 39A:
- a. MOTION to set a date not less than six (6) days from November 3, 2010, to receive nominations for Position 7 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY**, for a two year term

MATTERS HELD - NUMBERS 40 through 52

40. Motion by Council Member Clutterbuck/Seconded by Council Member Gonzalez to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$854,044.12 and acceptance of work on contract with **TEXAS BRIDGE, INC** for Rehabilitation of Two and Replacement of One Ground Storage Tank at Three Pumping Stations - 11.05% under the original contract amount - **DISTRICTS C - CLUTTERBUCK; E - SULLIVAN and G - PENNINGTON** - TAGGED BY COUNCIL MEMBER JONES
This was Item 13 on Agenda of October 27, 2010
41. Motion by Council Member Clutterbuck/Seconded by Council Member Gonzalez to adopt recommendation from Purchasing Agent to award to **COMMUNICATION SUPPLY CORPORATION** - \$1,528,386.40 and **GRAYBAR ELECTRIC COMPANY** - \$1,310,996.90 for Communication Cables and Supplies for Information Technology Department - Central Service Revolving Fund - TAGGED BY COUNCIL MEMBER JONES
This was Item 20 on Agenda of October 27, 2010
42. ORDINANCE creating the BARC Special Revenue Fund (The "Fund"); establishing the sources and uses of the Funds therein for the Operation and Maintenance of the City of Houston Bureau of Animal Regulation and Care Animal Shelter Facilities and Programs; transferring \$6,121,549 to the Fund from the accounts set out in Attachment A to this ordinance; appropriating any and all funds donated to or received into the Fund for the purposes set out herein; approving the budget for the Fund attached as Attachment B - TAGGED BY COUNCIL MEMBER ADAMS
This was Item 22 on Agenda of October 27, 2010

MATTERS HELD - continued

43. ORDINANCE appropriating \$160,000.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing Development Agreement between the City and **SHINE PROPERTY DEVELOPMENT, LLC** to develop two (2) Affordable Single-Family Model Homes in the Trinity Gardens Area to be later sold to qualified low-income and very low-income families - **DISTRICT B - JOHNSON** - **TAGGED BY COUNCIL MEMBERS JOHNSON, SULLIVAN and STARDIG**
This was Item 26 on Agenda of October 27, 2010
44. ORDINANCE appropriating \$160,000.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing Second Lien Construction Financing Agreement between the City of Houston and **GUIDING LIGHT COMMUNITY DEVELOPMENT CORPORATION** to develop two (2) Affordable Single-Family Homes in the Trinity Gardens Houston Hope Area to be sold to qualified low-income and very low-income families - **DISTRICT B - JOHNSON** - **TAGGED BY COUNCIL MEMBERS JOHNSON, SULLIVAN and STARDIG**
This was Item 27 on Agenda of October 27, 2010
45. ORDINANCE amending Ordinance No. 2010-572 relating to the Fiscal Affairs of the Fifth Ward Redevelopment Authority on behalf of Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone); approving an amendment to the Fiscal Year 2010 Operating Budget for the Authority - **DISTRICTS B - JOHNSON and H - GONZALEZ** - **TAGGED BY COUNCIL MEMBER JOHNSON**
This was Item 28 on Agenda of October 27, 2010
46. ORDINANCE appropriating \$235,000.00 out of Water & Sewer System Consolidated Construction Fund for Legal Services; approving and authorizing contract between the City of Houston and **ANDREWS KURTH LLP** for Professional Services and Representation of the City in connection with Cause Numbers: 03-10-00423-CV, 03-10-00433-CV and 03-00497-CV; all styled Bruce R. Hotze and Paul Bettencourt v. City of Houston; in the Third Court of Appeals of the State of Texas; providing a maximum contract amount
TAGGED BY COUNCIL MEMBERS SULLIVAN and BRADFORD
This was Item 34 on Agenda of October 27, 2010
47. ORDINANCE amending Ordinance No. 2005-0705 (Passed on June 8, 2005) to increase the maximum contract amount for contract between the City of Houston and **GENUINE PARTS COMPANY dba NAPA AUTO PARTS** for Automotive and Equipment Parts and Repair Services for the Public Works & Engineering Department - \$3,750,000.00 - Fleet Management Fund
TAGGED BY COUNCIL MEMBERS JONES, ADAMS and BRADFORD
This was Item 37 on Agenda of October 27, 2010
48. ORDINANCE approving and authorizing the Mayor to accept Federal Aviation Administration Grant offers up to \$50,000,000.00 for Projects at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport; declaring the City's eligibility for such grants
DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 40 on Agenda of October 27, 2010
49. ORDINANCE approving and authorizing an amendment to the Interlocal Agreement (Approved by Ordinance No. 2007-0722) between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT** for Sims Bayou Flood Damage Reduction Project - **DISTRICTS D - ADAMS; E - SULLIVAN and I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBERS COSTELLO and STARDIG**
This was Item 44 on Agenda of October 27, 2010

MATTERS HELD - continued

50. ORDINANCE appropriating \$262,240.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract with **COBB FENDLEY & ASSOCIATES, INC** for Technical Assistance for Interagency Project Reviews (Approved by Ordinance No. 2007-0028) - **DISTRICTS A - STARDIG; C - CLUTTERBUCK; D - ADAMS; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ**
TAGGED BY COUNCIL MEMBER JONES
This was Item 46 on Agenda of October 27, 2010
51. ORDINANCE approving and authorizing contract between the City of Houston and **NRG ENERGY SERVICES LLC** for Electric Reliability Services to implement Texas Senate Bill 361; approving and authorizing three Lease Agreements between the City of Houston (as Landlord) and NRG Energy Services LLC (as Tenant) in connection therewith for the purpose of locating Backup Generation Equipment near the City's East, Southeast and Northeast Water Treatment Plants - \$55,861,466.00 - Enterprise Fund
TAGGED BY COUNCIL MEMBERS JONES, BRADFORD and SULLIVAN
This was Item 48 on Agenda of October 27, 2010
52. ORDINANCE appropriating \$471,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** for Neighborhood Back Lot Wastewater Substitute Service Program - W. Clay, W. Pierce, and W. Bell; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS** - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 49 on Agenda of October 27, 2010

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

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

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

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

**CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - WEDNESDAY
NOVEMBER 3, 2010 - 9:00 AM**

AGENDA

3MIN 3MIN 3MIN

NON-AGENDA

2MIN 2MIN 2MIN

MR. MATT SKELTON – 4154 Glenshire – 77025 – 832-797-5976 – Contest water bill

3MIN 3MIN 3MIN

MS. BETTY MARTIN – 12633 Memorial Dr., No. 227 – 77024 – 713-647-6997 – Dionyuss Theatre

MR. ELTON CHILDS – 7039 Burkett – 77021 – 832-347-8094 – Franchise fee

MR. A NAING AUNG – 7903 South Loop East, No. 404 – 77012 – No Phone - Thank Mayor and City Council

MR. ROLAND CURRY – 9707 Cowart – 77029 – 832-613-7301 – Mayor’s Administration not having tolerance for African Americans

MR. MICHAEL HOLTHOUSE – 1800 West Loop South, Ste. 1875 – 77027 – 713-626-5511 – The Big Tent Conference

PREVIOUS

1MIN 1MIN 1MIN

MS. MARY TAYLOR - 1403 Fashion Hill Dr. - 77088 - 281-445-0682 – Joe Turner ignored our request for the YMCA in Park

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – Charges – BWhite, AGarcia, RCGreen, RKing S/Embezzlement, O/Estate, Corvette C/Funds W/Protection

| | | | | |
|---|--|---|------------------------|--|
| SUBJECT: Ordinance calling Hearings for Proposed Strategic Partnership Agreements with certain utility districts in the Houston area | | Category # | Page 1 of 2 | Agenda Item # 1 #6 |
| FROM (Department or other point of origin): Planning and Development | | Origination Date September 16, 2010 | | Agenda Date SEP 29 2010 |
| DIRECTOR'S SIGNATURE: <i>Madeleine K. Griffith</i> | Council District affected: 005 27 2010 | | | |
| | NOV 03 2010 | | | |
| For additional information contact: Margaret Wallace Phone: 713-837-7826 | | Date and identification of prior authorizing Council action: | | |
| RECOMMENDATION: (Summary) It is recommended that City Council pass the Ordinance calling Hearings on proposed Strategic Partnership Agreements with certain utility districts in the Houston area. | | | | |
| Amount and Source of Funding: N/A | | | Finance Budget: | |
| SPECIFIC EXPLANATION: In 1999, the State Legislature gave the City of Houston the right to enter into Strategic Partnership Agreements with utility districts. Such agreements allow the City to annex all or part of these districts for limited purposes. The City can then levy a sales tax and provide specified, limited services to the area. The City cannot levy a property tax in areas annexed for limited purposes. The hearings called by this ordinance are for agreements, or amendments to existing agreements, with the following Utility Districts: New Agreements: El Dorado UD Fort Bend County MUD No. 142 Harris County MUD No. 1 Harris County MUD No. 44 Harris County MUD No. 64 Harris County MUD No. 82 Harris County WCID No. 91 Harris County WCID No. 132 Kleinwood MUD Louetta North PUD North Green MUD Northgate Crossing MUD No. 1 West Harris County MUD No. 9 Woodcreek MUD Amendments to existing Agreements: Bridgestone MUD (2 nd Amendment) Chimney Hill MUD (1 st Amendment) Cinco Southwest MUD No. 2 (1 st Amendment) Cinco Southwest MUD No. 4 (2 nd Amendment) Cy-Champ PUD (3 rd Amendment) Faulkey Gully MUD (1 st Amendment) Harris County FWSD No. 61 (1 st Amendment) Harris County MUD No. 11 (1 st Amendment) Harris County MUD No. 285 (2 nd Amendment) Harris County MUD No. 248 (1 st Amendment) Harris County WCID No. 109 (1 st Amendment) Mills Road MUD (1 st Amendment) Mission Bend MUD No. 1 (2 nd Amendment) North Belt UD (2 nd Amendment) Ponderosa Forest UD (1 st Amendment) | | | | |
| In each of these Districts the sales taxes collected in the areas will be divided evenly between the City and the District. The City is only annexing commercial property and undeveloped land intended for commercial use. There is no population located in these territories proposed to be annexed for limited purposes. | | | | |
| The hearings will be held on October 27 and November 3, 2010 in City Council chambers. | | | | |
| Cc: Marty Stein David Feldman | | Sameera Mahendru Michelle Mitchell | | |
| REQUIRED AUTHORIZATION | | | | |
| Finance Director: | Other Authorization: | Other Authorization: | | |

2

NOV 09 2010

MOTION NO. 2010 0771

MOTION by Council Member Gonzalez that nominations for Positions 2, 4 6, 8, 10 and 12 of the Houston Business Development Inc., for three year terms, be closed.

Seconded by Council Member Costello and carried.

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

Council Member Pennington absent on personal business

Council Member Noriega absent due to being ill

PASSED AND ADOPTED this 27th day of October 2010.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is November 2, 2010.

City Secretary

Position 2 - Ms. Elle Shebay was nominated by Council Member Clutterbuck.

Position 4 - Mr. Michael A. Nebgen was nominated by Council Member Hoang.

Position 6 - Mr. Chad Khan was nominated by Council Member Jones.

Position 8 - Mr. Robert N. Collier was nominated by Council Member Bradford.

Position 10 - Ms. Angela Blanchard was nominated by Council Member Costello.

Position 12 - Ms. Zawadi Bryant was nominated by Council Member Adams.

| | | |
|---|-----------------------|-------------------------|
| SUBJECT: Accept Work AIA General Contractors, Inc. Underground Storage Tank System Improvements at Fire Department Administration and Fleet Maintenance Building. WBS No. C-000170-0015-4 | Page 1 of 1 | Agenda Item 3 |
|---|-----------------------|-------------------------|

| | | |
|---|-------------------------|-----------------------------------|
| FROM (Department or other point of origin): General Services Department | Origination Date | Agenda Date NOV 03 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 <i>JLN</i> Phone: 832-393-8023 | Date and identification of prior authorizing Council action: Ordinance No: 10-0302 Dated: 04-21-2010 |
|---|--|

RECOMMENDATION: Pass a motion approving the final contract amount of \$147,358.66, accept the work and authorize final payment.

| | |
|--|------------------------|
| Amount and Source of Funding: No Additional Funding Required Previous Funding: \$184,463.00 Fire Consolidated Construction Fund (4500) | Finance Budget: |
|--|------------------------|

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$147,358.66 or 8.45% over the original contract amount, accept the work and authorize final payment to AIA General Contractors, Inc. for underground storage tank system improvements at the Fire Department Administration and Fleet Maintenance Building for the Houston Fire Department.

PROJECT LOCATION: 1205 Dart Street, Houston, Texas (Key Map No. 493-G)

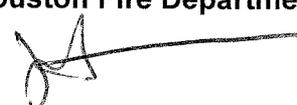
PROJECT DESCRIPTION: The project removed and replaced three gasoline and two diesel fuel dispensers; replaced submersible fuel pumps within the underground storage tanks (USTs) along with motors, controllers and other ancillary equipment; and installed air and water access on the dispenser island.

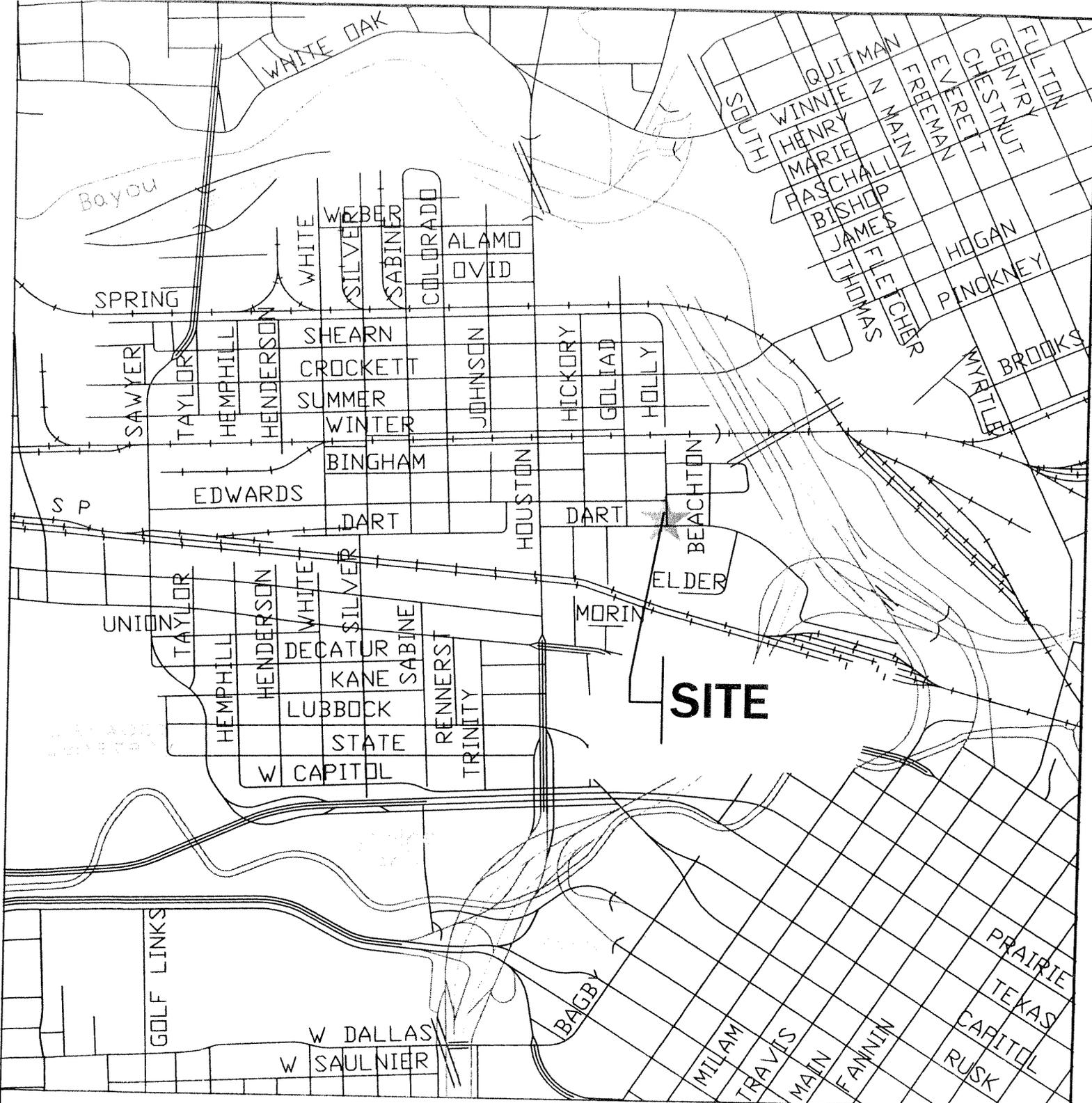
CONTRACT COMPLETION AND COST: The contractor completed the project within 150 days: the original contract duration of 120 days plus 30 days approved by Change Orders. The final cost of the project, including Change Orders, is \$147,358.66 an increase of \$11,483.66 over the original contract amount.

PREVIOUS CHANGE ORDERS: Change Orders 1-4 installed manifolds onto the dispensers to convert them from two-hose, two-product dispensers to two-hose, single-product dispensers to match the below grade single product lines. Installed seals onto electrical conduits to prevent fuel vapors from flowing into the conduit lines to comply with the National Fire Protection Association Codes. Replaced degraded probe wires and nozzles on two rapid fuel dispensers and installed a metal housing shed to cover the outside air compressor. Installed new siphon housing on each gasoline UST and installed Reverse Pressure Zone Valve on water line associated with air/water machine located on the dispenser island.

JLN
 FRC:HB:JLN:GM:FK:fk
 c: Marty Stein, Jacquelyn L. Nisby, Velma Laws, Calvin Curtis, Gabriel Mussio, Jack Williams, Martha Leyva, File

REQUIRED AUTHORIZATION CUIC ID # 25GM237

| | | |
|---|-----------------------------|---|
| General Services Department:  Humberto Bautista, P.E. City Engineer | Other Authorization: | Houston Fire Department:  Terry A. Garrison Fire Chief |
|---|-----------------------------|---|



Underground Storage Tank System Improvements at
Fire Department Administration and Fleet Maintenance Bldg.
 1205 Dart St.
 Houston , TX 77007

COUNCIL DISTRICT "H"

C-000170-0015-4

KEYMAP No. 493G

CITY OF HOUSTON
SAFE SIDEWALK PROJECT
IDC, INC.

| PROJECT STREET LIST | | | | |
|-------------------------|------------------|---------------|-----------------------------|------------------|
| WBS NO. N-00610A-00H4-3 | | | | |
| Site Number | Key Map Location | Project Title | Project Limits | Council District |
| 1 | 454 T | Kelley St. | US 59 Frontage Rd. to Wayne | B |
| 2 | 454 U | Lavender St. | Cavalcade to Pardee | B |
| 3 | 415 S | Lucerne St. | Little York to Tautenhahn | B |
| 4 | 415 J | Suburban Rd. | Mount Houston to Winfield | B |
| 5 | 415 J | Winfield Rd. | Swan River to River Trail | B |
| 6 | 415 N | Foy Lane | Hopper to Hartwick | B |
| 7 | 297 Z | Kindwood Dr. | High Valley to Sweetstem | E |

| PROJECT STREET LIST | | | | |
|-------------------------|------------------|---------------|-----------------------------|------------------|
| WBS NO. N-00610A-00H5-3 | | | | |
| Site Number | Key Map Location | Project Title | Project Limits | Council District |
| 8 | 493 H | Hickory St. | Dart to Winter | H |
| 9 | 452 H | Victoria Dr. | Volley to Arlington | H |
| 10 | 453 W | 13th E. St. | Cortlandt to Beverly | H |
| 11 | 452 Z | 13th W. St. | Dorothy to Herkimer | H |
| 12 | 453 N | 33rd St. | Burrus Elementary at Link | H |
| 13 | 492 G | Roy St. | Center to Schuler | H |
| 14 | 492 G | Cornish St. | Radcliff to T. C. Jester | H |
| 15 | 453 N | 39th St. | Yale to Main | H |
| 16 | 495 A | Port St. | Waxahachie to Laredo | H |
| 17 | 452 Z | Shepherd Dr. | 12th to 13th | H |
| 18 | 453 W | Heights Blvd. | 14th to 15th | H |
| 19 | 413 S | Nordling Rd. | E. Little York to E. Canino | B |

| | | | | |
|----|-------|--------------------|----------------------------------|---|
| 20 | 494 L | Solo St. | Coke to Providence | H |
| 21 | 492 H | Patterson St. | Washington to IH-10 Frontage Rd. | H |
| 22 | 453 Z | Terry St. | Egypt to Malvern | H |
| 23 | 494 N | N. St. Charles St. | Canal to Navigation | H |

O: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | |
|--|---|-----------------------------------|
| SUBJECT: Accept Work for Chocolate Bayou Wastewater Treatment Plant. WBS No. R-000265-0040-4. | Page <u>1</u> of <u>1</u> | Agenda Item # 5 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 03 2010 |
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council Districts affected: D  | |
| 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. #2008-0983 dated 11/05/2008 | |

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$4,511,720.69, which is 4.49% under the original Contract Amount, accept the Work and authorize the final payment.

Amount and Source of Funding: No additional appropriation required.
 (Original appropriation of \$5,199,250.00 from Water and Sewer System Consolidated Construction Fund No. 8500.)

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's program to renew/replace inefficient components of the existing Wastewater Treatment Plant (WWTP) facilities.

DESCRIPTION/SCOPE: The project consisted of rehabilitating existing headworks, aeration system, clarifiers, chlorination system, dechlorination system piping, and instrumentation. Brown & Gay Engineers, Inc. designed the project with 540 calendar days allowed for construction. The project was awarded to Industrial TX Corp. with an original Contract Amount of \$4,724,055.00.

LOCATION: The project is located at 9600 Martin Luther King Blvd. The project is located in Key Map Grid 574-E.

CONTRACT COMPLETION AND COST: The Contractor, Industrial TX Corp. has completed the Work under subject Contract. The project was completed within the contract time. The final cost of the project, including overrun and underrun of estimated bid quantities, previously approved Change Order No. 1 is \$4,511,720.69, a decrease of \$212,334.31 or 4.49% under the original Contract Amount.

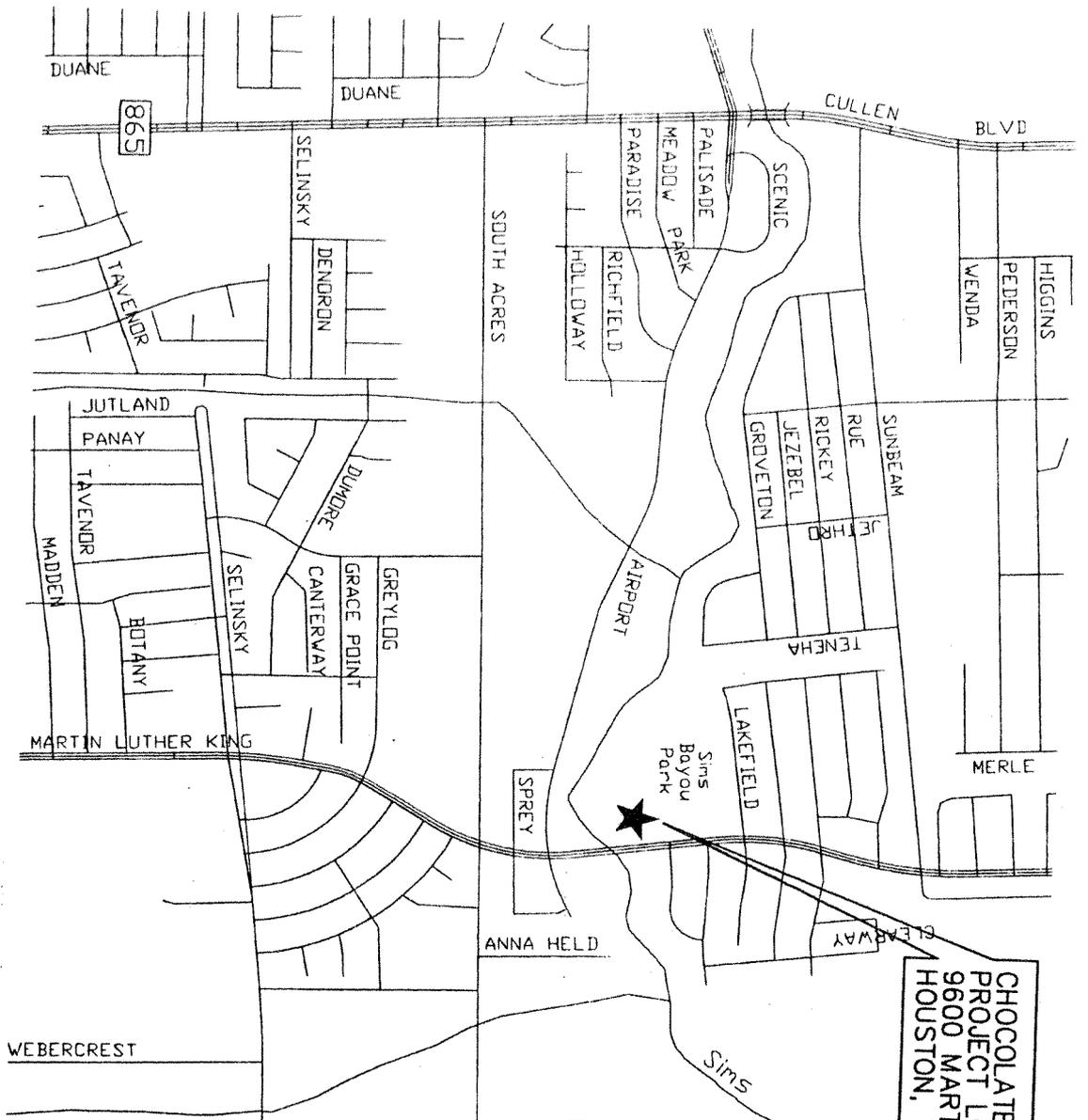
The cost underrun is primarily due to the work not requiring use of Extra Unit Price Items.

M/WBE PARTICIPATION: The M/WBE goal set for this project was 15.13%. According to Affirmative Action and Contract Compliance Division, the actual participation was 16.91%. The Contractor was awarded a "Satisfactory" rating for M/WBE compliance.


 DWK:DRM:JTL:SKF:JW:mq
 Z:\E&C Construction\Facilities\Projects\R-000265-0040-4 Chocolate Bayou\Closeout\RCA\RCA.DOC

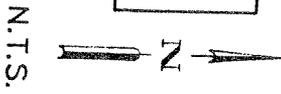
c: File No. R-000265-0040-4 - Closeout

| | | |
|-------------------------------|-----------------------------|--|
| REQUIRED AUTHORIZATION | | CUIC ID# 20MZQ186 |
| Finance Department: | Other Authorization: | Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division |



CHOCOLATE BAYOU WWT
 PROJECT LOCATION
 9600 MARTIN LUTHER KING JR. BLVD.
 HOUSTON, TX 77033

COUNCIL DISTRICT 'D'



BROWN & GAY ENGINEERS, INC.
 Brown & Gay Engineers, Inc.
 10777 Westheimer, Suite 400, Houston, TX 77042
 Tel: 281-558-8700 Fax: 281-558-9701
 — Civil engineers and surveyors —
 www.browngay.com

CITY OF HOUSTON

CHOCOLATE BAYOU WASTEWATER TREATMENT PLANT IMPROVEMENTS

**PROJECT LOCATION MAP
 COUNCIL DISTRICT D**

WBS No. R-000265-0040-4
 DATE: AUGUST, 2008
 PROJECT #: COH16-51
 EXHIBIT:

| | | |
|---|--|-----------------------------------|
| SUBJECT: Accept Work for Water Line Replacement in the Greensboro Area. WBS No. S-000035-00E5-4. | Page <u>1</u> of <u>1</u> | Agenda Item # 6 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 03 2010 |
| DIRECTOR'S SIGNATURE:  Daniel W. Kruegel, P.E., Director | Council Districts affected: D <i>fall</i> | |
| For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director <i>for</i>  Phone: (832) 395-2355 | Date and Identification of prior authorizing Council Action: Ord. #2008-305 dated 04/09/2008 | |
| RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,413,290.01, which is 1.27% under the original Contract Amount, accept the Work and authorize the final payment. | | |
| Amount and Source of Funding: No additional appropriation required. (Original appropriation of \$1,659,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500.) | | |

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

DESCRIPTION/SCOPE: This project consisted of 15 linear feet of 12-inch, 19,693 linear feet of 8-inch, 214 linear feet of 6-inch and 864 linear feet of 4-inch diameter water lines, valves, and appurtenances. Othon, Inc. designed the project with 200 calendar days allowed for construction. The project was awarded to McKinney Construction, Inc. with an original Contract Amount of \$1,431,442.64.

LOCATION: The project area is generally bound by Camden on the north, Dupree on the south, Ardmore on the east and Almeda on the west. The project is located in the Key Map Grids 533-F & K.

CONTRACT COMPLETION AND COST: The Contractor, McKinney Construction, Inc. has completed the Work under subject Contract. The project was completed with an additional 88 days approved by Change Order No. 1. The final cost of the project, including previously approved Change Order No. 1 and overrun and underrun of estimated bid quantities is \$1,413,290.01, a decrease of \$18,152.63 or 1.27% under the original Contract Amount.

The cost underrun is primarily due to a decrease in Base Unit Price Item No. 30 - 1-1/2-inch to 2-inch Diameter Water Taps and Copper Service Line w/ Meter Box, Short Side, Extra Unit Price Item No. 62 - Extra Excavation Around Obstruction, and Extra Unit Price Item No. 65 - Extra Placement of Backfill Material, which were not necessary to complete the Work.

M/WBE PARTICIPATION: The M/W/SBE goal for this project was 22%. According to Affirmative Action and Contract Compliance, the actual participation was 17.61%. The Contractor was awarded an "Unsatisfactory" rating for M/W/SBE compliance.

Item was reviewed by MWBE Committee on Oct. 25, 2010 and was moved to Council with a recommendation.

DWK:DRM:JTL:JAK:WM:mq
Z:\E&C Construction\South Sector\PROJECT FOLDER\S-000035-00E5-4 (Greensboro)\M-23 0 Closeouts\RCA\RCA.DOC

c: File No. S-000035-00E5-4 - 21.0

REQUIRED AUTHORIZATION

CUIC ID# 20MZQ134

| | | |
|----------------------------|-----------------------------|--|
| Finance Department: | Other Authorization: | Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division |
|----------------------------|-----------------------------|--|

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

**Chronology of Events
McKinney Construction**

Overview:

This chronology documents the efforts of the Contract Compliance team to work with McKinney Construction. As a result of the pro-active intervention, this contractor is now consistently exceeding S/MWBE participation goals.

4/30/2008 Final evaluation completed for Clinton Park project WW # 10874-02, which had .96% MWBE participation vs. 20% Goal. This was company's first completed project with City of Houston and they received an unsatisfactory rating in April 2008.

Jan 2009 Met with McKinney Construction to discuss MWBE participation on their projects, and steps that should be taken when there are issues related to meeting the MWBE goal. We reviewed the Croyden Gardens Northwest and Greensboro projects, which also had sub-goal MWBE participation. Work on these projects was scheduled to be completed in April 2008 and December 2008, respectively. However, we had not yet received the clearance request for final evaluation from Public Works and Engineering.

We discussed measures that should be implemented to avoid poor performance on the goals on the remaining Croyden Gardens project. McKinney agreed to implement all of the recommendations we discussed and also agreed, as a good faith effort, to increase participation on the Croyden Gardens Northeast project to make up for his shortfall on the Croyden Gardens Northwest project. Note – This project cleared with an Outstanding MWBE participation rating.

2/16/2009 Final evaluation completed for Croyden Gardens Northwest project WW # 10859-03, with 9.52% MWBE participation vs. 22% goal, resulting in an Unsatisfactory rating. The project work ended on 4/18/2008, but the closeout evaluation was not received until February 2009.

9/23/2009 Issued official notice to McKinney of intent to place on probation for insufficient Good Faith Efforts on several projects. A notice was issued to place McKinney on probation instead of more restrictive sanctions because he had agreed to implement our suggestions in January 2009, and a review of his projects showed good levels of MWBE participation for all of his current projects. He had also agreed to increase participation and we could see the progress made for his current projects.

9/24/2009 Final evaluation completed for Greensboro project WW # 10857-09, which had 17.60% MWBE participation vs. goal of 22%, and received an Unsatisfactory rating. McKinney requested a meeting to discuss their Good Faith Efforts on the project and informally appeal the decision to place the firm on probation.

- 11/3/2009** Met with McKinney Construction to review Good Faith Efforts on Greensboro project and discuss the intent to place the firm on probation. Sufficient information to overturn the Unsatisfactory rating was not provided, and the Notice of Intent to Sanction was upheld, resulting in a probationary period that extended until May 2010..
- 3/4/2010** Final evaluation completed for second Croyden Gardens Northeast project WW # 10870-02, which had 23.53 % MWBE participation towards a 22% goal, and received an Outstanding rating for MWBE participation.
- 6/15/2010** McKinney is removed from probation and has three current projects where they are currently exceeding the goal.

City of Houston
Affirmative Action and Contract Compliance

Current and Previous Contracting History
McKinney Construction

Note - Projects Sorted by Date of Completion

| Contract | Contract Title | Contract Value | Start Date | End Date | Closed By AAD | Goal | Goal Achieve | Ratings |
|------------|--|----------------|------------|-----------|---------------|--------|--------------|----------------|
| 4600007505 | Water #10874-02 - WLR in Clinton Park, Settegast, Sunnyside Areas S-000036-0009-4 | \$1,436,500.02 | 1/3/2007 | 8/1/2007 | 4/30/2008 | 20.00% | 0.96% | Unsatisfactory |
| 4600008199 | Water #10859-03 - WLR in Croyden Gardens North West Area S-000035-00F8-4 | \$1,883,310.39 | 8/22/2007 | 4/18/2008 | 2/16/2009 | 22.00% | 9.52% | Unsatisfactory |
| 4600008693 | Water #10857-02 - WLR in the Greensboro Area. S-000035-00E5-4. #4600008693 | \$1,431,442.64 | 4/9/2008 | 3/5/2009 | 9/24/2009 | 22.00% | 17.60% | Unsatisfactory |
| 4600009336 | Water #10870-02 - WLR in Croyden Gardens Northeast Area S-000035-00N2-4 | \$1,927,586.01 | 1/7/2009 | 11/2/2009 | 3/4/2010 | 22.00% | 23.53% | Outstanding |
| 4600009348 | Water #10873-04 - Water Distribution System Rehabilitation and Renewal. S-000MAO-0004-4. #4600009348 | \$1,220,600.00 | 2/18/2009 | 2/18/2010 | | 22.00% | 29.25% | |
| 4600009802 | Water #10882-06 - WLR in Sunnyside I. S-000035-00W4-4. #4600009802 | \$1,186,590.25 | 8/19/2009 | 4/16/2010 | | 22.00% | 30.70% | |
| 4600010019 | Water #10882-02 - WLR in Walnut Bend. S-000035-00V8-4. #4600010019 | \$1,295,281.50 | 11/10/2009 | 7/13/2010 | | 20.00% | 25.00% | |

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | |
|--|---|-----------------------------------|
| SUBJECT: Accept Work for Water Line Replacement in Forest West and Cole Creek. WBS No. S-000035-00V9-4. | Page <u>1</u> of <u>1</u> | Agenda Item # 7 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 03 2010 |
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council Districts affected: A | |
| 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. #2009-0449 dated 05/27/2009 | |

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,582,114.50, which is 1.78% under the original Contract Amount, accept the Work and authorize the final payment.

Amount and Source of Funding: No additional appropriation required.
 (Original appropriation of \$1,988,600.00 from Water and Sewer System Consolidated Construction Fund No. 8500.)

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

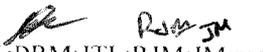
DESCRIPTION/SCOPE: This project consisted of construction of 29,480 linear feet of 4-inch, 6-inch, and 8-inch diameter water lines, valves, and appurtenances. KIT Professionals, Inc. designed the project with 280 calendar days allowed for construction. The project was awarded to D. L. Elliott Enterprises, Inc. with an original Contract amount of \$1,610,813.63.

LOCATION: The project area is bound by Pine Vista Lane on the north, Autumn Arbor Drive on the south, Deep Forest Drive on the east and Langfield Road on the west. The project is located in the Key Map Grids 410-Z, 411-W, 450-D, and 451-A, B & F.

CONTRACT COMPLETION AND COST: The Contractor, D. L. Elliott Enterprises, Inc. has completed the Work under subject Contract. The project was completed within the contract time. The final cost of the project, including overrun and underrun of estimated bid quantities is \$1,582,114.50, a decrease of \$28,699.13 or 1.78% under the original Contract Amount.

The cost underrun is primarily a result of the work not requiring use of Extra Unit Price Items.

M/WBE PARTICIPATION: The M/W/SBE goal for this project was 22.00%. According to Affirmative Action and Contract Compliance, the actual participation was 21.91%. The Contractor achieved a "Satisfactory" rating for M/W/SBE compliance.


 DWK:DRM:JTL:RJM:JM:mq
 Z:\E&C Construction North Sector\PROJECT FOLDER\S-000035-00V9-4 Forest West & Cole Creek 21.0 Closeout\RCA\RCA.DOC

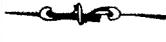
c: File No. S-000035-00V9-4 - 21.0

| | | | |
|-------------------------------|-----------------------------|--|--------------------------|
| REQUIRED AUTHORIZATION | | | CUIC ID# 20MZQ188 |
| Finance Department: | Other Authorization: | Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division | |

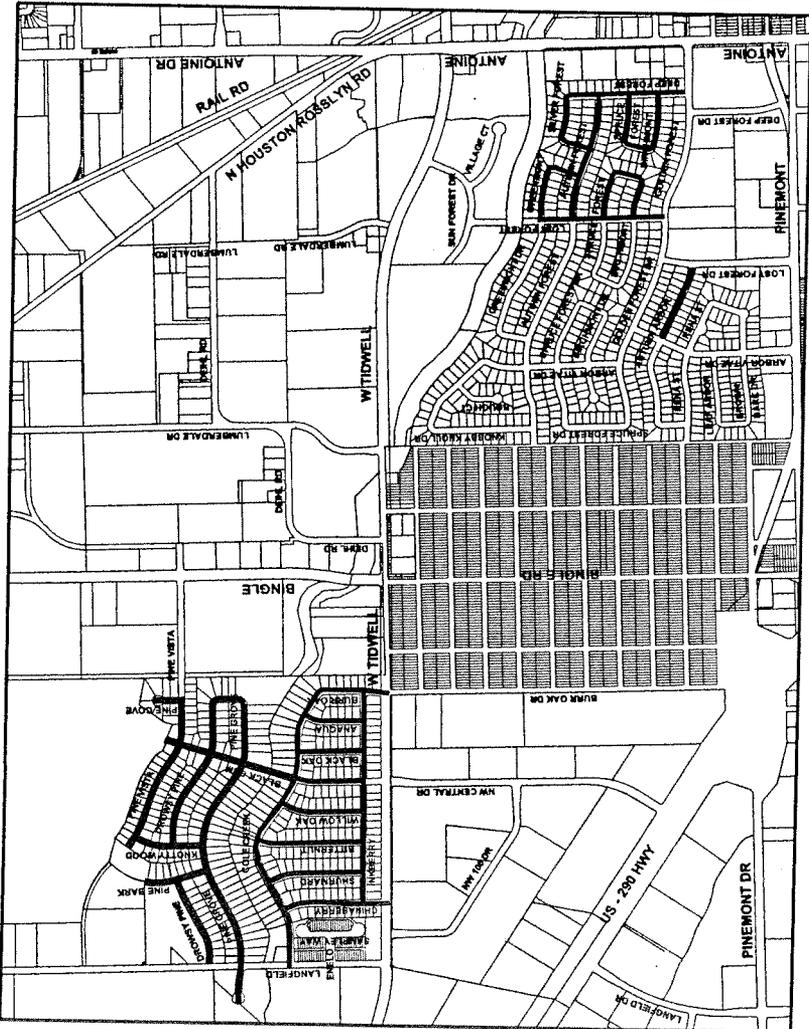
CITY OF HOUSTON

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

ENGINEERING & CONSTRUCTION DIVISION



NOT TO SCALE



| PROPOSED WATER LINES | | | | | |
|----------------------|---------------|---------------|---------------------------------|---------------|--|
| STREET | START | END | Proposed Water Line Size (inch) | Length (feet) | |
| Greenmont | Autumn Forest | Lost Forest | 8 / 6 | 994 | |
| Silver Forest | Autumn Forest | Deep Forest | 8 | 770 | |
| Autumn Forest | Lost Forest | Deep Forest | 8 | 1264 | |
| Spice Forest | Lost Forest | Birchmont | 8 / 6 | 533 | |
| Birchmont | Lost Forest | Spice Forest | 8 | 710 | |
| Spice Forest | Birchmont | Deep Forest | 8 | 825 | |
| Birchmont | Spice Forest | Deep Forest | 8 | 515 | |
| Lost Forest | Spice Forest | Greenmont | 8 / 6 | 1230 | |
| Deep Forest | Golden Forest | Silver Forest | 8 | 1045 | |
| Cole Creek | Langfield Rd | Bur Oak | 8 | 2833 | |
| Chinaberry | W. Tidwell Rd | Cole Creek | 8 | 995 | |
| Knotty Wood | Chinaberry | Bur Oak | 8 | 1927 | |
| Shurmad | Knotty Wood | Cole Creek | 8 | 820 | |
| Bittern | Knotty Wood | Cole Creek | 8 | 905 | |
| Willow Oak | Knotty Wood | Cole Creek | 8 | 692 | |
| Black Gum | Knotty Wood | END | 8 / 4 | 1868 | |
| Black Oak | Knotty Wood | Cole Creek | 8 | 535 | |
| Anaque | Knotty Wood | Cole Creek | 8 | 480 | |
| Bur Oak | W. Tidwell Rd | Cole Creek | 8 | 605 | |
| Pine Vista | Knotty Wood | END | 8 | 1737 | |
| Pine Cove Ct | Knotty Wood | Loop | 8 | 480 | |
| oway Pine | Langfield Rd | Pine Bark | 8 / 6 | 900 | |
| Pine Bark | oway Pine | Loop | 8 | 612 | |
| Pine Grove | Pine Grove | oway Pine | 8 | 256 | |
| oway Pine | Knotty Wood | Pine Grove | 8 | 1435 | |
| Pine Grove Ct | Langfield Rd | Cole-Cre-Ck | 8 | 245 | |
| Pine Grove | Langfield Rd | oway Pine | 8 | 3019 | |
| Knotty Wood | Pine Vista | Pine Vista | 8 | 585 | |
| Autumn Arbor | Arbor Vitae | Lost Forest | 8 | 735 | |
| | Total | | | 29,470 | |

FOREST WEST AND COLE CREEK

KEY MAP NO.: 410Z, 411W, 450D & 451A,B,F
 GIMS MAP NO.: 5061B.D, 5160A & 5161C
 COUNCIL DISTRICT - A

VICINITY MAP

WATER LINE REPLACEMENT IN
 FOREST WEST AND COLE CREEK
 WBS NO.: S-000035-00V9-4



KIT Professionals, Inc.
 Urban & Rural Construction Management
 305 West Loop South, Suite 1000
 Houston, Texas 77012
 Phone: (713) 731-8700 • Fax: (713) 731-8710

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|--|-----------------------|----------------------------------|
| SUBJECT: PURCHASE of Parcel AY9-419, located at 8612 Long Point Road for the LONG POINT RECONSTRUCTION PROJECT (from Pech to Hollister) OWNER: Arroyos Real Estate Limited Partnership, a Texas limited Partnership, Alexander G. Arroyos, General Partner WBS N-000674-0003-2-01 | Page 1 of 1 | Agenda Item # 8 |
|--|-----------------------|----------------------------------|

| | | |
|---|-------------------------|-----------------------------------|
| FROM: (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 03 2010 |
|---|-------------------------|-----------------------------------|

| | |
|---|--|
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council District affected: A Key Map 450V and 451S |
|---|--|

| | |
|---|--|
| For additional information contact: Nancy P. Collins Senior Assistant Director – Real Estate Planning and Development Services Division Phone: (713) 837-0881  | Date and identification of prior authorizing Council Action: Ordinance 2010-231, passed March 24, 2010 |
|---|--|

RECOMMENDATION: (Summary)
Authority be given through Council Motion to Purchase Parcel AY9-419.

Amount and Source of Funding: **\$268,050.00**
No Additional Funding Required (covered under Blanket Appropriation Ordinance 2010-231, N-00663A-00RE-2-01 Street and Bridge Consolidated Construction Fund 4506)

SPECIFIC EXPLANATION:
The LONG POINT RECONSTRUCTION PROJECT (from Pech to Hollister) provides for street and utility improvements in order to improve traffic mobility, drainage and reduce traffic congestion in the service area. Parcel AY9-419 is located at 8612 Long Point Road.

PURCHASE:
The City desires to acquire 3,038 square feet of improved commercial land to be used as street right-of-way. The City's offer was based on an appraisal by David R. Dominy, MAI, CRE, FRICS, Independent Fee Appraiser. This valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

LAND:

| | |
|---|---------------|
| Parcel AY9-419 (Easement) | |
| 3,038 square feet @ \$10.00 PSF..... | \$ 30,380.00 |
| IMPROVEMENTS..... | \$ 24,971.00 |
| COST TO CURE AND DAMAGES TO THE REMAINDER..... | \$ 209,099.00 |
| TOTAL LAND, IMPROVEMENTS, COST TO CURE AND DAMAGES..... | \$ 264,450.00 |
| Title Policy/Services..... | \$ 3,600.00 |
| TOTAL AMOUNT..... | \$ 268,050.00 |

It is recommended that authority be given through Council Motion to PURCHASE Parcel AY9-419, owned by Arroyos Real Estate Limited Partnership. The parcel contains 3,038 square feet located in the A. H. Osborne Survey, A-610 in Harris County, Texas, and being out of a 2.534-acre tract as conveyed unto Alexander Anthony Arroyos, Albert Allan Arroyos, Gerald E. Arroyos, Michael D. Arroyos and Dynamic Ocean Services, Inc., by deed recorded under Harris County Clerk's File No. N411237, Film Code No. 007-42-2524 dated October 11, 1991 of the Official Public Records for Real Property in said Harris County, Texas according to City of Houston field notes.

DWK: NPC: jk
S:\LANDACQ\Kincher\LongPointRCA AY9-419 .doc
cc: Marty Stein

CUIC #20JPK06

| REQUIRED AUTHORIZATION | |
|----------------------------|---|
| Finance Department: | Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning and Development Services Division |

**LONG POINT RECONSTRUCTION PROJECT
 PARCEL VALUATION
 PARCEL AY9-419**

Following is a breakdown of the consideration for **Parcel AY9-419**:

| | | |
|---|------------------|----------------------|
| LAND (Easement): | | |
| 3,038 square feet @ \$10.00 PSF..... | | \$ 30,380.00 |
| IMPROVEMENTS:..... | | \$ 24,971.00 |
| Asphalt paving | Small sign | |
| Concrete curbing | Sign base | |
| Bollards | Site drain basin | |
| Monument sign | Grass | |
| Tall sign | | |
| COST TO CURE: | | |
| Relocate bollards, signs, sign bases and site drain basins..... | | \$ 14,450.00 |
| DAMAGES TO THE REMAINDER: | | |
| Loss of parking | | <u>\$ 194,649.00</u> |
| TOTAL COMPENSATION..... | | \$ 264,450.00 ® |
| Title Policy/Services..... | | <u>\$ 3,600.00</u> |
| TOTAL..... | | \$ 268,050.00 |



Funds reservation: Display Detail scr

Consumption

Line Item 300001546 1 Position / 1
Text ORD#08-701 LAND ACQ - SEE HEADER TEX - BREAK DOWN

Control data

Item blocked Item block [More](#)

Values

| | |
|-----------------|----------------|
| Currency | USD |
| Original amount | 5,060,000.00 |
| Overall amount | 3,860,000.00 |
| Open amount | 3,860,000.00 ✕ |

Coding Block

| | | | |
|-----------------|------------------|-----------------|--------------|
| Cost Center | | Grant | NOT_RELEVANT |
| Fund | 4506 | | |
| Functional Area | PUW0-00-00000000 | | |
| Funds Center | 2000010002 | Commitment item | 560010 |

[More](#)

LEGEND

- MANHOLE
- INLET
- GRATE INLET
- SIGN
- WATER VALVE
- FIRE HYDRANT
- GAS LINE MARK
- GUARD POST
- POWER POLE
- GUT
- CONTROL MONUMENT

SURVEYOR'S CERTIFICATION

IN MY PROFESSIONAL OPINION, THIS PLAN REPRESENTS THE FACTS FOUND ON THE GROUND DURING THE COURSE OF A BOUNDARY SURVEY CONDUCTED UNDER MY SUPERVISION ON FEBRUARY 23, 2007, AND THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS' RULES AND SPECIFICATIONS FOR SURVEYING IN TEXAS.



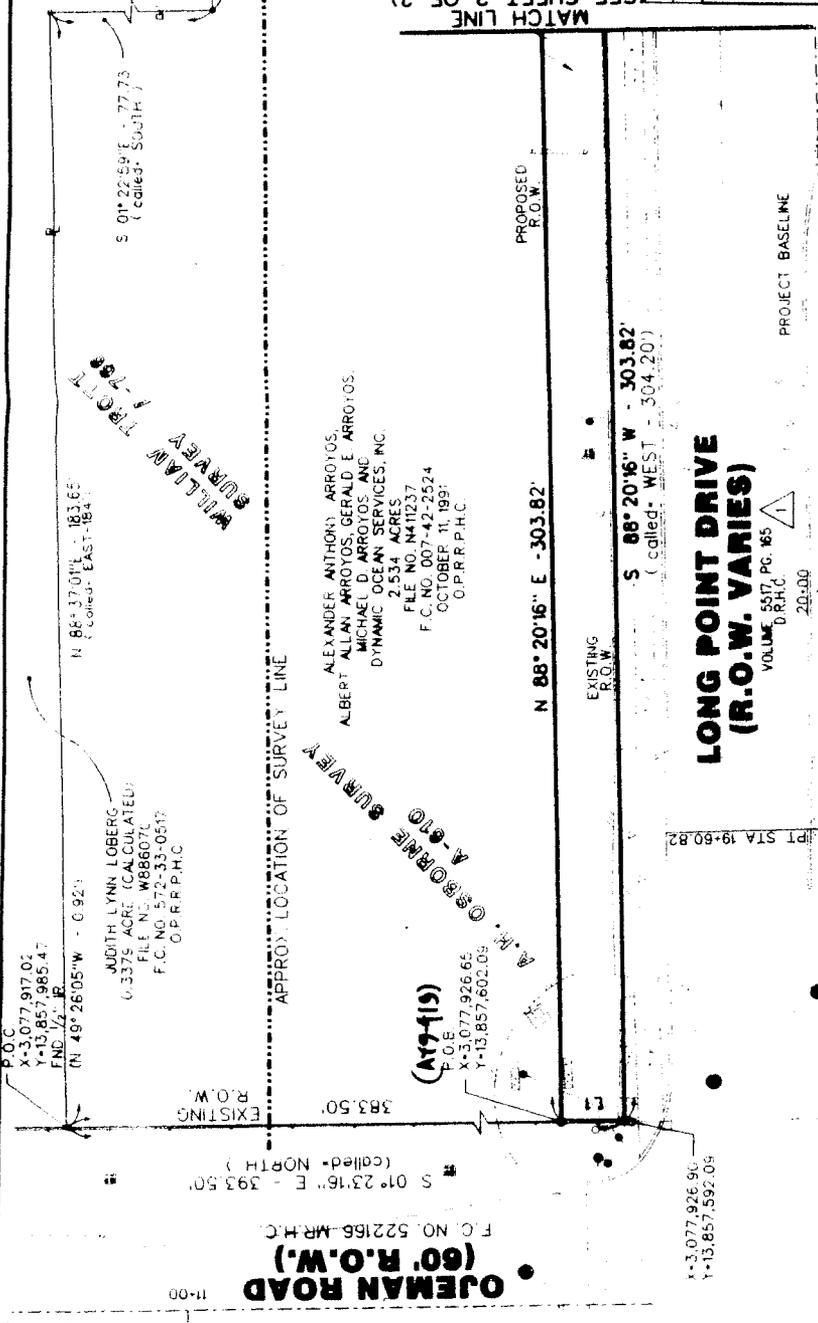
STEVEN A. FENLEY, R.P.L.S. NO. 5372
 COBB, FENLEY & ASSOCIATES, INC.
 1530 NORTHWEST FIREWAY, SUITE 1000
 HOUSTON, TEXAS 77040
 (713)462-3242

| REV | DESCRIPTION | DATE |
|-----|-------------------------------------|----------|
| 1 | ADDED RIGHT OF WAY DEED INFORMATION | 06-23-05 |

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

APPROVAL: *[Signature]*
 DATE: 08/20/09
 CHIEF SURVEYOR: *[Signature]*
 OF WA - SECTION

KEY MAP NO. 450V
 PARCEL NO. AY9-419
 SCALE: 1"=20'
 DATE: 04/30/2005
 G.T.M.S. MAP NO. 5069D
 G.F.S. NO. 108188
 FILE NO. N-00067-000-3
 SHEET 1 OF 2



NOTES:
 1. INDICATES SET 5/8-INCH IRON ROD WITH YELLOW CAP STAMPED "COBB, FENLEY & ASSOCIATES", UNLESS NOTED OTHERWISE.
 2. ALL COORDINATES AND BEARINGS RECITED HEREIN ARE REFERENCED TO CITY OF HOUSTON CORNERS; ALL DISTANCES AND COORDINATES ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID VALUES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999995.
 3. FLOODPLAIN INFORMATION: THE SUBJECT TRACT IS LOCATED IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE MAP PANEL NO. 48201C0665L, DATED JUNE 18, 2007.
 4. THIS SURVEY PLAT IS REFERENCED TO A METES AND BOUNDS DESCRIPTION PREPARED BY COBB, FENLEY & ASSOCIATES, INC. OF EVEN DATE HEREBY.
 5. ALL CALL BEARINGS AND DISTANCES ARE BASED ON THE 2.534 ACRE TRACT AS SHOWN HEREIN.
 6. ABSTRACTING FOR THE SUBJECT TRACT WAS PERFORMED BY POSTLE PROPERTY SERVICES, INC. ON FEBRUARY 2007 AND OWNERSHIP OF TRACT UPDATED BY COBB, FENLEY & ASSOCIATES, INC. IN APRIL OF 2007. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE THERE MAY BE EASEMENTS AND/OR RESTRICTIVE COVENANTS OF RECORD AFFECTING THE PROPERTY WHICH ARE NOT SHOWN HEREIN.

(Sheet 2 of 2)

LINE TABLE

| LINE | BEARING | DISTANCE |
|------|-----------------|----------|
| L1 | N 01° 23' 16" W | 10.00' |

| EXISTING | TAKING | REMAINING |
|---------------|--------------|----------------|
| 2.534 ACRE | 0.0689 ACRE | 2.4647 ACRE |
| 10,381.50 FT. | 3,038.50 FT. | 107,343.50 FT. |

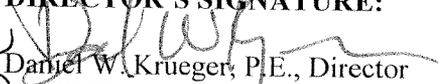
PARCEL AY9-419
 SHOWING PROPERTY OF
 ALEXANDER ANTHONI
 ARROYOS, ET AL

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|--|-----------------------|-------------------------------|
| SUBJECT: PURCHASE of Parcel AY9-420, located at 1801 Bingle Road for the LONG POINT RECONSTRUCTION PROJECT (from Pech to Hollister) OWNER: Luis E. Parreno and Jose E. Parreno WBS N-000674-0003-2-01 | Page 1 of 1 | Agenda Item # 9 |
|--|-----------------------|-------------------------------|

| | | |
|---|-------------------------|-----------------------------------|
| FROM: (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 03 2010 |
|---|-------------------------|-----------------------------------|

| | |
|---|--|
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council District affected: A Key Map 450V and 451S  |
|---|--|

| | |
|--|--|
| For additional information contact: Nancy P. Collins Senior Assistant Director – Real Estate Planning and Development Services Division  Phone: (713) 837-0881 | Date and identification of prior authorizing Council Action: Ordinance 2010-231, passed March 24, 2010 |
|--|--|

RECOMMENDATION: (Summary)
Authority be given through Council Motion to Purchase Parcel AY9-420.

Amount and Source of Funding: \$59,630.00
No Additional Funding Required (covered under Blanket Appropriation M.P. 8/26/2010 Ordinance 2010-231, N-00663A-00RE-2-01 Street and Bridge Consolidated Construction Fund 4506)

SPECIFIC EXPLANATION:
The LONG POINT RECONSTRUCTION PROJECT (from Pech to Hollister) provides for the construction of street and utility improvements in order to improve traffic mobility, drainage and reduce traffic congestion in the area. Parcel AY9-420 is located at 1801 Bingle Road.

PURCHASE:
The City desires to acquire 1,300 square feet of improved commercial land to be used as street right-of-way. The City's offer was based on an appraisal by David R. Dominy, MAI, CRE, FRICS, Independent Fee Appraiser. This valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

LAND:
Parcel AY9-420 (Easement)
1,300 square feet @ \$37.00 PSF..... \$ 48,100.00

IMPROVEMENTS..... \$ 3,380.00

COST TO CURE AND DAMAGES TO THE REMAINDER..... \$ 6,750.00

TOTAL LAND, IMPROVEMENTS, COST TO CURE AND DAMAGES..... \$ 58,230.00

Title Policy/Services..... \$ 1,400.00

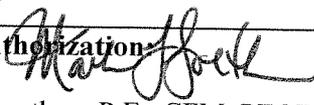
TOTAL AMOUNT..... \$ 59,630.00

It is recommended that authority be given through Council Motion to PURCHASE Parcel AY9-420, owned by Luis E. Parreno and Jose E. Parreno. The parcel contains 1,300 square feet situated in the A. H. Osborne Survey, A-610 in Harris County, Texas, and being out of a 13,088-square foot tract as conveyed unto Loneta Hairston, a widow, by deed recorded under Harris County Clerk's File No. G492401, Film Code No. 154-99-0824 dated April 9, 1980 of the Official Public Records of Real Property in said Harris County, Texas according to City of Houston field notes.

DWK:NPC:jk
S:\LANDACQ\Kincher\LongPointRCA AY9-420 .doc
cc: Marty Stein

CUIC #20JPK010

REQUIRED AUTHORIZATION

| | | |
|----------------------------|-----------------------------|--|
| Finance Department: | Other Authorization: | Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning and Development Services Division |
|----------------------------|-----------------------------|--|

**LONG POINT RECONSTRUCTION PROJECT
PARCEL VALUATION
PARCEL AY9-420**

Following is a breakdown of the consideration for **Parcel AY9-420**:

| | |
|---|--------------------|
| LAND (Easement): | |
| 1,300 square feet @ \$37.00 PSF..... | \$ 48,100.00 |
| IMPROVEMENTS:..... | \$ 3,380.00 |
| Asphalt paving, concrete paving, concrete curbing and wooden sign | |
| COST TO CURE: | |
| Replace sign..... | <u>\$ 6,750.00</u> |
| TOTAL COMPENSATION..... | \$ 58,230.00 |
| Title Policy/Services..... | <u>\$ 1,400.00</u> |
| TOTAL..... | \$ 59,630.00 |

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|--|-----------------------|-----------------------------------|
| SUBJECT: PURCHASE of Parcel AY9-421, located at 8607 Long Point Road for the LONG POINT RECONSTRUCTION PROJECT (from Pech to Hollister) OWNER: Longpoint 8607, Ltd., a Texas limited partnership, Roger Saa, General Partner WBS N-000674-0003-2-01 | Page 1 of 1 | Agenda Item # 10 |
|--|-----------------------|-----------------------------------|

| | | |
|---|-------------------------|-----------------------------------|
| FROM: (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 03 2010 |
|---|-------------------------|-----------------------------------|

| | |
|--|--|
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council District affected: A Key Map 450V and 451S |
|--|--|

| | |
|---|--|
| For additional information contact: Nancy P. Collins  Senior Assistant Director – Real Estate Planning and Development Services Division Phone: (713) 837-0881 | Date and identification of prior authorizing Council Action: Ordinance 2010-231, passed March 24, 2010 |
|---|--|

RECOMMENDATION: (Summary)
Authority be given through Council Motion to Purchase Parcel AY9-421.

Amount and Source of Funding: \$62,320.00
No Additional Funding Required (covered under Blanket Appropriation Ordinance 2010-231, N-00663A-00RE-2-01 Street and Bridge Consolidated Construction Fund 4506)

SPECIFIC EXPLANATION:
The LONG POINT RECONSTRUCTION PROJECT (from Pech to Hollister) provides for the construction of street and utility improvements in order to improve traffic mobility, drainage and reduce traffic congestion in the area. Parcel AY9-421 is located at 8607 Long Point Road.

PURCHASE:
The City desires to acquire 199 square feet of improved commercial land to be used as street right-of-way. The City's offer was based on an appraisal by David R. Dominy, MAI, CRE, FRICS, Independent Fee Appraiser. This valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

LAND:
Parcel AY9-421 (Easement)
199 square feet @ \$33.00 PSF..... \$ 6,567.00

IMPROVEMENTS..... \$ 2,554.00

COST TO CURE AND DAMAGES TO THE REMAINDER..... \$ 51,799.00

TOTAL LAND, IMPROVEMENTS, COST TO CURE AND DAMAGES..... \$ 60,920.00

Title Policy/Services..... \$ 1,400.00

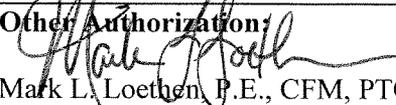
TOTAL AMOUNT..... \$ 62,320.00

It is recommended that authority be given through Council Motion to PURCHASE Parcel AY9-421, owned by Longpoint 8607, Ltd., a Texas limited partnership. The parcel contains 199 square feet situated in the A. H. Osborne Survey, A-610 in Harris County, Texas, and being out of a 0.5629-acre tract as conveyed unto Longpoint 8607, Ltd., as recorded by deed under Harris County Clerk's file No. Z084467, Film Code No. 017-74-2752 dated February 2, 2006 of the Official Public Records of Real Property in said Harris County, Texas according to City of Houston field notes.

DWK:NPC:jk
cc: Marty Stein

CUIC #20JPK09

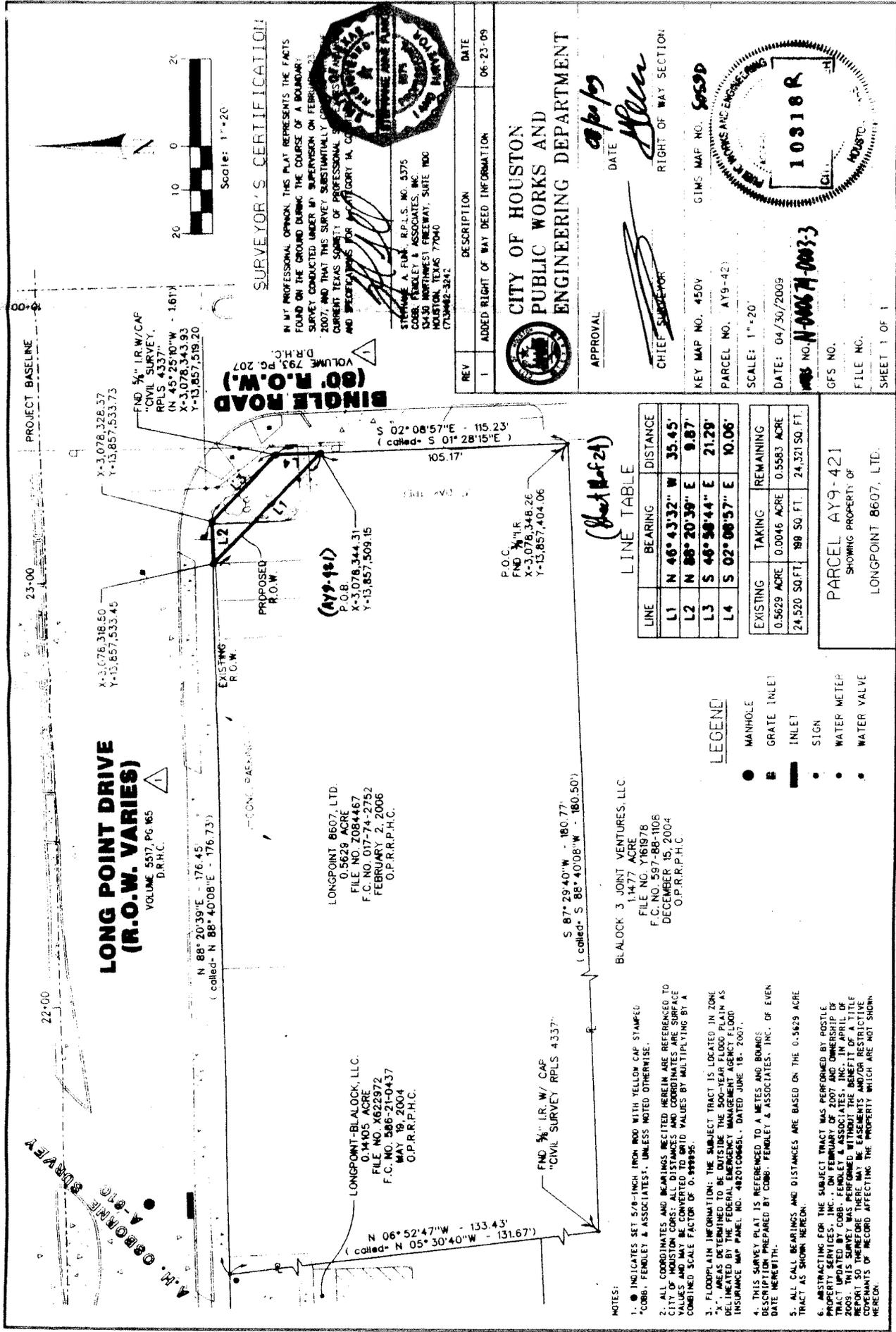
REQUIRED AUTHORIZATION

| | | |
|----------------------------|-----------------------------|---|
| Finance Department: | Other Authorization: | Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning and Development Services Division |
|----------------------------|-----------------------------|---|

**LONG POINT RECONSTRUCTION PROJECT
PARCEL VALUATION
PARCEL AY9-421**

Following is a breakdown of the consideration for **Parcel AY9-421**:

| | |
|---|---------------------|
| LAND (Easement): | |
| 199 square feet @ \$33.00 PSF | \$ 6,567.00 |
| IMPROVEMENTS:..... | \$ 2,554.00 |
| Concrete paving, concrete curbing and landscaping : | |
| COST TO CURE: | |
| Replacement curbing..... | \$ 920.00 |
| DAMAGES TO THE REMAINDER: | |
| Loss of parking space..... | <u>\$ 50,879.00</u> |
| TOTAL COMPENSATION..... | \$ 60,920.00 |
| Title Policy/Services..... | <u>\$ 1,400.00</u> |
| TOTAL..... | \$ 62,320.00 |



PROJECT BASELINE
 23-00
 22-00
 21-00
 20-00
 19-00
 18-00
 17-00
 16-00
 15-00
 14-00
 13-00
 12-00
 11-00
 10-00
 9-00
 8-00
 7-00
 6-00
 5-00
 4-00
 3-00
 2-00
 1-00
 0
 Scale: 1"=20'

SURVEYOR'S CERTIFICATION:
 IN MY PROFESSIONAL OPINION, THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND DURING THE COURSE OF A BOUNDARY SURVEY CONDUCTED UNDER MY SUPERVISION ON FEBRUARY 2, 2007, AND THAT THIS SURVEY SUBSTANTIALLY COMPLETES THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS AND SPECIFICATIONS FOR CATEGORY IA, COASTAL PLAINS AND MOUNTAIN REGIONS.
 STEPHEN A. COBB, R.P.L.S. NO. 5375
 COBB, FENOLEY & ASSOCIATES, INC.
 13430 NORTHWEST FREEWAY, SUITE 100
 HOUSTON, TEXAS 77040
 (713)442-3242

REV 1 DESCRIPTION DATE
 1 ADDED RIGHT OF WAY DEED INFORMATION 06-23-09

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

APPROVAL: *[Signature]* DATE: 04/30/2009
 CHIEF SURVEYOR: *[Signature]* RIGHT OF WAY SECTION
 GIMS MAP NO. 450V
 KEY MAP NO. 450V
 PARCEL NO. AY9-421
 SCALE: 1"=20'
 DATE: 04/30/2009
 GFS NO. N-00671-0003-3
 FILE NO.
 SHEET 1 OF 1

LINE TABLE

| LINE | BEARING | DISTANCE |
|------|----------------|----------|
| L1 | N 46° 43'32" W | 35.45' |
| L2 | N 88° 20'39" E | 9.87' |
| L3 | S 48° 58'44" E | 21.29' |
| L4 | S 02° 06'57" E | 10.06' |

| EXISTING | TAKING | REMAINING |
|---------------|-------------|---------------|
| 0.5629 ACRE | 0.0046 ACRE | 0.5583 ACRE |
| 24,520 SQ.FT. | 89 SQ.FT. | 24,521 SQ.FT. |

PARCEL AY9-421
 SHOWING PROPERTY OF
 LONGPOINT 8607, LTD.

10318 R
 HOUSTON, TEXAS
 CIVIL ENGINEER

CFA JOB NO. 0612-012-00

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|---|-----------------------|-----------------------------------|
| SUBJECT: PURCHASE of Parcel AY9-424, located at 8510 Long Point Road for the LONG POINT RECONSTRUCTION PROJECT (from Pech to Hollister) OWNER: Festival Properties, Inc., a Texas corporation, Dan Silvestri, President WBS N-000674-0003-2-01 | Page 1 of 1 | Agenda Item # 11 |
|---|-----------------------|-----------------------------------|

| | | |
|---|-------------------------|-----------------------------------|
| FROM: (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 03 2010 |
|---|-------------------------|-----------------------------------|

| | |
|---|--|
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council District affected: A Key Map 450V and 451S |
|---|--|

| | |
|---|--|
| For additional information contact: Nancy P. Collins Senior Assistant Director – Real Estate Planning and Development Services Division  Phone: (713) 837-0881 | Date and identification of prior authorizing Council Action: Ordinance 2010-231, passed March 24, 2010 |
|---|--|

RECOMMENDATION: (Summary)
Authority be given through Council Motion to Purchase Parcel AY9-424.

Amount and Source of Funding: \$935,657.00
No Additional Funding Required (covered under Blanket Appropriation Ordinance 2010-231, N-00663A-00RE-2-01 Street and Bridge Consolidated Construction Fund 4506) *M.P. 8/26/2010*

SPECIFIC EXPLANATION:
The LONG POINT RECONSTRUCTION PROJECT (from Pech to Hollister) provides for the construction of street and utility improvements in order to improve traffic mobility, drainage and reduce traffic congestion in the area. Parcel AY9-424 is located at 8510 Long Point Road.

PURCHASE:
The City desires to acquire 8,923 square feet of improved commercial land to be used as street right-of-way. The City's offer was based on an appraisal by David R. Dominy, MAI, CRE, FRICS, Independent Fee Appraiser. This valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

LAND:
Parcel AY9-424 (Easement)

| | |
|---|---------------|
| 8,923 square feet @ \$15.00 PSF..... | \$ 133,845.00 |
| IMPROVEMENTS..... | \$ 30,811.00 |
| COST TO CURE AND DAMAGES TO THE REMAINDER..... | \$ 760,301.00 |
| TOTAL LAND, IMPROVEMENTS, COST TO CURE AND DAMAGES..... | \$ 924,957.00 |
| Title Policy/Services..... | \$ 10,700.00 |
| TOTAL AMOUNT..... | \$ 935,657.00 |

It is recommended that authority be given through Council Motion to PURCHASE Parcel AY9-424, owned by Festival Properties, Inc. The parcel contains 8,923 square feet situated in the A. H. Osborne Survey, A-610 in Harris County, Texas, and being out of Block 2, Reserve "F" of Ridgecrest Addition, Section 2, a subdivision plat recorded in Volume 37, Page 12 of the Map Records of Harris County, Texas, and also being out of a 2.6137-acre tract (Tract 1) as conveyed unto Titan Land Development, Inc., by deed recorded under County Clerk's File No. 20070670050, Film Code No. 051-67-0821 dated October 31, 2007 of the Official Public Records of Real Property in said Harris County, Texas according to City of Houston field notes.

DWK:NPC:jk
cc: Marty Stein

CUIC #20JPK07

REQUIRED AUTHORIZATION

| | | |
|----------------------------|-----------------------------|--|
| Finance Department: | Other Authorization: | Other Authorization:  Mark L. Loethren, P.E., CFM, PTOE Acting Deputy Director Planning and Development Services Division |
|----------------------------|-----------------------------|--|

**LONG POINT RECONSTRUCTION PROJECT
PARCEL VALUATION
PARCEL AY9-424**

Following is a breakdown of the consideration for **Parcel AY9-424**:

| | |
|---|----------------------|
| LAND (Easement): | |
| 8,923 square feet @ \$15.00 PSF..... | \$ 133,845.00 |
| IMPROVEMENTS:..... | \$ 30,811.00 |
| Asphalt paving, signs, parking bumpers and barrier poles | |
| COST TO CURE: | |
| Relocate signs, parking bumpers, poles, demolish part of existing building and repave parking area)..... | \$ 74,957.00 |
| DAMAGES TO THE REMAINDER: | |
| Loss of retail space..... | <u>\$ 685,344.00</u> |
| TOTAL COMPENSATION | \$ 924,957.00 |
| Title Policy/Services | <u>\$ 10,700.00</u> |
| TOTAL..... | \$ 935,657.00 |

- LEGEND**
- MANHOLE
 - GAS LINE MARK
 - POWER POLE
 - WATER VALVE
 - ELECTRIC
 - ELECTRIC BOX
 - LIGHT POLE
 - TELEPHONE BOX
 - GRATE INLET
 - INLET

SURVEYOR'S CERTIFICATION

IN MY PROFESSIONAL OPINION THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND DURING THE COURSE OF A BOUNDARY SURVEY CONDUCTED UNDER MY SUPERVISION ON FEBRUARY 23, 2007, AND THAT THIS SURVEY SUBSTANTIALLY COMPLETES THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS' REQUIREMENTS AND SPECIFICATIONS FOR CATEGORY 1A, C



STEPHANIE A. FENDLEY, R.P.L.S. NO. 5375
 COBB, FENDLEY & ASSOCIATES, INC.
 13430 NORTHWEST FREEMAN, SUITE 1100
 HOUSTON, TEXAS 77040
 (713)462-3242

| REV | DESCRIPTION | DATE |
|-----|-------------------------------------|----------|
| 2 | REVISED GEOMETRY OF PARCEL | 12-23-09 |
| 1 | ADDED RIGHT OF WAY DEED INFORMATION | 06-23-09 |

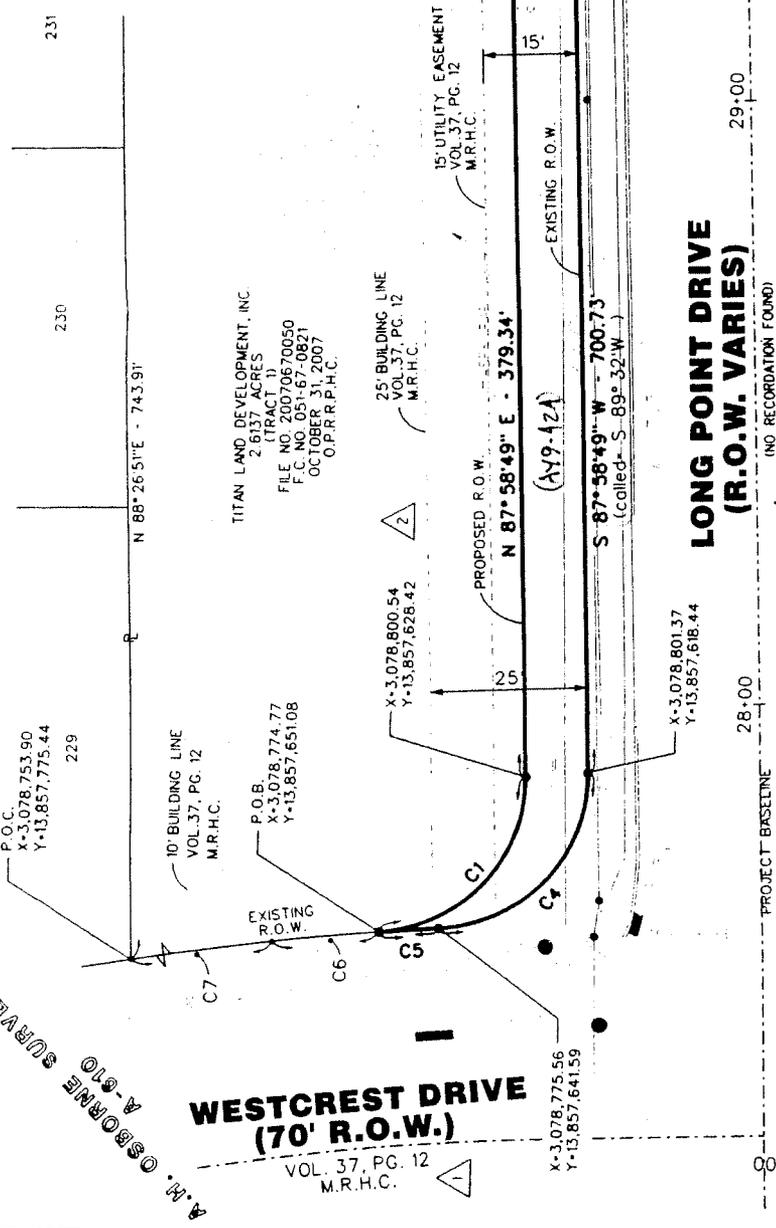
**CITY OF HOUSTON
 PUBLIC WORKS AND
 ENGINEERING DEPARTMENT**

APPROVAL: *[Signature]* DATE: 03/23/10
 CHIEF SURVEYOR: *[Signature]* RIGHT OF WAY SECTION

KEY MAP NO. 450V & 451S GIMS MAP NO. 50091
 PARCEL NO. AY9-424

SCALE: 1"=20'
 DATE: 04/30/2009
 CIP NO. *[Handwritten]*
 WBS NO. *[Handwritten]*
 FILE NO. *[Handwritten]*
 SHEET 1 OF 4

MATCH LINE (SEE SHEET 2 OF 4)



**LONG POINT DRIVE
 (R.O.W. VARIES)**

(NO RECORDATION FOUND)

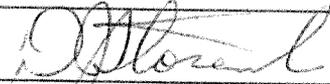
Curve Table (Sheet 15 of 24)

| CURVE | RADIUS | DELTA | LENGTH | CHORD |
|-------|---------|------------|--------|-------------------------|
| C1 | 25.00' | 86° 41'05" | 37.82' | S 48° 40'39" E - 34.32' |
| C4 | 25.00' | 87° 48'40" | 38.31' | N 48° 06'51" W - 34.67' |
| C5 | 484.28' | 01° 07'35" | 9.52' | N 04° 46'18" W - 9.52' |
| C6 | 484.28' | 08° 13'05" | 69.46' | S 09° 26'39" E - 69.40' |
| C7 | 414.28' | 07° 50'50" | 56.74' | S 09° 37'46" E - 56.70' |

| EXISTING | TAKING | REMAINING |
|-----------------|---------------|-----------------|
| 2.6137 ACRE | 0.2048 ACRE | 2.4089 ACRE |
| 113,853 SQ. FT. | 8,923 SQ. FT. | 104,930 SQ. FT. |

PARCEL AY9-424
 SHOWING PROPERTY OF
 TITAN LAND DEVELOPMENT, INC.

- NOTES:**
- INDICATES SET 5/8-INCH IRON ROD WITH YELLOW CAP STAMPED "COBB, FENDLEY & ASSOCIATES", UNLESS NOTED OTHERWISE.
 - ALL COORDINATES AND BEARINGS RECITED HEREIN ARE REFERENCED TO CITY OF HOUSTON COORS; ALL DISTANCES AND CHORD BEARING VALUES AND MAY BE CONVERTED TO GRID VALUES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999895.
 - FLOODPLAIN INFORMATION: THE SUBJECT TRACT IS LOCATED IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN AS DELINEATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE MAP PANEL NO. 48201C0665L, DATED JUNE 16, 2007.
 - THIS SURVEY PLAT IS REFERENCED TO A METES AND BOUNDS DESCRIPTION PREPARED BY COBB, FENDLEY & ASSOCIATES, INC. OF EVEN DATE HERewith.
 - ALL CALL BEARINGS AND DISTANCES ARE BASED ON THE RIDGECREST ADDITION, SECTION 10, 2 SUBDIVISION AS SHOWN HEREON.
 - ABSTRACTING FOR THE SUBJECT TRACT WAS PERFORMED BY POSTLE PROPERTY SERVICES, INC., ON FEBRUARY 20, 2007, AND OWNERSHIP OF TRACT UPDATED BY COBB, FENDLEY & ASSOCIATES, INC. OWNERSHIP OF THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. IT IS RECORDED HEREIN MAY BE EASEMENTS AND/OR RESTRICTIVE COVENANTS OF RECORD AFFECTING THE PROPERTY WHICH ARE NOT SHOWN HEREON.

| | | | | |
|---|--|---|------------------------------------|----------------------------|
| SUBJECT: Community/Disaster Preparedness Education/Outreach Programs and Companion Marketing | | Category | Page 1 of 2 | Agenda Item # 12 |
| FROM: Dennis J. Storemski Mayor's Office of Public Safety & Homeland Security | | Origination Date: 10/19/10 | Agenda Date: NOV 03 2010 | |
| DIRECTOR'S SIGNATURE:  | | Council District affected: All | | |
| For additional information contact: Jackie Miller Phone: 832.393.0922 | | Date and Identification of prior authorizing Council action: | | |
| RECOMMENDATION: Approve and authorize the purchase of the next phase of Community/Disaster Preparedness education/outreach programs and companion marketing for the Houston region in the amount of \$437,947.13 from Gilbreath Communications, Inc. | | | | |
| Amount of Funding: \$437,947.13 | | F & A Budget: | | |
| SOURCE OF FUNDING: Grant Funds: Governor's Division of Emergency Management (Department of Homeland Security) Fund 5030 | | | | |

SPECIFIC EXPLANATION:

Background

As the core city within our urban area, the City of Houston serves in a lead role coordinating homeland security activities under the Department of Homeland Security's Urban Area Security Initiative (UASI). The Mayor's Office of Public Safety and Homeland Security received UASI grant funding to expand and implement a comprehensive preparedness program throughout the Houston region. The goals of the project are in alignment with the Houston Urban Area's Regional Strategy, the Texas State Strategy, National Preparedness Goals and the National Priorities for community preparedness and participation.

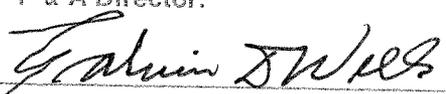
Recommendation:

It is recommended that City Council authorize the purchase of the next phase of UASI Community/Disaster Preparedness education/outreach programs and companion marketing to expand and implement the comprehensive preparedness program within the UASI region. This will include:

- School Ready Heroes Show Package Production
- School Ready Heroes Promotion and Management
- IED/Suspicious Behavior Video Duplication and Marketing
- Community Outreach Materials and Collateral
- Spanish Translation and duplication of Neighborhood Ready Workbooks
- Production of preparedness materials in Braille

This work is being purchased through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council (HGAC) in the amount of \$437,947.13 and that authorization is given to issue a purchase order to the HGAC vendor, Gilbreath Communications, Inc.

REQUIRED AUTHORIZATION

| | | |
|--|-----------------------------|-----------------------------|
| F & A Director:  | Other Authorization: | Other Authorization: |
|--|-----------------------------|-----------------------------|

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8895

Subject: Approve the Purchase of Voice Communication Services through the City's Master Agreement with the Texas Department of Information Resources for the Information Technology Department S17- H23808

Category #
4

Page 1 of 1

Agenda Item

13

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

Origination Date
October 27, 2010

Agenda Date
NOV 03 2010

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Gary Morris Phone: (832) 393-0065
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)
Approve the purchase of voice communication services in the total amount of \$10,000,000.00 through the City's Master Agreement with the Texas Department of Information Resources for the Information Technology Department.

Award Amount: \$10,000,000.00

Finance Budget

\$10,000,000.00 - Central Service Revolving Fund (1002)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of voice communication services in the total amount of \$10,000,000.00 through the City's Master Agreement with the Texas Department of Information Resources (DIR) for the Information Technology Department (ITD) and that authorization be given to issue purchase orders to DIR's Go-Direct vendor, Southwestern Bell Telephone Company d/b/a AT&T Texas.

The requested spending authority is for a 24-month term. During this period, the City will assess the voice/data requirements and recommend a tiered model that will allow the City to minimize cost while effectively meeting its business needs. The ITD determined that purchasing through DIR's Go-Direct agreements with Southwestern Bell Telephone Company d/b/a AT&T Texas improves the overall terms and conditions for the continuation of existing voice communication services. Additionally, the DIR agreements with Southwestern Bell Telephone Company d/b/a AT&T Texas offers the benefit of significant cost savings, and requires minimal disruption of existing services.

The scope of work requires the DIR Go-Direct vendor to provide all labor, equipment, tools, materials and supervision to provide local voice communication services such as business lines, analog trunks, call waiting, call forwarding, and 3-way calling to provide long distance, 1-800 services, language line, calling cards, synchronous optical networking (SONET) connectivity and Plexar access lines.

The contract authority is provided by the Texas Government Code, Chapter 791, Inter-local Cooperation Act as applicable and Title 10, Subtitle D, Chapter 2170, Telecommunication Services. Participation in the State programs has enabled the City to take advantage of the volume discounts extended to the State.

Buyer: Murdock Smith III

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MOT

7m

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8889

Subject: Approve the Purchase of Mail Processing Services from the Texas Procurement and Support Services' Contract for the Public Works & Engineering Department S17-H23800

Category #
4

Page 1 of 1

Agenda Item

14

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

Origination Date
October 26, 2010

Agenda Date
NOV 03 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 the purchase of mail processing services in the total amount of \$604,800.00 from the Texas Procurement and Support Services' Contract for the Public Works & Engineering Department.

Award Amount: \$604,800.00

Finance Budget

\$604,800.00 - Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of mail processing services from the Texas Procurement Support Services' Contract through the Texas Procurement and Support Services Cooperative Purchasing Program in the total amount of \$604,800.00 for the Public Works & Engineering Department (PWE) and that authorization be given to issue purchase orders, as necessary, to the State contractor, HOV Services, Inc.

The scope of work requires the contractor to provide all personnel, management, supervision, labor, equipment and incidentals necessary to implement the mail processing services that will provide the PWE, Utility Customer Service (PWEUCS) with an efficient bulk mail processing service. Additionally, the contractor is required to process and mail PWEUCS utility bills on a daily basis or as required by the PWEUCS. The PWEUCS estimates that the City currently generates approximately 25,000 utility bills per day or 525,000 bills per month. Furthermore, the contractor will be responsible for maintaining the security and/or confidentiality of all transmitted data files, which includes customer names, service addresses, and account numbers.

M/WBE Subcontractor:

The Texas Procurement Support Services' Contract does not have an M/WBE subcontracting component; however, the contractor has agreed to subcontract 11% of the total contract amount.

| <u>Subcontractor</u> | <u>Type of Work</u> | <u>Percentage</u> | <u>Amount</u> |
|--------------------------|---------------------|-------------------|---------------|
| City Office Supply, Inc. | Supplies | 11% | \$66,528.00 |

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

Buyer: Murdock Smith III

PR 10115488

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

RCA# 8843

TO: Mayor via City Secretary

Subject: Approve Award for Emergency Repairs to the East and West Lift Stations at the Alameda-Sims Wastewater Treatment Plant for the Public Works and Engineering Department
S12-E23729

Category #
4

Page 1 of 1

Agenda Item

15-15A

FROM (Department or other point of origin):

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

Origination Date

August 24, 2010

Agenda Date

NOV 03 2010

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

D

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 ordinance authorizing 1) the appropriation of \$5,669,104.00 out of the Water & Sewer System Consolidated Construction Fund (Fund 8500); and 2) approval of award to Boyer, Inc. in an amount not to exceed \$5,669,104.00 for emergency repairs to the East and West Lift Stations at the Alameda-Sims Wastewater Treatment Plant for the Public Works and Engineering Department.

Estimated Spending Authority: \$5,669,104.00

Finance Budget

[Signature]

\$5,669,104.00 - Water & Sewer System Consolidated Construction Fund (8500) WBS R-000019-0064-4

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing 1) the appropriation of \$5,669,104.00 out of the Water & Sewer System Consolidated Construction Fund (Fund 8500); and 2) approve award and allow progress payments to Boyer, Inc. in an amount not to exceed \$5,669,104.00 for emergency repairs to the East and West Lift Stations at the Alameda-Sims Wastewater Treatment Plant for the Public Works and Engineering Department. The project is estimated to be completed April 30, 2011.

On May 10, 2010, the Alameda-Sims Wastewater Treatment Plant's West Lift Station pumps were damaged due to heavy volumes of suspended solids entering the wet well with the influent. The damaged pumps could not be isolated to perform necessary repairs due to malfunctioned valves in the suction and discharge pipes. Boyer, Inc. was contacted in order to prevent further costly damages to pumps and equipment and stop the raw wastewater overflow which posed an immediate public safety and health hazard to City employees and citizens in the area. On July 4, 2010, the plant's East Lift Station flooded. As a result, all of the lift station's pumps, motors, and equipment were completely submerged and damaged, including the station's ventilation system. Boyer, Inc. was asked to respond to this emergency since they were already on site. The Strategic Purchasing Division issued two emergency purchase orders (EPO) to address the initial and subsequent emergency at the facility.

The scope of work requires the contractor to provide all labor, materials, equipment, permits, insurance, supervision and transportation necessary to immediately mobilize, setup and operate bypass piping and pumps to mitigate the sanitary sewer overflows and remove raw wastewater from the lift stations dry pits. The work will also include, but is not limited to cleaning the lift stations, rehabilitating or replacing all damaged pumps, valves, electric motors, lights, electrical and ventilation systems, junction box, 84-inch sewer, and construction of a new bypass structure, as necessary, to restore the lift stations to normal operating conditions and compliant with the State of Texas environmental regulations.

This recommendation is made pursuant to Chapter 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:

Not

D

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8879

Subject: Purchase of an Inductively Coupled Plasma Optical Emission Spectrometer from the Texas Procurement and Support Services' Contract for the Public Works & Engineering Department S38-E23794

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
October 19, 2010

Agenda Date
NOV 03 2010

DIRECTOR'S SIGNATURE
Calvin D. Wells

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 the purchase of an inductively coupled plasma optical emission spectrometer in the total amount of \$91,653.00 from the Texas Procurement and Support Services' Contract for the Public Works & Engineering Department.

Award Amount: \$91,653.00

Finance Budget

\$91,653.00 - PWE-Combined Utility System General Purpose Fund (Fund 8305)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of an inductively coupled plasma optical emission spectrometer (ICP-OES) from the Texas Procurement Support Services' Contract through the Texas Procurement and Support Services Cooperative Purchasing Program in the total amount of \$91,653.00 for the Public Works & Engineering Department and that authorization be given to issue a purchase order to the State contract vendor, Varian, Inc. The Department's lab personnel will use the ICP-OES to test metals and trace metals, including silicon in drinking water.

The scope of work requires the contractor to provide all labor, equipment, materials, tools, supervision and transportation necessary to furnish and install one ICP-OES in the Department's Drinking Water Operations Branch/Lab. The ICP-OES will come with a free running air-cooled 40 MHz RF (Radio Frequency) generator with a solid-state HV (High Voltage) power supply; single-pass glass cyclonic spray chamber and sea spray nebulizer; a 1,700 watt capacity re-circulating chiller; system controller (Dell Optiplex 960 minitower computer); monitor; printer; sample preparation system and other ancillary equipment/items necessary and required to make the ICP-OES an optimum testing system. The ICP-OES and associated equipment will come with a full one year warranty and the life expectancy is 10-15 years.

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

Buyer: Lena Farris
PR 10111367

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MDT

A

| | | | | |
|--|--|---|---------------------------------|----------------------|
| SUBJECT: An Ordinance Amending Various Sections of the City Code Relating to the Consolidation of the Municipal Courts Department | | Category # | Page 1 of 1 | Agenda Item # 17 |
| FROM (Department or other point of origin): City Attorney's Office | | Origination Date | Agenda Date November 3, 2010 | |
| DIRECTOR'S SIGNATURE:  | | Council District affected: All | | |
| For additional information contact: David M. Feldman City Attorney Phone: 832-393-6412 | | Date and identification of prior authorizing Council action: Ord. No. 2010-740 | | |
| RECOMMENDATION: (Summary) That the City Council adopt an ordinance amending various sections of the Code of Ordinances that relate to the recent consolidation of the municipal courts department | | | | |
| Amount of Funding: N/A | | Budget: | | |
| SOURCE OF FUNDING: N/A <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund | | | | |
| <input type="checkbox"/> Other (Specify) | | | | |
| SPECIFIC EXPLANATION: As a result of the consolidation of the municipal courts judicial department and the municipal courts administration department into one municipal courts department, it is necessary to amend a series of other provisions of the Code of Ordinances for the purpose of statutory conformity. These amendments are a matter of general housekeeping. The City Attorney recommends passage of this ordinance. | | | | |
| REQUIRED AUTHORIZATION | | | | |
| Director: | | Other Authorization: | | Other Authorization: |

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

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATED TO THE CONSOLIDATION OF THE MUNICIPAL COURTS DEPARTMENT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City Council of the City previously approved Ordinance No. 2010-740 on September 22, 2010, amending Chapter 16 of the Code of Ordinances to consolidate the municipal courts judicial department and the municipal courts administrative department into the municipal courts department; and

WHEREAS, as a result of this consolidation, it is necessary to amend a series of provisions of the Code of Ordinances in order to conform to the amendments made to Chapter 16 relating to the municipal courts department; **NOW, THEREFORE**,

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

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

Section 2. That Subsection (a) of Section 2-37 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) Throughout the incumbency of each, the holders of the following offices and positions shall be covered by individual public official bonds in the amounts set forth below opposite the titles of such respective offices and positions:

| Title | Amount |
|--------------------------------|-------------|
| Mayor | \$50,000.00 |
| City controller | \$50,000.00 |
| City treasurer | \$25,000.00 |
| Tax assessor and collector | \$25,000.00 |
| Assistant city treasurer | \$25,000.00 |
| Assistant director of treasury | \$25,000.00 |

| | |
|--------------------------------------|--------------|
| Assistant tax assessor and collector | \$25,000.00 |
| Deputy city controller (designated) | \$25,000.00 |
| Deputy assessor of taxes | \$25,000.00 |
| Clerk of the municipal courts | \$25,000.00" |

Section 4. That Subsection (b) of Section 2-506 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(b) To the extent that this Code or any other ordinance or any motion, resolution, or other document devolves duties relating to the enforcement of parking regulations in the city upon the municipal courts department, the convention and entertainment facilities department, the public works and engineering department, the general services department, or the directors or employees of those departments, then such references shall be construed to mean the department of administration and regulatory affairs or the director or employees thereof."

Section 4. That Exhibit A to Rule 11, Division 11, entitled "Layoffs," of the Civil Service Rules for municipal employees, which appears following Section 14-145 in the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"EXHIBIT A
CITY DEPARTMENTS

- Administration and Regulatory Affairs
- City Controller
- City Council
- City Secretary
- Convention and Entertainment Facilities
- Finance
- Fire
- General Services
- Health and Human Services
- Housing and Community Development
- Houston Airport System
- Houston Public Library System
- Human Resources
- Information Technology
- Legal
- Mayor's Office--311
- Mayor's Office--Administration

Mayor's Office--Affirmative Action
Mayor's Office--Citizens' Assistance
Mayor's Office--Houston Emergency Center
Municipal Courts
Parks and Recreation
Planning and Development
Police
Public Works and Engineering
Solid Waste Management"

Section 5. That Section 14-218 of the Code of Ordinances is hereby amended to read as follows:

"Sec. 14-218. 'Officer' defined.

For the purposes of division 20, the term '*officer*' shall mean those employees who are employed and classified as city marshals in the municipal courts department, or any successor to such department or airport police officers in the aviation department."

Section 6. That Section 14-218.2 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 14-218.2. Disciplinary suspensions of city marshals and airport police officers.

The head of either the municipal courts department or the aviation department shall have the power to suspend any officer under his jurisdiction or supervision for disciplinary purposes for reasonable periods, not to exceed 15 days; provided that in every such case, the department director shall file with the commission within 120 hours, a written statement of action, and the commission shall have the power to investigate and to determine whether just cause exists therefor. In the event the department director fails to file said statement with the commission within 120 hours, the suspension shall be void and the officer shall be entitled to his full salary. The commission shall have the power to reverse the decision of the department director and to instruct him immediately to restore such officer to his position. In the event such department director refuses to obey the order of the commission, then the provisions with reference to salaries of the officers and to the discharge of the department director as well as other provisions of section 14-218.1 pertaining to such refusal of the department director shall apply."

Section 7. That Items (4) and (15) of Section 14-218.5 of the Code of Ordinances, Houston, Texas, are hereby amended, respectively, to read as follows:

"(4) That the officer has violated any of the provisions of the Charter of the City of Houston or has violated any of the provisions of the civil service rules and regulations for municipal employees, or the rules or orders of the municipal courts or aviation departments."

"(15) That the officer has been guilty of conduct which was prejudicial to good order of the municipal courts or aviation departments of the City of Houston."

Section 8. That Subsection (a) of Section 14-218.6 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) By his initiative pursuant to the City Charter and section 14-182, or upon the recommendation of the head of the municipal courts department or aviation department, the mayor may recommend in writing to the commission that an officer be demoted to a lower rank, giving the reasons therefor, and requesting that the commission make such order of demotion."

Section 9. That Subsection (c) of Section 18-85 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(c) If the person fails to register or file the form, statement, or report as required by this article before the twenty-first day after the date on which the notice was deposited in the mail, the city attorney shall file a sworn complaint in the municipal courts."

Section 10. That the definition of "appearance" that appears in Section 26-2 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Appearance means either:

- (1) The entry of an appearance, in person or through legal counsel, in the municipal courts system to contest a parking citation and the making of a bond in any manner authorized by law and approved by the municipal courts to secure appearance at the administrative hearing, as applicable; or

- (2) The uncontested disposition of a parking citation by payment in good and sufficient funds received by the parking official in the applicable amount established by the municipal courts for the uncontested payment of the fine for the parking citation, including all applicable fees and costs."

Section 11. That Subsection (d) of Section 26-263 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(d) After expiration of the date certain provided in the notice issued under subsection (c), the parking official shall review the records to ensure that the alleged unresolved citations have not been resolved by appearance, and that no information has been received indicating that the notice was erroneous. The parking official shall not have the authority to adjudicate any parking citation; however, he shall meet with any person desiring to present evidence that a notice given under subsection (c) is erroneous, shall afford the person an opportunity to present any relevant evidence on the matter, and shall mail or otherwise furnish a written notice to the person of his decision.

If the request for a hearing is received by the clerk of the municipal courts before the date specified in the notice for placement of the vehicle on the delinquent vehicle list, then the clerk shall notify the parking official of the request for hearing and afford the applicant an opportunity for a hearing prior to placement of the vehicle on the delinquent vehicle list. If the applicant timely appears for the hearing as scheduled, the clerk shall furnish the parking official and the applicant written notice of the adjudication hearing officer's decision."

Section 12. That Subsections (a) and (b) of Section 26-266 of the Code of Ordinances Houston, Texas, are hereby amended, respectively, to read as follows:

"(a) The presiding judge of the municipal courts department shall designate one or more persons to act as adjudication hearing officers and conduct post-deprivation hearings for persons whose vehicles have been booted or towed under this article.

(b) Hearings shall be conducted on a first-come, first-served basis without the necessity of a prior appointment. The hours when hearings will be conducted and the place or places where they will be conducted shall be established by the presiding judge of the municipal courts department, provided that hearings shall be conducted at least between 9:00 a.m. and 6:00 p.m., on Mondays through Fridays, city observed holidays excepted."

Section 13. That Section 26-268 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 26-268. Release of vehicles from city vehicle compound.

A vehicle that is towed to a city vehicle compound for reasons initially unrelated to the booting or towing procedures established under this article shall not be released until it has been verified that the vehicle does not appear on the delinquent vehicle list. If the vehicle appears on the delinquent vehicle list and if a review of the most current vehicle registration records available to the city indicates that the ownership of the vehicle has not changed from that reflected on the delinquent vehicle list, then the vehicle shall be subject to the fee and release provisions of section 26-265 of this Code and hearing provisions of section 26-266 of this Code. This section shall apply without regard to the day or the time that the vehicle was initially towed. However, if the towing was not initiated at a time otherwise authorized for towing under subsection (c) of section 26-264, then the presiding judge of the municipal courts department shall ensure that a hearing is afforded within two hours of a request therefor or alternatively the parking official shall authorize the vehicle to be released without resolution of the parking citations."

Section 14. That Section 26-297 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 26-297. Adjudication.

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

Section 15. That Subsections (c) and (f) of Section 34-173 of the Code of Ordinances, Houston, Texas, are hereby amended, respectively, to read as follows:

"(c) Information provided in the notice shall include the following:

- (1) That certain property is being held by the police department;
- (2) The location and address of where such property is being held or stored;

- (3) That a petition will be filed by the city requesting a hearing before a municipal judge to determine the right of possession or other appropriate disposition of the property;
- (4) That the potential claimant will be notified by the clerk of the municipal courts in writing of the time and place of the hearing and may appear in person and/or with the representation of an attorney at the hearing; and
- (5) If the property at issue is stolen property, that the potential claimant may, individually or through an attorney, initiate a hearing on the subject property by petitioning the municipal courts or any other court of competent jurisdiction under the procedures set forth in Article 47.01a of the Code of Criminal Procedure, subject to payment of any required court fees."

"(f) Upon the expiration of a period of not less than 90 days following the date the property came into the possession of the police department, and upon the completion of the notice procedures provided above, the chief of police or the chief's designee shall file a petition for a property hearing in the municipal courts identifying the property and all potential claimants. However, prior to requesting a hearing, the police chief shall cause the entire file relating to the investigation and notice procedures carried out under this article to be formally reviewed for conformity with this article."

Section 16. That Subsection (d) of Section 34-174 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(d) The clerk of the municipal courts shall, following receipt of a petition filed with the court, notify all listed potential claimants of the time and place of any hearing under this article."

Section 17. That Section 35-6 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 35-6. Credit against fines--Generally.

Each prisoner committed to the city jail or to the municipal prison farm for nonpayment of the fine arising out of his conviction of a misdemeanor in the municipal courts shall receive a credit against such fine of \$15.00 for each day or fraction of a day that he has served."

Section 18. That Subsection (d) of Section 45-206 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(d) The security provided for in (c)(2) above may be in the form of cash, cashier's check, certified check, or money order. The receipt for the security, to be signed by the owner and chief of police or his agent, shall authorize the chief of police or his duly authorized agent to apply the security in satisfaction of the impounding charges specified above in the event the owner or operator or person charged with the violation leading to the impounding of the vehicle is found guilty of the charge, or enters a plea of guilty or nolo contendere to the charge, or shall forfeit any cash bail which may have been posted, or where a warrant for the arrest of the person has been issued because of his failure to appear in the municipal courts. In the event that trial results in a finding of not guilty, or the charge is dismissed, the security tendered for the release of the motor vehicle shall be refunded by the clerk of the municipal courts and the city shall assume the obligation to pay the towing fee."

Section 19. That Subsections (a) and (b) of Section 45-484 of the Code of Ordinances, Houston, Texas, are hereby amended, respectively, to read as follows:

"(a) The police department and the municipal courts department shall be responsible for the enforcement and administration of this article.

(b) The police chief and the presiding judge of the municipal courts shall establish and implement appropriate procedures to effect the policy of this article."

Section 20. That Subsection (d) of Section 45-485 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(d) An order compelling the attendance of witnesses or production of documents may be enforced by the municipal courts department."

Section 21. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be

affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 22. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ___ day of _____, 2010.

APPROVED this ___ day of _____, 2010.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary



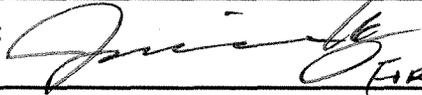
Assistant City Attorney

Prepared by Legal Dept.
MFC:asw 10/22/2010
Requested by David M. Feldman, City Attorney



| | | | |
|--|---------------------|--------------------|-------------------------|
| SUBJECT: An Ordinance Amending Chapter 43 of the Code of Ordinances Relating to Pool and Spa Safety | Category # 9 | Page 1 of 2 | Agenda Item # 18 |
|--|---------------------|--------------------|-------------------------|

| | | |
|---|-------------------------------------|--|
| FROM (Department or other point of origin): Houston Department of Health and Human Services | Origination Date 11/29/10 | Agenda Date November 3, 2010 |
|---|-------------------------------------|--|

| | |
|--|--|
| DIRECTOR'S SIGNATURE:  | Council District affected: ALL |
|--|--|

| | |
|--|---|
| For additional information contact: Kathy Barton Telephone: 832-393-5045; 713-826-5801 | Date and identification of prior authorizing Council action: |
|--|---|

RECOMMENDATION: (Summary)
That City Council adopt an ordinance amending Chapter 43 of the Code of Ordinances relating to pool and spa safety

| | |
|-------------------------------|----------------------------|
| Amount of Funding: N/A | Finance Department: |
|-------------------------------|----------------------------|

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

SPECIFIC EXPLANATION:
The Houston Department of Health and Human Services (HDHHS) requests City Council approval of an ordinance amending Chapter 43 of the Houston Code of Ordinances relating to pool and spa safety. The amended Chapter 43 enhances local regulation of pools and spas by incorporating state and federal pool and spa safety standards and providing HDHHS with the authority to enforce local and state pool and spa safety standards.

State and federal pool and safety standards apply to all pools and spas serving more than two dwellings; in accordance with these requirements, the amended Chapter 43 requires the operators of pools and spas at apartment or condominium projects to obtain permits and to comply with the requisite standards. On the other hand, the operators of residential pools and spas at single-family homes and duplexes are not required to obtain permits, and the minimum standards for operation of those pools and spas remain essentially unchanged.

The amended Chapter 43 also addresses Public Interactive Water Features (PIWFs), which are public indoor or outdoor water sprays, dancing water jets, waterfalls, etc. that are not currently regulated.

The new ordinance allows HDHHS the authority to suspend or revoke a permit if the operator of a pool or spa has violated the applicable requirements. In addition, HDHHS has the authority to close a pool or spa that poses a hazard to the public health..

The proposed ordinance specifically provides the following:

Article I

- Sections 43-1 – 43-4 provide the general policy of the HDHHS with respect to pool and spa safety, establish definitions for the chapter, outline the responsibilities of operators and establish to whom the chapter is applicable.
- Section 43-5 establishes the minimum standards for residential pools and spas.
- Section 43-6 establishes the minimum standards for non-residential pools, spas and PIWFs (defined collectively as "facilities").

cc: Finance Department
Legal Department
Agenda Director

| REQUIRED AUTHORIZATION | | |
|---------------------------|-----------------------------|-----------------------------|
| Finance Department | Other Authorization: | Other Authorization: |

| | | | |
|------------------------|---|---|-----------------------|
| Date 9/29/10 | Subject: An Ordinance Amending Chapter 43 of the Code of Ordinances Relating to Pool and Spa Safety | Originator's Initials MA | Page 2 of 2 |
|------------------------|---|---|-----------------------|

- Section 43-7 establishes the availability of a variance from permit requirements under special circumstances.
- Section 43-8 provides HDHHS with authority to develop rules and regulations related to pool and spa safety.
- Section 43-9 establishes the process for approval of pool and spa plans and specifications.
- Section 43-10 confirms that that this chapter does not alter the terms of any lease or other agreement between landlord and tenant.

Article II

- Section 43-31 establishes the permit requirements for non-residential pool, spa and PIWF operators and the operators' duty to notify HDHHS of ownership and or management changes associated with the permit.
- Section 43-32 provides the compliance, inspection and investigation standards for the annual inspection of non-residential pools, spas and PIWFs.
- Sections 43-33 establishes the enclosure standards for pools, spas and PIWFs.
- Section 43-34 outlines the process by which the HDHHS can remedy violations of minimum standards for pools, spas and PIWFs.
- Sections 43-35 – 43-37 outline the enforcement and closure standards for violations of pool and spa safety standards and establish a process for the suspension or revocation of an operating permit.
- Section 43-38 provides for approval of a fee schedule by city council and requires the fees collected pursuant to Chapter 43 to be placed in a special fund and used for the purposes of activities related to permitting, inspecting, monitoring, abating, controlling educating and the enforcement of Chapter 43.
- Section 43-39 allows the city, through the city attorney, to file an action to enjoin a violation of Chapter 43,, recover civil penalties for violations, or recover damages from the owner of property on which a violation has occurred.

Sec. 10-155. Habitability standards.

In addition to the habitability standards established by article V and by divisions 3 and 4 of article IX of chapter 10 of this Code:

- (1) An owner of an MFRB violates this article if the MFRB does not comply with:
 - a. All applicable provisions of the Fire Code;
 - b. Sections L102 through L108 of appendix L of the Building Code (which provisions are part of the Building Code's "Life Safety Appendix");
 - c. Sections 10-211 through 10-215 of this Code (which provisions pertain to the numbering of buildings);
 - d. The provisions of Chapter 43 ~~Sections 43-18 through 43-20 and section 43-23~~ of this Code (which provisions pertain to swimming pools); and
 - e. Sections 92.153 through 92.162 of the Texas Property Code (which provisions pertain to security devices).

changes marked as indicated
Revised Pages for Item 18

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

NOV 03 2010

AN ORDINANCE AMENDING CHAPTER 43 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO REGULATION OF SWIMMING POOLS AND SPAS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING A PENALTY THEREFOR; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the Department of Health and Human Services has recommended the revision of the City's pool and spa ordinance in order to strengthen local safety regulations and to adopt pool and spa safety standards that are consistent with state and federal pool and spa safety standards; and

WHEREAS, Section 122.006 of the Texas Health and Safety Code vests the City with authority to adopt rules to protect the health of its citizens; and

WHEREAS, Section 54.001 of the Texas Local Government Code vests the City with authority to enforce its ordinances and to punish violations of its ordinances; and

WHEREAS, Section 214.101 of the Texas Local Government Code vests the City with authority to establish minimum standards for pool fences and enclosures and to remedy violations of those standards through criminal penalties and through remediation, including assessing the expenses incurred in the remediation process against the property and obtaining a lien against the property; and

WHEREAS, Chapter ³⁴²346 of the Texas Health and Safety Code vests the City with authority to remediate water quality issues, to assess the expenses incurred in the remediation process against the property, and to obtain a lien against the property; and

WHEREAS, the City Council of the City finds that the proposed amendments to Chapter 43 are in the best interests of the City, from a public health and safety standpoint; **NOW, THEREFORE**,

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

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

(f) A facility that is required to or agrees to cease operations under the provisions of this section shall not resume operations until a reinspection by the health officer determines that the conditions responsible for the requirement to cease operations no longer exist.

(g) The health officer shall conduct all reinspections required under this section within a reasonable period of time. A permit shall not be renewed until all outstanding fees assessed under this chapter have been paid.

Sec. 43-33. Enclosure of aquatic structures.

(a) The operator of a residential pool or spa shall at all times maintain an enclosure that consists of a man-made, permanently installed fence, wall or barrier completely surrounding and enclosing the residential pool or spa. A building or existing wall may be used as part of an enclosure constructed as required herein. The enclosure shall:

- (1) Measure not less than four feet in height, with no openings, holes, or gaps larger than four inches as measured in any direction, except that such openings for a picket fence or a picket-type fence (one composed primarily of vertical members) shall be measured in a horizontal direction between members; and
- (2) Include self-closing and self-latching devices on the upper quarter of all gates and doors opening directly into the enclosure, so that the doors or gates remain securely closed at all times when not in actual use, except that the door of any residential dwelling that forms any part of the enclosure need not be so equipped.

(b) The operator of a facility that is regulated by Chapter 757 of the Texas Health and Safety Code shall at all times maintain an enclosure that complies with those provisions of Chapter 757 adopted by reference in section 43-6(a) of this Code, and the city may remedy violations of this subsection in accordance with the provisions of Section 214.101 of the Local Government Code, including the placement of a lien against the property to recover expenses incurred pursuant to remediation.

(c) The operator of a facility regulated by Subchapter L of Chapter 265 of Title 25 of the Texas Administrative Code shall at all times maintain upon such property an enclosure that complies with the requirements of Section 265.200 that subchapter adopted by reference in section 43-6(a) of this Code.

(d) It shall be unlawful for the operator of an aquatic structure to fail to comply with this section. Each day that a violation continues shall constitute a separate offense. A violation of this section is also a violation of article IX of chapter 10 of this Code.

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

AN ORDINANCE AMENDING CHAPTER 43 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO REGULATION OF SWIMMING POOLS AND SPAS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING A PENALTY THEREFOR; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the Department of Health and Human Services has recommended the revision of the City's pool and spa ordinance in order to strengthen local safety regulations and to adopt pool and spa safety standards that are consistent with state and federal pool and spa safety standards; and

WHEREAS, Section 122.006 of the Texas Health and Safety Code vests the City with authority to adopt rules to protect the health of its citizens; and

WHEREAS, Section 54.001 of the Texas Local Government Code vests the City with authority to enforce its ordinances and to punish violations of its ordinances; and

WHEREAS, Section 214.101 of the Texas Local Government Code vests the City with authority to establish minimum standards for pool fences and enclosures and to remedy violations of those standards through criminal penalties and through remediation, including assessing the expenses incurred in the remediation process against the property and obtaining a lien against the property; and

WHEREAS, Chapter 346 of the Texas Health and Safety Code vests the City with authority to remediate water quality issues, to assess the expenses incurred in the remediation process against the property, and to obtain a lien against the property; and

WHEREAS, the City Council of the City finds that the proposed amendments to Chapter 43 are in the best interests of the City, from a public health and safety standpoint; **NOW, THEREFORE**,

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

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

Section 2. That Chapter 43 of the Code of Ordinances, Houston, Texas, is hereby amended in its entirety to read as set forth in Exhibit A, which is attached hereto and incorporated herein.

Section 3. That Subsection (1)(d) of Section 10-155 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“d. The provisions of Chapter 43 of this Code (which provisions pertain to swimming pools); and”

Section 4. That the various former ordinance provisions that are amended in **Section 2** of this Ordinance are saved from repeal for the limited purpose of their continuing application to any violation committed before the effective date of this Ordinance, as applicable. For this purpose, a violation is deemed to have been committed before the effective date of this Ordinance, as applicable, if any element of the offense was committed prior to the effective date of this Ordinance, as applicable.

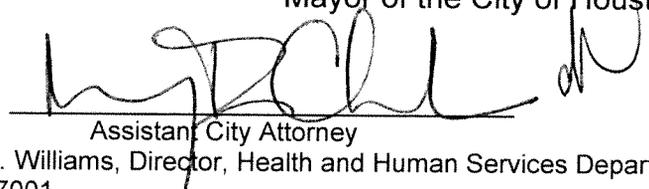
Section 5. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 6. That this Ordinance shall take effect on January 1, 2011.

Section 7. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect as provided in Section 6, above.

PASSED AND APPROVED this ____ day of _____, 2010.

Mayor of the City of Houston



Prepared by Legal Dept.
MFC:asw 10/29/2010
Assistant City Attorney
Requested by Stephen L. Williams, Director, Health and Human Services Department
L.D. File No. 0381000007001



EXHIBIT A

Chapter 43

Pool and Spa Safety

ARTICLE I. GENERALLY

Sec. 43-1. General policy.

It shall be the general policy of the City of Houston Health and Human Services Department to enforce the most stringent pool safety standards permitted by law. The health officer may refer those matters involving state or federal laws, rules or regulations that the city is not authorized to enforce to the state or federal office or agency having jurisdiction.

Sec. 43-2. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

Abate means to remove or demolish and shall include filling an aquatic structure to the surface with earth, bank sand or other similar material approved by the health officer.

Approved drain cover means a suction outlet drain cover that meets the requirements of the VGBA.

Aquatic structure means a pool, spa, PIWF or residential pool or spa.

Department means the health and human services department.

Facility means a pool, spa or PIWF and the restrooms, dressing rooms, equipment rooms, deck, enclosure, and other appurtenances directly serving the pool, spa or PIWF.

Health officer means the director of the department or the director's designee.

Inactive aquatic structure means an aquatic structure that is not functioning, operating, or in use, or that has been abandoned but not abated.

Operator means the owner of the property upon which an aquatic structure is located, or any business manager, complex manager, manager of a property owners association, rental agent or other individual

who is in charge of the day-to-day operation or maintenance of an aquatic structure or the property on which it is located.

Permit means an operating permit for a facility issued by the department pursuant to this chapter.

Person in charge means an individual who is i) actually present or available at a facility at a given moment and is in immediate charge of the day-to-day operation or maintenance of the facility, ii) the supervisor of the facility at the time, or iii) the operator.

Pool means any man-made permanently installed or non-portable structure, basin, chamber, or tank containing or designed to contain a body of water to be used for human swimming, diving, aquatic sports, or other aquatic activity, including any pool that is categorized as a Class A, Class B, Class C or Class D pool pursuant to Section 265.182(99) of Title 25 of the Texas Administrative Code, regardless of whether a fee is charged for use, and regardless of whether its use has been abandoned or discontinued; provided, however, that this term does not include a residential pool or spa or a pool that has been abated.

PIWF (public interactive water feature and fountain) means any indoor or outdoor water installation maintained for public recreational use, including but not limited to water sprays, dancing water jets, waterfalls, dumping buckets, or shooting water cannons in various arrays.

Property owners association means an association of property owners as defined in Section 204.004 of the Texas Property Code.

Remodeled or remodeling means modification of the design, configuration, capacity or components of an aquatic structure, including, but not limited to, reconfiguration of a pool or the addition of new plumbing and filtration pipes to an aquatic structure; provided, however, that this term does not include minor alterations, such as removal of a pool lip, replacing a pump, or replastering the inside of such structure.

Residential pool or spa means any man-made structure, basin, chamber, or tank containing or designed to contain a body of water to be used for human swimming, diving, aquatic sports, or other aquatic activity and that is located at a single-family home or a duplex.

Spa means a constructed permanent or portable structure that contains or is designed to contain hot or cold water and (i) is two feet or more in depth, (ii) has a surface area of 250 square feet or less or a volume of 3,250 gallons or less, (iii) is intended to be used for bathing or other recreational uses by human beings, (iv) is not drained and refilled

after each use, and (v) includes such elements as hydrojet circulation, mineral baths, air induction bubbles, or any combination thereof; regardless of whether its use has been abandoned or discontinued; provided, however, that this term does not include a residential pool or spa or a spa that has been abated.

VGBA means the Virginia Graeme Baker Pool and Spa Safety Act, 15 U.S.C. Section 8001 *et seq.*

Sec. 43-3. Responsibilities of operator.

(a) It shall be the responsibility of an operator to ensure that an aquatic structure is in full compliance with the applicable provisions of this chapter and the terms and conditions of any permit issued under this chapter.

(b) Each operator of a facility shall ensure that a person in charge is available during all hours of operation. The responsibilities of the operator under this subsection shall also apply to any other person having possession or control of the operation of the facility.

Sec. 43-4. Applicability of chapter; inspection and compliance; penalty for violation.

(a) Unless a variance is granted pursuant to section 43-7 of this Code, all provisions of this chapter shall apply to aquatic structures. No aquatic structure shall be operated within the city unless it conforms to the requirements of this chapter.

(b) The operator of a facility shall maintain on site a water quality testing device or kit capable of accurately testing for and measuring pH and disinfectant levels within certain chemical ranges in accordance with section 43-6 of this Code. Operational records of testing results and maintenance activities, including documentation of approved drain covers, shall be retained on site at a facility for not less than two years. However, to the extent that state or federal law requires a more lengthy record retention period, the records shall be retained for the entirety of the state or federally-mandated period.

(c) The health officer may inspect all aquatic structures to protect the public health and to ensure compliance with the provisions of this chapter; provided that in any case in which permission to inspect is denied, the health officer shall obtain an administrative search warrant.

(d) Except as provided in subsection (e), any person who violates any provision of this chapter, any rule or regulation promulgated by the health officer or any applicable state law, rule or regulation regarding pool safety shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not

less than \$250.00 nor more than \$2,000.00 for the first conviction. For any succeeding conviction, such person shall be fined not less than \$500.00 nor more than \$2,000.00. Each day that a violation continues shall constitute a separate offense.

(e) Notwithstanding any other provision of this chapter, the penalty for a violation of section 43-33(b) of this Code shall not exceed \$1,000.

Sec. 43-5. Residential pool or spa: minimum standards.

No permit is required to operate a residential pool or spa. Notwithstanding the foregoing, the operator of a residential pool or spa shall:

- (1) Maintain the water clarity standards so that an eight-inch black disk on the residential pool or spa floor at its deepest point can be clearly seen by an observer standing on the deck at a point closest to the disk;
- (2) Maintain the water so as to prevent the breeding or harborage of insects;
- (3) Maintain the water free of any odor that is foul or offensive to a person of reasonable sensibilities;
- (4) Keep the water free of algae; and
- (5) Maintain and operate the residential pool or spa in a manner that ensures no danger to human health or welfare or hazard to the public health.

Sec. 43-6. Facilities: minimum standards.

(a) Except as provided in subsection (b), the City adopts minimum standards for facilities that are identical to those pool safety standards contained in the following state and federal laws, all of which are incorporated herein:

- (1) The VGBA;
- (2) Chapter 757 of the Texas Health and Safety Code; and
- (3) Subchapters L and M of Chapter 265 of Title 25 of the Texas Administrative Code.

(b) The provisions of Section 265.208 of Title 25 of the Texas Administrative Code shall not apply to enforcement of this chapter.

(c) The operator of a facility shall maintain the facility in accordance with the pool safety standards adopted by the City pursuant to subsection (a).

Sec. 43-7. Variances.

(a) A person may request a variance from one or more requirements of this chapter by submitting to the health officer documentation of the proposed variance, including citations to the applicable chapter provisions and an explanation of how the potential public health hazard will be alternatively addressed by the proposal.

(b) The health officer may consider and grant variances from the provisions of this chapter when the health officer determines that the following conditions exist:

- (1) The imposition of the terms or standards of this chapter would deprive the applicant of the reasonable use of the aquatic structure;
- (2) The circumstances cited in support of the variance are not the result of a hardship imposed or created by the applicant;
- (3) The alterations proposed in the variance request will ensure that the general purposes of this chapter are observed and maintained; and
- (4) The granting of a variance will not be injurious to the public health, safety or welfare.

(c) Any variance granted under this section will apply only to the specific property and use requested by the applicant. All variances shall i) be in writing, ii) contain the findings upon which the variance was approved, iii) be signed by the health officer and iv) be maintained as a permanent record of the department.

(d) This section shall not be construed in any way to excuse any operator from compliance with state or federal laws, rules or regulations regarding pool safety or to limit the enforcement authority of state or federal officials with respect to state or federal laws, rules or regulations regarding pool safety or protection of the public health, safety or welfare.

Sec. 43-8. Rules and regulations.

The health officer shall promulgate rules and regulations necessary to protect the health, safety and welfare of the public relating to the design, construction and installation of all aquatic structures. The rules and regulations shall conform to the applicable provisions of this Code and the Construction Code. In the event of a conflict between this Code and the Construction Code,

the most restrictive provision shall control. A copy of the rules and regulations shall be provided to any person upon request.

Sec. 43-9. Approval of plans and specifications.

(a) No aquatic structure shall be constructed, remodeled, or altered except in accordance with plans and specifications approved by the health officer. An applicant shall submit two sets of properly prepared plans and specifications for the construction, remodeling, or alteration of an aquatic structure, along with a nonrefundable plan review fee, to the health officer for approval before the construction, remodeling, or alteration is begun. The health officer shall approve the plans and specifications if they meet the applicable requirements. If the plans and specifications do not meet all applicable requirements, the health officer shall reject the plans and provide the applicant a written explanation of the discrepancies between the applicable requirements and the existing plans and specifications. An applicant whose plans and specifications have been rejected may resubmit a revised set of plans and specifications for review.

(b) The plans and specifications shall comply with this chapter and all other applicable laws, rules and regulations, including the Construction Code. The plans and specifications shall include, at a minimum, such elements as the proposed layout, arrangement, and construction materials of an aquatic structure and its components. One set of the approved plans and specifications shall be given to the owner or contractor responsible for the construction of the aquatic structure. A second set of approved plans and specifications shall remain on file with the health officer.

(c) Any proposed change to the proposed layout, arrangement, and construction materials of an aquatic structure and its components after the first set of plans and specifications have been approved by the health officer shall be shown on revised plans and specifications which shall be submitted to and reviewed by the health officer. Upon approval prior to any work related to such elements, the approved changes shall be added to the original plans and specifications.

(d) An aquatic structure may not be constructed so as to discharge its wastes into a sanitary sewer or other public drainage system unless such discharge is approved in writing by the health officer and the utility official.

(e) All portions of the water distribution system of an aquatic structure shall be protected against backflow from the water into the city's water supply system. The fill line used to introduce water to the aquatic structure shall have a backflow device on the discharge side of the last gate valve or a six-inch air gap at the end of the fill line. The fill line shall not be connected directly to any of the

pipng or equipment of the circulation system. A fill line from the water supply to prime the pump shall not be allowed.

(f) A pool or spa shall be equipped with approved drain covers.

(g) The health officer shall inspect an aquatic structure that has been constructed, remodeled or altered prior to its operation to determine compliance with the approved plans and specifications and with all other applicable requirements. A preoperational inspection fee will be assessed in conjunction with the inspection of a facility. An aquatic structure that fails to pass this inspection may not be operated or used.

(h) No permit shall be issued to or renewed for any facility for which outstanding fees are owed to the city.

Sec. 43-10. Landlord/tenant.

The terms of this chapter shall not be construed to alter the terms of any lease or other agreement between landlord and tenant relating to property that is subject to this chapter; provided, however, that no lease or other agreement between landlord and tenant relating to property that is subject to this chapter shall be construed to excuse compliance by any person with this chapter or any applicable state or federal law, rule or regulation regarding pool safety.

Secs. 43-11—43-30. Reserved.

ARTICLE II. PERMITS, INSPECTIONS, ENFORCEMENT, ETC.

Sec. 43-31. Permitting requirement.

(a) No person shall operate a facility without a permit issued by the health officer. An application for a permit shall be made on forms provided by the health officer and shall be accompanied by payment of the applicable permit fee. The information provided in the application shall include, at a minimum: i) the applicant's full name and post office address; ii) whether the applicant is an individual, firm, corporation or other type of entity, and, if a partnership, the names of the partners, together with their addresses; and iii) the location and type of proposed facility. If the health officer determines that the requirements of this chapter have been satisfied, a permit shall be issued to the applicant.

A permit shall be valid only for the location specified and may not be transferred to another location or to another owner of the property on which the facility is located. A copy of the permit shall be posted in view of the public, shall be valid for one year from the date of issuance and shall be renewed on or before the date of its expiration. A fee shall be imposed for reissuing a lost permit.

(b) If a permit renewal application is not received in the offices of the department in completed form and accompanied by the permit fee on or before the next business day after the date of expiration of the permit to be renewed, no renewal permit shall be issued prior to payment of a fee to defray the additional administrative costs associated with the permit renewal.

(c) The holder of a permit shall have a continuing duty to apply for an amended permit within thirty days after the occurrence of an event that causes a change in any information for which a representation or response was made in the original permit application. Failure to timely submit an application for an amendment shall cause the permit to become void. Applications for permit amendments shall be processed and amended permits shall be issued in accordance with the same criteria as original applications.

Sec. 43-32. Compliance, inspections and investigations.

(a) The health officer shall inspect each facility within the city at least once every 12 months and shall make as many additional inspections as are necessary for the enforcement of this chapter, taking into consideration all public health risks posed by the facility, consumer complaints, reports of illness outbreaks or the facility's past compliance history. Upon request, the operator shall provide the health officer with all records pertaining to the servicing, maintenance, and operation of the facility.

(b) The findings related to a facility inspection shall be recorded on an inspection report form, a copy of which report shall be provided for the person in charge of the facility. A copy of the inspection report shall be kept at the facility and may not be removed by any person except the health officer. The health officer shall maintain a copy of the inspection report in the departmental records.

(c) The inspection report form shall specify a specific time by which each violation must be corrected. The operator may be subject to criminal or civil penalties for a violation.

(d) Upon request of the operator of a facility, the health officer may allow an extension of the time in which to correct a violation. In determining whether to allow an extension and the length of the extension, the health officer shall consider the degree of risk, if any, posed by the violation and the time reasonably required to correct it. No extension shall be granted if the health officer determines that a significant risk is posed to the public.

(e) If the health officer determines that a reinspection is necessary to ascertain that the conditions responsible for a violation no longer exist, the operator shall be assessed a reinspection fee in conjunction with that reinspection.

(f) A facility that is required to or agrees to cease operations under the provisions of this section shall not resume operations until a reinspection by the health officer determines that the conditions responsible for the requirement to cease operations no longer exist.

(g) The health officer shall conduct all reinspections required under this section within a reasonable period of time. A permit shall not be renewed until all outstanding fees assessed under this chapter have been paid.

Sec. 43-33. Enclosure of aquatic structures.

(a) The operator of a residential pool or spa shall at all times maintain an enclosure that consists of a man-made, permanently installed fence, wall or barrier completely surrounding and enclosing the residential pool or spa. A building or existing wall may be used as part of an enclosure constructed as required herein. The enclosure shall:

- (1) Measure not less than four feet in height, with no openings, holes, or gaps larger than four inches as measured in any direction, except that such openings for a picket fence or a picket-type fence (one composed primarily of vertical members) shall be measured in a horizontal direction between members; and
- (2) Include self-closing and self-latching devices on the upper quarter of all gates and doors opening directly into the enclosure, so that the doors or gates remain securely closed at all times when not in actual use, except that the door of any residential dwelling that forms any part of the enclosure need not be so equipped.

(b) The operator of a facility that is regulated by Chapter 757 of the Texas Health and Safety Code shall at all times maintain an enclosure that complies with those provisions of Chapter 757 adopted by reference in section 43-6(a) of this Code, and the city may remedy violations of this subsection in accordance with the provisions of Section 214.101 of the Local Government Code, including the placement of a lien against the property to recover expenses incurred pursuant to remediation.

(c) The operator of a facility regulated by Subchapter L of Chapter 265 of Title 25 of the Texas Administrative Code shall at all times maintain upon such property an enclosure that complies with the requirements of Section 265.200 that subchapter adopted by reference in section 43-6(a) of this Code.

(d) It shall be unlawful for the operator of an aquatic structure to fail to comply with this section. Each day that a violation continues shall constitute a separate offense. A violation of this section is also a violation of article IX of chapter 10 of this Code.

(e) Any person may advise the appropriate enforcement officer regarding an enclosure that is damaged, deteriorated, substandard, dilapidated or otherwise in a state that poses a hazard to the public health, safety and welfare.

Sec. 43-34. Violation of minimum standards for aquatic structures.

(a) In the event of a violation of the minimum standards established by this chapter, the health officer shall provide written notice to the operator to abate, remove or otherwise remedy the violation immediately. The notice shall be given:

- (1) By personal hand delivery to the operator;
- (2) By letter addressed to the operator at the operator's post office address and sent by certified mail, return receipt requested; or
- (3) If personal service cannot be obtained or the operator's post office address is unknown:
 - a. By posting the notice on or near the front door of each building on the property to which the violation relates; or
 - b. By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

(b) If the operator does not abate, remove or remedy the violation within ten days of service or posting of a notice under this section, the health officer may enter the property where the violation is occurring and perform any work necessary to protect the public health, safety and welfare.

(c) Notwithstanding the notice provisions of this section, upon any determination that the immediate abatement of a violation is necessary to protect the public health, safety or welfare, the health officer may enter the property where the violation is occurring and perform or cause to be performed any work necessary to protect the public health, safety and welfare.

(d) Pursuant to the authority granted by Chapter 342 of the Texas Health and Safety Code, the city may charge all costs incurred by the city under this section in remediating water quality issues, including the cost of providing notice as required, to the owner of the property. The city may assess the expenses against the property where the work was performed and obtain a lien against the property in accordance with the procedure established in Chapter 342 of the Texas Health and Safety Code.

(e) The remedy provided by this section is in addition to all other remedies available under this chapter or as otherwise provided by the Code or state or federal law.

Sec. 43-35. Enforcement and closures.

(a) The health officer is authorized to issue citations charging the violation of any of the provisions of this chapter and, to the extent authorized or permitted by law, any applicable state laws, rules or regulations regarding pool safety. In addition, the health officer may order a facility closed if the health officer determines:

- (1) That it is being operated without a valid permit; or
- (2) That the continued operation of the facility will constitute a hazard to the health or safety of persons using the facility or those in close proximity to the facility.

(b) Upon closure of a facility pursuant to this section, the person in charge of the facility shall immediately:

- (1) Properly post and maintain signs at all entrances to the facility that state: "CLOSED UNTIL FURTHER NOTICE"; and
- (2) Lock all doorways and gates that form a part of the facility enclosure, so that the facility is only accessible to maintenance or authorized personnel for repairs.

Signs required to be posted under this section shall be a minimum size of eight and one-half inches by eleven inches. The lettering shall be of a contrasting color to the background and not less than one inch in height. Signs shall be positioned so that they are readily visible to a person seeking entry to the facility.

(c) If the person in charge of the facility is absent, or fails or refuses to comply with the requirements of subsection (b), the health officer may post signs and secure the premises in accordance with this section.

(d) A person commits an offense under this section if the person:

- (1) Removes, defaces, alters, covers or renders unreadable a closure sign posted by the health officer; or
- (2) Uses a facility subject to a closure order for swimming, diving or bathing; or

- (3) Is a person in charge of a facility subject to a closure order and knowingly allows persons to use the facility for swimming, diving or bathing; or
- (4) Is a person in charge of a facility subject to a closure order and fails to comply with the requirements of this section.

(e) An operator may appeal a closure order within three days after the issuance of the order by filing a written statement with the health officer setting forth the reasons why the closure order should be rescinded. The filing of an appeal does not stay the closure order.

(f) A facility closed by the health officer shall not resume operation until a reinspection by the health officer establishes that the facility is in compliance with this chapter and all applicable state or federal laws and rules and regulations regarding pool safety.

Sec. 43-36. Permit suspension.

(a) The health officer may, upon notice to the permit holder, suspend a permit if the operator of a facility does not comply with the requirements of this chapter, or if the operation of the facility otherwise constitutes a hazard to public health. Suspension is effective upon service of the notice required by subsection (b) below. Upon issuance of a permit suspension, active pool operations shall immediately cease, and the permit shall be removed from the facility by the health officer and retained at the department until the suspension has terminated.

(b) Written notice of a permit suspension shall be provided to the operator of a facility by personal hand delivery or by certified mail, return receipt requested. The notice shall set forth:

- (1) The specific conditions at the facility that are in violation of this chapter, in violation of federal or state laws, rules or regulations regarding pool safety or constitute a hazard to public health;
- (2) That a hearing will be held before a hearing officer;
- (3) The date, time and place of the hearing; and
- (4) That the operator may appear in person, may be represented by counsel, and may present testimony and cross-examine all witnesses. The hearing shall be held not later than ten days after the date the permit is suspended.

(c) All hearings shall be conducted by a person designated by the director, who shall be referred to as the hearing officer. The director shall not

designate any person to perform the duties of hearing officer under this section who has participated in the inspection of the facility, or has prior knowledge of the allegations or circumstances discovered in the inspection or inspections, except that the person designated as hearing officer may, prior to the hearing, receive a copy of the notice given to the operator.

(d) All hearings shall be conducted under rules consistent with the informal nature of the proceedings; provided, however, the following rules shall apply:

- (1) Each party shall have the right to representation by a licensed attorney, although an attorney is not required.
- (2) Each party may present witnesses on his own behalf.
- (3) Each party has the right to cross-examine all witnesses.
- (4) The hearing officer may consider only the evidence presented at the hearing in rendering the order.

(e) If the operator fails to appear at the hearing at the time, place, and date specified, the health officer shall present sufficient evidence to establish a prima facie case showing violation of this chapter or conditions constituting a hazard to public health that formed the basis of the suspension of the permit.

(f) If the hearing officer determines that the facility was operated in violation of this chapter or constituted a hazard to public health, the hearing officer shall make written findings of fact and shall affirm the permit suspension until all violations of this chapter are corrected and any conditions constituting a hazard to public health are eliminated. If the hearing officer finds that the public interest will be adequately protected by a warning or other penalties authorized under this chapter, he may order the permit to be reinstated and impose such penalties. A copy of the findings and order of the hearing officer shall be sent by certified mail, return receipt requested, to the operator.

(g) Whenever the reason for a suspension no longer exists, the operator shall notify the health officer that the conditions under which the permit was suspended have been corrected and request a reinspection. The reinspection shall be conducted as soon as possible after the request is received and in any event no later than three regular working days after the receipt of the request.

Section 43-37. Permit revocation.

(a) A permit may be revoked for up to 180 days if:

- (1) The person in charge or his agents or employees fail or refuse to permit an inspection of the facility by a health officer; or
- (2) The department has found three or more violations of the applicable portions of this chapter or of federal or state laws, rules or regulations regarding pool safety within the preceding twelve-month period.

(b) Prior to the revocation of a permit, written notice shall be provided to the operator by personal hand delivery or by certified mail, return receipt requested. The notice shall set forth:

- (1) The grounds on which the city will seek revocation of the permit, including the specific violations of this chapter or of federal or state laws regulating pool safety on which the city will rely in seeking revocation of the permit;
- (2) That a hearing will be held before a hearing officer;
- (3) The date, time and location of the hearing; and
- (4) That the operator may appear in person, may be represented by counsel and may present testimony and cross-examine all witnesses. The hearing shall be held not later than ten days after the date the permit revocation notice is received.

(c) A permit revocation hearing under this section shall be held in accordance with the procedures set forth in section 43-36 of this Code.

(d) If the hearing officer determines that there are grounds for revocation of the permit, the hearing officer shall make written findings of fact and shall order the revocation of the permit for a period of not more than 180 days. A copy of the findings and order of the hearing officer shall be sent by certified mail, return receipt requested, to the operator.

(e) All operation of a facility shall cease immediately upon receipt of service of written notice that the permit for that facility has been revoked pursuant to subsection (d), and the health officer shall physically remove the permit from the premises.

(f) Reinstatement of a permit that has been revoked shall require application and payment of a permit fee as if it were an initial application. No new

permit application shall be considered for a facility where the permit has been revoked until the expiration of the revocation period.

Sec. 43-38. Fees.

(a) The health officer shall, from time to time, prepare and submit for approval by motion of the city council a schedule of fees that shall be paid pursuant to this chapter. The health officer may not charge any fee without obtaining the prior approval of the city council.

(b) All fees collected pursuant to this chapter shall be deposited in the swimming pool safety fund account established by the city council. Funds from this account may be expended only for the costs of activities related to the chapter such as permitting, inspection, monitoring, abating, controlling, education and enforcement.

Sec. 43-39. Additional legal remedies.

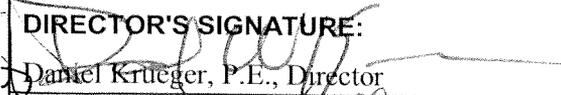
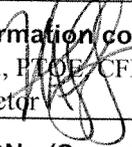
(a) The city, acting through the city attorney or any other attorney representing the city, is hereby authorized to file an action in a court of competent jurisdiction to:

- (1) Enjoin any person from violating or threatening to violate the terms, conditions and restrictions of any permit issued under this chapter;
- (2) Enjoin the violation or threatened violation of the provisions of this chapter or of applicable state laws, rules or regulations regarding pool safety, to the extent permitted by law;
- (3) Recover civil penalties for violation of the terms, conditions and restrictions of any permit authorized under this chapter; or
- (4) Recover damages from the owner of property on which a violation has occurred in an amount adequate for the city to undertake any construction or other activity necessary to bring about compliance with this chapter.

(b) The city, acting through the city attorney or any other attorney representing the city, is hereby authorized to enter into agreements in lieu of litigation to achieve compliance with the terms, conditions and restrictions of any permit authorized under the provisions of this chapter.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | | |
|--|--|---|-----------------------|-----------------------------------|
| SUBJECT: Ordinance to adopt modifications to the Electrical Code and Commercial Energy Code, updated versions of the Building Code, Residential Code, Mechanical Code and Plumbing Code along with local amendments | | Category # | Page 1 of 1 | Agenda Item # 19 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date TBA | | Agenda Date NOV 03 2010 |
| DIRECTOR'S SIGNATURE:  Daniel Krueger, P.E., Director | | Council District affected: All | | |
| For additional information contact: Mark L. Loethen, P.E., PTOE CFM Phone: (713) 535-7510 Acting Deputy Director  | | Date and identification of prior authorizing Council action: None | | |
| RECOMMENDATION: (Summary) Approve an ordinance to adopt and modify the updated construction codes to include local administrative provisions, coordinate with local ordinances, and conform with local construction practices. | | | | |
| Amount and Source of Funding: N/A | | | | |
| SPECIFIC EXPLANATION: PROJECT: I NOTICE/JUSTIFICATION | | | | |
| <p>The City of Houston Construction Code is updated periodically to adopt newer versions of nationally promulgated codes which are then amended to meet local standards. State law requires a minimum of 30 days prior to enactment, though the City has historically provided in excess of 30 days to provide additional time for industry to prepare. The code modification must take effect prior to the end of calendar year 2010 to maintain the City's national ratings for building code effectiveness which score how well a jurisdiction's codes mitigate against natural hazards.</p> <p>Adoption of these codes is further recommended because the city is under review from the Insurance Services Office (ISO) which will provide a grade pursuant to the Building Code Effectiveness Grading Schedule (BCEGS) based on current codes among other items. This grading schedule affects the city's insurance rates with regard to how well the city can mitigate against natural hazards. The Houston Fire Department and the city's participation in the National Flood Insurance Program are also affected by the building department's grade.</p> <p>The proposed adoption of the 2006 International Building Code (IBC), the 2006 International Residential Code (IRC), and the 2006 Uniform Mechanical (UMC) and 2006 Plumbing Code (UPC) along with the local amendments thereto, will continue to set the minimum building standards for residential and commercial buildings located on private property. These standards minimize the probability of fires and protect the health, safety and welfare of the public.</p> <p>The IBC is published by the International Code Council. The IBC regulates structural installations, fire and life safety provisions, and sets administrative provisions for enforcement. The IBC is the nationally recognized building code adopted in most U.S. jurisdictions, and is the minimum adopted standard for construction in the state of Texas, as established by Section 214.216 of the Local Government Code.</p> <p>The IRC is also published by the International Code Council, and is the minimum code standard for one and two family dwellings, excluding electrical provisions, established by Section 214.216 of the Local Government Code.</p> <p>The UMC and UPC are published by the International Association of Plumbing and Mechanical Officials, and regulate the installation, repair, and alteration of mechanical and plumbing systems, primarily in commercial construction. The local amendments to these codes would set up certain administrative policies and procedures as well as modify other base code principles to be more applicable to the health, safety and welfare of the citizens of Houston.</p> <p>In addition to the aforementioned updates, the 2008 National Electrical Code with local amendments was adopted by ordinance in 2008, the proposed changes are to the Electrical ordinance are primarily to coordinate with the Texas Electrical Contractor Law.</p> <p>An amendment to the currently adopted 2008 Houston Commercial Energy Conservation Code clarifies the type of a certain motor that saves energy.</p> <p>The proposed amendments were reviewed and recommended by the Electrical, Energy, Building, Residential, Mechanical, and Plumbing Committees of the Construction Industry Council (CIC) during a series of meetings.</p> <p>Item was presented to the Development & Regulatory Affairs Committee on October 28th, 2010. No action was taken due to a lack of a quorum.</p> | | | | |
| REQUIRED AUTHORIZATION CUIC# 20SWB05 | | | | |
| Finance Department: | | Other Authorization: | | Other Authorization: |

| | | |
|--|-----------------------|------------------------------|
| SUBJECT: Sealed bid sale of 151.7 acres land located on the northeast side of State Highway 3 (Galveston Road), northeast of the intersection of Highway 3 and Scarsdale Boulevard in the City of Houston, Parcel SY6-020. | Page 1 of 1 | Agenda Item 20 |
|--|-----------------------|------------------------------|

| | | |
|---|-------------------------|-----------------------------------|
| FROM (Department or other point of origin): General Services Department | Origination Date | Agenda Date NOV 03 2010 |
|---|-------------------------|-----------------------------------|

| | |
|---|-------------------------------------|
| DIRECTOR'S SIGNATURE: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Interim Director 10/25/10 | Council District affected: E |
|---|-------------------------------------|

| | |
|---|---|
| For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023 | Date and identification of prior authorizing Council action: Motion 2007-1207; December 5, 2007 |
|---|---|

RECOMMENDATION: Accept the highest bid for the sealed bid sale of 151.7 acres of land, **Parcel SY6-020**, and approve and authorize a Special Warranty Deed conveying the property to the highest bidder.

| | |
|--|------------------------|
| Amount and Source Of Funding: Revenue | Finance Budget: |
|--|------------------------|

SPECIFIC EXPLANATION: By Motion 2007-1207, City Council declared Parcel SY6-020, surplus to the City's needs and authorized a sealed bid sale to the highest bidder. The property, a former public utility site, consists of 151.7 acres of land and is located on the northeast side of State Highway 3 (Galveston Road), northeast of the intersection of Highway 3 and Scarsdale Boulevard, in Harris County, Texas. In accordance with a real estate marketing agreement approved by Council on February 6, 2008 by Ordinance No. 2008-103, CB Richard Ellis, Inc. marketed the property to over 2,000 contacts and made direct calls to prospects who had expressed interest in the property. The list of contacts included industrial developers, land investors and brokers.

On July 9, 2010 and July 16, 2010, the City advertised the sealed bid sale of the land. The sealed bid sale began with a first round of bidding and two bidders submitted. The City requested the bidders to submit a "Best and Final Bid." Enterprise Crude Pipeline LLC submitted the sole (highest) bid in the amount of \$6,315,400.00, which is greater than the appraised value.

Therefore, the General Services Department recommends that City Council accept the highest bid in the amount of \$6,315,400.00, which is greater than the appraised value and authorize the Mayor to execute and the City Secretary to attest a Special Warranty Deed conveying the property to Enterprise Crude Pipeline LLC. The sale is subject to the City's billboard restrictions; historic landmark restrictions; all easements and public utilities; and the applicable covenants, conditions and restrictions.

The net sale proceeds will be directed to the General Fund.

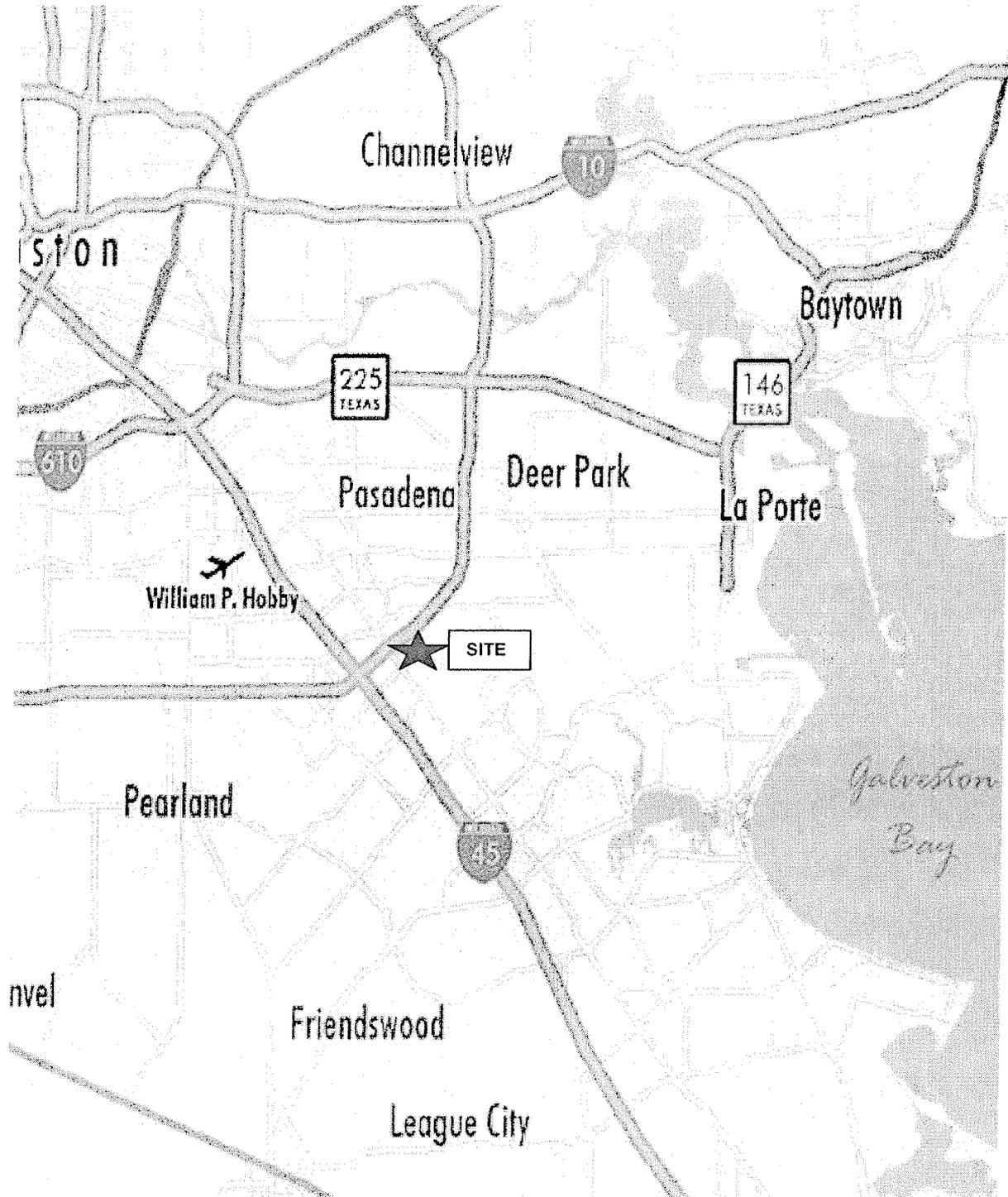
FRC:JLN:FA:fa

c: Marty Stein, Anna Russell, Jacquelyn L. Nisby, Andrew F. Icken

REQUIRED AUTHORIZATION CUIC ID# 25 FA 24

| | | |
|--|--|--|
| General Services Department: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Director Real Estate Division | | |
|--|--|--|

151.7 acres located on the northeast side of State Highway 3 (Galveston Road), northeast of the intersection of Highway 3 and Scarsdale



SCARSDALE BLVD.

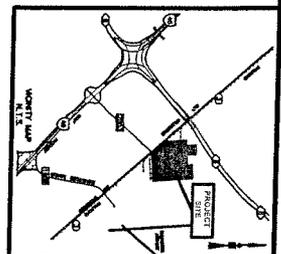
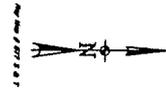
STATE HIGHWAY NO. 3
OLD HOUSTON ROAD

THE MAIN TRACK

SOUTH BELTWAY B TOLLWAY
VARIABLE WIDTH ROW

CITY OF HOUSTON
CALLED 151.694 ACS. (TRACT 1)

EXHIBIT OF
CITY OF HOUSTON 151 ACRES SITE



Fine Arts Schedule

| Display | Location | Total Pieces | Display Artist | Creation Date | Technique | Est. Value | Indoor or Outdoor | Fire Protection |
|---------------------------|-----------------------------|--------------|-------------------------------|---------------|-------------------------|----------------------|-------------------|-----------------|
| #1 Untitled | Wortham Center | 8 | Albert Paley | | Sculpture | \$ 1,800,000 | | |
| #2 | Wortham Center | 28 | Albert Paley | | Bronze door handles | \$ 420,000 | | |
| #3 | Wortham Center | 16 | Albert Paley | | Bronze door handles | \$ 100,000 | | |
| The Quilting Party | Wortham Center | 1 | John Biggers | 1980 | Mural | \$ 1,500,000 | | |
| Lily Pads | Jones Hall | 3 | John E. Alexander | 1977 | Painting | \$ 200,000 | | |
| John T. Jones, Jr. | Jones Hall | 1 | Lawrence M. Ludtke | 1997 | Bronze bas-relief | \$ 75,000 | | |
| Jessee Holman Jones | Jones Hall | 1 | Lawrence M. Ludtke | 1997 | Bronze bas-relief | \$ 75,000 | | |
| Christopher Eschenbach | Jones Hall | 1 | Unknown | 1999 | Plaque | \$ 25,000 | | |
| The Dancer | Jones Hall | 1 | Marcello Mascherini | 1950 | Sculpture | \$ 165,000 | | |
| Gemini II | Jones Hall | 2 | Richard Lippold | 1966 | Sculpture | \$ 1,000,000 | | |
| Portrait of Edna Saunders | Jones Hall | 1 | Charles J Fox | | Painting | \$ 15,000 | | |
| Pair of Horses | Jones Hall | 2 | Robert Fowler | 1963 | Sculpture | \$ 45,000 | | |
| Sweeney Clock | Sweeney Clock Triangle | 1 | E. Howard & Co. | 1877 | Sculpture | \$ 55,000 | | |
| George Bush | Sesquicentennial Park | 1 | Charles Fagan | 2004 | Sculpture | \$ 250,000 | | |
| George Bush | Sesquicentennial Park | 2 | Charles Fagan | 2004 | Sculpture | \$ 40,000 | | |
| George Bush | Sesquicentennial Park | 4 | Wei Li (Willy) Wang | 2004 | Bronze bas-relief | \$ 250,000 | | |
| George Bush | Sesquicentennial Park | 1 | Linbeck Construction Co | 2004 | Monument | \$ 857,356 | | |
| Seven Wonders | Sesquicentennial Park | 7 | Mel Chin | 1996 | Sculpture | \$ 2,326,000 | | |
| The Big Bubble | Buffalo Bayou | 1 | Dean Ruck | 1998 | Public Artwork | \$ 3,500 | | |
| Sounds of the Past | Buffalo Bayou | 2 | Dean Ruck | 1998 | Public Artwork | \$ 3,500 | | |
| Site Seeing Tour | Tranquility Park | 13 | Dean Ruck | 1998 | Public Artwork in Fence | \$ 13,000 | | |
| Heritage Lanterns | Root Memorial Park | 5 | Carter Ernst & Paul Kittelson | 2005 | Sculpture | \$ 165,000 | | |
| Gazebo Roof | Root Memorial Park | 1 | Ann Stautberg | 2005 | Structure Artwork | \$ 113,642 | | |
| In Minds | Hobby Center | 2 | Anthony Cragg | 2001 | Sculpture | \$ 1,500,000 | | |
| #24 Untitled | Hobby Center | 1 | Sol Lewitt | 2002 | Painting | \$ 400,000 | | |
| Power of Houston | G.R.B. Convention Center | 1 | Quilts, Inc. | 2000 | Quilt Artwork | \$ 15,000 | | |
| Synchronicity of Color | Discovery Green | 2 | Margo Sawyer | | Sculpture | \$ 1,500,000 | | |
| Atropos Key | Miller Outdoor Theatre | 1 | Hannah H. Stewart | 1972 | Sculpture | \$ 85,000 | | |
| Oliver Twist | Miller Outdoor Theatre | 1 | Trace Guthrie | 1976 | Sculpture | \$ 35,000 | | |
| Axis Mundi | Talento Bilinguo De Houston | 2 | Benito Huerta | | Painting | \$ 45,000 | | |
| Total | | | | | | \$ 13,076,998 | | |

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|---|---------------------|--------------------|-------------------------|
| SUBJECT: An ordinance approving contract no. 2011-036126-001 with the Department of State Health Services (DSHS) for Vital Records Database services | Category # 9 | Page 1 of 1 | Agenda Item # 22 |
|---|---------------------|--------------------|-------------------------|

| | | |
|---|------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): Houston Department of Health and Human Services | Origination Date 9/27/10 | Agenda Date NOV 03 2010 |
|---|------------------------------------|-----------------------------------|

| | |
|--|--|
| DIRECTOR'S SIGNATURE: <i>MS Stephen Williams</i> | Council District affected: ALL |
|--|--|

| | |
|--|---|
| For additional information contact: Kathy Barton Telephone: 713-794-9998; 713-826-5801 | Date and identification of prior authorizing Council action: |
|--|---|

RECOMMENDATION: (Summary)
An ordinance approving contract no. 2011-036126-001 with the Department of State Health Services (DSHS) for Vital Records Database services.

| | |
|--|----------------------------|
| Amount of Funding: Maximum Contract Amount: \$80,000.00 Fund: 2002 Health Special Revenue Fund | Finance Department: |
|--|----------------------------|

| |
|---|
| SOURCE OF FUNDING: [] General Fund [] Grant Fund [] Enterprise Fund [X] Other (Specify) |
|---|

SPECIFIC EXPLANATION:

The Houston Department of Health and Human Services (HDHHS) requests City Council's approval of contract no. 2011-036126-001 for Vital Records Database services. The contract term is from **September 1, 2010** through **August 31, 2012**. The maximum contract amount is \$80,000 to be paid by the Vital Statistics Revenue Account. The fee of \$1.83 will be reimbursed to DSHS for each Certification of Vital Record printed from a database search.

The purpose of this contract is to provide the HDHHS Vital Statistics Bureau on-line computer services from 7:00 a.m. to 6:00 p.m. Monday thru Friday with the exception of holidays. Vital Statistics will use the services to search the DSHS databases, local data, and issue Certifications of Vital Records to authorized individuals requesting such data. No limit will be established on the number of searches per month providing the number is reasonable.

This contract will enable HDHHS Vital Statistics Bureau to continue to provide the necessary services regarding birth, death, and fetal death records pursuant to Chapter 191 of the Health and Safety Code in the most efficient and accurate manner.

cc: Finance Department
Legal Department
Agenda Director

REQUIRED AUTHORIZATION

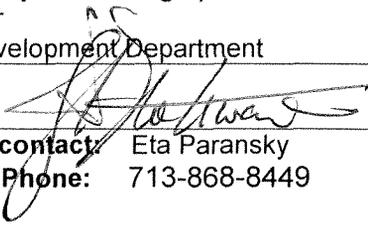
| | | |
|---------------------------|-----------------------------|-----------------------------|
| Finance Department | Other Authorization: | Other Authorization: |
|---------------------------|-----------------------------|-----------------------------|

| | | | | |
|---|-----------------------------|---|-----------------------------------|----------------------------|
| SUBJECT: An ordinance approving and authorizing a contract with the Department of State Health Services for family planning services | | Category # 9 | Page 1 of 1 | Agenda Item # 23 |
| FROM (Department or other point of origin): Stephen L. Williams, M.Ed., M.P.A. Director-Houston Department of Health and Human Services | | Origination Date 09/28/2010 | Agenda Date NOV 03 2010 | |
| DIRECTOR'S SIGNATURE:  | | Council District affected: ALL | | |
| For additional information contact: Kathy Barton Telephone: 832-393-5045 ; 713-826-5801 | | Date and identification of prior authorizing Council action: | | |
| RECOMMENDATION: (Summary) An ordinance approving and authorizing a contract with the Department of State Health Services for family planning services | | | | |
| Amount of Funding: \$1,221,390.00 – | | | Finance Budget: | |
| SOURCE OF FUNDING: [] General Fund [X] Grant Fund [] Enterprise Fund [] Other (Specify) | | | | |
| SPECIFIC EXPLANATION: The Houston Department of Health and Human Services (HDHHS) requests City Council approval and authorization of a contract with the Department of State Health Services for the period of September 1, 2010 through August 31, 2011. The total amount of the agreement is \$ 1,221,390.00. Under this agreement HDHHS will provide a broad range of Federal Drug Administration (FDA) approved methods of contraception, including natural family planning methods, and services either directly or by referral to the six health centers. Abortions are not offered as a method of family planning. Priority in the provision of services will be given to people from low-income families. A series of health education activities and presentations related to the benefits and advantages and disadvantages of the various family planning methods will be developed. A variety of methods will be used, i.e., print media, radio, flier distribution, etc., to inform the community about family planning services. The HDHHS community health educators will also provide family planning education seminars to the clients of community partner agencies. Surveys will be gathered to evaluate satisfaction, side effects, and birth control success. Social services related to family planning, including counseling, referral to and from other social and medical service agencies, and ancillary services may be necessary to facilitate clinic attendance. | | | | |
| cc: Finance Legal Department Agenda Director | | | | |
| REQUIRED AUTHORIZATION | | | | |
| Finance Director | Other Authorization: | | Other Authorization: | |

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

10 - Jackson Hinds Gardens

| | | | | |
|---|--|---|-----------------------------------|-----------------------------------|
| SUBJECT: An ordinance to authorize deobligation of Community Development Block Grant funds and cancel the loan agreement in the amount of \$1,200,000 that were previously committed to the Jackson Hinds project. | | Category # | Page 1 of 1 | Agenda Item # <i>24</i> |
| FROM (Department or other point of origin): James D. Noteware, Director Housing and Community Development Department | | Origination Date 10/26/10 | Agenda Date NOV 03 2010 | |
| DIRECTOR'S SIGNATURE:  | | Council District affected: District H | | |
| For additional information contact: Eta Paransky Phone: 713-868-8449 | | Date and identification of prior authorizing Council action: 2005-0779 - 6/21/05 2009-1256 - 12/09/09 | | |

MSJ

RECOMMENDATION: (Summary)

The Department recommends approval of an ordinance authorizing deobligation of the Community Development Block Grant (CDBG) funds in the amount of \$1,200,000 committed to Jackson Hinds Gardens, Inc; and reallocation back to the original rehabilitation activity out of which the funds originated.

| | |
|---------------------------------------|------------------------|
| Amount of Funding: \$1,200,000 | Finance Budget: |
|---------------------------------------|------------------------|

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify) CDBG

SPECIFIC EXPLANATION:

Jackson Hinds Gardens, Inc. is an affiliate of The Non-Profit Housing Corporation of Greater Houston, a nonprofit company formed in 1968 for the purpose of contracting for and overseeing the rehabilitation of housing, administering rental assistance, and the provision of supportive services in the City of Houston. The Jackson Hinds Gardens project is a 90-unit Single Room Occupancy ("SRO") project for very-low income tenants that is located at 607 Thornton Road, Houston, Texas 77018.

The project was presented to HCDD's eligibility group as a refinance. Refinancing is authorized as an eligible rehabilitation activity under CDBG, when previous CDBG funds have been approved for a project and when additional rehabilitation will be performed. Jackson Hinds received \$500,000 in CDBG funds in 2005.

Subsequently, it was learned that this project is a refinance and that no additional rehab would be performed as required under the CDBG regulations, but the funds would be used to payoff a debt to allow the project to become debt-free so that expenditures required to enhance the quality of life for SRO tenants may be maximized.

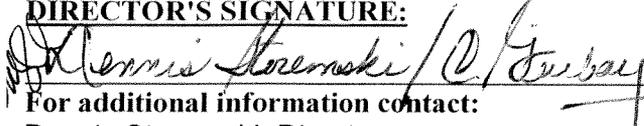
Since payoff of a loan under such circumstances is an ineligible use of CDBG funds, it is necessary to deobligate the CDBG funds and cancel the loan agreement that was approved for that purpose. The department recommends deobligation of the \$1,200,000 from the Jackson Hinds project and reallocation of such funds back to the rehabilitation activity from which they originated to be used for a future eligible project.

This item was reviewed by the Housing and Community Development Committee on June 15, 2010, and was recommended for favorable council consideration.

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

REQUIRED AUTHORIZATION

| | | |
|----------------------------|-----------------------------|-----------------------------|
| Finance Department: | Other Authorization: | Other Authorization: |
|----------------------------|-----------------------------|-----------------------------|

| | | | |
|--|--|--------------------|---------------------------------------|
| SUBJECT: Ordinance approving and second amendment to the Interlocal Agreement with Harris County relating to the Joint City-County Commission on Children | Category # | Page 1 of 1 | Agenda Item# 25 |
| FROM: (Department or other point of origin): Mayor's Office of Public Safety & Homeland Security | Origination Date 10/28/10 | | Agenda Date NOV 03 2010 |
| DIRECTOR'S SIGNATURE:  | Council Districts affected: All | | |
| For additional information contact: Dennis Storemski, Director (832) 393-0875 | Date and identification of prior authorizing Council Action: Ord. No. 2005-956, 8/10/2005 Ord. No. 2010-616, 08/04/2010 | | |

RECOMMENDATION: (Summary)
 Adopt Ordinance approving a second amendment to the Interlocal Agreement with Harris County relating to the Joint City-County Commission on Children to extend the term.

| | |
|--|------------------------|
| Amount and Source of Funding: No funding required | Finance Budget: |
|--|------------------------|

SPECIFIC EXPLANATION:

It is recommended that City Council adopt an ordinance approving a second amendment to the Interlocal Agreement with Harris County that establishes each entity's responsibilities for support of the Joint City-County Commission on Children. The proposed second amendment would extend the agreement 90 days from its current expiration of November 14, 2010 with the same terms and conditions as in the original agreement. The first extension, also for 90 days, was passed by Council on August 4, 2010. The City and County have been in negotiations over the last 3 months to put in place a longer term Interlocal Agreement for the Commission. While an agreement is close, both entities desire more time to finalize the details. A similar item is being placed on the November 9, 2010 Harris County Commissioners Court Agenda for review.

In November 1993, the City of Houston and Harris County created the Joint City-County Commission on children to serve as an advisory board to both governments on issues related to individuals under the age of 18. Since June 1994, the City and County have jointly provided financial support for the Commission. The current agreement, approved in August 2005, provides that the County pay for salaries and benefits of the Executive Director and Outreach Coordinator. The City provides funding for an Administrative Assistant, office space, furniture and supplies, in a 5-year amount not to exceed \$400,000. Existing funding is sufficient to cover the additional 90-day extension.

| | | |
|----------------------------|--|--|
| OTHER AUTHORIZATION | | |
| | | |

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

| | | | |
|--|-------------------|--------------------|----------------------------|
| SUBJECT: Approve an Ordinance Appropriating Funds from the FY11 Equipment Acquisition Consolidated Fund for the Purchase of Software and other Technology Equipment Items for eGIS Initiative | Category # | Page 1 of 1 | Agenda Item # 26 |
|--|-------------------|--------------------|----------------------------|

| | | |
|---|-------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): Planning & Development Department | Origination Date 10/19/10 | Agenda Date NOV 03 2010 |
|---|-------------------------------------|-----------------------------------|

| | |
|--|-----------------------------------|
| DIRECTOR'S SIGNATURE: <i>Maureen R. Hafick</i> | Council District affected: |
|--|-----------------------------------|

| | |
|--|---|
| For additional information contact: Max Samfield Phone: 713 837-7740 Marcia Wilson 713 837-7732 | Date and identification of prior authorizing Council action: |
|--|---|

RECOMMENDATION: (Summary)
Approve an Ordinance Appropriating Funds from the FY11 Equipment Acquisition Consolidated Fund for the Purchase of Software and other Technology Equipment Items for eGIS Initiative through the Planning & Development Department

| | |
|--|------------------------|
| Amount and Source of Funding: \$344,704 – Equipment Acquisition Consolidated Fund (1800) | Finance Budget: |
|--|------------------------|

SPECIFIC EXPLANATION:
The Planning and Development Department requests Council approval for the appropriation of \$344,704 from the Information Technology Equipment Acquisition Fund. The funds will be used for hardware and software needed to expand the data processing and storage capacities of the City's Enterprise Geographic Information System. The expansion is required to meet growing demand, as new web services and desktop GIS applications are deployed to City departments and citizens. (see attached supporting document)

cc: Marty Stein, Agenda Director
David M. Feldman, City Attorney
Jo Wiginton, Sr. Asst. City Attorney

| REQUIRED AUTHORIZATION | | |
|--------------------------|-----------------------------|-----------------------------|
| Finance Director: | Other Authorization: | Other Authorization: |

APPROPRIATION OF EQUIPMENT ACQUISITION FUNDS

Enterprise GIS Hardware and Software

The Planning and Development Department requests Council approval for the appropriation of \$344,704 from the Information Technology Equipment Acquisition Fund. The funds will be used for hardware and software needed to expand the data processing and storage capacities of the City's Enterprise Geographic Information System. The expansion is required to meet growing demand, as new web services and desktop GIS applications are deployed to City departments and citizens.

| ITEM DESCRIPTION | COST | COMMENTS |
|----------------------------------|------------------|--|
| HP Hardware/Software | \$115,000 | Quote: HP CNWY-46524-00; To be purchased through existing HP agreement through DIR (Agreement # : DIR-SDD-1364-HP HARDWARE) |
| Network Load Balance Appliance | \$42,325 | Quote: Future Com - 100816RP104524-5 |
| Visual Studio (12 licenses) | \$4,060 | Quote: Dell - CMM10081215 |
| Windows Server Licenses | \$14,972 | Quote: CMM10082005-R01 |
| TechNet Subscription | \$798 | Quote: Dell - Quoted under COH Enterprise Enrollment #781540 w/ Software Assurance |
| Rack Relocation (HEC to Lubbock) | \$5,649 | HP Estimate of charges |
| EEAP Renewal | \$120,000 | 200 EEAP Credits purchased under provisions of ESRI Enterprise License Agreement (March 2010 & March 2011); To be purchased through existing agreement with ESRI (Agreement # : 2006ELA270) |
| Aerial Imagery | \$17,000 | Cost sharing commitment for 2010 aerials, contracted through H-GAC |
| Building Footprints | \$24,900 | Cost sharing commitment for building footprints, contracted through H-CAD |
| TOTAL | \$344,704 | |

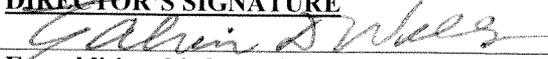
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8856

| | | | |
|--|-----------------|-------------|------------------------------|
| Subject: Emergency Mold Remediation at the Bob Lanier Public Works Building for the General Services Department S12-E23745 | Category # 4 | Page 1 of 1 | Agenda Item 27 |
|--|-----------------|-------------|------------------------------|

| | | |
|--|---|-----------------------------------|
| FROM (Department or other point of origin): Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department | Origination Date October 20, 2010 | Agenda Date NOV 03 2010 |
|--|---|-----------------------------------|

| | |
|--|--|
| DIRECTOR'S SIGNATURE  | Council District(s) affected H |
|--|--|

| | |
|--|---|
| 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 \$13,180.00 out of the General Improvement Consolidated Construction Fund (Fund 4509) for emergency mold remediation at the Bob Lanier Public Works Building for the General Services Department.

| | |
|-----------------------------------|--|
| Appropriation Amount: \$13,180.00 | Finance Budget  |
|-----------------------------------|--|

\$13,180.00-General Improvement Consolidated Construction Fund (Fund 4509) WBS D-000073-0091-4-01-01

SPECIFIC EXPLANATION:
The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$13,180.00 out of the General Improvement Consolidated Construction Fund (Fund 4509) for emergency mold remediation services at the Bob Lanier Public Works Building for the General Services Department.

On May 10, 2010, the General Services Department requested immediate assistance with mold remediation on the 20th floor of the Bob Lanier Public Works Building, located at 611 Walker Street, to protect the health and safety of City employees. The Strategic Purchasing Division issued a purchase order to AAR Incorporated to address the emergency.

The scope of work required the contractor to provide all labor, materials, equipment, permits, supervision and transportation necessary to remove and properly dispose of all mold-contaminated materials, clean and replace mold-infested building surfaces, ceiling panels and insulation, including HEPA vacuum and apply anti-microbial biocides and coatings to all of the affected areas. Additionally, the contractor provided 3 containments, 12 negative air machines, and 8 dehumidifiers until the affected area and surfaces passed mold inspection and clearance by a licensed mold consultant from an independent environmental lab certified by the Texas Department of State Health Services.

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: |
|---------------------|----------------------|----------------------|

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | | |
|---|--|--|-----------------------------------|-----------------------------|
| SUBJECT: Ordinance appropriating and transferring funds from the Houston Airport System to the Department of Public Works and Engineering for reimbursement for utility improvements. Project 638 (WBS#A-000561-0003-4-01) | | Category #2 | Page 1 of 1 | Agenda Item # 28 |
| FROM (Department or other point of origin): Houston Airport System | | Origination Date September 21, 2010 | Agenda Date NOV 03 2010 | |
| DIRECTOR'S SIGNATURE: <i>[Signature]</i> | | Council District affected: B | | |
| For additional information contact: Eric R. Potts <i>[Signature]</i> Phone: 281-233-1999 Robert Bielek <i>[Signature]</i> 281-233-1941 | | Date and identification of prior authorizing Council action: N/A | | |
| AMOUNT & SOURCE OF FUNDING: CIP No. A-9561.04 \$187,195.00 Arprt Improvemt Fd (8011) <i>[Signature]</i> | | Prior appropriations: N/A | | |
| RECOMMENDATION: (Summary) Enact an Ordinance to approve a transfer of funds from the Houston Airport System to the Department of Public Works and Engineering for reimbursement for utility improvements, and appropriate the necessary funds for this transfer. | | | | |
| SPECIFIC EXPLANATION: In 2004, the Houston Airport System (HAS) acquired land and improvements adjacent to George Bush Intercontinental Airport/ Houston (IAH), located at 18600 Lee Road. The improvements included a two-story office building, two warehouse buildings and a small storage building. The acquired facilities, which have since been occupied by HAS's Technical Services Division, were not connected to the City's sanitary sewer line, but were served by its own Waste Water Treatment Plant (WWTP). The WWTP required a flow volume that was greater than what the HAS staffing level could support. Due to the limited number of employees and the closure of the warehouse on weekends, the WWTP did not operate efficiently. In order to ensure compliance of the facilities' sanitary sewer system with the Texas Commission on Environmental Quality (TCEQ) regulations, HAS determined that the WWTP should be closed and the facility connected to the City's sanitary sewer system. It was established that the Department of Public Works and Engineering (PWE) could perform the work in a timely and cost effective manner, which they consequently did. The work performed by PWE consisted of installing 820 feet of 8-inch sanitary sewer line from the facility to the existing City sanitary sewer line on Lee Road. Upon completion of the new line, HAS received regulatory approval to conduct closure activities to permanently remove the WWTP from service and cancel the associated WWTP permit. It is now requested that Council approve the appropriation and transfer of funds from HAS to PWE to compensate PWE for work performed. | | | | |
| REQUIRED AUTHORIZATION | | | | |
| Finance Department: | | Other Authorization: | | Other Authorization: |

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|---|-----------------------|--------------------------------------|
| SUBJECT: Amendment No. 2 to the Professional Architectural and Engineering Services Contract with 3D/International, Inc. for Exterior and Interior Renovations to Terminal C at George Bush Intercontinental Airport/Houston (IAH); Project No. 490M (WBS # A- 000322-0003-3-01; Contract No. 4600004492). | Page 1 of 2 | Agenda Item # <i>29</i> |
|---|-----------------------|--------------------------------------|

| | | |
|--|---|-----------------------------------|
| FROM (Department or other point of origin): Houston Airport System | Origination Date September 27, 2010 | Agenda Date NOV 02 2010 |
|--|---|-----------------------------------|

| | |
|--|--|
| DIRECTOR'S SIGNATURE: <i>M. Kae</i> <i>Eric R. Potts</i> | Council District affected: B |
|--|--|

| | |
|---|---|
| For additional information contact: Eric R. Potts <i>ERP</i> Phone: 281-233-1999 Robert Bielek <i>RNB</i> 281-233-1941 | Date and identification of prior authorizing Council action: 05/24/05 (O) 2005-655 09/03/08 (O) 2008-788 |
|---|---|

| | |
|---|---|
| AMOUNT & SOURCE OF FUNDING: CIP No. A-0322.20... \$506,000.00 Arpt Improvemt Fd (8011) CIP No. A-0422.99... \$ 8,855.00 Arpt Improvemt Fd (8011) <i>8</i> Total..... \$514,855.00 | Prior appropriations: 05/24/05..... \$5,191,285.00 Arpt Improvemt Fd (8011) 09/03/08..... <u>\$2,544,000.00</u> Arpt Improvemt Fd (8011) Total.....\$7,735,285.00 |
|---|---|

RECOMMENDATION: (Summary) Enact an Ordinance to approve Amendment No. 2 to the Professional Architectural and Engineering Services Contract with 3D/International, Inc. and appropriate the necessary funds to finance the cost of these services.

SPECIFIC EXPLANATION: On May 24, 2005, the City entered into a contract with 3D/International, Inc. to provide design services for exterior and interior renovations to Terminal C and adjacent parking garages at George Bush Intercontinental Airport/Houston (IAH). Under construction Project 490H, services provided to date include renovations to the exterior of the terminal and garages, as well as upgrades to the garage parking decks and modifications to the drive and walking surfaces at the curbsides. Under construction Project 490K, services provided to date include renovations to the interior of the terminal building, including work at the Inter-Terminal Train level, Baggage Claim level, Ticket Lobby level and the Mezzanine level.

On September 3, 2008, Council approved Amendment No. 1 for changes in the original design necessary for implementation of Continental Airline's new design requirements, including redesign and increased size of the ticketing lobby, new office support space, additional baggage handling system, domestic water vault replacement, curbside and traffic lane changes, and improved accessibility (ADA) at curbsides.

It is now requested that Council approve Amendment No. 2 for additional architectural and engineering services for Projects 490H and 490K which include the following unforeseen and airline requested modifications:

- Additional design work required due to deteriorated plumbing and electrical infrastructure discovered during construction.
- Replacement of a deteriorating ceiling on the 6th floor of Terminal C West Garage.
- Removal and replacement of deteriorating pavement on the west curbside and replacement of security bollards on all curbsides.
- Structural repairs of east curbside, upper ramp precast concrete panels.
- Removal of an out of service escalator that is no longer required.
- Repair of structural deterioration at the vehicular bridges between garages.

| REQUIRED AUTHORIZATION | | |
|----------------------------|-----------------------------|-----------------------------|
| Finance Department: | Other Authorization: | Other Authorization: |

| | | | |
|------------------------------------|---|--|---------------------------|
| Date: September 27, 2010 | Subject: Amendment No. 2 to the Professional Architectural and Engineering Services Contract with 3D/International, Inc. for Exterior and Interior Renovations to Terminal C at George Bush Intercontinental Airport/Houston (IAH); Project 490M; (WBS # A – 000322-0003-3-01; Contract No. 4600004492). | Originator's Initials LC | Page 2 of 2 |
|------------------------------------|---|--|---------------------------|

- Installation of the canopy covering the passenger drop off lanes.
- Additional Construction Administration services to accommodate the extended construction term.

PROJECT COST: The total amount to be appropriated for Amendment No. 2 is as follows:

| | |
|---------------|---------------------------|
| \$ 506,000.00 | Professional A/E Services |
| \$ 8,855.00 | Civic Art Program (1.75%) |
| \$ 514,855.00 | TOTAL APPROPRIATION |

MBE/WBE/SBE PARTICIPATION: The Minority/Women Business Enterprise (M/WBE) goal for this contract is twenty-four percent (24%) and will be met by the following certified firms.

| Firm | Type of Work | Amount | % |
|-----------------------------|-----------------------------------|--------------|--------|
| Shah Smith & Associates | Electrical Engineering | \$ 26,000.00 | 5.16 % |
| 4B Technology Group, L.L.C. | Information Technology Consulting | \$ 8,000.00 | 1.59 % |
| Ferguson Consulting, Inc. | Security Consulting | \$ 18,000.00 | 3.57 % |
| Jones Engineers LP | Mechanical/Plumbing Engineering | \$ 17,500.00 | 3.47 % |
| Clark Condon | Landscaping | \$ 2,000.00 | 0.40 % |
| | Total | \$ 71,500.00 | 14.1 % |

3D/International, Inc. is currently achieving 29.8% participation on their 24% M/WBE goal. With the 14.1% participation in this Amendment, the combined overall participation is anticipated to be 24.56%.

R

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|--|-------------------|--------------------|----------------------------|
| SUBJECT: Construction Contract with United Restoration and Preservation, Inc. for the Repair of Parking Structures at William P. Hobby Airport (HOU) Project No. 592; (WBS # A-000310-003-4-01) | Category # | Page 1 of 2 | Agenda Item # 30 |
|--|-------------------|--------------------|----------------------------|

| | | |
|--|---|-----------------------------------|
| FROM (Department or other point of origin): Houston Airport System | Origination Date October 26, 2010 | Agenda Date NOV 03 2010 |
|--|---|-----------------------------------|

| | |
|--|--|
| DIRECTOR'S SIGNATURE: <i>Kae</i> <i>Maria B...</i> | Council District affected: I |
|--|--|

| | |
|---|--|
| For additional information contact: Eric R. Potts <i>ERP</i> Phone: 281-233-1999 Robert Bielek <i>RB</i> Phone: 281-233-1941 | Date and identification of prior authorizing Council action: N/A |
|---|--|

| | |
|--|-------------------------------------|
| AMOUNT & SOURCE OF FUNDING: CIP No. A-0310.05 \$10,143,717.72 Arprt Improvemt Fd (8011) CIP No. A-0422.94 \$ 155,714.97 Arprt Improvemt Fd (8011) Total <i>28</i> <i>INW</i> \$10,299,432.69 | Prior appropriations: N/A |
|--|-------------------------------------|

RECOMMENDATION: (Summary)
Enact an Ordinance to award a construction contract to United Restoration and Preservation, Inc. and appropriate necessary funds to finance the cost of these services.

PROJECT LOCATION: William P. Hobby Airport (HOU)

SPECIFIC EXPLANATION: This project consists of repair, rehabilitation and reconstruction of deteriorated areas within the primary parking garage at HOU. The work includes replacement of twelve (12) bridges connecting the helix ramps with the garage, crack and spall repairs in the concrete decks, replacement of expansion joints, surface leveling and replacement of the wearing surface, repair and replacement of the post-tensioning tendons and anchorages, construction of ADA compliant ramps and markings, installation of an epoxy traffic surface, repair of concrete delamination, and marking of the parking decks and ramps.

The contract term is 730 days. The project is planned in eight stages to minimize the impact of construction on the capacity and operation of the garage. Design and preparation of contract documents was done by Whitlock, Dalrymple, Poston and Associates, Inc.

BID DATE: Bids received on July 8, 2010 were as follows:

- 1. United Restoration and Preservation, Inc. \$8,897,998.00
- 2. Gibson & Associates, Inc. \$9,148,880.00
- 3. SCR Construction Co., Inc. \$9,305,614.00

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 to eligible employees in compliance with City policy.

REQUIRED AUTHORIZATION

| | | |
|----------------------------|-----------------------------|-----------------------------|
| Finance Department: | Other Authorization: | Other Authorization: |
|----------------------------|-----------------------------|-----------------------------|

October 26, 2010

Subject: Construction Contract with United Restoration and Preservation, Inc. for the Repair of Parking Structures at William P. Hobby Airport (HOU) Project No. 592; (WBS # A-000310-003-4-01)

RV

**Page
2 of 2**

ENGINEERING SERVICES TESTING CONTRACT: Engineering and testing services for this contract will be provided by Fugro under Contract No. 73356.

PROJECT COST: The total amount to be appropriated for this contract is as follows:

| | |
|------------------------|---------------------------------------|
| \$ 8,897,998.00 | Construction Services |
| \$ 889,799.80 | Construction Contingency (10%) |
| \$ 355,919.92 | Engineering and Testing Services (4%) |
| \$ 155,714.97 | Civic Art (1.75%) |
| <u>\$10,299,432.69</u> | TOTAL APPROPRIATION |

M/WBE PARTICIPATION: This contract has a five percent (5%) MBE and a ten percent (10%) SBE participation goal, which comprises a total M/SBE goal of fifteen percent (15%). The goal will be met by the following certified firms:

| Firms | Type of Work | Amount | % |
|--|---------------------|-----------------------|---------------|
| Medisco Imaging, Inc. (SBE) | Concrete Repairs | \$ 92,578.00 | 1.04% |
| Baseline Paving and Construction, Inc. (SBE) | Concrete | \$ 304,780.00 | 3.42% |
| Sandco Plumbing Signature Services (MBE) | Plumbing | \$ 450,000.00 | 5.05% |
| TAG Electric Company L.P. (SBE) | Electrical | \$ 435,600.00 | 4.90% |
| Integriss Roofing Services, LLC (SBE) | Roofing | \$ 57,600.00 | 0.64% |
| | TOTAL | \$1,340,558.00 | 15.05% |

This participation plan has been reviewed and approved by HAS Small Business and Contract Compliance Office.

SUBJECT: Appropriate Additional Funds
Building Envelope Consultants, LLC
Roof Consulting Services Task Order Contract for Various City Departments
WBS Nos. D-000130-0001-3, E-000038-0001-3; G-00ARCH-0001-3,
H-000018-0001-3

**Originator's
Initials**
EA

Page
2 of 2

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council appropriate an additional \$310,000.00 to the roof consulting services contract with Building Envelope Consultants, LLC (BEC) for citywide roof repair and replacement design services for various City departments. The additional funding will allow BEC to continue to provide professional roof consulting services on an as needed basis and seal necessary documents to comply with the City building codes. Fees for each project will be negotiated based upon the size and complexity of the tasks involved. Periodically, as departments identify projects, additional funding will be made available by supplemental allocations from various departmental budgets, and appropriations from various bond funds up the maximum contract amount of \$1,500,000.00.

PROJECT LOCATION: Citywide

PREVIOUS HISTORY AND PROJECT SCOPE: On October 8, 2008, Ordinance 2008-0890, City Council approved a three-year citywide roofing and waterproofing consulting services task order contract with BEC and delegated authority to the director to approve supplemental allocations up to the maximum contract amount of \$800,000.00. On August 4, 2010, Ordinance No. 2010-0632, City Council increased the maximum contract amount to \$1,500,000.00, and appropriated 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.

M/WBE PARTICIPATION: The original contract and this additional appropriation have an 8% M/WBE participation goal. Currently, BEC has achieved 3.25% M/WBE participation because the work completed to date was performed in house and did not present subcontracting opportunities. However, upcoming GSD design projects require engineering and structural services that can be performed by M/WBE firms and BEC has contracted with two certified firms to provide these services. It is anticipated that BEC will achieve the goal by the completion of the contract.

FRC:HB:RAV:JLN:EA:ea

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

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

| | | |
|---|----------------|--------------------------|
| SUBJECT: Petition for the City's consent to the addition of two (2) tracts of land totaling 205.5297 acres to Cypress Forest Public Utility District (Key Map No. 330 - T, W, X) | Page 1 of 1 | Agenda Item # 320 |
|---|----------------|--------------------------|

| | | |
|--|-----------------------------|----------------------------|
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date 11/5/09 | Agenda Date NOV 03 2010 |
|--|-----------------------------|----------------------------|

| | |
|--|-------------------------------------|
| DIRECTOR'S SIGNATURE: <i>Michael S. Marcotte</i> 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 205.5297 acres of land to Cypress Forest Public Utility District be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Cypress Forest Public Utility District has petitioned the City of Houston for consent to add 205.5297 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 Cypress Creek, Cypresswood Drive, Cutten Road, and Dry Gully. The district desires to add 205.5297 acres, thus yielding a total of 1,146.8837 acres. The district is served by the Kleinwood Regional Joint Powers Treatment Plant. The other districts served by this plant are Cypress Champ Public Utility District, Harris County Water Control and Improvement District No. 114, Louetta North Public Utility District, Klein Independent School District and Kleinwood Municipal Utility District. The nearest major drainage facility for Cypress Forest Public Utility District is Cypress Creek which flows into Spring Creek, which flows 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 Jeff Taylor Earl Travis Dan Krueger Jack Sakolosky
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

| | | |
|-------------------------------|--|----------------------|
| REQUIRED AUTHORIZATION | | 20UPA22 |
| Finance Department | Other Authorization: <i>Andrew F. Icken</i> Andrew F. Icken Deputy Director Planning & Development Services Div. | Other Authorization: |



CITY OF HOUSTON



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 205.5297 acres to Cypress Forest PUD under the provisions of Chapters 49 and 54 Texas Water Code.

Greer Pagan
Attorney for the District

Attorney: Greer Pagan, Allen Boone Humphries Robinson LLP

Address: 3200 Southwest Freeway, Suite 2600, Houston, TX Zip: 77027

Phone: 713-860-6417

Engineer: Pepe Engineering

Address: 11999 Katy Freeway, Suite 340, Houston, TX Zip: 77079

Phone: 281-293-0856

Owners: JP/Raveneaux Partners, LP, Kera Development, L.P.

Address: c/o Timothy G. Green, Coats Rose, 3 Greenway Plaza, Suite 2000, Houston TX Zip: 77046

Phone: 713-653-7360

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

LOCATION

INSIDE CITY

OUTSIDE CITY

Survey Benjamin Page

NAME OF COUNTY (S) Harris
Abstract 618

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

North of: Cypress Creek (HCFCD K-100-00)

East of: Cutten Road

South of: Cypresswood Drive

West of: Dry Gully (HCFCD K-133-00)

WATER DISTRICT DATA

Total Acreage of District: 941.354

Existing Plus Proposed Land 1,146.8837

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

Single Family Residential

Multi-Family Residential

Commercial

Industrial

Institutional

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

Sewage Treatment Plant Name: Kleinwood Regional Joint Powers Treatment Plant

NPDES/TPDES Permit No: TX0046817

TCEQ Permit No: WQ0011409-001



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 5.0

Ultimate Capacity (MGD): 5.0

Size of treatment plant site: 15.4 AC 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: 5.0

MGD of (Regional Plant).

Name of District: Cypress Forest PUD

MGD Capacity Allocation 1.3250

or property owner(s)

Name of District: Cy-Champ PUD

MGD Capacity Allocation 1.3375

Water Treatment Plant Name: Cypress Forest PUD Water Plants 1 & 2

Water Treatment Plant Address: 8715 Herts & 9301 Cypresswood Dr. Spring, TX 77379

Well Permit No: 3161 & 4086

Existing Capacity:

Well(s): 3,875

GPM

Booster Pump(s): 360

GPM

Tank(s): 2.0

MG

Ultimate Capacity:

Well(s): 3,875

GPM

Booster Pump(s): 360

GPM

Tank(s): 2.0

MG

Size of Treatment Plant Site: 1.625 AC & 1.1289 AC

square feet/acres.

Comments or Additional Information: _____



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: Harris County WC&ID 114

MGD Capacity Allocation 0.8000

or property owner(s)

Name of District: Louetta North PUD

MGD Capacity Allocation 0.6250

Water Treatment Plant Name: _____

Water Treatment Plant Address: _____

Well Permit No: _____

Existing Capacity:

Well(s): _____

GPM

Booster Pump(s): _____

GPM

Tank(s): _____

MG

Ultimate Capacity:

Well(s): _____

GPM

Booster Pump(s): _____

GPM

Tank(s): _____

MG

Size of Treatment Plant Site: _____

square feet/acres.

Comments or Additional Information: _____



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: Klein ISD

MGD Capacity Allocation 0.1625

or property owner(s)

Name of District: Kleinwood MUD

MGD Capacity Allocation 0.7500

Water Treatment Plant Name: _____

Water Treatment Plant Address: _____

Well Permit No: _____

Existing Capacity:

Well(s): _____

GPM

Booster Pump(s): _____

GPM

Tank(s): _____

MG

Ultimate Capacity:

Well(s): _____

GPM

Booster Pump(s): _____

GPM

Tank(s): _____

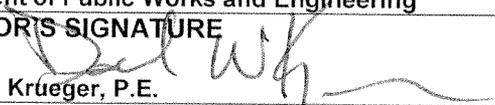
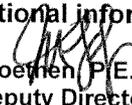
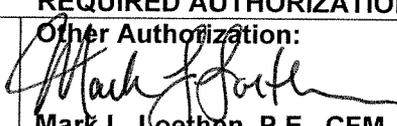
MG

Size of Treatment Plant Site: _____

square feet/acres.

Comments or Additional Information: _____

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

| | | | |
|---|--|---|---------------------------------------|
| SUBJECT: Petition for the City's consent to the addition of 1,421.89 acres of land to Harris County Municipal Utility District No. 491 (Key Map No. 365-E, F, G) | | Page 1 of 1 | Agenda Item # 33 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date | Agenda Date NOV 03 2010 |
| DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E. | | Council District affected: "ETJ" | |
| For additional information contact:  Mark L. Loethen, P.E., PTOE Acting Deputy Director (713) 837-0724 | | Date and identification of prior authorizing Council action: | |
| RECOMMENDATION: (Summary) The petition for the addition of 1,421.89 acres of land to Harris County Municipal Utility District No. 491 be approved. | | | |
| Amount and Source of Funding: NONE REQUIRED | | | |
| SPECIFIC EXPLANATION: Harris County Municipal Utility District No. 491 has petitioned the City of Houston for consent to add 1,421.89 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 Cypress Creek, Katy-Hockley, State Highway 290 and proposed SH 99 (Grand Parkway). The district desires to add 1,421.89 acres, thus yielding a total of 2,074.00 acres. The district will be served by the future Harris County Municipal Utility District No. 418 Wastewater Treatment Plant No. 2. The other districts to be served by this proposed regional plant are Harris County Municipal Utility District No.'s 490, 492, and 493. The nearest major drainage facility for Harris County Municipal Utility District No. 491 is Cypress Creek which flows into Spring Creek which flows into the San Jacinto River and finally into Lake Houston.. Potable water will be 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 | | 20UPA73 | |
| 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
9/8/10

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 1,421.89 acres to Harris County MUD No. 491 under the provisions of Chapters 49 and 54 Texas Water Code.

Attorney for the District

Attorney: Schwartz, Page & Harding, L.L.P.

Address: 1300 Post Oak Boulevard, Suite 1400 Zip: 77056 Phone: 713.623.4531

Engineer: Brown & Gay Engineers Inc.

Address: 10777 Westheimer, Suite 400 Zip: 77042 Phone: 281.558.8700

Owners: GGP-Bridgeland, LP

Address: 23629 House Hahl Road, Cypress Zip: 77433 Phone: 281.213.9600

(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 Attachment 1 Abstract See Attachment 1

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

North of: Cypress Creek ✓ East of: Katy-Hockley ✓
South of: State Highway 290 ✓ West of: Proposed SH 99 (Grand Parkway) ✓

WATER DISTRICT DATA

Total Acreage of District: 652.11 Existing Plus Proposed Land 2074.00

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

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

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

Sewage Treatment Plant Name: Future Harris County MUD No. 418 WWTP No. 2

NPDES/TPDES Permit No: See Comments* TCEQ Permit No: See Comments*



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): See Comments*

Ultimate Capacity (MGD): 6

Size of treatment plant site: 10 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: None at this time*

MGD of (Regional Plant).

Name of District: See Attachment 2

MGD Capacity Allocation See Attachment 2

or property owner(s)

Name of District: See Attachment 2

MGD Capacity Allocation See Attachment 2

Water Treatment Plant Name: See Comments*

Water Treatment Plant Address: See Comments*

Well Permit No: See Comments*

Existing Capacity:

Well(s): See Attachment 2

GPM

Booster Pump(s): See Attach. 2

GPM

Tank(s): See Attachment 2

MG

Ultimate Capacity:

Well(s): See Attachment 2

GPM

Booster Pump(s): See Attach. 2

GPM

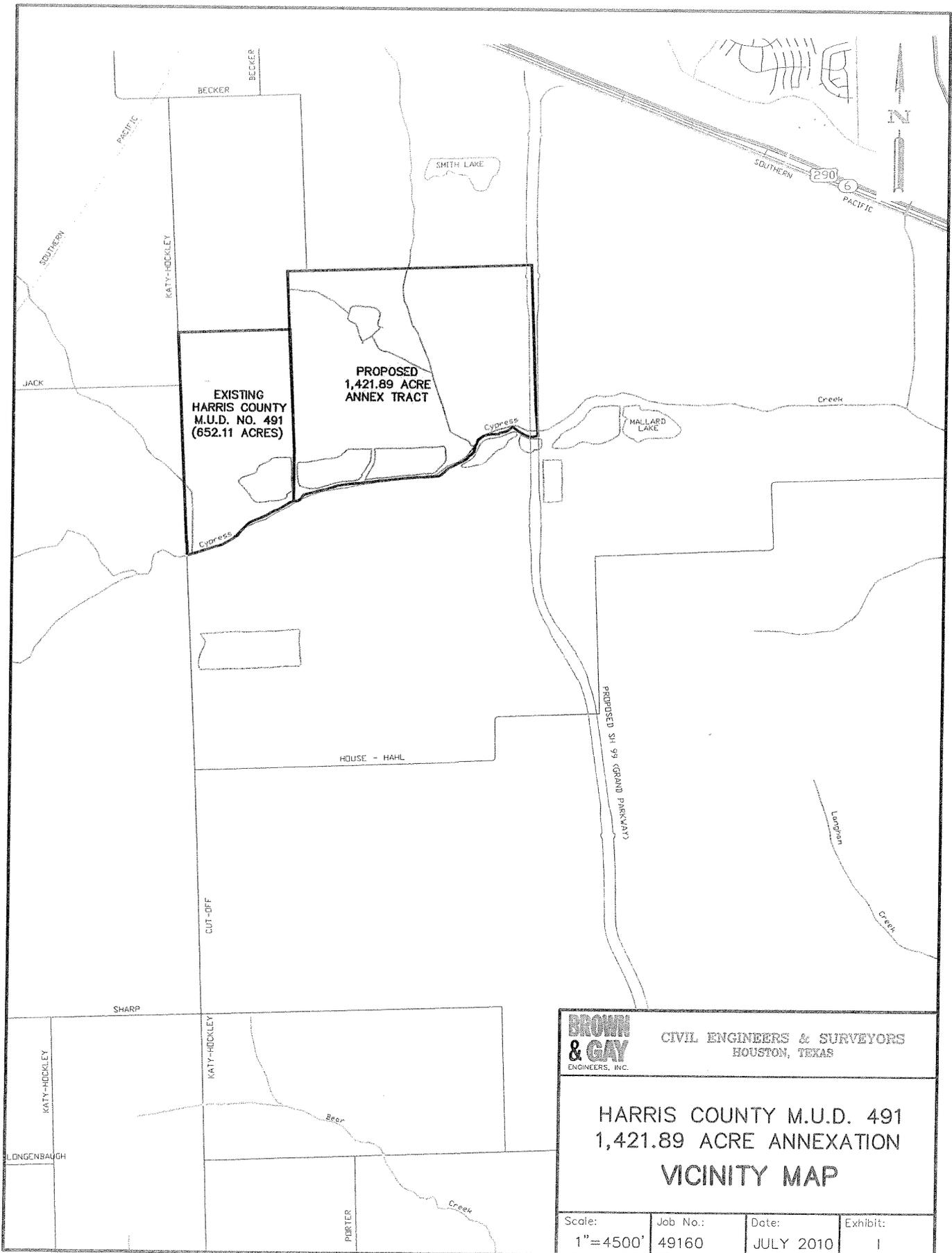
Tank(s): See Attachment 2

MG

Size of Treatment Plant Site: See Comments*

square feet/acres.

Comments or Additional Information: *District is several years from being developed. Water & wastewater treatment capacity for the District is accounted for in the ultimate build-out of the plants projected for the master planned community.



BROWN & GAY
 CIVIL ENGINEERS & SURVEYORS
 HOUSTON, TEXAS
 ENGINEERS, INC.

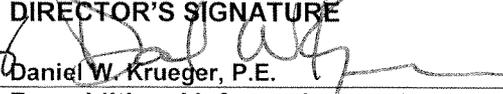
HARRIS COUNTY M.U.D. 491
 1,421.89 ACRE ANNEXATION
 VICINITY MAP

| | | | |
|--------------------|-------------------|--------------------|---------------|
| Scale: 1"=4500' | Job No.: 49160 | Date: JULY 2010 | Exhibit: I |
|--------------------|-------------------|--------------------|---------------|

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

| | | |
|---|-----------------------|--------------------------------|
| SUBJECT: Petition for the City's consent to the addition of 38.454 acres of land to Harris-Fort Bend Counties Municipal Utility District No. 1 (Key Map No. 484-M,) | Page 1 of 1 | Agenda Item # 34 |
|---|-----------------------|--------------------------------|

| | | |
|--|--|---------------------------------------|
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date 10-5-10 | Agenda Date NOV 03 2010 |
|--|--|---------------------------------------|

| | |
|--|--|
| DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E. | Council District affected: "ETJ" |
|--|--|

| | |
|--|---|
| For additional information contact:  Mark L. Loethen, P.E., PTOE Acting Deputy Director (713) 837-0724 | Date and identification of prior authorizing Council action: |
|--|---|

RECOMMENDATION: (Summary)

The petition for the addition of 38.454 acres of land to Harris-Fort Bend Counties Municipal Utility District No. 1 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Harris-Fort Bend Counties Municipal Utility District No. 1 has petitioned the City of Houston for consent to add 38.454 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.

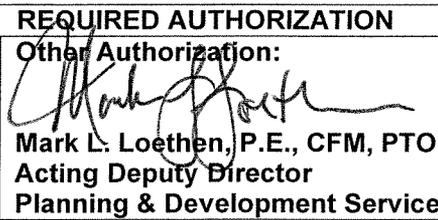
The district is located in the vicinity of Westheimer Parkway, Katy-Gaston, Interstate 10 and SH 99. The district desires to add 38.454 acres, thus yielding a total of 486.325 acres. The district is served by the Harris-Fort Bend Counties Municipal Utility District No. 5 Wastewater Treatment Plant. The nearest major drainage facility for Harris-Fort Bend Counties Municipal Utility District No. 1 is Buffalo Bayou which flows into the Houston Ship Channel.

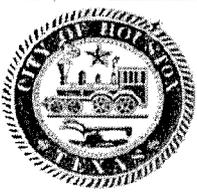
Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their 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 Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning & Development Services Div. | 20UPA74 Other Authorization: |
|---------------------------|--|--|



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 38.454 acres to HFBCMUD No. 1 under the provisions of Chapter 49 Texas Water Code.

Spencer W. C...
Attorney for the District

Attorney: Schwartz, Page & Harding, L.L.P.

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

Engineer: Van De Wiele & Vogler, Inc.

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

Owners: Roesner Land, L.P.

Address: 110 No. Post Oak Rd., Suite 335, Houston, Texas Zip: 77055 Phone: 713-957-3500

(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
Survey I.G.&N RR Co. Survey No. 3 Abstract 262

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

North of: Westheimer Parkway East of: Katy-Gaston Road
South of: I-10 West of: SH-99

WATER DISTRICT DATA

Total Acreage of District: 447.871 Existing Plus Proposed Land 486.325

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

Single Family Residential 100% Multi-Family Residential _____
Commercial _____ 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): .95

Ultimate Capacity (MGD): .990

Size of treatment plant site: 4.422 acres 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: 0.95 MGD

MGD of (Regional Plant).

Name of District: HFBCMUD No. 1

MGD Capacity Allocation 0.37 MGD

or property owner(s)

Name of District: HFBCMUD NO. 5

MGD Capacity Allocation 0.58 MGD

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

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

Well Permit No: 716 & 1239

Existing Capacity:

Well(s): 2400

GPM

Booster Pump(s): 7750

GPM

Tank(s): 1.05

MG

Ultimate Capacity:

Well(s): 2400

GPM

Booster Pump(s): 7750

GPM

Tank(s): 1.05

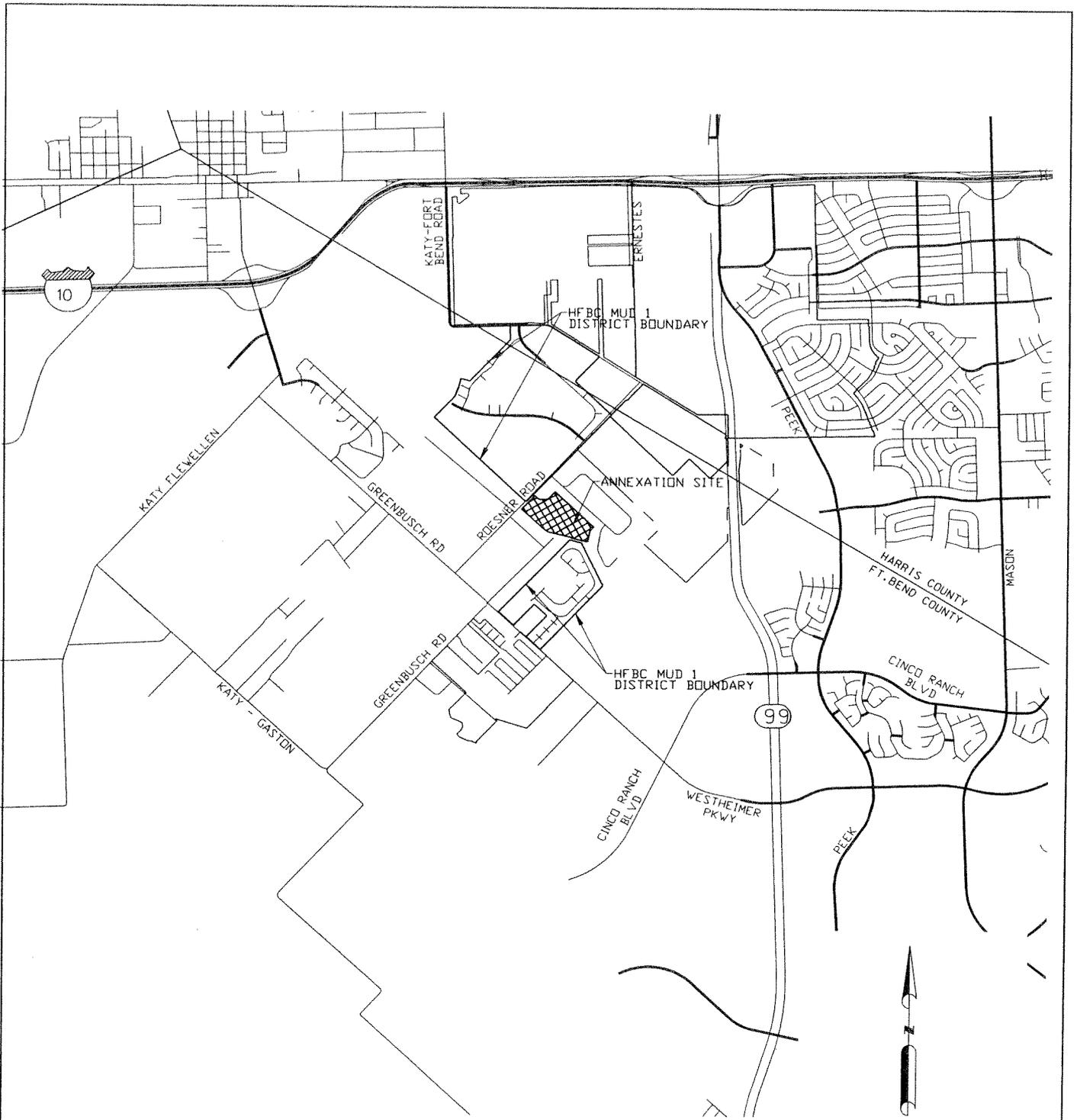
MG

Size of Treatment Plant Site: 1.647 acres & 1.060 acres

square feet/acres.

Comments or Additional Information: _____

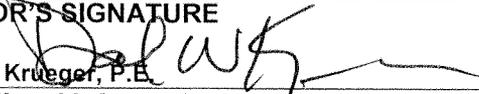
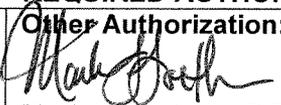
C:\Documents and Settings\julie\Local Settings\Temporary Internet Files\DLK78\HFBCMUD 1 - Vicinity Map - Roesner Road Family Tract (2).dgn
07/20/10
12:07:58 PM



VICINITY MAP

| | |
|---|--|
| VanDeWiele & Vogler Incorporated | Consulting Engineers |
| | 2925 Briarpark, Suite 275 Houston, Texas 77042-3778 713/782-0042 www.vandewiele-eng.com |
| | Texas Professional Engineering Firm Registration No. F148 |
| | JOB No. 00600-605-1 DATE: AUGUST, 2010 |

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

| | | | |
|---|--|---|-----------------------------------|
| SUBJECT: Petition for the City's consent to the addition of 0.8970 acre of land to Harris County Water Control and Improvement District No. 109 (Key Map No. 370-C, D) | | Page 1 of 1 | Agenda Item # 35 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date 10-7-10 | Agenda Date NOV 03 2010 |
| DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E. | | Council District affected: "ETJ" | |
| 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: | |
| RECOMMENDATION: (Summary) The petition for the addition of 0.8970 acre of land to Harris County Water Control and Improvement District No. 109 be approved. | | | |
| Amount and Source of Funding: NONE REQUIRED | | | |
| SPECIFIC EXPLANATION: <p>Harris County Water Control and Improvement District No. 109 has petitioned the City of Houston for consent to add 0.8970 acre of land, located in the city's extraterritorial jurisdiction, to the district.</p> <p>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.</p> <p>The district is located in the vicinity of Bammel N. Houston Drive, Duncan Road, FM 1960 and Stuebner Airline Road. The district desires to add 0.8970 acre, thus yielding a total of 816.2678 acres. The district is served by a regional plant, Harris County Water Control and Improvement District No. 109 Wastewater Treatment Plant. The other district served by this plant is Fountainhead Municipal Utility District. The nearest major drainage facility for Harris County Water Control and Improvement District No. 109 is Greens Bayou which flows into the Houston Ship Channel.</p> <p>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.</p> <p>The Utility District Review Committee recommends that the subject petition be approved.</p> <p>Attachments</p> <p>cc: Marty Stein Marlene Gafrick Jun Chang Bill Zrioka Deborah McAbee Carl Smitha</p> | | | |
| REQUIRED AUTHORIZATION | | 20UPA77 | |
| 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

1/23/10 [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 0.8970 acres to Harris County WCID No. 109 under the provisions of Chapter 49 Texas Water Code.

Attorney for the District

Attorney: Daniel S. Ringold, Schwartz Page & Harding

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

Engineer: James B. Dautrich, Jones & Carter, Inc.

Address: 8701 New Trails Dr. Suite 200, The Woodlands, TX Zip: 77381 Phone: 281 363-4039

Owners: Speedy Stop Food Stores, L.L.C.

Address: 9701 U.S. Hwy. 59 North, Victoria, Tx. Zip: 77905 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 Benjamin Page Abstract 618

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

North of: Bammel N. Houston Dr. ✓ East of: Duncan Rd. ✓
South of: FM 1960 West of: Stuebner Airline Rd. ✓

WATER DISTRICT DATA

Total Acreage of District: 815.3708 Existing Plus Proposed Land 816.2678

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: HCWCID No. 109 WWTP

NPDES/TPDES Permit No: TX0033243 TCEQ Permit No: WQ0011026002



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 3

Ultimate Capacity (MGD): 3

Size of treatment plant site: 6.4348 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: 3

MGD of (Regional Plant).

Name of District: Fountainhead MUD

MGD Capacity Allocation 0.78

or property owner(s)

Name of District: HCWCID 109

MGD Capacity Allocation 2.22

Water Treatment Plant Name: Water Plant Nos. 1, 2, and 3

Water Treatment Plant Address: 12722 Champion Forest; 12051 Mighty Oak; 6101 Theall

Well Permit No: 135667, 135668, 135669

Existing Capacity:

Well(s): 800, 1200, and 1200 GPM

Booster Pump(s): 4K, 3K, and 3K GPM

Tank(s): 870K, 507K, and 720K MG

Ultimate Capacity:

Well(s): 800, 1200, and 1200 GPM

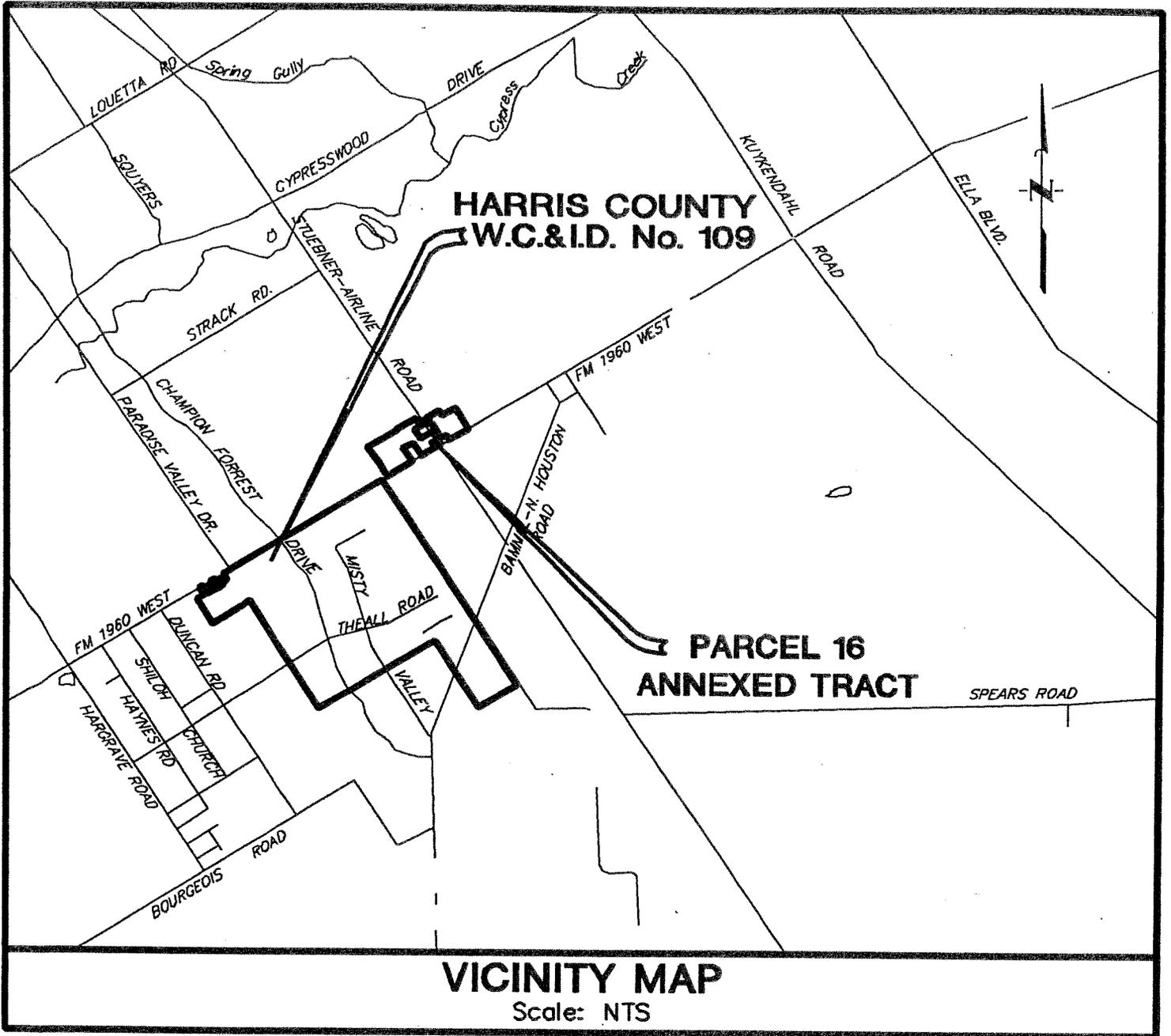
Booster Pump(s): 4K, 3K, and 3K GPM

Tank(s): 870K, 507K, and 720K MG

Size of Treatment Plant Site: 0.56, 0.583, and 1.00

square feet/acres.

Comments or Additional Information: _____

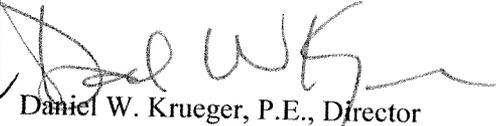


HARRIS COUNTY KEY MAP: 370-D

20wpa 77

| | | |
|---|----------------|---------------------|
| SUBJECT: Amendment One to the Advance Funding Agreement with Texas Department of Transportation under the American Recovery and Reinvestment Act. N-001037-0057-4 | Page 1 of 2 | Agenda Item # 36 |
| | | |

| | | |
|--|-------------------------|-----------------------------------|
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 03 2010 |
|--|-------------------------|-----------------------------------|

| | |
|---|--|
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council District affected: A,B,C,D,F,G,H,I |
|---|--|

| | |
|--|---|
| For additional information contact: <i>BS for Carol</i> Carol E. Haddock, P.E. Phone: (832) 395-2686 Ravishankar R. Kaleyodi, P.E. Phone: (832) 395-2326 | Date and identification of prior authorizing Council action: Ordinance # 2010-0070, January 27 th , 2010 |
|--|---|

RECOMMENDATION: (Summary)
 It is recommended that City Council pass an Ordinance authorizing Amendment One to the Advance Funding Agreement with Texas Department of Transportation under the American Recovery and Reinvestment Act.

Amount and Source of Funding: NA
 (Original (Previous) appropriation of \$385,000.00 from Street and Bridge Consolidated Construction Fund No. 4506)

PREVIOUS HISTORY AND SCOPE: The original agreement from January 27th, 2010 outlines roadways that the City of Houston desires to rehabilitate under American Recovery and Reinvestment Act (ARRA) of 2009. Through the American Recovery and Reinvestment Act of 2009, and the approved Statewide Transportation Program, the City of Houston was awarded \$6,287,808.00 for local rehabilitation projects reimbursement. Federal reimbursement of \$6,287,808.00 is allocated for the projects, with local participation of \$385,000.00 for TxDOT review inspection, and oversight. Reimbursement for the projects will cover construction cost as estimated by City of Houston. Upon completion of the project(s), the City of Houston will be responsible for maintenance.

ARRA FUNDS: This project (purchase) uses funds awarded under American Recovery and Reinvestment Act. The City of Houston and the recommended contractor (vendor) will adhere to and comply with the special reporting requirements associated with ARRA grant expenditures as required by the granting agency and/or the Office Management and Budget.

SCOPE OF AMENDMENT: The amendment includes updates to Attachment E and the project budgets to the following streets: Harwin, W. Dallas, Beechnut, Broadway, and Navigation. The amendment provides an additional reimbursement of \$297,253.37 increasing the total Federal reimbursement to \$6,585,061.37. Table 1 below describes the amended budget for the above listed streets.

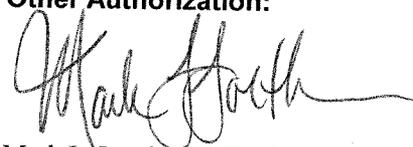
| | | | | | |
|-------------------------------|--|---|--------------------------|---|--|
| REQUIRED AUTHORIZATION | | | CUIC ID# 20CAE107 | | |
| Finance Department: | | Other Authorization:  Mark L. Loethen, P.E., CFM,PTOE Acting Deputy Director Planning and Development Services Division | | Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division | |

Table 1: The table below describes rehabilitation locations and project details approved by TxDOT.

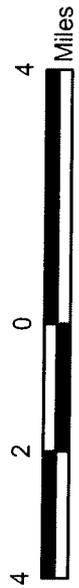
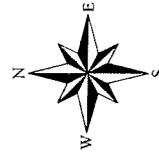
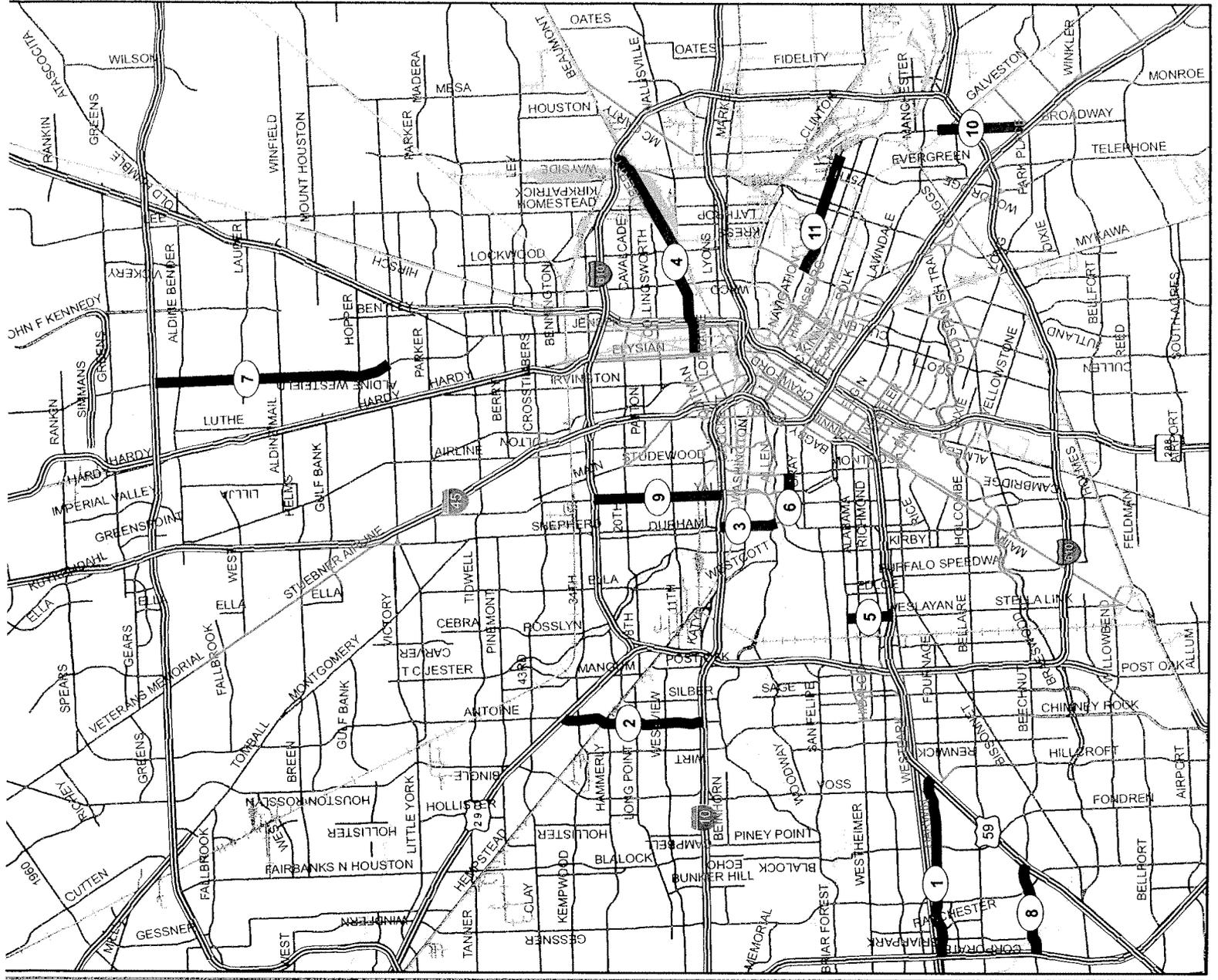
| Facility | Limits: From | Limits: To | Original Federal Reimbursement | Federal Reimbursement | Council District |
|------------------|----------------|------------------|--------------------------------|-----------------------|------------------|
| Harwin | BW 8 | US 59 | \$245,000.00 | \$248,232.50 | F, G |
| Antoine | US 290 | IH 10 | \$208,868.00 | \$208,868.00 | A, H |
| Shepherd | Memorial Drive | IH 10 | \$361,040.00 | \$361,040.00 | G, H |
| Liberty | Lockwood | Waco/Altoona | \$280,000.00 | \$280,000.00 | B |
| Weslayan | San Felipe | US 59 | \$630,000.00 | \$630,000.00 | C, G |
| W. Dallas | Shepherd | Montrose Blvd | \$390,000.00 | \$439,438.10 | D |
| Aldine Westfield | BW 8 | Little York Rd | \$940,000.00 | \$940,000.00 | B |
| Beechnut | BW 8 | US 59 | \$150,000.00 | \$150,948.68 | F |
| Yale | IH 610 | IH 10 | \$1,800,000.00 | \$1,800,000.00 | H |
| Broadway | Power St | IH 610 | \$287,900.00 | \$419,205.41 | I |
| Navigation | Lockwood Dr. | 77 th | \$995,000.00 | \$1,107,328.68 | H, I |
| | | Total | \$6,287,808.00 | \$6,585,061.37 | |

RECOMMENDATIONS: It is recommended that City Council pass an Ordinance authorizing Amendment One to the Advance Funding Agreement with Texas Department of Transportation under the American Recovery and Reinvestment Act.

DWK:MLL:CEH:PL
 S:\pweshare\Planning Branch\Miscellaneous\ARRA_contract

City of Houston ARRA Project Candidates

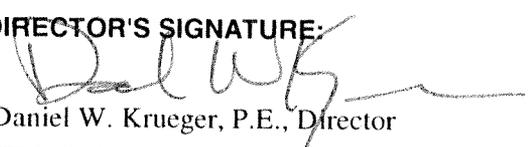
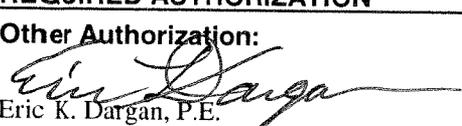
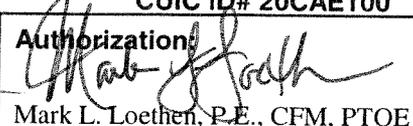
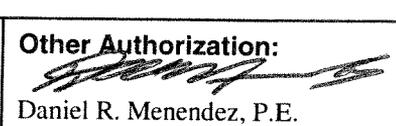
| # | Street Name | CSJ Number |
|----|------------------|-----------------|
| 1 | Harwin | CSJ 0912-70-022 |
| 2 | Antoine | CSJ 0912-70-023 |
| 3 | Shepherd | CSJ 0912-70-024 |
| 4 | Liberty | CSJ 0912-70-025 |
| 5 | Weslayan | CSJ 0912-70-026 |
| 6 | W. Dallas | CSJ 0912-70-027 |
| 7 | Aldine Westfield | CSJ 0912-70-028 |
| 8 | Beechnut | CSJ 0912-70-030 |
| 9 | Yale | CSJ 0912-70-031 |
| 10 | Broadway | CSJ 0912-70-064 |
| 11 | Navigation | CSJ 0912-70-034 |



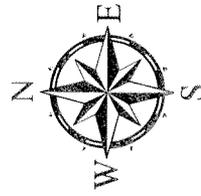
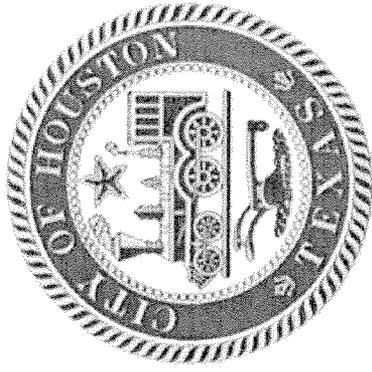
This map represents the best information available to the City. The City does not warrant its accuracy or completeness. Field verification should be performed as necessary.

TO: Mayor via City Secretary

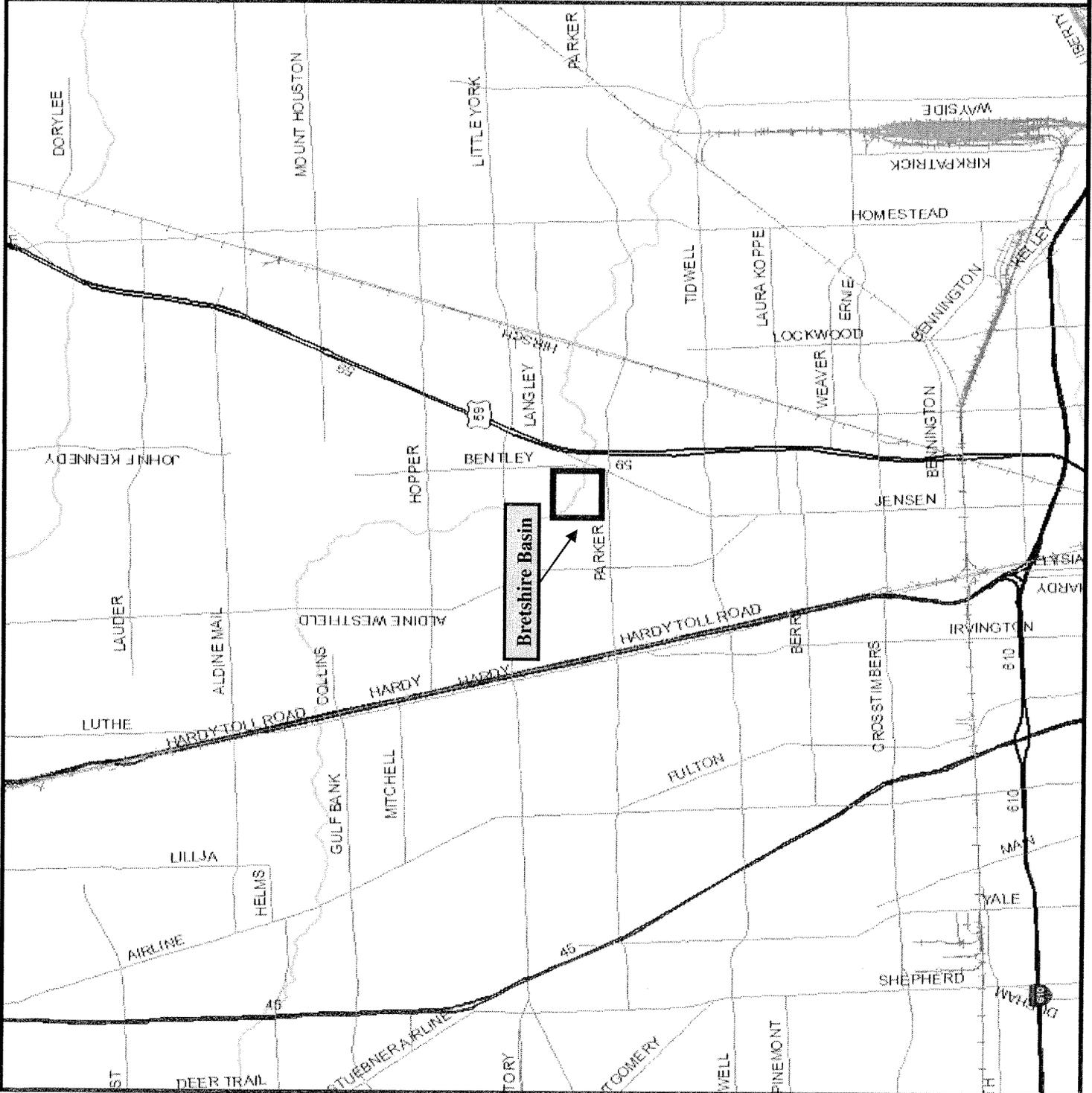
REQUEST FOR COUNCIL ACTION

| | | | |
|---|--|--|-------------------------------|
| SUBJECT: Adopt an ordinance approving and authorizing an Interlocal Agreement between the City of Houston and the Harris County Flood Control District (HCFCD) to construct and maintain a storm water detention basin, Unit P518-04-00, herein referred to as the "Bretshire Basin." WBS No. M-000296-0007-4 | | Page 1 of 1 | Agenda Item # 37 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date 10-5-10 | Agenda Date NOV 03 2010 | |
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council District affected: B CAH | | |
| For additional information contact: Carol Ellinger Haddock, P.E. Senior Assistant Director (832) 395-2686 Jedediah B. Greenfield Staff Analyst (832) 395-2695 | Date and identification of prior authorizing Council action: | | |
| RECOMMENDATION: (Summary) Adopt an ordinance approving and authorizing an Interlocal Agreement between the City of Houston and the Harris County Flood Control District for the construction and maintenance of the Bretshire Basin. | | | |
| Amount and Source of Funding: N/A | | | |
| PROJECT DESCRIPTION/JUSTIFICATION: This project consists of construction of a storm water detention basin. This project will provide permanent detention volume along Halls Bayou for the City of Houston and Harris County Flood Control District (HCFCD). Construction of the project is being funded by the Texas Department of Rural Affairs through the Texas Community Development Block Grant (CDBG) Disaster Recovery Entitlement Grant funds. The land and engineering was provided by the HCFCD and the City will bid and construct the basin using grants funds not to exceed six million dollars. HCFCD will maintain the basin after construction. This project benefits 93,590 people of which 68% are low to moderate income individuals. | | | |
| LOCATION: The proposed facility will be constructed on ground currently owned by HCFCD which is adjacent to Halls Bayou. The site is bounded on the south by Parker Rd., on the east by Jensen Dr., on the west by Shady Ln, and the north by Halls Bayou. Key map grid 414W. | | | |
| SCOPE OF THIS AGREEMENT: This agreement coordinates planned infrastructure improvements by the HCFCD and the City of Houston. The City agrees to advertise and receive bids for construction of the project in a manner similar to that of other City projects and in accordance with applicable competitive bidding laws. The City will award the construction contract and pay all associated costs therewith. The City will administer and supervise construction of the project, including but not limited to, day to day inspection and material testing. | | | |
| The City's obligation for payment under this Agreement, if any, is limited to funds received from the Texas Department of Rural Affairs (TDRA) non-housing Hurricane Ike Disaster Recovery Grant. | | | |
| HCFCD authorizes the City to use its property and right-of-way upon which the project is located for the purposes of construction of the project. | | | |
| RECOMMENDATIONS: It is recommended that City Council adopt an ordinance approving and authorizing an Interlocal Agreement between City of Houston and the Harris County Flood Control District for the construction and maintenance of the Bretshire Basin. | | | |
| DWK:MLL:CEH P:\PLANNING BRANCH\MSD\DATABASE\GENERIC RCA - ORDINANCE SUPPORT.DOC C: Marty Stein, Mary McKerral | | | |
| REQUIRED AUTHORIZATION | | CUIC ID# 20CAE100 | |
| Other Authorization:  Eric K. Dargan, P.E. Deputy Director ROW and Fleet Maintenance Division | Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning & Development Services Division | Other Authorization:  Daniel R. Menendez, P.E. Deputy Director Engineering & Construction Division | |

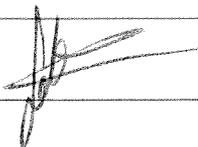
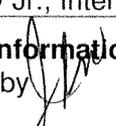
Bretshire Detention Basin



Additional verification may be required regarding project status and details.



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | | |
|--|--|---|-----------------------------------|
| SUBJECT: Award Construction Contract Times Construction, Inc. Memorial Park Greenhouse WBS No. F-000714-0001-4 WBS No. D-000IKE-0001-4 | | Page 1 of 2 | Agenda Item 38 |
| FROM (Department or other point of origin): General Services Department | | Origination Date 10-26-10 | Agenda Date NOV 03 2010 |
| DIRECTOR'S SIGNATURE: Forest R. Christy Jr., Interim Director  | | Council District affected: G | |
| 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 /allocate funds for the project. | | | |
| Amount and Source of Funding: \$ 288,147.00 – Hurricane Ike Aid & Recovery Fund (5206) \$ 991,716.00 – Parks Consolidated Construction Fund (4502) \$ 1,279,863.00 – Total Appropriation | | Finance Budget: | |
| <p>SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to Times Construction, Inc. on the proposal amount of \$1,147,000.00 to provide construction services for the Memorial Park Greenhouse for the Parks and Recreation Department (PARD). This project qualifies for Hurricane Ike funding because the existing greenhouse structures were severely damaged by the hurricane.</p> <p>PROJECT LOCATION: 6501 Memorial Drive (492K)</p> <p>PROJECT DESCRIPTION: The scope of work includes demolition of the existing 3,000 sq. ft. greenhouse structure and replacing it with a 8,500 sq. ft. pre-fabricated greenhouse. An existing 22' deep sanitary sewer line will be re-routed around the new greenhouse. The greenhouse project will include an outdoor education area with a cistern for rainfall collection, seat walls and planting areas. Additionally, the project will install a new pre-fabricated restroom building for maintenance personnel.</p> <p>The contract duration for this project is 180 days. Clark Condon Associates, Inc. is the design consultant. General Services Department will be the construction manager for the project.</p> <p>PROPOSALS: On June 11 and June 18, 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 July 8, 2010, and eight firms responded. GSD evaluated the respondents and Times Construction, Inc. received the most points and offers the best value for the City based on the advertised criteria.</p> <p>The eight proposals were ranked as follows:</p> <p style="text-align: center;">Proposer</p> <ol style="list-style-type: none"> 1. Times Construction, Inc. 2. Resicom, Inc. 3.* D.L. Meacham, L.P. 4.* Millis Development & Construction, Inc. 5. Carrera Construction, Inc. 6. The Gonzalez Group, L.P. 7. Gulf Coast Landscape Services, Inc. 8. Jerdon Enterprise, L.P. <p style="text-align: right;">(* Received same numerical scores)</p> | | | |
| REQUIRED AUTHORIZATION CUIC ID # 25PARK118 | | | |
| General Services Department:  Richard A. Vella Chief of Design & Construction Division | | Houston Parks and Recreation Department:  Joe Turner Director | |

| | | | |
|-------------|---|--|---------------------------|
| Date | SUBJECT: Award Construction Contract Times Construction, Inc. Memorial Park Greenhouse WBS No. F-000714-0001-4 WBS No. D-000IKE-0001-4 | Originator's Initials CP | Page 2 of 2 |
|-------------|---|--|---------------------------|

AWARD: It is recommended that City Council award the construction contract to Times Construction, Inc. and appropriate/allocate funds for the project, including additional appropriations of \$22,500.50 for engineering testing services under the existing contract with Fugro Consultants, Inc. and \$10,000.00 for environmental monitoring services under the existing contract with Environmental Resource Consultants, Inc.

FUNDING SUMMARY:

| | |
|------------------------|--------------------------------|
| \$ 1,147,000.00 | Construction Contract Services |
| \$ <u>80,290.00</u> | 7 % Contingency |
| \$ 1,227,290.00 | Total Contract Services |
| \$ 20,072.50 | Civic Art (1.75%) |
| \$ 10,000.00 | Environmental Monitoring |
| \$ <u>22,500.50</u> | Engineering Testing |
| \$ 1,279,863.00 | Total Funding |

CONSTRUCTION GOALS: A 7% MBE goal and 5% 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 OF WORK</u> | <u>AMOUNT</u> | <u>% of CONTRACT</u> |
|------------------------------|----------------------|---------------------|----------------------|
| T. Bradshaw Plumbing Company | Plumbing | \$ 67,251.00 | 5.86 |
| S & S Masonry | Masonry | \$ <u>16,000.00</u> | <u>1.39</u> |
| TOTAL | | \$ 83,251.00 | 7.25 % |

| <u>FIRM (SBE):</u> | <u>SCOPE OF WORK</u> | <u>AMOUNT</u> | <u>% of CONTRACT</u> |
|--------------------|----------------------|---------------|----------------------|
| Arc Light Electric | Electrical | \$ 72,000.00 | 6.28 |

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.

FRC:RAV:JLN:LJ:CFP

c: Marty Stein, Jacquelyn L. Nisby, Mark Ross, Velma Laws, Scott Morris, Gabriel Mussio, Chris Gonzales, Dan Pederson, Lisa Johnson, Roderick Williford, Martha Leyva, File 813



**Parks Improvement Program:
Memorial Park Greenhouse
6501 Memorial Dr., Houston, TX 77007**



CITY OF HOUSTON

Office of the Mayor

39-39A

NOV 03 2010

Interoffice

Correspondence

To: Anna Russell
City Secretary

From: Jenn Char *JC*
Boards and Commissions

Date: October 29, 2010

Subject: Nominations for Position 7 on
the Port of Houston Authority of
Harris County

NON-CONSENT AGENDA

MISCELLANEOUS

Motion to set a date not less than six (6) days from November 3, 2010 to receive nominations for Position 7 on the Port of Houston Authority of Harris County for a two-year term. The two-year term of the current member expires November 5, 2010.

Position 7 Janiece M. Longoria nominated by Council Member Rodriguez

JC/jsk

cc: Ms. Marty Stein

40

NOV 03 2010

MOTION NO. 2010

MOTION by Council Member Clutterbuck that the recommendation of the Director of the Department of Public Works and Engineering, for approval of final contract amount and acceptance of work on contract with Texas Bridge, Inc., for Rehabilitation of Two and Replacement of One Ground Storage Tank at Three Pumping Stations, WBS No. S-000600-0033-4, be adopted, and the final contract amount of \$854,044.12 is hereby approved by the City Council and the work be accepted and final payment is hereby authorized.

Seconded by Council Member Gonzalez

Council Member Pennington absent on personal business

Council Member Noriega absent due to being ill

On 10/27/10 the above motion was tagged by Council Member Jones.

cr

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Rehabilitation of Two and Replacement of One Ground Storage Tank at Three Pumping Stations. WBS No. S-000600-0033-4. Page 1 of 1 Agenda Item # **40/3**

FROM (Department or other point of origin): Department of Public Works and Engineering **Origination Date** ~~OCT 27 2010~~
NOV 03 2010

DIRECTOR'S SIGNATURE:  **Council Districts affected:** C, E, G

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. #2004-574 dated 06/09/2004

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$854,044.12, which is 11.05% under the original Contract Amount, accept the Work and authorize the final payment.

Amount and Source of Funding: No additional appropriation required. Original appropriation of \$1,067,400.00 from Water and Sewer System Consolidated Construction Fund No. 755.

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's Water Storage Tank Rehabilitation Program. This project is required to meet the Texas Commission on Environmental Quality (TCEQ) regulations.

DESCRIPTION/SCOPE: The project consisted of rehabilitation of two ground storage tanks and replacement of one ground storage tank at three pumping stations, related site work and coatings. Pate Engineers, Inc. designed the project with 220 calendar days allowed for construction. The project was awarded to Texas Bridge, Inc. with an original Contract Amount of \$960,150.00.

LOCATION: The project area is located at the following water plants:

| | <u>Station</u> | <u>Address</u> | <u>Key Map Grid</u> | <u>Council District</u> |
|----|----------------|-------------------------|---------------------|-------------------------|
| 1. | District 139 | 10097 Southwest Freeway | 529-Z | C |
| 2. | Enclave 2 | 13135 Forkland | 488-L | G |
| 3. | Kingwood - 3 | 2050 Mills Branch | 297-V | E |

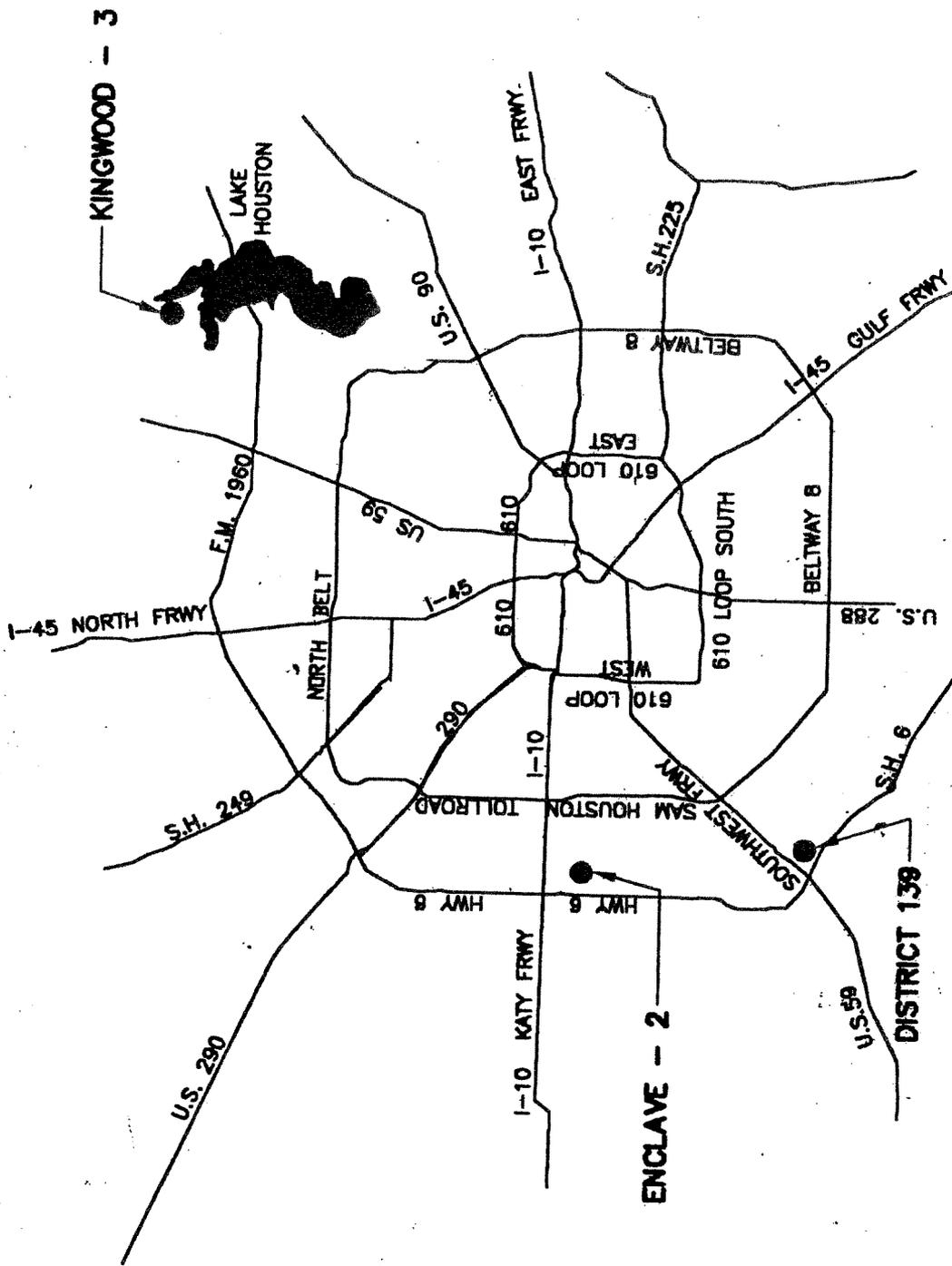
CONTRACT COMPLETION AND COST: The Contractor, Texas Bridge, Inc. has completed the Work under subject Contract. The project was completed beyond the established completion date and liquidated damages in the amount of \$92,250.00 for 205 days at \$450.00 per day have been assessed and are reflected in final payment to the Contractor. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approve Change Order Nos. 1 through 4 and liquidated damages is \$854,044.12, a decrease of \$106,105.88 or 11.05% under the original Contract Amount.

The decreased cost is primarily due to liquidated damages and the work not requiring use of most Extra Unit Price Items.

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


 DWK:DRM:JTL:SKF:mj
 Z:\E&C Construction\Facilities\Projects\S-0600-33-3 Rehab 3 pump stations\Closeout\RCA\RCA.DOC
 c: File No. S-000600-0033-4 - Closeout

| REQUIRED AUTHORIZATION | | CUIC ID# 20MZQ184 |
|-------------------------------|-----------------------------|--|
| Finance Department: | Other Authorization: | Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division |



VICINITY MAP

NTS

41

MOTION NO. 2010

MOTION by Council Member Clutterbuck that the recommendation of the Purchasing Agent, on bids received for Communication Cables and Supplies for the Information Technology Department, S06-S23533, be adopted, and authority is hereby given to make purchases, as needed, for a 36-month period with two one-year options to renew, from the following firms for in an amount not to exceed \$2,839,383.30, on their bids as shown below:

Communication Supply Corporation: on their low complete bid for cable and wiring (Group 1, Items Nos. 1 thru 20) fiber optic cable (Group 2, Item Nos. 21 thru 51 and 53 thru 93), and faceplates, jacks, and jack inserts (Group 8, Item Nos. 287 thru 297 and 299 thru 308) in an amount not to exceed \$1,528,386.40;

Graybar Electric Company: on their low complete bid for fiber optic termination hardware (Group 3, Item Nos. 94 thru 102, 104 thru 124, 126, and 127), fiber optic jumpers (Group 4, Item Nos. 128 thru 164), voice termination hardware (Group 5, Item Nos. 165 thru 175 and 177 thru 203), data network termination hardware (Group 6, Item Nos. 204 thru 269), cable TV accessories (Group 7, Item Nos. 270 thru 285), and cable management and electrical supplies (Group 9, Item Nos. 309 thru 370 and 376 thru 389) in an amount not to exceed \$1,310,996.90; and

Group 2, Item No. 52; Group 3, Item Nos. 103 and 125; Group 5, Item No. 176; Group 7, Item No. 286, Group 8, Item No. 298, and Group 9, Item Nos. 371 thru 375 are not be awarded.

Seconded by Council Member Gonzalez

Council Member Pennington absent on personal business

Council Member Noriega absent due to being ill

On 10/27/2010 the above motion was tagged by Council Member Jones.

mla

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8820

Subject: Formal Bids Received for Communication Cables and Supplies for the Information Technology Department S06-S23533

Category #
4

Page 1 of 2

Agenda Item

| | |
|----|---------------|
| 41 | 20 |
|----|---------------|

FROM (Department or other point of origin):

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

Origination Date

October 13, 2010

Agenda Date

~~OCT 27 2010~~
NOV 03 2010

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

Gary Morris Phone: (832) 393-0065
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve various awards, as shown below, in an amount not to exceed \$2,839,383.30 for communication cables and supplies for the Information Technology Department.

Estimated Spending Authority: \$2,839,383.30

Finance Budget

\$2,839,383.30 Central Service Revolving Fund (1002)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve various awards, as shown below, in an amount not to exceed \$2,839,383.30 for communication cables and supplies for the Information Technology Department. It is further requested that authorization be given to make purchases, as needed, for a 36-month period with two one-year options to renew. These awards consisting of various types of communication cables and supplies will be used to provide City departments with high speed cabling for telephone lines, LAN lines, TV and data lines, and access to mainframes citywide.

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

Communication Supply Corporation: Award on its low complete bid for cable and wiring (Group 1, Items Nos. 1 thru 20), fiber optic cable (Group 2, Item Nos. 21 thru 51 and 53 thru 93), and faceplates, jacks, and jack inserts (Group 8, Item Nos. 287 thru 297 and 299 thru 308) in an amount not to exceed \$1,528,386.40.

| <u>COMPANY</u> | <u>AMOUNT</u> |
|-------------------------------------|----------------|
| 1. Communication Supply Corporation | \$1,528,386.40 |
| 2. Graybar Electric Company | \$1,599,678.10 |
| 3. Anixter, Inc. | \$2,009,759.50 |

Graybar Electric Company: Award on its low complete bid for fiber optic termination hardware (Group 3, Item Nos. 94 thru 102, 104 thru 124, 126, and 127), fiber optic jumpers (Group 4, Item Nos. 128 thru 164), voice termination hardware (Group 5, Item Nos. 165 thru 175 and 177 thru 203), data network termination hardware (Group 6, Item Nos. 204 thru 269), cable TV accessories (Group 7, Item Nos. 270 thru 285), and cable management and electrical supplies (Group 9, Item Nos. 309 thru 370 and 376 thru 389) in an amount not to exceed \$1,310,996.90.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

(2) MD

| | | | |
|---------------------|---|--------------------------------|-------------|
| Date: 10/13/2010 | Subject: Formal Bids Received for Communication Cables and Supplies for the Information Technology Department S06-S23533 | Originator's Initials TR | Page 2 of 2 |
|---------------------|---|--------------------------------|-------------|

| <u>COMPANY</u> | <u>AMOUNT</u> |
|-------------------------------------|---|
| 1. Communication Supply Corporation | \$1,145,772.55 (Partial Bid/Higher Unit Cost) |
| 2. Graybar Electric Company | \$1,310,996.90 |
| 3. Anixter, Inc. | \$1,467,006.95 |

Group 2, Item No. 52; Group 3, Item Nos. 103 and 125; Group 5, Item No. 176; Group 7, Item No. 286, Group 8, Item No. 298, and Group 9, Item Nos. 371 thru 375 are not being awarded. The department will use the three-bid process to procure these items.

M/WBE Subcontracting:

This bid was issued with a 1% goal for M/WBE participation.

Communication Supply Corporation has designated the below-named company as its certified MWBE subcontractor.

| <u>NAME</u> | <u>TYPE OF WORK</u> | <u>DOLLAR AMOUNT</u> |
|------------------|---------------------------------|----------------------|
| DC Services, LLC | Communication Cables & Supplies | \$15,283.86 |

Graybar Electric Company has designated the below-named company as its certified M/WBE subcontractor.

| <u>NAME</u> | <u>TYPE OF WORK</u> | <u>DOLLAR AMOUNT</u> |
|------------------------|---------------------|----------------------|
| Sunrise Delivery, Inc. | Delivery | \$13,109.97 |

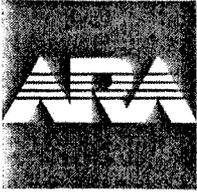
The Affirmative Action Division will monitor this award.

Buyer: Tywana L. Rhone

This RCA was reviewed by the Council Committee on Minority/Women Business Enterprise, Small Contractor Development and Contract Compliance on August 30, 2010 and no action was taken because a quorum was not present.

Estimated Spending Authority:

| DEPARTMENT | FY11 | OUT YEARS | AMOUNT |
|------------------------|--------------|----------------|----------------|
| Information Technology | \$945,188.70 | \$1,894,194.60 | \$2,839,383.30 |



Administration & Regulatory Affairs

Memorandum

To: Robert Gallegos, Deputy Assistant Director
Affirmative Action Department

From: Tywana L. Rhone

Date: April 8, 2010

Subject: MWBE Participation Form

RECEIVED

APR 14 2010
City of Houston
Affirmative Action

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 1%

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: S06-S23533 Estimated Dollar Amount: \$1,918,820.80 Goal On Last Contract: 1%

Anticipated Advertisement Date: 04/23/10 Solicitation Due Date: 05/13/10 Was Goal met: Yes No

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

Name and Intent of this Solicitation: This is a renewal of communication cables and supplies for the Information Technology Department

Rationale for requesting a Waiver of Revision (Zero percent goal or revision after advertisement):

(To be completed by SPD)

This is a renewal of a line item award utilized by Information Technology department. These communication cables and supplies will be dropped shipped directly from the manufacturer to the Supplier; therefore, the M/WBE participation is very limited. The department is requesting that the goal on the renewal be advertised as 1% because items are ordered in small bulks. See attached.

Concurrence:

SPD Initiator

Division Manager

Robert Gallegos, Deputy Assistant Director
Affirmative Action

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



HCD10-143

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

10 - SHINE

SUBJECT: An ordinance approving and authorizing a Second Lien Construction Financing Agreement between the City of Houston and Shine Property Development, LLC, to construct two affordable single-family houses in Trinity Gardens and appropriating funds from TIRZ Affordable Housing Fund 2409.

Category #

Page
1 of 1

Agenda Item #

43 # 26

FROM (Department or other point of origin):

James D. Noteware, Director
Housing and Community Development Department

Origination Date

August 4, 2010

Agenda Date

~~Oct 27 2010~~

DIRECTOR'S SIGNATURE:

[Handwritten Signature] FOR JAMES NOTEWARE

Council District affected: "B"

For additional information contact: Christon Butler
Phone: (713) 865-4196

Date and identification of prior authorizing Council action: 2009-1142, 11/18/2009

RECOMMENDATION: (Summary)

The Department recommends approval of an ordinance authorizing a Second Lien Construction Financing Agreement between the City of Houston and Shine Property Development, LLC, to construct two affordable single-family houses in Trinity Gardens and appropriating funds from TIRZ Affordable Housing Fund 2409.

Amount of Funding: \$160,000

Finance Budget:

SOURCE OF FUNDING

General Fund

Grant Fund

Enterprise Fund

Other (Specify) TIRZ FUND 2409

SPECIFIC EXPLANATION:

Shine Property Development, LLC, (Shine Property Development) is a Texas Limited Liability Company. The Housing and Community Development Department (HCDD) proposes providing a total of \$160,000 in TIRZ funds to Shine Property Development to assist in the development of two model affordable single-family houses.

The model homes will allow the prospective homebuyers to view selections and prices before purchasing a new home. Unfortunately, in-fill affordable housing does not give the potential homebuyer this option. The majority of lenders are reluctant to lend funds for models without some form of take-out at the end of the process. It is with this in mind that the model home concept and construction subsidy program was designed.

An RFP was issued in December 2009 and Shine Property Development was one of the successful respondents. The City was anxious to begin this Program and as a result instructed Shine Property Development to begin construction. The City is meeting its TIRZ objective of providing affordable housing to low-to-moderate income families.

The \$160,000 will be in the form of a secured grant. The TIRZ construction subsidy will be \$80,000 per house. HCDD will require that there be an interim construction lender that finances the entire project costs. The City's Land Use Restriction Agreement, (LURA), will have senior status. At the completion of construction, HCDD will reduce the interim construction loan with the subsidy.

The newly constructed houses will be sold to families whose annual incomes do not exceed 110% of AMI, and who will occupy the property as their principal residence.

The development is consistent with the City's plan to provide affordable housing for low-to-moderate income families.

The Department recommends approval of an ordinance authorizing a contract between the City of Houston and Shine Property Development, LLC, to construct two affordable single-family houses in Trinity Gardens and appropriating funds from TIRZ Affordable Housing Fund 2409.

The Housing and Community Development Committee reviewed this item on September 16, 2010, and voted to recommend it for favorable council consideration.

JN:ST:CB

REQUIRED AUTHORIZATION

Finance Dept.

Other Authorization:

Other Authorization:

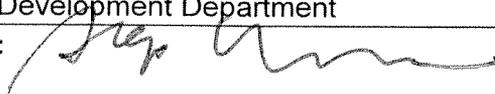
[Handwritten Initials]

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

10- Guiding Light

| | | | |
|--|--|-----------------------|---|
| SUBJECT: An ordinance approving and authorizing a Second Lien Construction Financing Agreement between the City of Houston and Guiding Light Community Development Corporation, (Guiding Light CDC) to construct two (2) affordable single-family houses in Trinity Gardens and appropriating funds from TIRZ Affordable Housing Fund 2409. | Category # | Page 1 of 1 | Agenda Item # <div style="border: 1px solid black; padding: 5px; display: inline-block;"> 44 27 </div> |
| | FROM (Department or other point of origin): Housing and Community Development Department | | Origination Date: 06/28/2010 |

| | |
|---|--|
| DIRECTOR'S SIGNATURE: FOR  James Noteware, Director | Council District affected: "B" |
|---|--|

| | |
|--|---|
| For additional information contact: Christon Butler Phone: (713) 865-4196 | Date and identification of prior authorizing Council action: 2009-1142, 11/18/2009 |
|--|---|

RECOMMENDATION: (Summary)
 The Department recommends approval of an ordinance authorizing a Second Lien Construction Financing Agreement between the City of Houston and Guiding Light Community Development Corporation (Guiding Light CDC), to construct two (2) affordable single-family houses in Trinity Gardens and appropriating funds from TIRZ Affordable Housing Fund 2409.

| | |
|-------------------------------------|------------------------|
| Amount of Funding: \$160,000 | Finance Budget: |
|-------------------------------------|------------------------|

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify) TIRZ FUND 2409

SPECIFIC EXPLANATION:

Guiding Light Community Development Corporation (Guiding Light CDC) is a 501 (c) (3) nonprofit corporation and a certified Community Housing Development Organization (CHDO). The Housing and Community Development Department (HCDD) proposes providing a total of \$160,000 to Guiding Light CDC in TIRZ funds to assist in the development of two (2) affordable single-family houses. The \$160,000 will be in the form of a secured grant. The TIRZ construction subsidy will be \$80,000 per house. HCDD will require that there be an interim construction lender that finances the entire project costs. At the completion of construction, HCDD will reduce the interim construction loan with the subsidy.

The newly constructed houses will be sold to families whose annual incomes do not exceed 110% of AMI, and who will occupy the property as their principal residence.

The development is consistent with the City's Plan to provide affordable housing for low to moderate income families.

The Department recommends approval of an ordinance authorizing a contract between the City of Houston and Guiding Light CDC, to construct two (2) affordable single-family houses in Trinity Gardens and appropriating funds from TIRZ Affordable Housing Fund 2409.

JN:ST:CB

| REQUIRED AUTHORIZATION | | |
|----------------------------|-----------------------------|-----------------------------|
| Finance Department: | Other Authorization: | Other Authorization: |

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Ordinance amending the Fiscal Year 2011 Operating Budget for the Fifth Ward Redevelopment Authority (Reinvestment Zone Number Eighteen).

Category #

Page 1 of 1

RCA #

Agenda Item# 45 28

FROM: (Department or other point of origin):

Michelle Mitchell, Director Finance Department

Origination Date

10/13/10

Agenda Date

~~OCT 27 2010~~

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Finance Department

Council Districts affected:

B, H

For additional information contact:

Tim Douglass
Ralph De Leon

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

Date and identification of prior authorizing Council Action:

Ord. 2010-572, 07/20/10

RECOMMENDATION: (Summary)

City Council adopt an ordinance approving an amendment to the Fiscal Year 2011 Operating Budget for the Fifth Ward Redevelopment Authority (Tax Increment Reinvestment Zone Number Eighteen).

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

[] General Fund [] Grant Fund [] Enterprise Fund
[X] N/A

SPECIFIC EXPLANATION:

The Board of Directors of the Fifth Ward Redevelopment Authority (FWRA) convened in a regular session on October 12, 2010 and passed and approved an amended FY11 Operating Budget and forwarded it to the Board of Directors of Tax Increment Reinvestment Zone (TIRZ) Number Eighteen and City Council for approval. The Board of Directors of TIRZ No. 18 and FWRA intend to increase funding for the Program and Project Consultants category of the Operating Budget to provide for the Local Co-match of a Houston Galveston Area Council (HGAC) 2010-2011 Unified Planning Work Program (UPWP) Pedestrian-Bicyclist Special Districts Study. The objective of the study is to identify cost-effective strategies and implementation projects that improve safety and mobility for pedestrians and bicyclists. HGAC will contribute \$37,500 for the Study with the FWRA contributing \$37,500 as the Sponsoring Local Agency. A Pedestrian and Transit Study is in conformance with the City Council approved Project Plan and Reinvestment Zone Financing Plan for the TIRZ.

The requested changes to the City Council approved Fiscal Year 2011 Operating Budget for the Authority include:

- The addition of a new line item located in the Total Project Costs category of the Budget Detail titled HGAC Pedestrian and Transit Study in the amount of \$37,500.
- An increase in Administration Consultant in the amount of \$4,900.00 for the purchase of software.
- An increase in the Program and Project Consultants budget from \$75,000 to \$112,500.
- An increase in Total Project Costs budget from \$402,300 to \$444,700.

Attachments: Amended FY11 Budget Detail

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:

[Signature]

CITY OF HOUSTON
DEPARTMENT OF FINANCE
ECONOMIC DEVELOPMENT DIVISION
FISCAL YEAR 2011 BUDGET DETAIL
AS AMENDED

Fund Summary
Fund Name: Fifth Ward Redevelopment Authority
TIRZ: 18
Fund Number: 7566/64

| TIRZ Budget Line Items | FY2010 Budget | FY2010 Estimate | FY2011 Budget |
|---|-------------------|-------------------|-------------------|
| RESOURCES | | | |
| RESTRICTED Funds - Capital Projects | \$ - | \$ - | \$ - |
| RESTRICTED Funds - Affordable Housing | \$ - | \$ - | \$ - |
| RESTRICTED Funds - Bond Debt Service | \$ - | \$ - | \$ - |
| UNRESTRICTED Funds | \$ 402,238 | \$ 402,238 | \$ 579,724 |
| Beginning Fund Balance | \$ 402,238 | \$ 402,238 | \$ 579,724 |
| City tax revenue | \$ 133,624 | \$ 179,482 | \$ 118,516 |
| ISD tax revenue | \$ 183,283 | \$ 358,403 | \$ 188,606 |
| County tax revenue | \$ - | \$ - | \$ - |
| Community College tax revenue | \$ - | \$ - | \$ - |
| Incremental property tax revenue | \$ 316,907 | \$ 537,885 | \$ 307,122 |
| COH TIRZ Interest | \$ 806 | \$ 806 | \$ 809 |
| Miscellaneous revenue | \$ 806 | \$ 806 | \$ 809 |
| Interest Income | \$ 3,212 | \$ 3,212 | \$ 3,212 |
| Other Interest Income | \$ 3,212 | \$ 3,212 | \$ 3,212 |
| | \$ - | \$ - | \$ - |
| Developer Advances | \$ - | \$ - | \$ - |
| Houston/Galveston Area Council (HGAC) - Transit Study | \$ - | \$ - | \$ 75,000 |
| Grant Proceeds | \$ - | \$ - | \$ 75,000 |
| | \$ - | \$ - | \$ - |
| Special assessment bond proceeds | \$ - | \$ - | \$ - |
| | \$ - | \$ - | \$ - |
| Proceeds from bank loan | \$ - | \$ - | \$ - |
| TOTAL AVAILABLE RESOURCES | \$ 723,163 | \$ 944,141 | \$ 965,868 |

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: An Ordinance Approving the Second Amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Thirteen (Old Sixth Ward Zone).

Category #

Page 1 of 1

Agenda Item#

29

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

10-15-10

Agenda Date

OCT 27 2010

DIRECTOR'S SIGNATURE:

Michelle Mitchell
Finance Department

Council Districts affected:

H

For additional information contact:

Tim Douglass
Ralph De Leon

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

Date and identification of prior authorizing

Council Action: Ord. No. 1999-0794, 7/28/99; Ord. No. 1999-0827, 8/11/99

RECOMMENDATION: (Summary)

Adopt an ordinance approving the Second Amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Thirteen (Old Sixth Ward Zone).

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

[] General Fund [] Grant Fund [] Enterprise Fund
[X] N/A

SPECIFIC EXPLANATION:

The City of Houston, Texas Reinvestment Zone Number Thirteen (Old Sixth Ward Zone) was created by City Council by Ordinance No. 1998-1256 adopted on December 22, 1998, to facilitate the revitalization of the Old Sixth Ward area. The City Council approved a Project Plan and Reinvestment Zone Financing Plan by Ordinance No. 1999-0794, on July 28, 1999, which was subsequently amended by Ordinance No. 1999-0827 on August 11, 1999. By Resolution 2000-0040, approved on August 16, 2000, City Council approved the creation of the Old Sixth Ward Redevelopment Authority. On August 11, 2010, the Board of Directors of both the Old Sixth Ward Redevelopment Authority and the Old Sixth Ward Zone approved the Second Amendment to the Project Plan and Reinvestment Zone Financing Plan ("Second Amended Plan") and forwarded the proposed amendment to the City for consideration.

The proposed Second Amended Plan restates the goals and objectives in the existing project plan and adds one new project category. Restated goals include the design and construction of public infrastructure including public streets and utility systems, parks, and historic preservation. Overall, the non-educational project cost will increase \$28,532,240 in the Second Amended Plan.

The Finance Department recommends the approval of the Second Amended Plan.

Attachments: Second Amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Thirteen (Old Sixth Ward Zone)

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:

[Signature]

**TAX INCREMENT REINVESTMENT ZONE NUMBER THIRTEEN
CITY OF HOUSTON**

OLD SIXTH WARD ZONE

**Second Amendment
Project Plan and Reinvestment Zone Financing Plan**

Amended August 11, 2010

REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF HOUSTON, TEXAS
 OLD SIXTH WARD ZONE
 Part C – Amending the Project Plan and Reinvestment Zone Financing Plan

Table of Contents

| | |
|--|---|
| Introduction..... | 1 |
| Section One..... | 1 |
| The Part A and Part B Plan..... | 1 |
| Section Two..... | 1 |
| The Part C Plan..... | 1 |
| Goals..... | 2 |
| Goal 1..... | 2 |
| Goal 2..... | 2 |
| Goal 3..... | 2 |
| Goal 4..... | 2 |
| Goal 5..... | 2 |
| Other Project Plan Provisions..... | 3 |
| Project Plan..... | 3 |
| Affordable Housing..... | 3 |
| Existing and Proposed Uses of Land Within the Zone..... | 3 |
| Estimated Non-Project Cost Items..... | 3 |
| Proposed Changes of Zoning Ordinances, Master Plan of Municipality, Building Codes, and other Municipal Ordinances..... | 3 |
| Statement of Method of Relocating Persons to be Displaced as a Result of Implementing the Plan..... | 3 |
| Financing Plan..... | 3 |
| Estimated Project Costs..... | 3 |
| Economic Feasibility..... | 3 |
| Bonded Indebtedness/Methods of Financing..... | 3 |
| Reinvestment Zone Duration..... | 4 |
| Taxing Jurisdiction Participation..... | 4 |

Exhibits

- Map 1 – Map of Existing Land Uses in Zone
- Map 2 – Map of Proposed Land Uses in Zone
- Exhibit 1 Parts A, B, and C Plan Project Costs
- Exhibit 2 Part C Plan Revenue Schedule: Table 1 – Net Revenue All Entities
- Exhibit 3 Part C Plan Revenue Schedule: Table 1A – Net Revenue Less Transfers
- Exhibit 4 Part C Plan Revenue Schedule: Table 2 – City of Houston
- Exhibit 5 Part C Plan Revenue Schedule: Table 3 – HISD

TAX INCREMENT REINVESTMENT ZONE NUMBER THIRTEEN
OLD SIXTH WARD ZONE
PART C – AMENDING THE PROJECT PLAN AND
REINVESTMENT ZONE FINANCING PLAN

Amended August 11, 2010

Introduction:

Reinvestment Zone Number Thirteen, City of Houston, Texas, also known as the Old Sixth Ward Tax Increment Reinvestment Zone (“Zone”) was created by Ordinance No. 1998-1256 adopted December 29, 1998 as requested by the Old Sixth Ward Neighborhood Association and petitioners in an area located west of downtown Houston, north of Memorial Drive and on approximately 151 acres of land known as the historic Old Sixth Ward neighborhood. The purposes of the Zone were to advance historic preservation, facilitate physical improvements to the historic Dow School, encourage affordable and market-rate housing projects, and encourage development and redevelopment in the area.

Section One:

The Part A and Part B Plan: The City Council adopted a Project Plan and Reinvestment Zone Financing Plan by Ordinance No. 1999-0794, on July 28, 1999 (the “Part A Plan”). The Part A Plan was amended subsequently by Ordinance No. 1999-0827 on September 11, 1999 (the “Part B Plan”). Together the Part A and Part B Plans (the “Plans”) provided mechanisms needed to assist in the repositioning of the Old Sixth Ward from a blighted and deteriorated neighborhood into a viable residential community. Proposed public improvements included in the Plans addressed existing conditions consisting of substandard and deteriorating structures; inadequate and deteriorated streets, utilities, and sidewalks; faulty and obsolete lot layouts; safety issues; and school improvements.

The Zone and the City now desire to amend the Plans as further described herein, (the “Part C Plan”).

Section Two:

The Part C Plan: The Part C Plan will remedy recent and historic negative trends within the Old Sixth Ward area by creating a viable and attractive environment for investment and redevelopment. Improvements have been identified that will enhance the community by attracting new businesses and residents to the area. The proposed Part C Plan provides for additional funding which will be utilized for public improvement project costs consistent with the Plans. Consisting of upgrades and improvements to public utility systems and roadways, parks, land acquisition, historic preservation, environmental remediation, streetscape improvements and provisions for public art, lighting and landscaping, the goals of the Zone are to create a new urban neighborhood while respecting the historic character of the area; create gateways between the Old Sixth Ward and adjacent districts through the development of

connections with other neighborhoods and activity centers; produce a product unique to Old Sixth Ward; and enhance the sense of civic pride for area residents.

Public improvements proposed in this Part C Plan are in relationship to the original goals of the Zone and are as follows:

Goals

Goal 1: *The reinforcement of retail developments along the Washington Avenue corridor.*

The retention and expansion of retail and commercial developments along Washington Avenue is of key importance to the successful redevelopment of the area. The provision of base level retail functionality is essential to the continued expansion of residential projects in the area. In particular, it is envisioned to develop historic Washington Avenue into a key arterial/town center with an emphasis on parking, lighting, street trees, landscaping, wide sidewalks, public art and adequate pedestrian amenities.

Goal 2: *The creation of pedestrian-friendly, safe environments through the reconstruction of the pedestrian realm with ample lighting and streetscape amenities.*

Streetscape/pedestrian level enhancements are required to create an environment that will help stimulate investment in retail, residential, and commercial developments. Enhanced streetscapes components will include: sidewalks, lighting, signage, street trees, landscaping, benches and other pedestrian amenities. Construction of sidewalk systems including ADA compliant ramps and other treatments will improve pedestrian safety, enhance the visual environment and provide connectivity both within the community and to adjacent districts. Attention will be placed on the leveraging of Zone monies with sister agencies.

Goal 3: *Improvements to public streets and public utility systems to create an environment that will stimulate private investment in retail, residential, and multi-family developments.*

Reconstruction (major and minor) of key streets and utility systems will be taken to enhance the level of service in the area, improve functionality, replace aged facilities, and increase aesthetics. All roadway improvements will be integrated with street reconstruction projects of the City of Houston, and others as needed, and where possible, will add elements not included in those projects.

Goal 4: *Redevelopment and upgrades to public green space, parks, and other appropriate recreational facilities.*

Development of parks, public open green space, and related amenities including access and egress improvements, land acquisition, dedication of public easements, parking, and the construction of enhancements. All improvements will be integrated with adjacent land uses and provided with upgrades focused on connectivity, pedestrian safety, and the visual environment.

Goal 5: *Cultural and Public Facilities, Affordable Housing and Historic Preservation.*

Increasing public and cultural facilities, historic preservation programs, and affordable housing for Old Sixth Ward residents emerged as important public policy goals since the implementation of the Plan A. Zone funds will be leveraged with funds from private, public, and non-profit developers to integrate affordable housing and historic preservation initiatives into ongoing and proposed redevelopment projects in the Old Sixth Ward. As such, the acquisition and rehabilitation of historic structures and historic landmarks for the purposes of preservation and restoration is anticipated. These projects, along with improved infrastructure, will enhance the quality of life for existing and new residents and businesses.

Other Project Plan Provisions:

Project Plan:

Affordable Housing: The Old Sixth Ward was created by the petition of property owners constituting more than 50% of the assessed value of property in the Zone. One -third of the tax increment revenues of the Zone are dedicated to the provision of affordable housing, which may be provided inside or outside the Zone as authorized by Chapter 311, Texas Tax Code.. An estimated \$11,765,306 will be used for affordable housing over the life of the Zone.

Existing and Proposed Land Uses Within the Zone: Maps showing the existing uses and conditions and proposed improvements to and uses of the areas in Maps 1 and 2 are attached hereto.

Proposed Changes to Zoning Ordinances, the Master Plan of the Municipality, Building Codes of Other Municipal Ordinances: No such changes to any of the aforementioned are contemplated by this Second Amendment.

Method of Relocating Persons: It is not anticipated that any current resident of the Old Sixth Ward will be relocated as a result of this Second Amendment.

Financing Plan:

Estimated Project Costs: Exhibit 1 details the proposed project costs, including administrative costs. The existing project costs included in the Plans remain valid for those projects at this time.

Economic Feasibility: Exhibits 2 through 5 attached hereto are updated revenue estimates. These estimates detail the total appraised value, the captured appraised value, and the net revenue from each taxing entity participating in the Old Sixth Ward Zone over the remaining life of the Zone.

Estimated Bond Indebtedness: Notes have been issued by the Zone. On October 22, 2008, by Ordinance No. 2008-941, City Council approved an Agreement for Financing Public Infrastructure Improvements by and among the City of Houston, Reinvestment Zone Number Thirteen, and the Old Sixth Ward Redevelopment Authority. Subsequently on August 26, 2008, by Ordinance 2009-793, City Council approved a First Amended and Restated Agreement for Financing Public Infrastructure Improvements. Additional bonds or notes may be issued. The

value and timing of these future bond or note issuances will correlate to the debt capacity as derived from the revenue schedules attached hereto, and by actual market conditions for the issuance and sale of such bonds or notes. The Zone will explore other financing methods as well, including developer agreement financing and collaboration with other entities for grant funding and partnerships.

Duration of the Zone: The Zone duration remains unchanged. When initially created by City Council on December 29, 1998, the duration of the Zone was established at 30 years. The Zone will expire on December 31, 2028.

Taxing Jurisdiction Participation: Property valuation of the Zone has increased from \$34,345,500 in tax year 1998 (the Zone Base Year) to a projected \$146,538,081 in tax year 2010. The 2010 incremental revenue estimate from all participating jurisdictions is sufficient to cover the costs of the proposed redevelopment as well as to support the public improvement projects proposed for the Zone. This Second Amendment estimates a total project cost of \$28,532,240.

Exhibits

Exhibit 1 – Parts A, B, and C Plan Project Costs

Project Cost Amendments: The following table includes the approved project cost for the Part A and Part B Plans and the changes made to those budgets through this Part C amendment:

| | Estimated Costs 1999 Plan | Estimated Costs 1999 Plan (Amended) | Estimated Costs 2010 Plan | Total |
|---|------------------------------|---|------------------------------|----------------------|
| Infrastructure Improvements: | | | | |
| Public Utilities | | | | |
| Reconstruction of Infrastructure | \$ 2,400,000 | \$ 2,400,000 | \$ - | \$ 2,400,000 |
| Public utility infrastructure system upgrades and replacements | \$ - | \$ - | \$ 3,000,000 | \$ 3,000,000 |
| Total Public Utilities | \$ 2,400,000 | \$ 2,400,000 | \$ 3,000,000 | \$ 5,400,000 |
| Roadway and Sidewalk Improvements | | | | |
| Construction of historically appropriate brick sidewalks | \$ 240,000 | \$ 240,000 | \$ - | \$ 240,000 |
| Streetscape Improvements on Washington Avenue | \$ 650,000 | \$ 650,000 | \$ - | \$ 650,000 |
| Street signs and street lights | \$ 22,000 | \$ 22,000 | \$ - | \$ 22,000 |
| Roadway and streetscape replacement and enhancements | \$ - | \$ - | \$ 6,000,000 | \$ 6,000,000 |
| Total Roadway and Sidewalk Improvements | \$ 912,000 | \$ 912,000 | \$ 6,000,000 | \$ 6,912,000 |
| Total Infrastructure Improvements | \$ 3,312,000 | \$ 3,312,000 | \$ 9,000,000 | \$ 12,312,000 |
| Other Project Cost: | | | | |
| Historic Preservation: | | | | |
| Revolving fund for acquisition/preservation of historic buildings | \$ 1,000,000 | \$ 1,000,000 | \$ 2,000,000 | \$ 3,000,000 |
| Total Historic Preservation | \$ 1,000,000 | \$ 1,000,000 | \$ 2,000,000 | \$ 3,000,000 |
| Parks and Recreational Facilities: | | | | |
| Neighborhood parkland purchase and development | \$ 134,000 | \$ 134,000 | \$ - | \$ 134,000 |
| Parks, plazas and transit related amenities | \$ - | \$ - | \$ 3,000,000 | \$ 3,000,000 |
| Total Parks and Recreational Facilities | \$ 134,000 | \$ 134,000 | \$ 3,000,000 | \$ 3,134,000 |
| Mitigation and Remediation | | | | |
| Environmental testing and fill removal for Washington Courtyards | \$ 100,000 | \$ 100,000 | \$ - | \$ 100,000 |
| Total Mitigation and Remediation | \$ 100,000 | \$ 100,000 | \$ - | \$ 100,000 |
| TIRZ Creation | | | | |
| TIRZ Creation | \$ 60,000 | \$ 60,000 | \$ - | \$ 60,000 |
| Total TIRZ Creation | \$ 60,000 | \$ 60,000 | \$ - | \$ 60,000 |
| TIRZ Management | | | | |
| TIRZ Administration and Management | \$ 500,000 | \$ 500,000 | \$ 1,339,973 | \$ 1,339,973 |
| Total TIRZ Management | \$ 500,000 | \$ 500,000 | \$ 1,339,973 | \$ 1,339,973 |
| Affordable Housing | | | | |
| Affordable Housing Improvements | \$ 5,517,419 | \$ 6,865,965 | \$ 11,765,306 | \$ 11,765,306 |
| Total Affordable Housing | \$ 5,517,419 | \$ 6,865,965 | \$ 11,765,306 | \$ 11,765,306 |
| Educational Project Costs | | | | |
| Dow School | \$ 428,000 | \$ 428,000 | \$ - | \$ 428,000 |
| Educational Facilities | \$ 2,579,000 | \$ 4,426,691 | \$ 4,426,961 | \$ 4,426,961 |
| Total Educational Project Costs | \$ 3,007,000 | \$ 4,854,691 | \$ 4,426,961 | \$ 4,854,961 |
| PROJECT PLAN TOTAL | \$ 13,630,419 | \$ 16,826,656 | \$ 28,532,240 | \$ 33,566,240 |

Exhibit 2 – Part C Plan Revenue Schedule: Table 1 – Net Revenue All Entities

**Table 1 - Net Revenue All Entities
Part C Plan Revenue Schedule**

| Tax Year (1) | Increment Revenue | | | Net Revenue (Total Increment Revenue Less Transfers) |
|--------------|----------------------|---------------------|-------------------------|--|
| | City | HISD | Total Increment Revenue | |
| 2010 | \$ 680,799 | \$ 280,452 | \$ 961,251 | \$ 472,413 |
| 2011 | \$ 725,259 | \$ 291,001 | \$ 1,016,261 | \$ 502,748 |
| 2012 | \$ 771,943 | \$ 301,551 | \$ 1,073,493 | \$ 534,455 |
| 2013 | \$ 820,961 | \$ 312,100 | \$ 1,133,060 | \$ 567,601 |
| 2014 | \$ 872,429 | \$ 322,649 | \$ 1,195,078 | \$ 602,258 |
| 2015 | \$ 926,471 | \$ 333,198 | \$ 1,259,669 | \$ 638,503 |
| 2016 | \$ 983,216 | \$ 343,747 | \$ 1,326,962 | \$ 676,414 |
| 2017 | \$ 1,042,797 | \$ 354,296 | \$ 1,397,093 | \$ 716,074 |
| 2018 | \$ 1,105,357 | \$ 364,845 | \$ 1,470,203 | \$ 757,571 |
| 2019 | \$ 1,171,046 | \$ 375,394 | \$ 1,546,440 | \$ 800,997 |
| 2020 | \$ 1,240,019 | \$ 385,943 | \$ 1,625,962 | \$ 846,449 |
| 2021 | \$ 1,312,440 | \$ 396,492 | \$ 1,708,933 | \$ 894,028 |
| 2022 | \$ 1,388,483 | \$ 407,042 | \$ 1,795,525 | \$ 943,839 |
| 2023 | \$ 1,468,328 | \$ 417,591 | \$ 1,885,919 | \$ 995,995 |
| 2024 | \$ 1,552,165 | \$ 428,140 | \$ 1,980,305 | \$ 1,050,613 |
| 2025 | \$ 1,640,194 | \$ 438,689 | \$ 2,078,883 | \$ 1,107,816 |
| 2026 | \$ 1,732,624 | \$ 449,238 | \$ 2,181,862 | \$ 1,167,733 |
| 2027 | \$ 1,829,676 | \$ 459,787 | \$ 2,289,463 | \$ 1,230,500 |
| 2028 | \$ 1,931,580 | \$ 470,336 | \$ 2,401,917 | \$ 1,296,259 |
| | \$ 23,195,787 | \$ 7,132,491 | \$ 30,328,278 | \$ 15,802,266 |

Notes:

(1) Redevelopment Authority is scheduled to terminate in Tax Year 2028

Exhibit 3 – Part C Plan Revenue Schedule: Table 1A – Net Revenue Less Transfers

**Table 1A - Net Revenue Less Transfer
Part C Plan Revenue Schedule**

| Tax Year (1) | Increment Revenue | | | Transfers | | | | | | | | | | Net Revenue (Total Increment Revenue less Total Transfers) |
|--------------|-------------------|--------------|---------------|--------------------|--------------|------------------|--------------|--------------|------------|-----------------|---------------|---------------|--|--|
| | City | HISD | Total | Affordable Housing | | HISD Educational | Admin Fees | | Total | Total Transfers | | | | |
| | | | | COH | HISD | | COH | HISD | | COH | HISD | | | |
| 2010 | \$ 680,799 | \$ 280,452 | \$ 961,251 | \$ 226,933 | \$ 93,484 | \$ 320,417 | \$ 109,381 | \$ 34,040 | \$ 25,000 | \$ 59,040 | \$ 488,838 | \$ 472,413 | | |
| 2011 | \$ 725,259 | \$ 291,001 | \$ 1,016,261 | \$ 241,753 | \$ 97,000 | \$ 338,754 | \$ 113,496 | \$ 36,263 | \$ 25,000 | \$ 61,263 | \$ 513,512 | \$ 502,748 | | |
| 2012 | \$ 771,943 | \$ 301,551 | \$ 1,073,493 | \$ 257,314 | \$ 100,517 | \$ 357,831 | \$ 117,610 | \$ 38,597 | \$ 25,000 | \$ 63,597 | \$ 539,038 | \$ 534,455 | | |
| 2013 | \$ 820,961 | \$ 312,100 | \$ 1,133,060 | \$ 273,654 | \$ 104,033 | \$ 377,687 | \$ 121,724 | \$ 41,048 | \$ 25,000 | \$ 66,048 | \$ 565,459 | \$ 567,601 | | |
| 2014 | \$ 872,429 | \$ 322,649 | \$ 1,195,078 | \$ 290,810 | \$ 107,550 | \$ 398,359 | \$ 125,839 | \$ 43,621 | \$ 25,000 | \$ 68,621 | \$ 592,819 | \$ 602,258 | | |
| 2015 | \$ 926,471 | \$ 333,198 | \$ 1,259,669 | \$ 308,824 | \$ 111,066 | \$ 419,890 | \$ 129,953 | \$ 46,324 | \$ 25,000 | \$ 71,324 | \$ 621,166 | \$ 638,503 | | |
| 2016 | \$ 983,216 | \$ 343,747 | \$ 1,326,962 | \$ 327,739 | \$ 114,582 | \$ 442,321 | \$ 134,067 | \$ 49,161 | \$ 25,000 | \$ 74,161 | \$ 650,549 | \$ 676,414 | | |
| 2017 | \$ 1,042,797 | \$ 354,296 | \$ 1,397,093 | \$ 347,599 | \$ 118,099 | \$ 465,698 | \$ 138,182 | \$ 52,140 | \$ 25,000 | \$ 77,140 | \$ 681,019 | \$ 716,074 | | |
| 2018 | \$ 1,105,357 | \$ 364,845 | \$ 1,470,203 | \$ 368,452 | \$ 121,615 | \$ 490,068 | \$ 142,296 | \$ 55,268 | \$ 25,000 | \$ 80,268 | \$ 712,631 | \$ 757,571 | | |
| 2019 | \$ 1,171,046 | \$ 375,394 | \$ 1,546,440 | \$ 390,349 | \$ 125,131 | \$ 515,480 | \$ 146,410 | \$ 58,552 | \$ 25,000 | \$ 83,552 | \$ 745,443 | \$ 800,997 | | |
| 2020 | \$ 1,240,019 | \$ 385,943 | \$ 1,625,962 | \$ 413,340 | \$ 128,648 | \$ 541,987 | \$ 150,525 | \$ 62,001 | \$ 25,000 | \$ 87,001 | \$ 779,513 | \$ 846,449 | | |
| 2021 | \$ 1,312,440 | \$ 396,492 | \$ 1,708,933 | \$ 437,480 | \$ 132,164 | \$ 569,644 | \$ 154,639 | \$ 65,622 | \$ 25,000 | \$ 90,622 | \$ 814,905 | \$ 894,028 | | |
| 2022 | \$ 1,388,483 | \$ 407,042 | \$ 1,795,525 | \$ 462,828 | \$ 135,681 | \$ 598,508 | \$ 158,753 | \$ 69,424 | \$ 25,000 | \$ 94,424 | \$ 851,686 | \$ 943,839 | | |
| 2023 | \$ 1,468,328 | \$ 417,591 | \$ 1,885,919 | \$ 489,443 | \$ 139,197 | \$ 628,640 | \$ 162,868 | \$ 73,416 | \$ 25,000 | \$ 98,416 | \$ 889,924 | \$ 995,995 | | |
| 2024 | \$ 1,552,165 | \$ 428,140 | \$ 1,980,305 | \$ 517,388 | \$ 142,713 | \$ 660,102 | \$ 166,982 | \$ 77,608 | \$ 25,000 | \$ 102,608 | \$ 929,692 | \$ 1,050,613 | | |
| 2025 | \$ 1,640,194 | \$ 438,689 | \$ 2,078,883 | \$ 546,731 | \$ 146,230 | \$ 692,961 | \$ 171,096 | \$ 82,010 | \$ 25,000 | \$ 107,010 | \$ 971,067 | \$ 1,107,816 | | |
| 2026 | \$ 1,732,624 | \$ 449,238 | \$ 2,181,862 | \$ 577,541 | \$ 149,746 | \$ 727,287 | \$ 175,211 | \$ 86,631 | \$ 25,000 | \$ 111,631 | \$ 1,014,129 | \$ 1,167,733 | | |
| 2027 | \$ 1,829,676 | \$ 459,787 | \$ 2,289,463 | \$ 609,892 | \$ 153,262 | \$ 763,154 | \$ 179,325 | \$ 91,484 | \$ 25,000 | \$ 116,484 | \$ 1,058,963 | \$ 1,230,500 | | |
| 2028 | \$ 1,931,580 | \$ 470,336 | \$ 2,401,917 | \$ 643,860 | \$ 156,779 | \$ 800,639 | \$ 183,439 | \$ 96,579 | \$ 25,000 | \$ 121,579 | \$ 1,105,657 | \$ 1,296,259 | | |
| | \$ 23,195,787 | \$ 7,132,491 | \$ 30,328,278 | \$ 7,731,929 | \$ 2,377,497 | \$ 10,109,426 | \$ 2,781,797 | \$ 1,159,789 | \$ 475,000 | \$ 1,634,789 | \$ 14,526,012 | \$ 15,802,266 | | |

Notes:

(1) Redevelopment Authority is scheduled to terminate in Tax Year 2028

Exhibit 4 – Part C Plan Revenue Schedule: Table 2 – City of Houston

**Table 2 - City of Houston
Part C Plan Revenue Schedule**

| Tax Year(1) | Base Value (2) | Projected Value (3) | Captured Appraised Value | Collection Rate (4) | Tax Rate | Increment Revenue |
|-------------|----------------|---------------------|--------------------------|---------------------|----------|-------------------|
| 2010 | \$ 34,345,500 | \$ 146,538,081 | \$ 112,192,581 | 95.00% | 0.63875 | \$ 680,799 |
| 2011 | \$ 34,345,500 | \$ 153,864,985 | \$ 119,519,485 | 95.00% | 0.63875 | \$ 725,259 |
| 2012 | \$ 34,345,500 | \$ 161,558,234 | \$ 127,212,734 | 95.00% | 0.63875 | \$ 771,943 |
| 2013 | \$ 34,345,500 | \$ 169,636,146 | \$ 135,290,646 | 95.00% | 0.63875 | \$ 820,961 |
| 2014 | \$ 34,345,500 | \$ 178,117,953 | \$ 143,772,453 | 95.00% | 0.63875 | \$ 872,429 |
| 2015 | \$ 34,345,500 | \$ 187,023,851 | \$ 152,678,351 | 95.00% | 0.63875 | \$ 926,471 |
| 2016 | \$ 34,345,500 | \$ 196,375,043 | \$ 162,029,543 | 95.00% | 0.63875 | \$ 983,216 |
| 2017 | \$ 34,345,500 | \$ 206,193,795 | \$ 171,848,295 | 95.00% | 0.63875 | \$ 1,042,797 |
| 2018 | \$ 34,345,500 | \$ 216,503,485 | \$ 182,157,985 | 95.00% | 0.63875 | \$ 1,105,357 |
| 2019 | \$ 34,345,500 | \$ 227,328,660 | \$ 192,983,160 | 95.00% | 0.63875 | \$ 1,171,046 |
| 2020 | \$ 34,345,500 | \$ 238,695,093 | \$ 204,349,593 | 95.00% | 0.63875 | \$ 1,240,019 |
| 2021 | \$ 34,345,500 | \$ 250,629,847 | \$ 216,284,347 | 95.00% | 0.63875 | \$ 1,312,440 |
| 2022 | \$ 34,345,500 | \$ 263,161,339 | \$ 228,815,839 | 95.00% | 0.63875 | \$ 1,388,483 |
| 2023 | \$ 34,345,500 | \$ 276,319,406 | \$ 241,973,906 | 95.00% | 0.63875 | \$ 1,468,328 |
| 2024 | \$ 34,345,500 | \$ 290,135,377 | \$ 255,789,877 | 95.00% | 0.63875 | \$ 1,552,165 |
| 2025 | \$ 34,345,500 | \$ 304,642,146 | \$ 270,296,646 | 95.00% | 0.63875 | \$ 1,640,194 |
| 2026 | \$ 34,345,500 | \$ 319,874,253 | \$ 285,528,753 | 95.00% | 0.63875 | \$ 1,732,624 |
| 2027 | \$ 34,345,500 | \$ 335,867,966 | \$ 301,522,466 | 95.00% | 0.63875 | \$ 1,829,676 |
| 2028 | \$ 34,345,500 | \$ 352,661,364 | \$ 318,315,864 | 95.00% | 0.63875 | \$ 1,931,580 |
| | \$ 652,564,500 | \$ 4,475,127,024 | \$ 3,822,562,524 | | | \$ 23,195,787 |

Notes:

- (1) Redevelopment Authority is scheduled to terminate in Tax Year 2028
- (2) Base Year is Tax Year 1998
- (3) Projected Value for Tax Years 2010 to 2028 increase at an annual rate of 5%
- (4) Collection Rate for Tax Years 2010 to 2028 at 95%

Exhibit 5 – Part C Plan Revenue Schedule: Table 3 – HISD

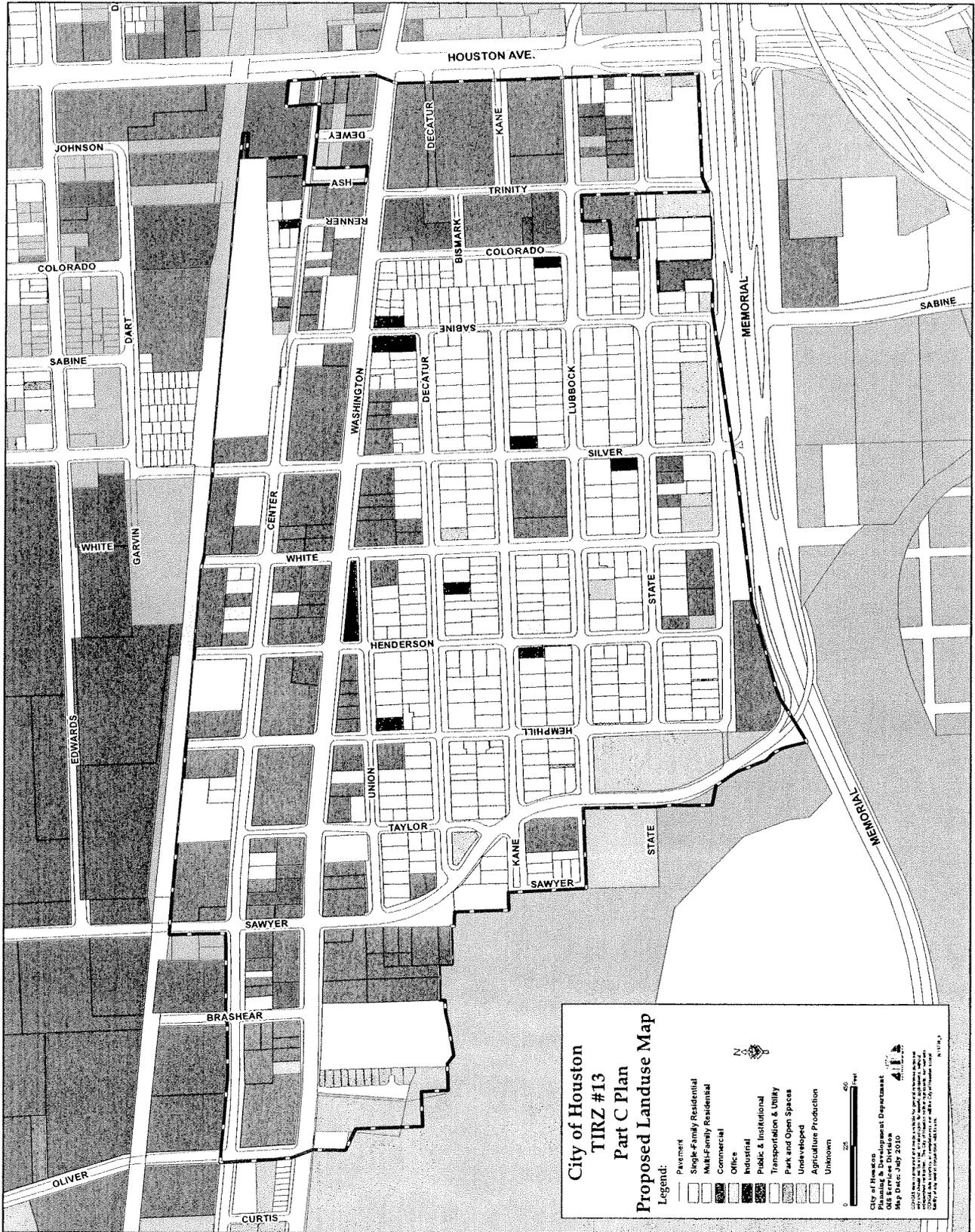
**Table 3 - Houston Independent School District
Part C Plan Revenue Schedule**

| Tax Year(1) | Base Value (2) | Lesser of: | | | Collection Rate (4) | Tax Rate | Increment Revenue |
|-------------|----------------|--------------------------|--------------------------|------------------------------|---------------------|----------|-------------------|
| | | Captured Appraised Value | | Project Plan Appraised Value | | | |
| | | Projected Value | Captured Appraised Value | | | | |
| 2010 | \$ 33,347,330 | \$ 145,661,918 | \$ 112,314,588 | \$ 25,522,000 | 95.00% | 1.1567 | \$ 280,452 |
| 2011 | \$ 33,347,330 | \$ 152,945,014 | \$ 119,597,684 | \$ 26,482,000 | 95.00% | 1.1567 | \$ 291,001 |
| 2012 | \$ 33,347,330 | \$ 160,592,264 | \$ 127,244,934 | \$ 27,442,000 | 95.00% | 1.1567 | \$ 301,551 |
| 2013 | \$ 33,347,330 | \$ 168,621,878 | \$ 135,274,548 | \$ 28,402,000 | 95.00% | 1.1567 | \$ 312,100 |
| 2014 | \$ 33,347,330 | \$ 177,052,971 | \$ 143,705,641 | \$ 29,362,000 | 95.00% | 1.1567 | \$ 322,649 |
| 2015 | \$ 33,347,330 | \$ 185,905,620 | \$ 152,558,290 | \$ 30,322,000 | 95.00% | 1.1567 | \$ 333,198 |
| 2016 | \$ 33,347,330 | \$ 195,200,901 | \$ 161,853,571 | \$ 31,282,000 | 95.00% | 1.1567 | \$ 343,747 |
| 2017 | \$ 33,347,330 | \$ 204,960,946 | \$ 171,613,616 | \$ 32,242,000 | 95.00% | 1.1567 | \$ 354,296 |
| 2018 | \$ 33,347,330 | \$ 215,208,993 | \$ 181,861,663 | \$ 33,202,000 | 95.00% | 1.1567 | \$ 364,845 |
| 2019 | \$ 33,347,330 | \$ 225,969,443 | \$ 192,622,113 | \$ 34,162,000 | 95.00% | 1.1567 | \$ 375,394 |
| 2020 | \$ 33,347,330 | \$ 237,267,915 | \$ 203,920,585 | \$ 35,122,000 | 95.00% | 1.1567 | \$ 385,943 |
| 2021 | \$ 33,347,330 | \$ 249,131,311 | \$ 215,783,981 | \$ 36,082,000 | 95.00% | 1.1567 | \$ 396,492 |
| 2022 | \$ 33,347,330 | \$ 261,587,877 | \$ 228,240,547 | \$ 37,042,000 | 95.00% | 1.1567 | \$ 407,042 |
| 2023 | \$ 33,347,330 | \$ 274,667,270 | \$ 241,319,940 | \$ 38,002,000 | 95.00% | 1.1567 | \$ 417,591 |
| 2024 | \$ 33,347,330 | \$ 288,400,634 | \$ 255,053,304 | \$ 38,962,000 | 95.00% | 1.1567 | \$ 428,140 |
| 2025 | \$ 33,347,330 | \$ 302,820,666 | \$ 269,473,336 | \$ 39,922,000 | 95.00% | 1.1567 | \$ 438,689 |
| 2026 | \$ 33,347,330 | \$ 317,961,699 | \$ 284,614,369 | \$ 40,882,000 | 95.00% | 1.1567 | \$ 449,238 |
| 2027 | \$ 33,347,330 | \$ 333,859,784 | \$ 300,512,454 | \$ 41,842,000 | 95.00% | 1.1567 | \$ 459,787 |
| 2028 | \$ 33,347,330 | \$ 350,552,773 | \$ 317,205,443 | \$ 42,802,000 | 95.00% | 1.1567 | \$ 470,336 |
| | \$ 633,599,270 | \$ 4,448,369,877 | \$ 3,814,770,607 | \$ 649,078,000 | | | \$ 7,132,491 |

Notes:

- (1) Redevelopment Authority is scheduled to terminate in Tax Year 2028
- (2) Base Year is Tax Year 1998
- (3) Projected Value for Tax Years 2010 to 2028 increase at an annual rate of 5%
- (4) Collection Rate for Tax Years 2010 to 2028 at 95%

Map 2 -- Map of Proposed Land Uses in Zone



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

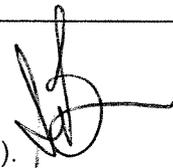
| | | |
|---|-------------|---|
| <p>SUBJECT: That Council approve an ordinance appropriating \$235,000 out of the Water and Sewer System Consolidated Construction Fund, authorize a contract between the City of Houston and Andrews Kurth LLP to represent the City of Houston in three appeals styled <i>Bruce R. Hotze and Paul Bettencourt v. City of Houston</i> in the Third Court of Appeals of the State of Texas and allocate the \$235,000 appropriated funds for the legal services contract with Andrews Kurth LLP</p> | Page 1 of 1 | <p>Agenda Item # <div style="border: 1px solid black; padding: 5px; display: inline-block;">46</div> 34</p> |
|---|-------------|---|

| | | |
|---|------------------|---|
| <p>FROM (Department or other point of origin): Legal Department And Public Works and Engineering</p> | Origination Date | <p>Agenda Date 03-10-2010</p> |
|---|------------------|---|

| | |
|---|--|
| <p>DIRECTORS' SIGNATURES: David M. Feldman, City Attorney:  Daniel W. Krueger, P.E., Public Works and Engineering Director: </p> | <p>Council District affected: ALL</p> |
|---|--|

| | |
|--|--|
| <p>For additional information contact: Lynette Fons Phone: 832.393.6282</p> | <p>Date and identification of prior authorizing Council action:</p> |
|--|--|

RECOMMENDATION: (Summary) That Council approve and authorize an ordinance appropriating \$235,000 out of the Water and Sewer System Consolidated Construction Fund, authorize a contract for legal services with Andrews Kurth LLP, to represent the City of Houston in three appeals styled *Bruce R. Hotze and Paul Bettencourt v. City of Houston* in the Third Court of Appeals of the State of Texas and allocating funds and authorizing a Maximum Contract Amount.

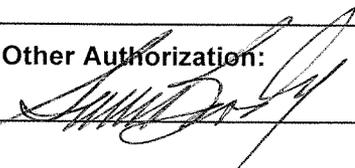
AMOUNT AND SOURCE OF FUNDING:
\$235,000.00 Initial Allocation and Maximum Contract Amount
Water and Sewer System Consolidated Construction Fund (8500). 

SPECIFIC EXPLANATION:

Following passage of City of Houston Ordinance 2010-305 concerning water and sewer rates, pursuant to the Texas Government Code the City of Houston filed a declaratory judgment action in Travis County, Texas for the purpose of validating rate increases contemplated in the ordinance. Messers. Hotze and Bettencourt intervened in the action. The City prevailed in the trial court. In summary, the trial court granted the requested declaratory judgment validating the rate increases, ordered the Intervenors to post a bond and entered an order dismissing the Intervenors from the action for failure to file the bond. Intervenors appealed each of the three rulings. The appeals, now consolidated, are pending before the Court of Appeals for the Third District of Texas.

Andrews Kurth LLP has considerable experience both in representing local government entities and in the appellate arena. The firm represented the City of Houston in the underlying action and is familiar with the issues involved in the appeal. Andrews Kurth LLP is uniquely qualified to handle the appeal and a contract for the firm's retention relative to 03-10-00423-CV, 03-10-00433-CV and 03-10-00497-CV in the Court of Appeals for the Third District of Texas is the subject of the present Request for Council Action.

Such contract will be entered into under the new maximum fee schedule established by the City Attorney's Office providing for discounted rates.

| REQUIRED AUTHORIZATION | | |
|------------------------|--|----------------------|
| Other Authorization: | Other Authorization:  | Other Authorization: |

REQUEST FOR COUNCIL ACTION

RCA# 8883

TO: Mayor via City Secretary

Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract No. C57006/4600000245 for Automotive and Equipment Parts and Repair Services for the Public Works & Engineering Department SC-N-2310-020-20569-A3

Category #
4

Page 1 of 1 Agenda Item

[47] 39

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

Origination Date
October 14, 2010

Agenda Date
~~007 2 7 2010~~

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

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

Date and Identification of prior authorizing Council Action:
Ord#05-705(6/8/05),#09-944(10/7/09)#10-389(5/19/10)

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the maximum contract amount for contract with Genuine Parts Company dba NAPA Auto Parts from \$31,250,000.00 to \$35,000,000.00 for automotive and equipment turnkey parts and repair services for the Public Works & Engineering Department (PWE).

Spending Authority Increased by: \$3,750,000.00

Finance Budget

\$3,750,000.00 Fleet Management Fund (1005)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an amending ordinance for increase the maximum contract amount for contract with Genuine Parts Company dba NAPA Auto Parts (NAPA) from \$31,250,000.00 to \$35,000,000.00 for automotive and equipment parts and repair services.

The additional spending authority is needed to ensure there is no interruption in services and is expected to sustain PWE until completion of City-wide Strategic Vehicle Parts Contractor/Partner solicitation and the implementation of the new Fleet Management Department.

This contract was awarded by City Council in June 2005 for a 36-month period with two one-year options to extend in an amount not to exceed \$25,000,000.00. An amending ordinance was approved in October 2009 to increase the maximum contract amount to \$31,250,000.00. In May 2010, City Council approved a first amendment to the contract, which extended the term from June 8, 2010 to June 7, 2011. Expenditures on the contract totaled \$30,132,550.05 as of October 2010.

The scope of work requires the contractor to provide all labor, supervision, and transportation necessary to issue parts, materials, supplies, and fluids (except fuel) required for the operation and maintenance of vehicles and equipment located at various PWE facilities.

This contract was awarded with a 15% goal for M/WBE participation and NAPA is currently achieving 10.44%.

Buyer: Desiree R. Heath

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

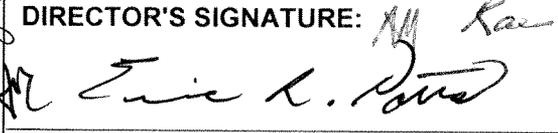
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|---|--------|--------|
| SUBJECT: Authorization for Mayor to accept FAA AIP Grant offers up to \$50,000,000 for projects at George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Airport (EFD). | Page | Agenda |
| | 1 of 1 | Item |
| | 48 | # 48 |

| | | |
|--|---|--|
| FROM (Department or other point of origin): Houston Airport System | Origination Date September 30, 2010 | Agenda Date October 7, 2010 |
|--|---|--|

my

| | |
|--|---|
| DIRECTOR'S SIGNATURE:  | Council District affected: B, E & I |
|--|---|

| | |
|---|---|
| For additional information contact: Eric R. Potts <i>ERP</i> Phone: 281-233-1999 Keith Goodwin <i>KAG</i> 281-233-1722 | Date and identification of prior authorizing Council action: |
|---|---|

| | |
|---|------------------------------|
| AMOUNT & SOURCE OF FUNDING: <i>INW</i> REVENUE: FAA Airport Improvement Program Grant \$16,500,000.00 - Entitlement Funds <u>\$33,500,000.00</u> - Potential Discretionary Funds \$50,000,000.00 Total | Prior appropriations: |
|---|------------------------------|

RECOMMENDATION: (Summary) Enact an ordinance authorizing the Mayor to accept Federal Aviation Administration (FAA) AIP grant offers up to \$50,000,000 for pending FAA AIP grant applications and potential discretionary funds for Federal Fiscal Year (FFY) 2011.

SPECIFIC EXPLANATION: Preliminary notification from the Federal Aviation Administration (FAA) indicates that the Houston Airport System's (HAS) allocated share of entitlement grants for Federal Fiscal Year (FFY) 2011 is approximately \$16,500,000.00. Entitlement grant funds will pay for airfield, taxiway, and runway improvement projects at George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Airport (EFD). Grant applications for entitlement and LOI funding will be forwarded to the FAA Southwest Region office for action.

The FAA has initially programmed discretionary funds for Rehabilitation of Taxiway WA and WB at IAH (Project 648), Noise Abatement Program grant and a Voluntary Airport Low Emission (VALE) Program grant. The exact amount and availability of this funding is unknown.

The FAA has indicated a potential exists for additional discretionary funds to become available in this year's FAA final disbursement of discretionary funds near the end of September 2011. Approval to accept the FFY 2011 discretionary grants in advance enables HAS to react quickly and take advantage of any FAA funding if it becomes available.

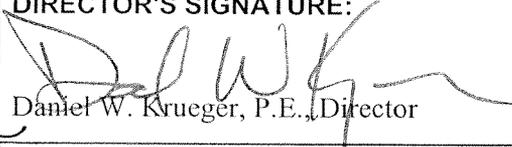
Approval of this ordinance authorizes the Mayor to accept grant offers for the City within the shortened time and ensures that HAS can receive and utilize all available FAA funds. Therefore, HAS is requesting authorization for the Mayor to accept grant offers in a cumulative amount up to \$50,000,000.00.

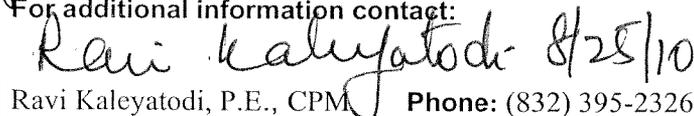
REQUIRED AUTHORIZATION

| | | |
|----------------------------|-----------------------------|-----------------------------|
| Finance Department: | Other Authorization: | Other Authorization: |
|----------------------------|-----------------------------|-----------------------------|

| | | |
|--|----------------|--|
| SUBJECT: Amendment to the Interlocal Agreement between the City of Houston and Harris County Flood Control District for Sims Bayou Flood Damage Reduction Project; WBS No. N-000785-0001-3. | Page 1 of 2 | Agenda Item # <div style="border: 1px solid black; padding: 5px; display: inline-block;"> 49 44 </div> |
|--|----------------|--|

| | | |
|--|-------------------------|---|
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 03 2010 OCT 27 2010 |
|--|-------------------------|---|

| | |
|---|--|
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council District affected: D, E, and I |
|---|--|

| | |
|---|--|
| For additional information contact:  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director | Date and identification of prior authorizing Council action: Ordinance: 2007-0722, 6/20/2007 |
|---|--|

RECOMMENDATION: (Summary)
 Adopt an ordinance approving and authorizing an Amendment to the Interlocal Agreement between the City of Houston and Harris County Flood Control District.

Amount and Source of Funding: N/A

PROJECT NOTICE/JUSTIFICATION: The U.S. Army Corp of Engineers has partnered with Harris County Flood Control District (the District) for the design and construction of channel improvements to increase the capacity of Sims Bayou and address drainage capacity issues within the watershed. This project has been designated as Sims Bayou Flood Damage Reduction Project (Federal Project). As the lead agency, the District is coordinating efforts to relocate the City of Houston (the City) water and sanitary sewer lines and facilities that are in conflict with the proposed channel improvements.

DESCRIPTION/SCOPE: The Federal Project consists of 19.3 miles of channel enlargement and environmental enhancements which requires the replacement, modification, and relocation of numerous bridges and utilities along Sims Bayou. The Federal Project is expected to be completed in 2012.

LOCATION: The project is located on Sims Bayou between the Houston Ship Channel and Croquet Drive on Key Map Nos. 534, 535, 536, 571, 572, 573, and 574.

SCOPE OF THIS AGREEMENT: The City entered into an Interlocal Agreement with the District on this project under Ordinance No. 2007-0722 on June 20, 2007. Under the terms of the Agreement, the District will design and construct new City-owned bridges including any utilities mounted or immediately adjacent to the existing bridges due to the widening of Sims Bayou. The City will design, construct, and relocate certain public utilities which have been identified to be in conflict with the proposed Sims Bayou improvements. The District will contribute a designated amount to the City for the design and construction costs associated with these public utility relocations. Any betterments/upgrades that the City shall add to the Federal Project will be classified and treated as "Enhancements" and shall be fully funded by the City. The District already contributed \$5,645,693.00 to the City for the public utility relocations listed in the Interlocal Agreement.

During the development of the project, the City and the District have determined the Buxley Pedestrian Bridge and the following additional public utilities are also in conflict with the proposed Sims Bayou improvements:

- Buffalo Speedway Waterline Crossing

REQUIRED AUTHORIZATION **CUIC ID #20TAA53**

| | | |
|----------------------------|-----------------------------|--|
| Finance Department: | Other Authorization: | Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division |
|----------------------------|-----------------------------|--|

| | | | |
|------|--|-------------------------------------|-----------------------|
| Date | SUBJECT: Amendment to the Interlocal Agreement between the City of Houston and Harris County Flood Control District for Sims Bayou Flood Damage Reduction Project; WBS No. N-000785-0001-3. | Originator's Initials TAA | Page 2 of 2 |
|------|--|-------------------------------------|-----------------------|

- White Heather Waterline Crossing
- Stancliff and Buxley Sanitary Sewer Crossings
- S. Post Oak Sanitary Sewer Crossing

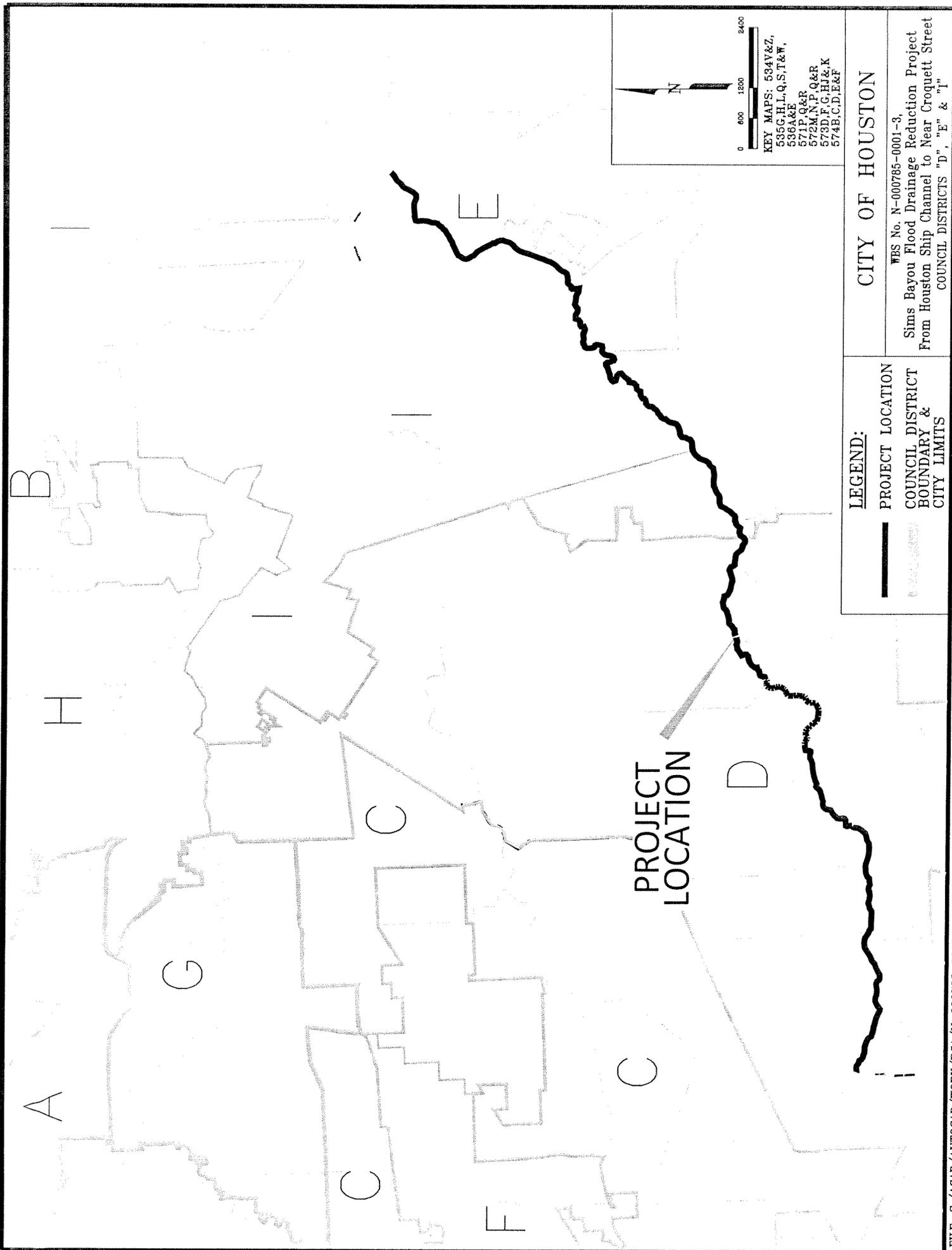
In order to continue with the Sims Bayou channel improvements, the District desires to enter the Amendment to the Interlocal Agreement. Under the terms of the Amendment, the District will design and construct the Buxley Pedestrian Bridge. The City will design and construct the additional listed public utility projects. The District is willing to contribute the additional sum of \$11,000,000.00 for the design and construction costs associated with the listed utility relocation projects. The District will forward the design contribution to the City within 30 days of the execution of this Amendment. The City will notify the District 60 days prior to bidding of each utility relocation project. Upon 30 days of notification, the District will forward the designated construction contribution to the City. The City will assume full ownership and maintenance of the bridges and utilities built under this agreement upon acceptance by the City.

ACTION RECOMMENDED: It is recommended that City Council adopt an ordinance approving and authorizing an Amendment to the Interlocal Agreement between the City of Houston and Harris County Flood Control District.


 DWK:DRM:RK:TAA:PKC:kdt

Z:\constr\A-SB-DIV\Interagency\HCFCDD Projects\Sims Bayou\Agreements - RCA\20TAA53.doc

- c: Marty Stein
 Susan Bandy
 Velma Laws
 Craig Foster
 File: HCFCDD – Sims Bayou Project



B

H

G

C

E

PROJECT
LOCATION

D

F

C

0 600 1200 2400

N

KEY MAPS: 534V&Z,
535G,H,L,Q,S,T&W,
536A&E
571P,Q&R
572M,N,P,Q&R
573D,F,G,HJ&K
574B,C,D,E&F

LEGEND:

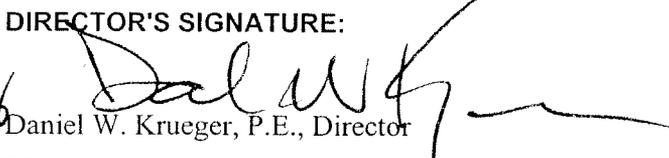
- PROJECT LOCATION
- COUNCIL DISTRICT BOUNDARY & CITY LIMITS

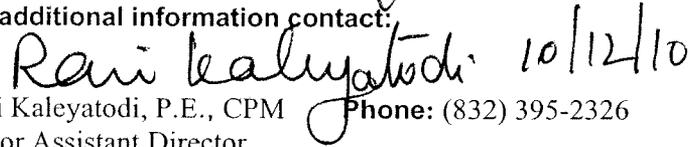
CITY OF HOUSTON

WBS No. N-000785-0001-3,
Sims Bayou Flood Drainage Reduction Project
From Houston Ship Channel to Near Croquett Street
COUNCIL DISTRICTS "D" "E" & "I"

| | | |
|---|----------------|--|
| SUBJECT: Additional Appropriation for Professional Engineering Services Contract between the City of Houston and Cobb, Fendley & Associates, Inc. for Technical Assistance for Interagency Project Reviews; WBS No. N-000668-0011-3. | Page 1 of 2 | Agenda Item # <div style="border: 1px solid black; padding: 5px; display: inline-block;"> 50 40 </div> |
|---|----------------|--|

| | | |
|--|-------------------------------------|--|
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date 10-15-10 | Agenda Date 007-27-2010 |
|--|-------------------------------------|--|

| | |
|---|---|
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council District affected: A, C, D, G, H, I <i>Ja</i> |
|---|---|

| | |
|--|---|
| For additional information contact:  Ravi Kaleyatodi, P.E., CPM <i>10/12/10</i> Senior Assistant Director Phone: (832) 395-2326 | Date and identification of prior authorizing Council action: Ordinances: 2007-0028, 01/03/07; 2007-1073, 09/19/07; 2008-0946, 10/22/08; 2009-442, 05/27/09. |
|--|---|

RECOMMENDATION: (Summary)
 Adopt an ordinance approving an additional appropriation to the Engineering Services Contract with Cobb, Fendley & Associates, Inc.

Amount and Source of Funding: \$262,240.00 from Street & Bridge Consolidated Construction Fund No. 4506.
M.P. 10/13/2010
 Previous (original) funding of \$1,981,000.00 from Street & Bridge Consolidated Construction Fund No. 4506.

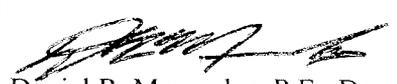
PROJECT NOTICE/JUSTIFICATION: This project consists of the provision of technical assistance in the review and evaluation of infrastructure project submittals for projects in the right-of-way undertaken by other governmental entities, especially including Metropolitan Transit Authority (METRO) under the METRO Solution program.

LOCATION: Citywide.

SCOPE OF CONTRACT AND FEE: The original contract was approved by City Council on January 3, 2007 by Ordinance No. 2007-0028. City Council approved subsequent appropriations on September 19, 2007, by Ordinance No. 2007-1073, October 22, 2008, by Ordinance No. 2008-0946, May 27, 2009, by Ordinance No. 2009-442. Under the scope of the Contract, the Consultant performs Phase I – Preliminary Engineering, and Additional Services. Preliminary Engineering services include an initial review, data collection, inventory and assessment of existing City facilities within the project limits. The Additional Services include work orders for technical reviews of submittals. For METRO Solutions, the following project milestones have been established for review by the consultant for each of the METRO Solutions corridors: 15% Preliminary Engineering, 30% Preliminary Engineering, 50% Design Submittal, 90% Design Submittal and Final Design Submittal/Approval.

Previous appropriation had provided services for reviews through the 90% Design Submittal for the following transit corridors: East End, Southeast, and North. The remaining funds along with the funds requested in this action will be used to continue moving the review process forward. However, it will be dependent on the segmentation of the corridors and the speed at which the submissions are provided to the City. The total additional appropriation for the effort is \$262,240.00 to be appropriated as follows: \$250,000.00 for Contract services and \$12,240.00 for CIP cost recovery.

REQUIRED AUTHORIZATION CUIC ID #20TAA54 A NDT

| | | |
|----------------------------|-----------------------------|---|
| Finance Department: | Other Authorization: | Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division |
|----------------------------|-----------------------------|---|

| | | | |
|------|---|-------------------------------------|------------------------------|
| Date | SUBJECT: Additional Appropriation for Professional Engineering Services Contract between the City of Houston and Cobb, Fendley & Associates, Inc. for Technical Assistance for Interagency Project Reviews; WBS No. N-000668-0011-3. | Originator's Initials TAA | Page 2 of <u>2</u> |
|------|---|-------------------------------------|------------------------------|

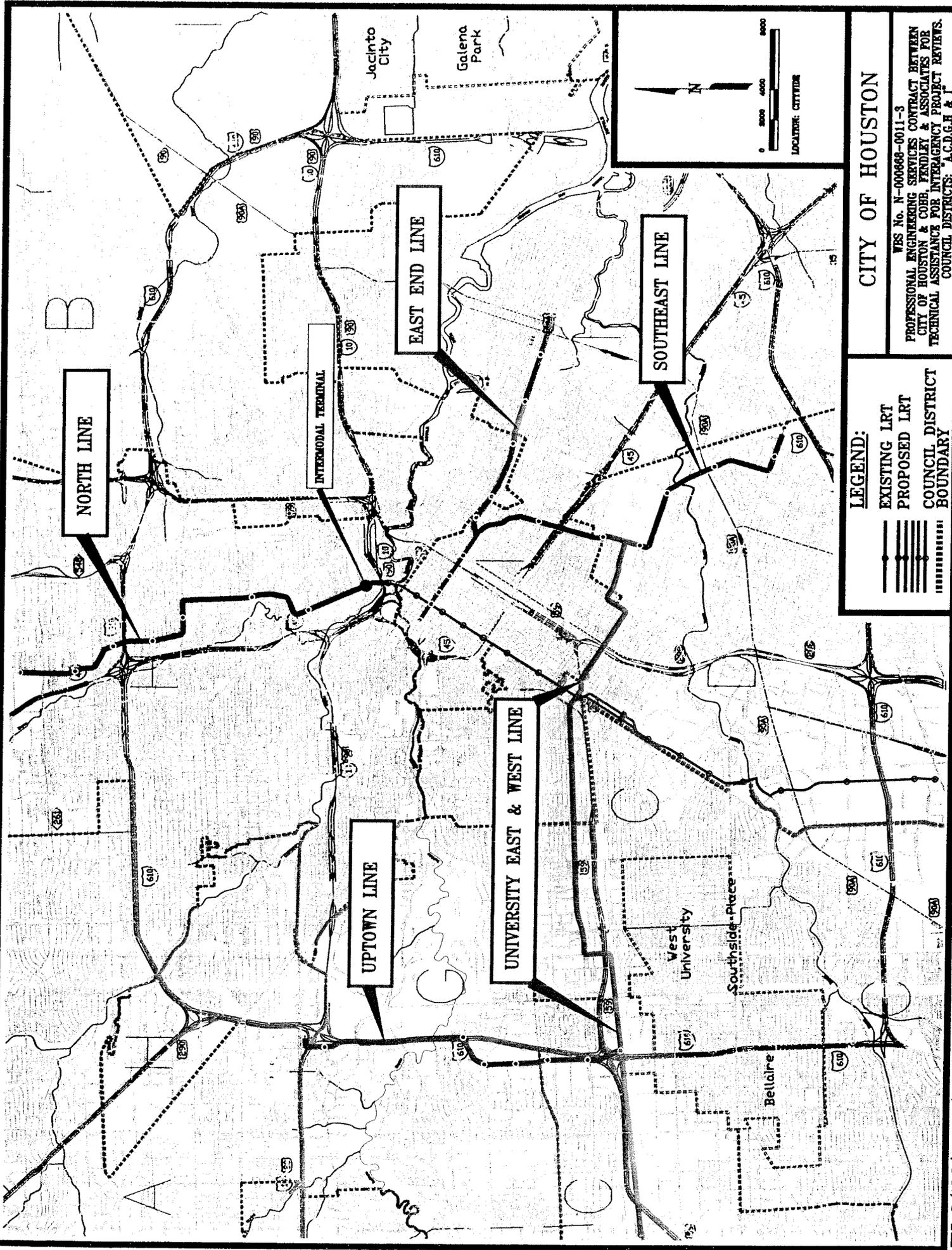
M/WBE INFORMATION: The M/WBE goal for the project is currently set at 24.00%. The original contract and subsequent additional appropriation total \$1,798,000.00. The Consultant has been paid \$1,570,160.29 (87.33%) to date. Of this amount, \$499,527.00 (31.81%) has been paid to the M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will be increased to \$2,048,000.00. The Consultant has already met the 24% M/WBE goal for the project prior to this additional appropriation.

pk >cc PKC KS

DWK:DRM:RK:TAA:PKC:kdt

Z:\constr\A-SB-DIV\Interagency\HCFC\Projects\Sims Bayou\Agreements - RCA\20TAA53.doc

- c: Marty Stein
Susan Bandy
Velma Laws
Craig Foster
File: METRO – Cobb, Fendley & Associates for Professional Engineering Services Contract.



NORTH LINE

INTERMODAL TERMINAL

EAST END LINE

SOUTHEAST LINE

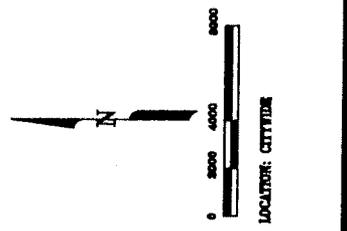
UPTOWN LINE

UNIVERSITY EAST & WEST LINE

West University
Southside Place
Bellaire

Jacinto City

Galena Park



CITY OF HOUSTON

WBS No. N-000668-0011-3
 PROFESSIONAL ENGINEERING SERVICES CONTRACT BETWEEN
 CITY OF HOUSTON & COBB, FENDLEY & ASSOCIATES FOR
 TECHNICAL ASSISTANCE FOR INTERAGENCY PROJECT REVIEWS.
 COUNCIL DISTRICTS: A,C,D,G,H & I

LEGEND:

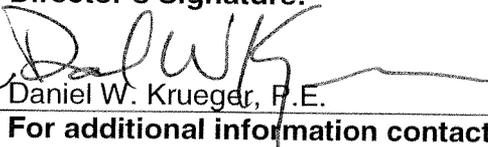
- EXISTING LRT
- PROPOSED LRT
- COUNCIL DISTRICT BOUNDARY

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|--|-----------------------|-------------------------------|
| SUBJECT: Ordinance Awarding a Contract to Best Respondent for Emergency Back Up Power Generation Services and Approving Three Lease Agreements for the Public Works & Engineering Department PWE-MMB-690000-JR | Page 1 of 3 | Agenda Item # 51 #8 |
|--|-----------------------|-------------------------------|

| | | |
|--|-------------------------|--|
| From: (Department or other point of origin): Public Works and Engineering Department | Origination Date | Agenda Date OCT 27 2010 |
|--|-------------------------|--|

| | |
|---|---|
| Director's Signature:  Daniel W. Krueger, P.E. | Council District affected: (Council District Letter Only) All |
|---|---|

| | |
|--|---|
| For additional information contact: Yvonne Forrest (713) 837-7051 David Guernsey (832) 395-3640 | Date and identification of prior authorizing Council action: |
|--|---|

Recommendation: (Summary)
Adopt an ordinance awarding a contract and three lease agreements to NRG Energy Services, LLC, in an amount not to exceed \$56,212,977.00 for emergency backup power generation services for the Drinking Water Operations Branch of the Public Works & Engineering Department.

| | |
|-------------------------------|----------------|
| Award Amount: \$56,212,977.00 | Finance Budget |
|-------------------------------|----------------|

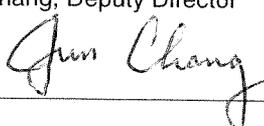
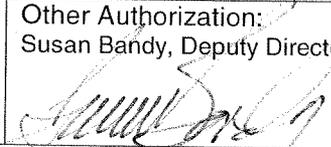
8300 Fund – Water & Sewer System Operating Fund 

SPECIFIC EXPLANATION:
The Director of the Public Works & Engineering Department recommends that City Council approve an ordinance awarding a twenty-year contract and three lease agreements with two five-year options to renew to NRG Energy Services, LLC, in the amount not to exceed \$56,212,977.00 for emergency backup power generation services for the Drinking Water Operations Branch of the Public Works & Engineering Department.

As a result of Hurricane Ike, the Texas Legislature enacted Senate Bill 361 on June 29, 2009 which mandated Texas Commission on Environmental Quality (TCEQ) to adopt rules requiring water utilities that supply water to wholesale customers in Harris County to adopt an emergency preparedness plan limited to the installation of automatically starting auxiliary generators or distributive generation facility for each raw water intake pump station, and pressure facility that provides water to wholesale customers. The TCEQ rules are also applicable to City's raw water supplier, the Coastal Water Authority (CWA). The CWA will have a separate but similar contract with NRG Energy Services, LLC for backup power generation services at the CWA Trinity River Pump Station located at 8419 FM 1409, Dayton, TX and CWA Lynchburg Pump Station located at 908 Independence Parkway. The CWA contract is not included in this ordinance.

NRG Energy Services will be required to furnish all labor, supervision, permits, transportation, equipment, construction, installation, testing, 24/7 operation, fuel and maintenance of emergency utility-grade backup power generation equipment and facilities in compliance with SB 361 and TCEQ regulations. The City of Houston drinking water production sites impacted by SB 361 are the East Water Purification Plant located at 2300 Federal Road, Houston, TX; Southeast Water Purification Plant located at 2600 Genoa Red Bluff Road, Houston, TX; and Northeast Water Purification Plant located at 12121 North Sam Houston Parkway East, Houston, TX. There will be

REQUIRED AUTHORIZATION **CUIC ID 20JBR10**

| | | |
|--------------------|---|---|
| Finance Department | Other Authorization: Jun Chang, Deputy Director  | Other Authorization: Susan Bandy, Deputy Director  |
|--------------------|---|---|

SUBJECT: Ordinance Awarding a Contract to Best Respondent for Emergency Back Up Power Generation Services and Approving Three Lease Agreements for the Public Works & Engineering Department
PWE-MMB-690000-JR

Originator's Initials

JR

Page

2 of 3

a lease agreement for each Water Production for the purpose of locating the equipment necessary to provide the utility-grade backup power required by SB 361.

At the end of the initial twenty-year contract term, the City has the option to purchase all equipment installed under this contract.

NRG was selected as the best value respondent to Request for Proposal (RFP) advertised in accordance with the requirements of the State of Texas bid laws. Competitive proposals were received from VIS Bayou City Development, Robustenergy LLC, Critical Project Services, HPI, LLC, NRG Energy Services LLC and MP2 Energy. The proposals were evaluated on the following criteria in the order of importance:

1. Demonstration of conformance to the overall intent of the Scope of Work, including technical, all aspects of management and cost/financial requirements. The RFP required proposers to present a work plan/Gant chart or time line representing an accurate depiction of the actual project per site as well as a comprehensive operations and maintenance schedule that meets or exceeds the original equipment manufacturer's recommendations for all maintenance activities. Any features, incentives or performance enhancements were to be at no cost to the City. Proposers were asked to include rationale for deviations from mandatory provisions to avoid or minimize deductions.

2. Verifiable evidence of financial information demonstrating the developer is in sound financial condition with the ability to secure the necessary financing to meet the total project requirements for the entire term of the Power Purchase Agreement to own, operate and maintain the power generation system(s).

3. Pricing evaluation based on providing a back-up generating scenario with financial model(s). Factors to include, but not be limited to:

| | |
|--------------------------|------------------------------|
| PPA power rate | O & M total cost |
| Any standby tariff costs | Cost of money |
| Length of Agreement | Escalation |
| Tax incentives/rebates | Construction cost |
| REC cost/income | Price per kilowatt-hour rate |
| Fuel choice and cost | |

4. Previous history of similar projects successfully completed including sufficient details to document completion, in-progress or current active proposals/bids. Contact information for past or current customers was encouraged.

5. MDBE participation through the use of City of Houston Certified minority vendors.

NRG Energy Services received the highest overall average score and resulted in the development of an Electric Reliability Service Agreement for utility-grade backup electric power generation services.

The total contract cost of \$56,212,977 includes the 20-year base contract amount of \$43,500,000, \$1,700,000 supplementary installation cost, a one-time fuel charge of \$148,390 to fill up the fuel tanks, the fuel and additive (to keep the fuel fresh) cost of \$930,387 for generator testing during the contract term, and a fuel charge of \$308,032 during City's participation in Load Interruption Programs. The City will achieve savings in its operation budget which will offset or exceed the fuel cost from its electricity provider by participating in the Load Interruption Programs. The total contract cost also includes \$9,626,168 for up to 30% generator capacity increase and associated fuel cost at City's sole discretion for the future expansion of the Northeast Water Purification Plant.

SUBJECT: Ordinance Awarding a Contract to Best Respondent for
Emergency Back Up Power Generation Services and Approving Three Lease
Agreements for the Public Works & Engineering Department
PWE-MMB-690000-JR

Originator's Initials

JR

Page
3 of 3

MDBE Subcontracting:

This RFP was issued with an MDBE goal as follows:

Construction 14% MBE and 8% SBE

Operations & Maintenance 11% MDBE

Contract costs for reciprocating engines, electrical generating equipment and long term financing were not included in the calculation of the goals. NRG's plan for MDBE utilization includes:

| <u>Name</u> | <u>Type of Work</u> | <u>Dollar Amount</u> | <u>Percentage</u> |
|-------------------------|--|----------------------|-------------------|
| TAG Electric Co. | Electrical Construction | \$550,000.00 | 15% |
| Chavez Service Co. Inc. | General Contractor | \$330,000.00 | 8% |
| TAG Electric Co. | Electrical Generator & Switchgear Maintenance and Service | \$1,300,000.00 | 11% |

Pay or Play Program:

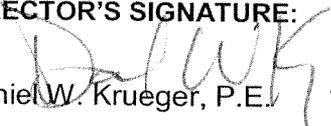
The proposed contract requires compliance with the City's "Pay or Play" ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

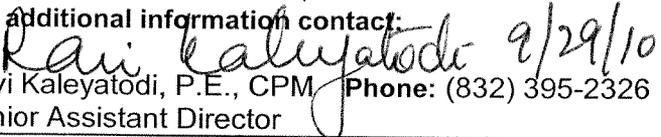
Estimated Spending Authority

| Department | FY 11 | Out Years | Total |
|------------|----------------|-----------------|-----------------|
| PWE | \$2,323,390.00 | \$53,889,587.00 | \$56,212,977.00 |

| | |
|--|--|
| SUBJECT: Contract Award for Neighborhood Back Lot Wastewater Substitute Service Program - W. Clay, W. Pierce, and W. Bell. W.B.S. No. R-002011-0071-4. | Page 1 of 2 Agenda Item # 5249 |
|--|--|

| | | |
|---|--------------------------|---|
| FROM: (Department or other point of origin): Department of Public Works and Engineering | Origination Date: | Agenda Date: OCT 27 2010 |
|---|--------------------------|---|

| | |
|--|--|
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E. | Council District affected: D RCM |
|--|--|

| | |
|--|---|
| For additional information contact:  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director | Date and identification of prior authorizing Council action: |
|--|---|

RECOMMENDATION: (Summary)
Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding: \$471,000.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.
U.P. 10/5/2010

PROJECT NOTICE/JUSTIFICATION: This project is part of the Neighborhood Back Lot Wastewater Substitute Service Program and is required to provide the relocation of sanitary sewer service lines from back lots to front lots.

DESCRIPTION/SCOPE: This project consists of the relocation of sanitary sewer service lines for 71 properties on West Clay, West Pierce, and West Bell. The relocations include the abandonment of back lot sewer mains, manholes and service lines and the reconnection to sewer mains within the street right-of-way.

The Contract duration for this project is 180 calendar days. This project was designed by Century Engineering, Inc.

LOCATION: The project area is generally bound by W. Clay on the north, W. Pierce on the south, Taft Street on the east and Stanford on the west. The project is located in Key Map Grid 493-N.

BIDS: Bids were received on June 24, 2010. The five bids are as follows:

| Bidder | Bid Amount |
|---|--------------|
| 1. Reliance Construction Services, L.P. | \$398,986.00 |
| 2. Resicom, Inc. | \$423,635.00 |
| 3. Slack & Co. Contracting, Inc. | \$534,785.00 |
| 4. D. L. Elliot Enterprises, Inc. | \$578,935.00 |
| 5. Texas Re-Excavation, LC. | \$726,035.00 |

REQUIRED AUTHORIZATION CUIC ID #20RCM04

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

| | | | |
|------|--|-------------------------------------|----------------|
| Date | Subject: Contract Award for Neighborhood Back Lot Wastewater Substitute Service Program - W. Clay, W. Pierce, and W. Bell. W.B.S. No. R-002011-0071-4. | Originator's Initials <i>RCM</i> | Page 2 of 2 |
|------|--|-------------------------------------|----------------|

AWARD: It is recommended that this construction Contract be awarded to Reliance Construction Services, L.P. with a low bid of \$398,986.00 and that Addendum Number 1 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$471,000.00 to be appropriated as follows:

- Bid Amount \$398,986.00
- Contingencies \$ 19,949.30
- Engineering and Testing Services \$ 20,000.00
- CIP Cost Recovery \$ 32,064.70

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

Public Works and Engineering, Public Utilities Division and Utility Maintenance Branch will manage the construction for this project.

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.

M/WBE PARTICIPATION: No MBE or SBE Participation goal is established for this project.

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

plw EN:IMR RCM

DWK:DRM:RK:EN:IMR:RCM:pa

- c: Marty Stein
 Velma Laws
 Susan Bandy
 Mike Pezeshki, P.E.
 File No. R-002011-0071-4

**City of Houston
Council District "D"**

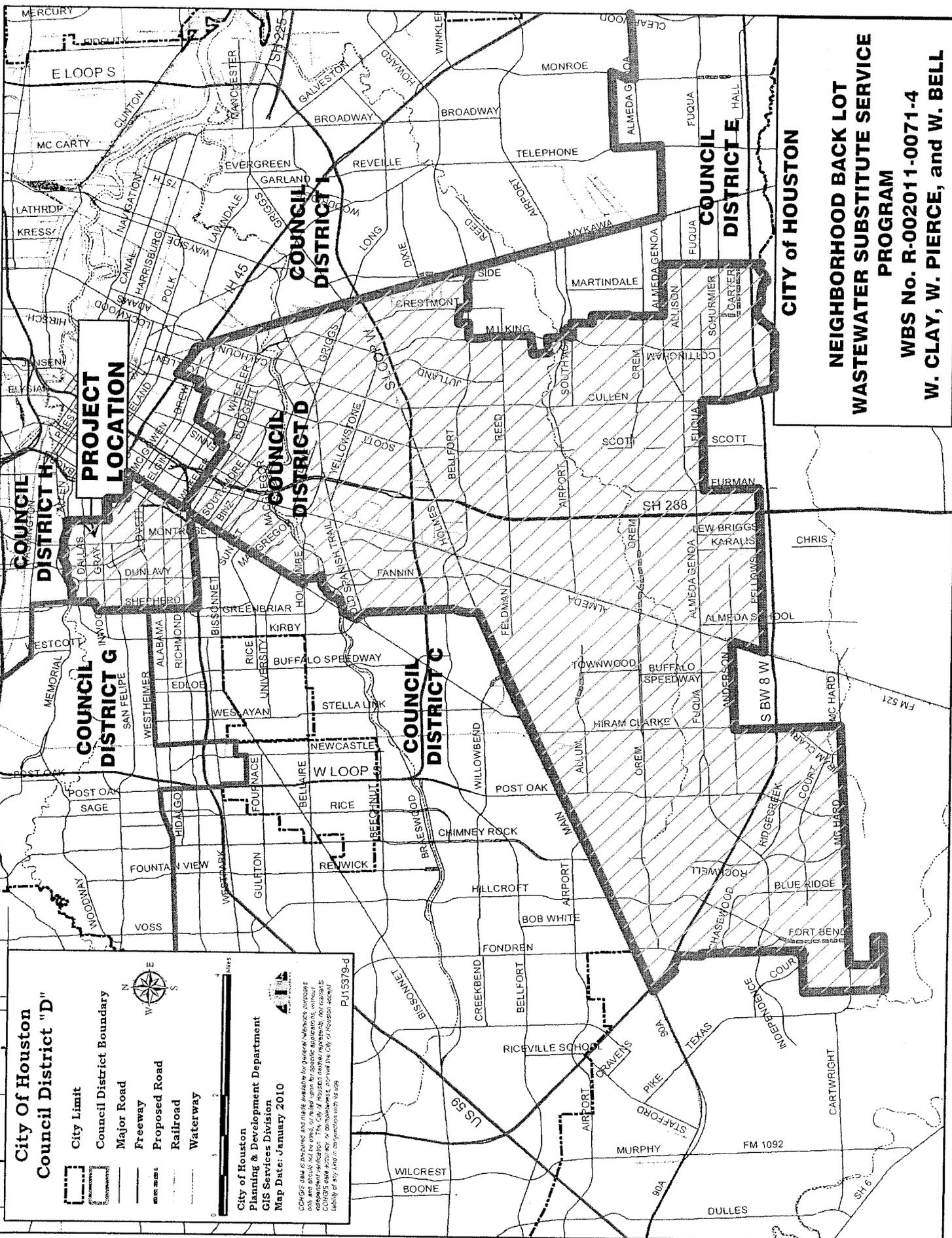
-  City Limit
-  Council District Boundary
-  Major Road
-  Freeway
-  Proposed Road
-  Railroad
-  Waterway



City of Houston
Planning & Development Department
GIS Services Division
Map Date: January 2010

COGIS data & products are made available for general information purposes only and should not be used, or relied upon, for specific applications, without independent verification. The City of Houston makes no warranty, and neither its employees nor its contractors, nor the City of Houston itself, shall be liable for any errors or omissions in this data.

PU15379-d



CITY OF HOUSTON

**NEIGHBORHOOD BACK LOT
WASTEWATER SUBSTITUTE SERVICE
PROGRAM**

WBS No. R-002011-0071-4
W. CLAY, W. PIERCE, and W. BELL