

AGENDA - COUNCIL MEETING - TUESDAY - APRIL 5, 2011 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Gonzalez

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

2:00 P. M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - APRIL 6, 2011 - 9:00 A. M.

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

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 18

AGENDA - APRIL 6, 2011 - PAGE 2

MISCELLANEOUS - NUMBERS 1 and 2

1. REQUEST from Mayor for confirmation of the appointment of **ASSOCIATE JUDGE MIMI MALICK BERKOWITZ** to serve as **MUNICIPAL COURT JUDGE** for a two year term
2. REQUEST from Mayor for confirmation of the appointment of **MUNICIPAL COURT JUDGE ANTONIA MARTINEZ INGVERSEN** to serve as **ASSOCIATE JUDGE OF MUNICIPAL COURTS** for a two year term

ACCEPT WORK - NUMBERS 3 through 8

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,252,891.41 and acceptance of work on contract with **SER CONSTRUCTION PARTNERS, LTD.**, for Storm Drainage Improvements in the Rustling Oaks Subdivision - 0.99% under the original contract amount - **DISTRICT G - PENNINGTON**
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,226,927.30 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (4258-35) - 2.26% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; F - HOANG and G - PENNINGTON**
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,365,924.76 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods (4257-94) - 1.15% over the original contract amount - **DISTRICTS A - STARDIG; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; F - HOANG, H - GONZALEZ and I - RODRIGUEZ**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,772,412.70 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods (4257-57) - 3.40% under the original contract amount - **DISTRICTS A - STARDIG; D - ADAMS; E - SULLIVAN; F - HOANG, G - PENNINGTON and I - RODRIGUEZ**
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,101,756.85 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods (4257-58) - 3.45% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; F - HOANG, H - GONZALEZ and I - RODRIGUEZ**
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,634,096.04 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Water Line Replacement in Briargrove Park - 1.64% over the original contract amount - **DISTRICT G - PENNINGTON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 and 9A

9. ORDINANCE appropriating \$499,984.65 out of Equipment Acquisition Consolidated Fund for purchase of 11,223 96-Gallon Refuse Carts for Solid Waste Management Department
- a. **TOTER, INCORPORATED** for Automated Refuse Containers through the Interlocal Agreement for Cooperative Purchasing with the City of Tucson Arizona for Solid Waste Management Department

ORDINANCES - NUMBERS 10 through 18

10. ORDINANCE appropriating \$393,883.00 out of Fund 2409 (TIRZ Affordable Housing Fund) to Water & Sewer Operating Fund 8300 for payment of administrative expenses associated with the TIRZ Affordable Housing Program
11. ORDINANCE approving and authorizing Conservation Easement Agreement between the City of Houston, as grantor, and the **TEXAS HISTORICAL COMMISSION**, as grantee, for the benefit of the National Park Service, for the preservation of the Julia Ideson Building - **DISTRICT I - RODRIGUEZ**
- a. ORDINANCE approving and authorizing Conservation Easement Agreement between the City of Houston, as grantor, and **TEXAS HISTORICAL COMMISSION**, as grantee, for the benefit of the Julia Ideson Library Preservation Partners, for the preservation of the Julia Ideson Building **DISTRICT I - RODRIGUEZ**
12. ORDINANCE appropriating \$3,300,000.00 out of Dangerous Building Consolidated Fund for the abatement of dangerous buildings
13. ORDINANCE approving and authorizing first amendment to Task Order Contract (Approved by Ordinance No. 06-0283) between the City of Houston and **AAR INCORPORATED** for Lead Remediation/Lead Decontamination, HEPA Filter Replacement and proper disposal for the Police Academy Firing Range and to extend the contract term - **DISTRICT B - JOHNSON**
14. ORDINANCE appropriating \$18,821.00 out of Parks Consolidated Construction Fund; awarding construction contract to **INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement and Demolition at Tidwell Park and Glover Park; 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 project management, construction oversight and air monitoring and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICTS B - JOHNSON and I - RODRIGUEZ**
15. ORDINANCE awarding contract to **AABBOTT-MICHELLI TECHNOLOGIES, INC** for Calibration and Repair of Truck Platform Scales for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years plus two one year options - \$231,512.00 - General, Enterprise and Stormwater Funds
16. ORDINANCE appropriating \$4,595,000.00 out of Drainage Improvements Commercial Paper Series F Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for Astoria Boulevard Paving and Drainage Improvements; 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 Drainage Improvements Commercial Paper Series F Fund - **DISTRICT E - SULLIVAN**

ORDINANCES - continued

17. ORDINANCE granting to **DUMPSTER DAVE, INC, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING**

18. ORDINANCE NO. 2011-213, passed second reading March 30, 2011
ORDINANCE granting to **POT-O-GOLD RENTALS, INC, A Foreign For-Profit Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 19 through 20B

19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use as a public right-of-way of Glenheath Street, from Glen Loch Drive west to its terminus, and two utility easements with attendant aerial easements, all located in Glenbrook Valley Section 7, or the replat of Block 38, Glenbrook Valley Section 7; vacating and abandoning said right-of-way and easements to Houston Independent School District, owner, in consideration of owner's conveyance to the City of a water meter easement, payment of \$31,647.00 to the City and other consideration - **DISTRICT I - RODRIGUEZ**
TAGGED BY COUNCIL MEMBERS RODRIGUEZ and NORIEGA
This was Item 15 on Agenda of March 30, 2011

20. Consideration of proposed amendments to Item 20A below, submitted in writing on March 30, 2011 by Council Members Costello, Pennington, Bradford and Hoang as set forth in the attached Exhibits Nos. 20-1 through 20-10 (Amendments will be considered in the order of a matrix prepared by the Administration)

a. ORDINANCE adopting Article XIV to Chapter 47 of the Code of Ordinances, Houston, Texas, to create a Municipal Drainage Utility System; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability
TAGGED BY COUNCIL MEMBER COSTELLO
This was Item 32 on Agenda of March 30, 2011

b. MOTION by Council Member Gonzalez/Seconded by Council Member Noriega to adopt recommendation from Director Department of Public Works & Engineering to approve a schedule of rates to establish and levy drainage charges for the implementation of a Municipal Drainage Utility System as follows: Annual rate per square foot of impervious surface

<u>Proposed Rate</u>	(per sq ft of impervious surface per year)
Residential curb & gutter, non residential	3.20¢
Residential open ditch	2.60¢

TAGGED BY COUNCIL MEMBERS COSTELLO and SULLIVAN
This was Item 32A on Agenda of March 30, 2011

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

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

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

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

**CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - TUESDAY
APRIL 5, 2011 2:00PM**

AGENDA

3MIN

3MIN

3MIN

MS. POPPIE MASSEY – 3632 Inverness – 77019 – 713-408-1928 – Drainage Fee – Items 20, A&B

NON-AGENDA

3MIN

3MIN

3MIN

MS. ELVIA VALDEZ – 6410 Creek Wind Circle – 77081 – 832-215-1897 – Life Gift

MS. SHANNON LENOX – 24230 Sunny Glen – TX – Huffman - 77330 – 281-642-9160 – Life Gift

MR. AARON DANIELS – 10901 Ranchstone 77064 – 713-805-4615 – Life Gift

MS. DIXIE MONTOYA – 3222 Golden Willow – Kingwood – 77339 – 832-955-2209 – Life Gift

MR. MICHAEL LEON - 3222 Golden Willow – Kingwood – 77339 – 832-955-2209 – Life Gift

MS. CURLEY MAE WILLIAMS – 8106 Creekbend #314 – 77071 – 713-270-7196 – Life Gift

MS. CYNTHIA NEVELS – 6823 Staffordshire – 77030 – 281-974-4463 – Life Gift

MR. TYLER NELSON - 6823 Staffordshire – 77030 – 469-531-9151 – Life Gift

MR. WILLIE THORNTON – 8526 Wiggins – 77029 - 713-966-0896 – Life Gift

MS. MARILYN PICKAREE-CHAMPAIGNE – No address – No phone – Pickaree vs. Social Security Administration

MR. RICHARD FISHER – P. O. Box 23631 – 77028 – 832-692-3750 – Abuse and corruption

MR. WILLIAM BEAL – 5814 Overdale – 77033 – no phone – Planet of the apes starring Charlton Heston

MS. KATIE HOLMES – 6412 Foster – 77021 – 832-889-6484 – Violence in Third Ward, South Park and Sunnyside

MS. SANDRA MASSIE HINES – 4421 Alvin – 77051 – 832-374-5585 – Graffiti + guns + grief = gangs Demand mandatory security at apartments

MR. GENTRY COOPER – 8811 Gustine #707 – 77031 – 832-209-6689 – Police Department

MR. SHERMAN MAYES – 6330 Tadlock – 77085 – 713-283-0111 – Wrecker Fees and Impound Fees

MR. JOHNNY GIBBS – P. O. Box 2381 – Pearland – TX – 77588 – 713-530-0833 - City of Houston deficit Idea

MR. JOSEPH BALLARD – 6302 Rocky Nook – 77396 – 281-850-0388 – Municipal Courts

MS. BARBARA ANN LACOURSE – 6363 Beverly Hill – 77057 – 832-880-2010 – Sidewalks and slow 911 response

MS. WILBERT MARIE MOORE – 3803 Synott #1710 – 77082 – 832-405-7321 – Unity

MR. PAT POWERS – 6518 Neff – 77074 – 713-771-7237 – Alternative ways to finance library budget

MR. STEVEN WILLIAMS – No address – No phone – Gov. Perry innocence murderer parole office 34th Street Johnson and Feaster

PREVIOUS

1MIN

1MIN

1MIN

MR. REGINALD PREDON – 125 Dyna – 77060 – 832-881-7265 – Corruption, Kidnapping and Drugs

MS. JOGRETТА WILLIAMS – Post Office Box 42505 – 77242 – 713-542-4842 – No help for person with disabilities



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

1
APR 06 2011

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY 3-14-11
date

March 18, 2011

COUNCIL MEMBER: _____

The Honorable City Council
Houston, Texas

Re: Appointment of Municipal Court Judge

Dear Council Members:

I appoint Associate Judge Mimi Malick Berkowitz to serve as Municipal Court Judge, for a two-year term, subject to and beginning immediately upon Council confirmation.

Résumé is attached for your review.

Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

Attachment

cc: The Honorable Barbara E. Hartle, Presiding Judge of Municipal Courts
Ms. Marta Crinejo, Acting Agenda Director, Mayor's Office





OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

2

ANNISE D. PARKER
MAYOR

APR 06 2011

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 3-18-11
date

COUNCIL MEMBER: _____

March 18, 2011

The Honorable City Council
Houston, Texas

Re: Appointment Associate Judge of Municipal Courts

Dear Council Members:

I appoint Municipal Court Judge Antonia Martinez Ingversen to serve as Associate Judge of Municipal Courts for a two-year term, subject to and beginning immediately upon Council confirmation.

Résumé is attached for your review.

Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

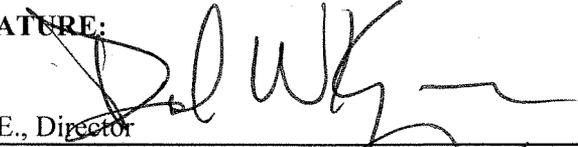
Attachments

cc: The Honorable Barbara E. Hartle, Presiding Judge of Municipal Courts
Ms. Marta Crinejo, Acting Agenda Director, Mayor's Office



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Storm Drainage Improvements in the Rustling Oaks Subdivision; WBS No. M-000249-0001-4.	Category #1, 7	Page 1 of 1	Agenda Item # 3
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date		Agenda Date APR 06 2011
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: G <i>just</i>		
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. # 2009-443 dated: 05/27/2009		

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$4,252,891.41 or 0.99% under the original Contract Amount, accept the Work and authorize final payment.

Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$5,171,300.00 with \$4,465,300.00 from the Drainage Improvement Commercial Paper Series F, Fund No. 4030 and \$706,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

PROJECT NOTICE/JUSTIFICATION: This project was part of the Storm Drainage Capital Improvement Plan (CIP) and was required to provide drainage improvements to alleviate flooding due to insufficient pipe capacity in this subdivision.

DESCRIPTION/SCOPE: This project consisted of approximately 8,116 linear feet of 66-inch, 54-inch, 48-inch, 42-inch, 36-inch, 24-inch storm sewer, 801 linear feet of 16-inch, 12-inch, 8-inch sanitary sewer, 8,993 linear feet of 12-inch, 8-inch, 6-inch, 4-inch, 2-inch waterline, and concrete roadway reconstruction with curb and gutter. Van De Wiele Engineering Inc. designed the project with 440 calendar days allowed for construction. The project was awarded to SER Construction Partners, Ltd. with an original Contract Amount of \$4,295,546.05.

LOCATION: The project area is generally bounded by Memorial Drive to the south, I-10 to the north, West Sam Houston Tollway to the east and Wycliffe Drive to the west. The project is located in Key Map Grid 489 C, G.

CONTRACT COMPLETION AND COST: The Contractor, SER Construction Partners, Ltd., 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 \$4,252,891.41, a decrease of \$42,654.64 or 0.99% under the original Contract Amount.

The decreased cost is a result of difference between planned and measured quantities. This decrease is primarily the result of an underrun in Bid Item No. 37 – Sodding and Extra Unit Price Items, which were not necessary to complete the project.

M/W/SBE PARTICIPATION: The M/W/SBE goal established for this project was 22%. According to Affirmative Action and Contract Compliance Division, the participation was 19.50%. Contractor's M/W/SBE performance evaluation was rated Satisfactory. Item was reviewed by the MWBE committee on February 28th, 2011.

DWK:DRM:JTL:JAK:WM:ha
Z:\E&C Construction\South Sector\PROJECT FOLDER\M-000249-0001-4 (Rustling Oaks)\21.0 Close-Out Documentation\RCA\RCA - Closeout.doc
c: File No.: SM5052/21.0

REQUIRED AUTHORIZATION

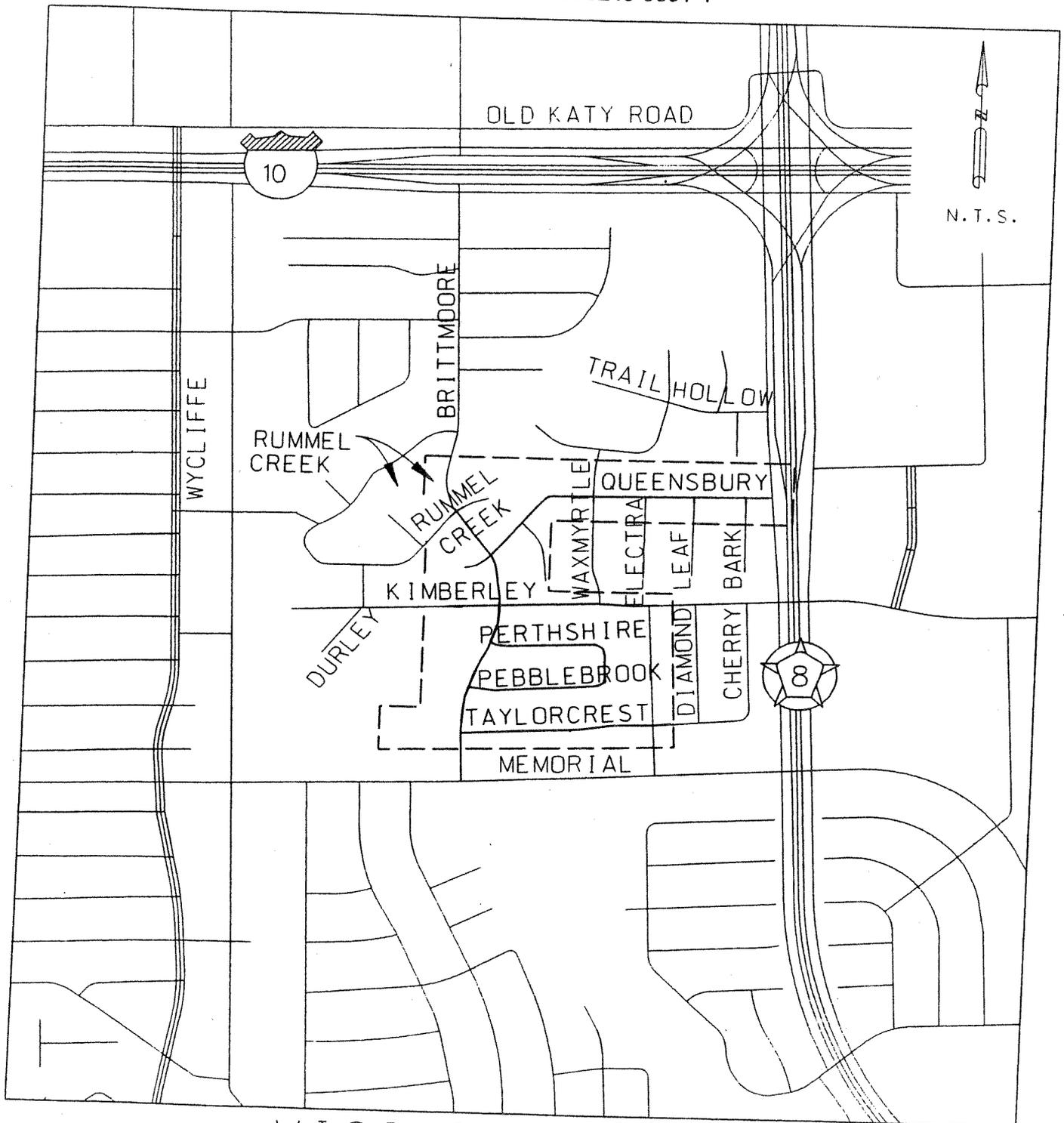
20HA109

Not

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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STORM DRAINAGE IMPROVEMENTS IN THE RUSTLING OAKS SUBDIVISION

WBS NO. M-000249-0001-4



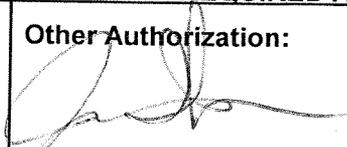
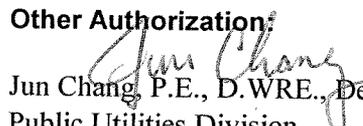
VICINITY MAP

N.T.S.

KEY MAP 489 C & G
COUNCIL DISTRICT 'G'

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method WBS# R-002013-0021-4		Page 1 of 1	Agenda Item # 4
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date APR 08 2011
DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.		Council District affected: A, B, C, D, F and G	
For additional information contact: Jason Iken, P.E. Interim Senior Assistant Director Phone: (281) 575-2847		Date and identification of prior authorizing Council action: Ordinance No. 2008-381, dated 04/30/2008	
RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$1,226,927.30, which is 2.26% over the original contract amount, accept the work, and authorize final payment.			
Amount and Source of Funding: No additional funding required. <i>M.P. 3/17/2011</i> Original appropriation of \$1,307,751.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 8500.			
SPECIFIC EXPLANATION: PROJECT NOTICE/JUSTIFICATION: Under this project, the contractor provided sanitary sewer rehabilitation by cured-in-place pipe method to deteriorated sewer collection systems throughout the City. DESCRIPTION/SCOPE: This project consisted of sanitary sewer rehabilitation by cured-in-place pipe method. The project was awarded to Underground Technologies, Inc. with an original contract amount of \$1,199,766.45. The Notice to Proceed date was 06/24/2008 and the project had 540 calendar days for completion. LOCATION: The project was located at various locations within Council Districts A, B, C, D, F and G. CONTRACT COMPLETION AND COST: The contractor, Underground Technologies, Inc., has completed the work under the contract. The contract was completed within the contract time with an additional 60 days approved by Change Order No. 1. The final cost of the project is \$1,226,927.30, an increase of \$27,160.85 or 2.26% over the original contract amount. More pipe bursting was needed than anticipated. MWDBE PARTICIPATION: The MWDBE goal for this project was 22%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 22.11%. The contractor was awarded a "Satisfactory" rating from Affirmative Action. <i>DK</i> DWK:JC:JI:DR:mf Attachments c: Robert Gallegos			
Project File 4258-35		REQUIRED AUTHORIZATION	
Finance Department	Other Authorization: 	Other Authorization:  Jun Chang, P.E., D.WRE., Deputy Director Public Utilities Division	
		CUIC ID# 20DHB379 <i>NT</i>	

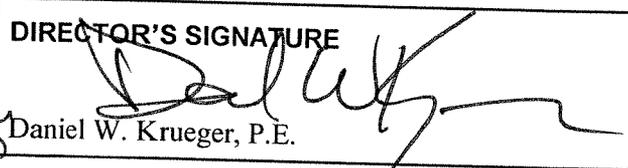
4258-35		Sanitary Sewer Rehabilitation by Cured-In- Place Pipe Method		
WBS No. R-002013-0021-4		Underground Technologies, Inc.		
WORK ORDER	KEY MAP	Subdivision	BASIN	CD
6	411N	WOODLAND TRAILS NORTH	WO135	A
1	415E	RIVERWOOD ESTATES SEC. 2	RE003	B
3	451C	CANDLELIGHT OAKS VILLAGE	NW167	B
2	570E	GLENSHIRE SEC 7	SW070	C
7	533E	HERMANN HOSPITAL	AS031	D
10	493P	FAIRGROUNDS	ASU03	D
4	530P	BRAEBURN GLEN	KB305	F
5	491F	INDIAN BAYOU	SW031	G
8	528D	LAKESIDE VENTURE	UBU01	G
9	490V	PINEY POINT ESTATES	WD102	G

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000266-0120-4	Page 1 of 1	Agenda Item # 5
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date APR 06 2011
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DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.	Council District affected: A, C, D, E, F, H and I
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For additional information contact: Jason Iken, P.E. Interim Senior Assistant Director Phone: (713) 641-9191	Date and identification of prior authorizing Council action: Ordinance No. 2008-718, dated 08/13/2008
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RECOMMENDATION: (Summary)
Pass a motion to approve the final contract amount of \$3,365,924.76, which is 1.15% over the original contract amount, accept the work, and authorize final payment.

Amount and Source of Funding: No additional funding required. *M.P. 3/16/2011*
Original appropriation of \$3,598,980.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 8500.

SPECIFIC EXPLANATION:

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

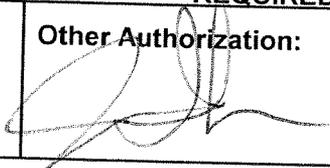
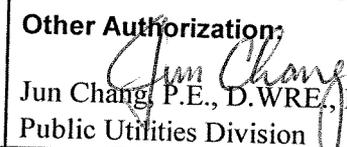
DESCRIPTION/SCOPE: This project consisted of sanitary sewer rehabilitation by sliplining and pipe bursting methods. The project was awarded to Underground Technologies, Inc. with an original contract amount of \$3,327,680.70. The Notice to Proceed date was 09/29/2008 and the project had 540 calendar days for completion.

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

CONTRACT COMPLETION AND COST: The contractor, Underground Technologies, Inc., has completed the work under the contract. The contract was completed within the contract time. The final cost of the project is \$3,365,924.76, an increase of \$38,244.06 or 1.15% over the original contract amount. More pipe bursting was needed than anticipated.

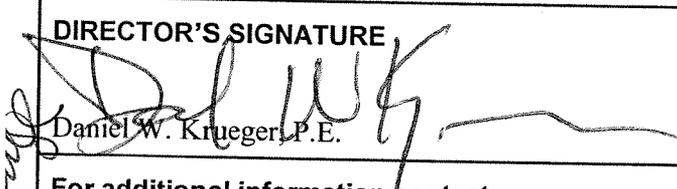
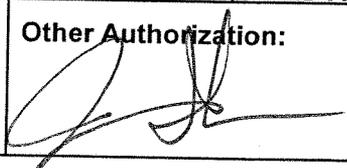
MWDBE PARTICIPATION: The MWDBE goal for this project was 22%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 29.09%. The contractor was awarded an "Outstanding" rating from Affirmative Action.

DWK
DWK:JC:JI:DR:mf
Attachments
c: Robert Gallegos

Project File 4257-94	REQUIRED AUTHORIZATION		CUIC ID# 20DHB380
Finance Department	Other Authorization: 	Other Authorization:  Jun Chang, P.E., D.WRE., Deputy Director Public Utilities Division	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000294-0007-4		Page 1 of 1	Agenda Item # 6
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date APR 06 2011
DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.		Council District affected: A, D, E, F, G and I	
For additional information contact: Jason Iken, P.E. Interim Senior Assistant Director Phone: (713) 641-9191		Date and identification of prior authorizing Council action: Ordinance No. 2004-1032, dated 10/06/2004	
RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$3,772,412.70, which is 3.40% under the original contract amount, accept the work, and authorize final payment.			
Amount and Source of Funding: No additional funding required. <i>W.P. 2/21/2011</i> Original appropriation of \$4,237,347.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 755 (SAP Fund No. 8500).			
SPECIFIC EXPLANATION: PROJECT NOTICE/JUSTIFICATION: Under this project, the contractor provided sanitary sewer rehabilitation by sliplining and pipe bursting methods to deteriorated sewer collection systems throughout the City. DESCRIPTION/SCOPE: This project consisted of sanitary sewer rehabilitation by sliplining and pipe bursting methods. The project was awarded to Underground Technologies, Inc. with an original contract amount of \$3,904,996.88. The Notice to Proceed date was 04/25/2005 and the project had 730 calendar days for completion. LOCATION: The project was located at various locations within Council Districts A, D, E, F, G and I. CONTRACT COMPLETION AND COST: The contractor, Underground Technologies, Inc., has completed the work under the contract. The contract was completed within the contract time. The final cost of the project is \$3,772,412.70, a decrease of \$132,584.18 or 3.40% under the original contract amount. Less sliplining was needed than anticipated. MWDBE PARTICIPATION: The MWDBE goal for this project was 16.20%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 17.81%. The contractor was awarded an "Outstanding" rating from Affirmative Action.			
DWK:JC:JI:DR:mf Attachments c: Robert Gallegos			
Project File 4257-57		REQUIRED AUTHORIZATION	
Finance Department		Other Authorization: 	Other Authorization: <i>Jun Chang</i> Jun Chang, P.E., D.WRE., Deputy Director Public Utilities Division
		CUIC ID# 20DHB377	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods
WBS# R-000295-0001-4

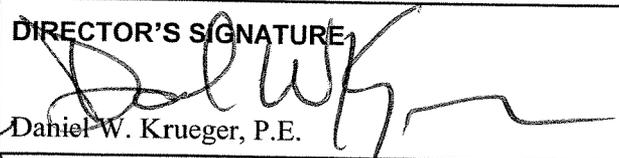
Page
1 of 1

Agenda Item #
7

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

Origination Date

Agenda Date
APR 06 2011

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E.

Council District affected:
A,B,C,D,E,F,H & I

For additional information contact:
Jason Iken, P.E.
Interim Senior Assistant Director Phone: (713) 641-9191

Date and identification of prior authorizing Council action:
Ordinance No. 2004-1049, dated 10/06/2004

RECOMMENDATION: (Summary)
Pass a motion to approve the final contract amount of \$4,101,756.85, which is 3.45% over the original contract amount, accept the work, and authorize final payment.

Amount and Source of Funding: No additional funding required. *M.F. 2/21/2011*
Original appropriation of \$4,301,629.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 755 (SAP Fund No. 8500).

SPECIFIC EXPLANATION:

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

DESCRIPTION/SCOPE: This project consisted of sanitary sewer rehabilitation by sliplining and pipe bursting methods. The project was awarded to Underground Technologies, Inc. with an original contract amount of \$3,965,073.75. The Notice to Proceed date was 02/11/2005 and the project had 730 calendar days for completion.

LOCATION: The project was located at various locations within Council Districts A,B,C,D,E,F,H & I

CONTRACT COMPLETION AND COST: The contractor, Underground Technologies, Inc., has completed the work under the contract. The contract was completed within the contract time with an additional 90 days approved by Change Order No. 1. The final cost of the project is \$4,101,756.85, an increase of \$136,683.10 or 3.45% over the original contract amount. More pipe bursting was needed than anticipated.

MWDBE PARTICIPATION: The MWDBE goal for this project was 17%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 17.62%. The contractor was awarded a "Satisfactory" rating from Affirmative Action.

DR
DWK:JC:JI:DR:mf
Attachments

c: Robert Gallegos

Project File 4257-58

REQUIRED AUTHORIZATION

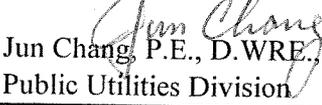
CUIC ID# 20DHB378 *MT*

Finance Department

Other Authorization:



Other Authorization:


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

4257-58		Sanitary Sewer Rehabilitation by Sliplining &		
		Pipebursting Methods		
WBS No. R-000295-0001-4		Underground Technologies, Inc.		
WORK ORDER	KEY MAP	Subdivision	BASIN	CD
1	451T	HILLEDAHL ACRES	IA017	A
3	450L	MCCLEISH J V	NW176	A
5	451L	OAK FOREST SEC. 16	IA068	A
8	451H	OAK FOREST SEC 15	IA075	A
13	452Q, 452U	GARDEN OAKS	II143	A
16	450A	CARVERDALE	NW145	A
21	452R, 452Q	GARDEN OAKS SEC 1	II143	A
22	451T	HILLEDAHL ACRES	IA017	A
27	411S	BURLINGTON INDUSTRIAL DISTRICT 1	NW139	A
14	372Z	IMPERIAL VALLEY SEC. 2	IV121	B
15	415N	NORTHWOOD MANOR SEC 2	FBU13	B
2	530Z	FONDREN SW NORTHBROOK	SW046	C
18	493W	TURNER N P	AS074	C
28	491T	THREE FOUNTAIN SQUARE	SW029	C
23	571X	BRIAR VILLA & AMEND R/P	GRP06	D
24	611B, 611C	QUAIL BRIDGE U/R SEC 2 R/P	GR011	D
25	611B, 611C	QUAIL BRIDGE U/R SEC1 R/P	GR011	D
26	610C	QUAIL RUN SEC 4	GR006	D
19	576N, 576P	BEVERLY HILLS SEC 1	SE009	E
30	617B	ELLINGTON GULF BREEZE PARK	MC004	E
11	529P	LEAWOOD SEC 3	90263	F
4	493B	WOODSON PLACE	II115	H
7	494G	BUENA VISTA	IB001	H
9	493B	HOUSTON HEIGHTS	II117	H
12	452R-Q-U-V	BENMAR PLACE	II143	H
20	453W	STUDE SEC 2	II117	H
29	452V	HOUSTON HEIGHTS	II124	H
6	495S	MAGNOLIA PARK SEC 2	IB008	I
10	494Z	MAGNOLIA PARK	IBU01	I
17	575C, 535Y	GULF FREEWAY OAKS SEC. 1	SB038	I

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Water Line Replacement in Briargrove Park. WBS No. S-000035-00V7-4.	Page <u>1</u> of <u>1</u>	Agenda Item # 8
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date APR 06 2011
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DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E., Director	Council Districts affected: G
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For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director <div style="text-align: right; margin-top: 10px;"> Phone: (832) 395-2355 </div>	Date and Identification of prior authorizing Council Action: Ord. #2009-448 dated 05/27/2009
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RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,634,096.04, which is 1.64% over the original Contract Amount, accept the Work and authorize the final payment.

Amount and Source of Funding: No additional appropriation required.
 (Original appropriation of \$1,824,700.00 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 31,008 linear feet of 6-inch, 8-inch, and 12-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 RWL Construction, Inc. with an original Contract Amount of \$1,607,803.66.

LOCATION: The project area is generally bound by Buffalo Bayou on the north, Bordley on the south, Briarpark on the east and West Sam Houston Parkway on the west. The project is located in the Key Map Grids 489-M & R.

CONTRACT COMPLETION AND COST: The Contractor, RWL Construction, Inc. has completed the Work under subject Contract. The project was completed within the Contract Time with an additional 40 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 \$1,634,096.04, an increase of \$26,292.38 or 1.64% over the original Contract Amount.

The increased cost is primarily due to an overrun in Base Unit Price Item No. 16 - 8" diameter water line by augering, which was necessary to complete the work.

M/WBE PARTICIPATION: The M/S/WBE goal for this project was 22.00%. According to Affirmative Action and Contract Compliance Division, the actual participation was 22.66%. The Contractor was awarded a "Satisfactory" rating for the M/S/WBE compliance.

DWK:DRM:JTL:JAK:AH:mq
 Z:\E&C Construction\South Sector\PROJECT FOLDER\S-000035-00V7-4 (Briargrove Park)\21.0 Close-out Documents\RCA\RCA.DOC

c: File No. S-000035-00V7-4 - 21.0

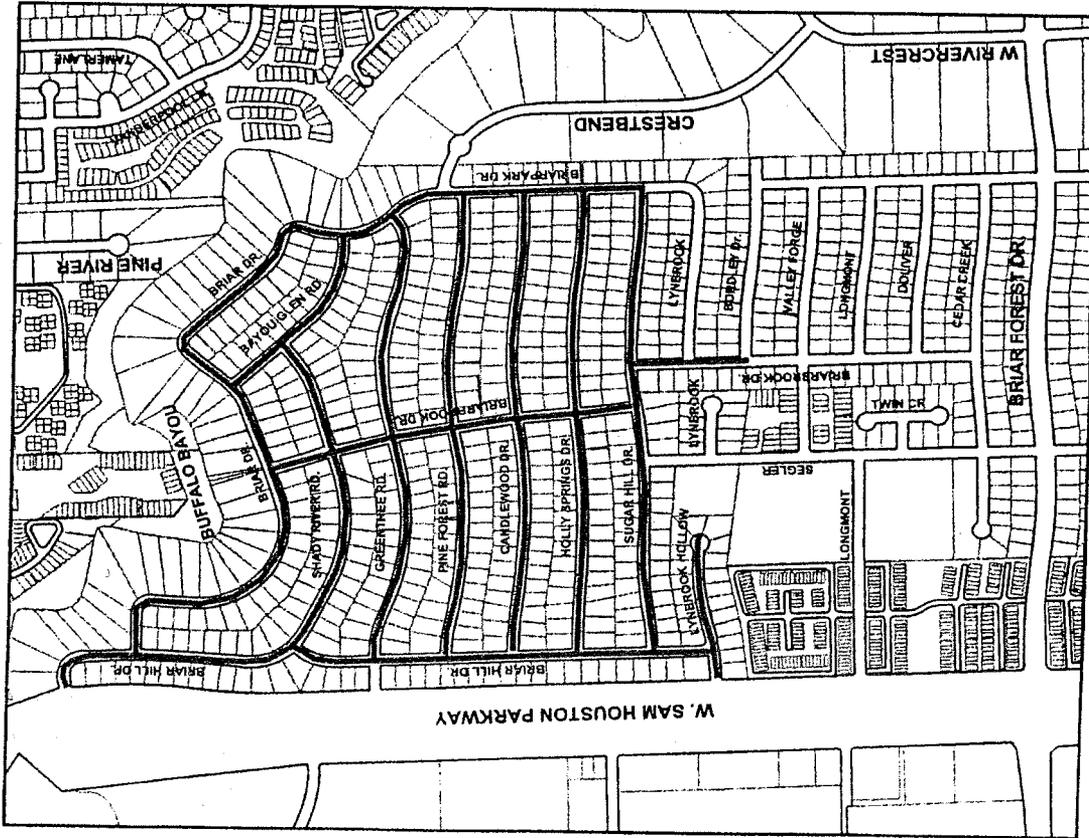
REQUIRED AUTHORIZATION

CUIC ID# 20MZQ206

Finance Department:	Other Authorization:	Other Authorization: Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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not

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)
BRIAR HILL DR / SHADY RIVER RD	W Sam Houston Parkway	Essex Glen Rd	8" / 6"	3,820
BRIAR DR / BRIAR PARK DR	Briar Hill Dr	Sugar Hill Dr	8"	5,360
SAVOU GLEN ROKO	Briar Dr	Briar Dr	8"	1,075
GREENTREE ROAD	Briar Hill Dr	Briarpark Dr	8"	2,550
PINE FOREST ROAD	Briar Hill Dr	Briarpark Dr	8"	2,665
CANDLEWOOD DRIVE	Briar Hill Dr	Briarpark Dr	8"	2,610
HOLLY SPRINGS DRIVE	Briar Hill Dr	Briarpark Dr	8"	2,800
SUGAR HILL DRIVE	Briar Hill Dr	Briarpark Dr	12" / 8"	2,635
LYBROOK HOLLOW	W Sam Houston Parkway Loop	Loop	8"	1,500
BRIAR HILL DRIVE	Lybrook hollow	Steady River Rd	8"	2,270
BRIAR BROOK DRIVE	Bordley Dr	Sugar Hill Dr	12" / 8" / 6"	715
BRIAR BROOK DRIVE	Sugar Hill Dr	Briar Dr	8"	2,000
Total				29,810

VICINITY MAP

WATER LINE REPLACEMENT IN
 BRIARGROVE PARK
 WBS NO.: S-000035-00V7-4



KIT Professionals, Inc.
 Engineers • Planners • Construction Managers
 8825 Wilcrest Drive, Suite 600
 Houston, Texas 77054
 Phone: (281) 966-6700 • Fax: (281) 966-6717

BRIARGROVE PARK

KEY MAP NO.: 489M,R
 GIMS MAP NO.: 4956B,D, 4957A,C
 COUNCIL DISTRICT - G

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9004

Subject: Purchase of Automated Refuse Containers Through the Interlocal Agreement with the City of Tucson for the Solid Waste Management Department
S38-E23926-ILA

Category #
1 & 4

Page 1 of 1

Agenda Item

9+9A

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

Origination Date
March 21, 2011

Agenda Date
APR 06 2011

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Vic Ayres Phone: (713) 837-9131
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$499,984.65 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve the purchase of refuse containers through the Interlocal Agreement for Cooperative Purchasing with the City of Tucson in the amount of \$499,984.65 for the Solid Waste Management Department.

Award Amount: \$499,984.65

Finance Budget

\$499,984.65 - Equipment Acquisition Consolidated Fund (Fund 1800)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$499,984.65 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve the purchase of 11,223 refuse containers through the Interlocal Agreement for Cooperative Purchasing between the City of Houston and the City of Tucson, Arizona in the amount of \$499,984.65 for the Solid Waste Management Department, and that authorization be given to issue a purchase order to the City of Tucson's contractor, Toter Incorporated. These containers will be used citywide by the Department in its automated garbage collection program.

The 11,223 new 96-gallon capacity two-wheel automated refuse containers will be issued to new residential customers, customers participating in the Department's extra-capacity program, and to customers requiring replacement carts for units that have been lost, stolen or damaged beyond repair.

The new containers will come with a full ten-year warranty and the life expectancy is ten years.

Buyer: Lena Farris
PR1124255

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NDT

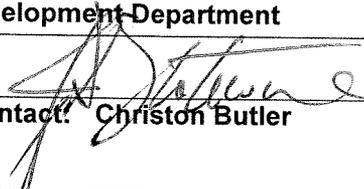
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TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

HCD11-49

SUBJECT: Ordinance appropriating \$393,883 out of TIRZ Affordable Housing Fund No. 2409 to Fund 8300 for the funding of overhead and staff costs known as "Administrative Expenses" out of the allocation of TIRZ Affordable Housing Fund.	Category #	Page 1 of 1	Agenda Item # 10
	FROM (Department or other point of origin): James Noteware, Director Housing and Community Development Department		

FROM (Department or other point of origin): James Noteware, Director Housing and Community Development Department	Origination Date 02/08/11	Agenda Date APR 06 2011
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DIRECTOR'S SIGNATURE: 	Council District affected: All Districts
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For additional information contact: Christon Butler Phone: 713-865-4196	Date and identification of prior authorizing Council action: 2009-768
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RECOMMENDATION: (Summary)
Adoption of an Ordinance appropriating \$393,883 out of the TIRZ Affordable Housing Fund (Fund 2409) to Fund 8300 for administrative expenses associated with the administration of TIRZ Affordable Housing Funds and TIRZ funded programs for FY11.

Amount of Funding: \$ 393,883	Finance Department Budget:
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund CDBG
 Other (Specify) TIRZ FUND 2409

SPECIFIC EXPLANATION:

Pursuant to Chapter 311 of the Texas Increment Financing Act (the "Act"), the State Legislature mandated that one-third of the tax increment in tax revenues generated by the Tax Increment Reinvestment Zones (TIRZ(s) created by petition of property owners ("petition zones") be dedicated for use in providing affordable housing.

The affordable housing funds generated from these petition zones are allocated to various departments and used to fund various Affordable Housing Programs. The City incurs staff costs as well as general overhead in managing the funds and affordable housing programs for the City. The City requests that a portion of \$393,883 be transferred from TIRZ Affordable Housing Fund No. 2409 to the Water and Sewer Operating System Fund No. 8300 to reimburse the funds for costs incurred in the administration of Affordable Housing programs. The Department recommends that City Council approve the ordinance.

CB:ST:GV

Cc: Mayor's Office
City Secretary
Legal Department
Finance

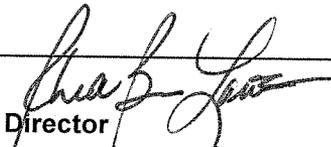
REQUIRED AUTHORIZATION

Finance Department Director:	Other Authorization:	Other Authorization:
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TC: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

SUBJECT: Ordinances approving Conservation Easement Agreements relating to the Houston Public Library's Julia Ideson Building	Category	Page 1 of 2	Agenda Item <i>N+11A</i>
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FROM (Department or other point of origin): Library Department	Origination Date	Agenda Date APR 06 2011
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CLW **DIRECTOR'S SIGNATURE:** 
Rhea Brown Lawson, Ph.D., Director

For additional information contact: Greg Simpson Phone: 832-393-1333	Council District affected: I
	Date and identification of prior authorizing Council action: Resolution 2005-16 August 17, 2005 Ordinance 2007-1205 November 9, 2007

RECOMMENDATION: Adopt an ordinance approving a 50-year Conservation Easement Agreement to protect the historically significant structural components of the Houston Public Library's Julia Ideson Building as provided under the United States Department of the Interior's National Park Service's Save America's Treasures Grant Program and an ordinance approving a supplemental Conservation Easement Agreement as provided by the Julia Ideson Library Preservation Partners.

Amount and Source of Funding: N/A	FIN Budget:
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The Houston Public Library requests Council approval of two agreements between the City of Houston and the Texas Historical Commission, acting on behalf of the United States Department of the Interior's National Park Service and the Julia Ideson Library Preservation Partners (JILPP) that would protect the historic Julia Ideson Building for 50 years by placing restrictions on activities that would affect historically significant components of the building. City Council has already provided for the permanent protection of the Julia Ideson Building, designating it as one of the first City of Houston Protected Landmarks in August 2005. The building is also listed in the National Register of Historic Places, is a Recorded Texas Historic Landmark, and is a State Archeological Landmark under the Texas Antiquities Code.

JILPP was formed in 2006 as a Texas not-for-profit corporation with the goal of raising funds to expand and renovate the Houston Public Library's historic Julia Ideson Building. Having received its 501c3 designation in 2007, the organization has raised over \$32 million dollars towards this goal, including \$10 million from the Downtown Redevelopment Authority/TIRZ #3, and \$5 million provided by the City.

As part of its efforts, JILPP has requested support from the federal government, through the offices of Senator Kay Bailey Hutchison, Congresswoman Sheila Jackson Lee and the United States Department of the Interior's National Park Service, in the form of a \$300,000 grant funded through the Historic Preservation Fund for the Save America's Treasures Grant Program. As part of this process, the National Park Service requires the granting of a 50-year agreement that no construction, alteration, remodeling or any other activity will occur that would affect historically significant exterior or interior spaces and features of the building, without approval of the National Park Service.

The grant, when received, will be placed into a grant fund administered by the Houston Public Library and used solely to make payment to SpawMaxwell, the contractor renovating the Julia Ideson Building.

REQUIRED AUTHORIZATION		CUIC ID #
FIN Director:	Other Authorization:	Other Authorization:

Date	Subject: Ordinance approving Conservation Easement Agreements relating to the Houston Public Library's Julia Ideson Building	Originator's Initials	Page 2 of 2
<p>When JILPP was founded, the City of Houston agreed to execute a similar conservation easement agreement, which would preserve and protect the nature of the premises, maintain the dominant historical, cultural and architectural character of the premises and restrict the use of the building and space within to library, archival, information research and other public and private functions related to such use that do not interfere with its primary use as a library and archive.</p> <p>This agreement runs concurrent with the Department of Interior's National Park Service agreement and is intended to supplement and expand that agreement, thereby further protecting the historic Julia Ideson Building.</p>			

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of an ordinance appropriating \$3,300,000 from the Dangerous Building Consolidated Fund to be used for the abatement of dangerous buildings.		Page 1 of 1	Agenda Item # 12
FROM: (Department or other point of origin): Mayor's Office- Neighborhood Services	Origination Date:	Agenda Date: APR 06 2011	
DIRECTOR'S SIGNATURE:  Catherine Flowers	Council District affected: All		
For additional information contact: Joseph A. Fenninger Phone: 713-308-1770 CFO and Deputy Director, HPD	Date and identification of prior authorizing Council action: May 19, 2010, Ordinance 2010-0387; June 16, 2010, Ordinance 2010-0468		
RECOMMENDATION: (Summary) Adopt an ordinance approving the appropriation of \$3,300,000 from the Dangerous Building Consolidated Fund to be used for the abatement of dangerous buildings.			
Amount and Source of Funding: \$3,300,000 – Dangerous Building Consolidated Fund (1801)			
<u>Specific Explanation:</u> <p>On June 16, 2010, City Council approved the issuance of Certificates of Obligation in the amount of \$9,000,000 with the proceeds to be used to fund the demolition of dangerous buildings over the next three years. In July of 2010, Council approved the first appropriation of these funds in the amount of \$3,500,000. This request is for the next appropriation.</p> <p>The Office of Neighborhood Services recommends that City Council approve an ordinance authorizing the appropriation of \$3,300,000 from the Dangerous Building Consolidated Fund. This appropriation will allow for the continued demolition and abatement of buildings that have been determined to be dangerous by the Buildings and Standards Commission, a Neighborhood Protection Corps Official, or a registered structural engineer. In addition to demolition services, the proceeds from this appropriation will fund the necessary support work that includes, but is not limited to, asbestos/lead testing, appraisal services and the filing of liens for violations.</p> <p>Funds are available for appropriation as reported in the January Monthly Financial Operating Report (MFOR) as published by the Finance Department.</p>			
REQUIRED AUTHORIZATION			
Finance:	Other Authorization:	Other Authorization:	

SUBJECT: Approve a First Amendment to the Contract AAR Incorporated Lead Remediation/Lead Decontamination, HEPA Filter Replacement and Proper Disposal for the Police Academy Firing Range	Page 1 of 1	Agenda Item 13
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FROM (Department or other point of origin): General Services Department	Origination Date	Agenda Date APR 06 2011
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DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott D. Minnix</i> 3/15/11	Council District affected: B
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For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance 2006-0283; Dated March 29, 2006
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RECOMMENDATION: Approve a First Amendment to the task order contract with AAR Incorporated to extend the contract term from April 13, 2011 to April 13, 2013.

Amount and Source of Funding: No Additional Funding Required Maximum Contract Amount: \$486,297.00 - 5 years	Finance Budget:
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a First Amendment to the task order contract with AAR Incorporated to extend the contract term for two years from April 13, 2011 to April 13, 2013. The contract extension is necessary to continue and complete the required scope of work.

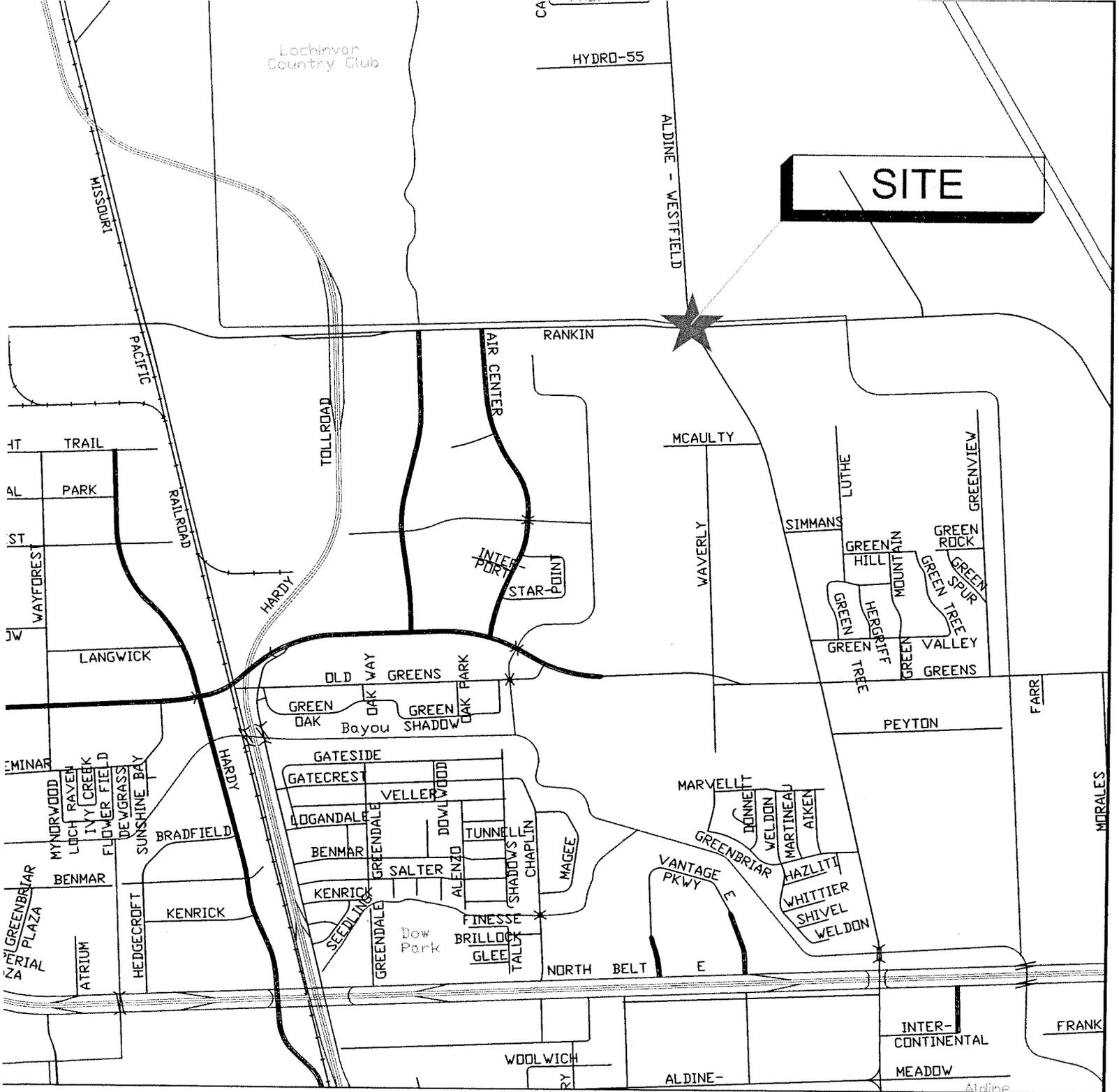
PROJECT LOCATION: 17000 Aldine Westfield, Houston, Texas (Key Map 373-H)

PREVIOUS HISTORY AND PROJECT SCOPE: On March 29 2006, City Council approved a five-year task order contract with AAR Incorporated for lead remediation/lead decontamination, HEPA filter replacement and proper disposal services for the Police Academy Firing Range, and delegated authority to the director to approve supplemental allocations up to the maximum contract amount of \$486,297.00. To date, \$220,637.46 has been expended on the contract. The scope of work consists of replacement of ceiling tiles over the shooting line and acoustic tiles downrange, periodic scheduled removal and replacement of pre-filters, disposal of HEPA filters, disposal of personal protective equipment, clearing bullet traps and disposal of spent bullets and casings, and annual lead abatement of the shooting range and breach house.

SM:HB:JLN:GM:FK:fk

c: Marta Crinejo, Jacquelyn L. Nisby, Robert Gallegos, Calvin R. Curtis, Gabriel Mussio, File

REQUIRED AUTHORIZATION		CUIC ID # 25GM253
General Services Department: <i>Humberto Bautista</i> Humberto Bautista, P.E. Assistant Director		



Lead Remediation/Decontamination, HEPA Filter Replacement and Proper Disposal:

Police Academy Firing Range

17000 Aldine Westfield, Houston, TX 77073

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

SUBJECT: Award Construction Contract Inland Environments, Ltd. Asbestos Abatement and Demolition at Tidwell Park and Glover Park WBS No. F-000509-0075-4	Page 1 of 2	Agenda Item 14
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FROM (Department or other point of origin): General Services Department	Origination Date	Agenda Date APR 06 2011
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DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott Minnix 3/15/11</i>	Council Districts affected: B, I
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For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Award construction contract and appropriate funds for the project.

Amount and Source of Funding: \$18,821.00 Parks Consolidated Construction Fund (4502)	Finance Budget:
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council award a construction contract to Inland Environments, Ltd. on the low bid amount of \$15,067.00 to provide asbestos abatement and demolition services at Tidwell Park and Glover Park for the Parks and Recreation Department.

PROJECT LOCATIONS: Tidwell Park – 9720 Spaulding, Houston, Texas (Key Map 454-D) – District “B”
Glover Park – 3118 Austin, Houston, Texas (Key Map 493-T) - District “I”

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

Glover Park: Removal and disposal of asbestos containing materials and demolition of the buildings, removal of concrete slabs, piers and steps and backfilling of depressed areas to existing grade, provide hydro-mulch seeding of depressed areas and maintain seeded areas for six months.

Tidwell Park: The work includes removal of concrete slabs, steps and piers, provide hydro-mulch seeding of depressed areas, maintenance of seeded areas for six months, loading, hauling and proper disposal of debris generated due to all activities.

The contract duration for this project is 30 calendar days.

BIDS: The following four bids were received on January 18, 2011:

	Bidder	Bid Amount
1.	Inland Environments, Ltd.	\$15,067.00
2.	JTB Services, Inc.	\$19,674.00
3.	AAR Incorporated	\$23,775.00
4.	ARC Abatement	\$31,000.00

REQUIRED AUTHORIZATION CUIC ID # 25GM249

General Services Department: <i>Humberto Bautista</i> Humberto Bautista, P.E. Assistant Director	Parks and Recreation Department: <i>Joe Turner</i> Joe Turner Director
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Date	SUBJECT: Award Construction Contract Inland Environments, Ltd. Asbestos Abatement and Demolition at Tidwell Park and Glover Park WBS No. F-000509-0075-4	Originator's Initials GM	Page 2 of 2
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Bids were obtained from the list of pre-qualified asbestos/lead abatement contractors to act as the general contractor for the project. All pre-qualified asbestos/lead abatement contractors were notified of the request for bids on this project. The City Legal Department has previously determined that the formal bid process is not required for these types of contracts and that GSD may utilize the contractors on a pre-qualified list.

AWARD: It is recommended that City Council award the construction contract to Inland Environments, Ltd., and appropriate funds for the project, including an additional appropriation of \$3,000.65 for project management, construction oversight and air monitoring services under the existing contract with Technology Serving People.

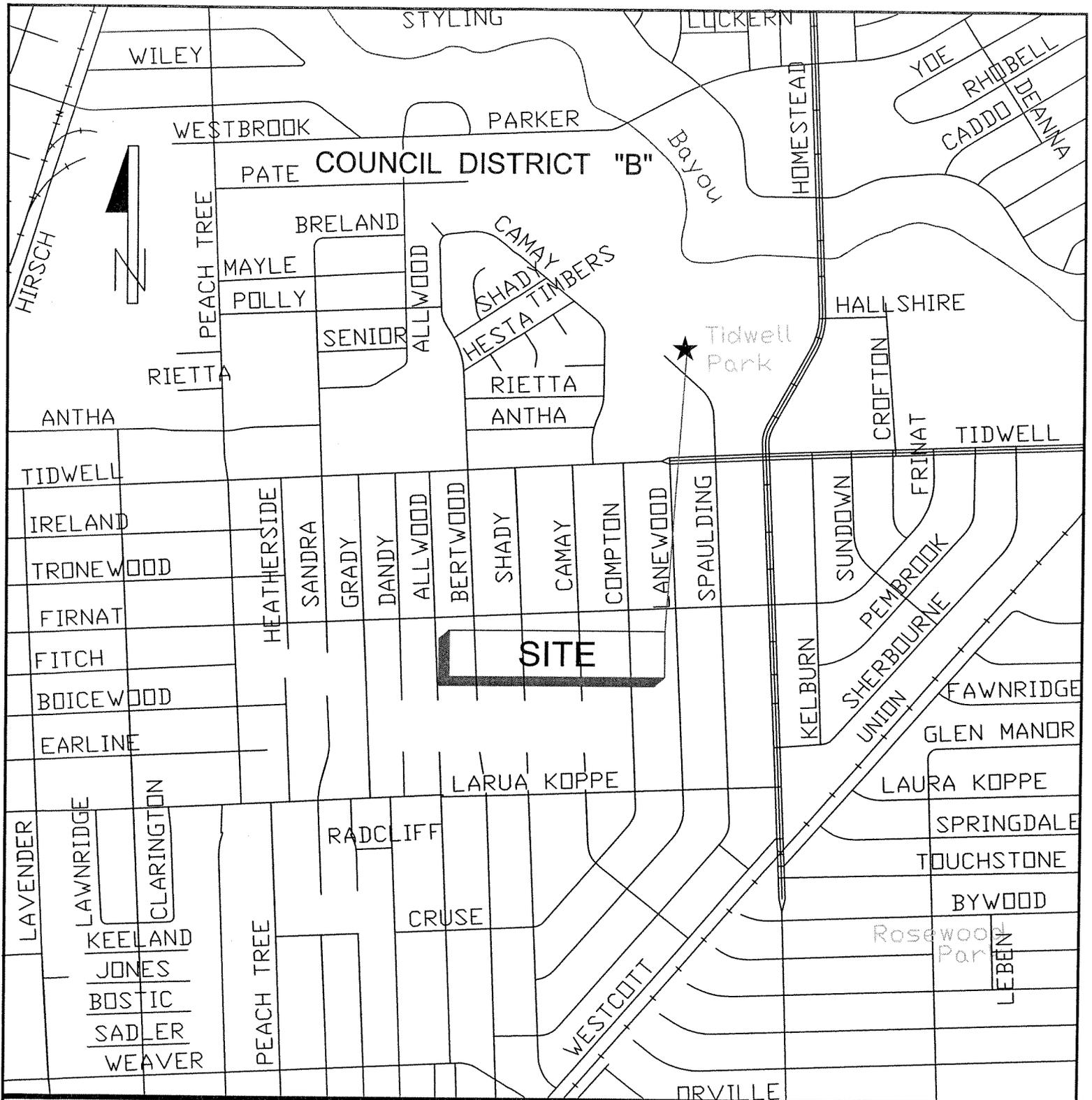
FUNDING SUMMARY:

\$	15,067.00	Construction Contract Services
\$	753.35	5% Contingency
\$	15,820.35	Total Contract Services
\$	3,000.65	Project Management, Construction Oversight and Air Monitoring
\$	18,821.00	Total Funding

to

SM:HB:JLN:GM:FK:fk

- c: Marta Crinejo
- Jacquelyn L. Nisby
- Robert Gallegos
- Calvin R. Curtis
- Gabriel Mussio
- Lisa Johnson
- File



Asbestos Abatement and Demolition at:
Tidwell Park
 9720 Spaulding
 Houston, TX 77016

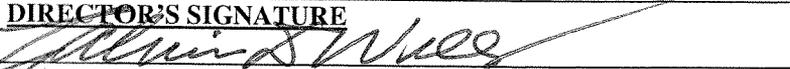
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8952

Subject: Approve an Ordinance Awarding a Contract for Calibration & Repair Services of Truck Platform Scales for the Public Works & Engineering Department S37-L23811	Category # 4	Page 1 of 2	Agenda Item 15
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FROM (Department or other point of origin): Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department	Origination Date March 10, 2011	Agenda Date APR 06 2011
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DIRECTOR'S SIGNATURE 	Council District(s) affected All
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For additional information contact: David Guernsey Phone: (832) 395-3640 Douglas Moore Phone: (832) 393-8724	Date and Identification of prior authorizing Council Action:
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RECOMMENDATION: (Summary)
Approve an ordinance awarding a contract to Aabbott-Michelli Technologies, Inc. on its sole bid in an amount not to exceed \$231,512.00 for calibration and repair services of truck platform scales for the Public Works & Engineering Department.

Maximum Contract Amount: \$231,512.00	Finance Budget
---------------------------------------	-----------------------

\$168,197.00 - PWE-W & S System Operating Fund (8300) \$ 31,657.50 - Stormwater Fund (2302) \$ 31,657.50 - General Fund (1000) \$231,512.00 - Total
--

SPECIFIC EXPLANATION:
The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to Aabbott-Michelli Technologies, Inc. on its sole bid in an amount not to exceed \$231,512.00 for calibration and repair services of truck platform scales for the Public Works & Engineering Department (PWE). The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Nineteen prospective bidders viewed the solicitation document on SPD's e-bidding website and one bid was received as outlined below. Subsequent to receipt of the bid, vendors were contacted to determine the reason for the limited response to the ITB; potential respondents advised that these services were not in their core business plans or they did not have the necessary resources to meet the scope of work requirements specified in the ITB.

<u>Company</u> Aabbott-Michelli Technologies, Inc.	<u>Total Amount</u> \$231,512.00
--	--

The scope of work requires the Contractor to provide all labor, supervision, materials, equipment, tools, and parts necessary to provide quarterly preventive maintenance audits, repair services, annual inspections, including adjustments and calibration; and certification services for PWE's truck platform scales. The scales are used to weigh incoming shipments of chemicals, aggregates, and other bulk materials purchased by the City for water and wastewater treatment, sewer repairs and other truck weight verification needs.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:	NDT
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Date: 3/10/2011	Subject: Approve an Ordinance Awarding a Contract for Calibration & Repair Services of Truck Platform Scales for the Public Works & Engineering Department S37-L23811	Originator's Initials JH	Page 2 of 2
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M/WBE Subcontracting

This invitation to bid was issued as a goal-oriented contract with a 2% M/WBE participation level but the Contractor has agreed to do 4%. Aabbott-Michelli Technologies, Inc. has designated the below-named companies as its certified M/WBE subcontractor.

<u>Name</u>	<u>Type of Work</u>	<u>Dollar Amount</u>	<u>Percent</u>
Bayside Printing Co., Inc.	Commercial Printing	\$4,630.24	2%
Computer Station	Computer Equip. & Accessories	\$4,630.24	2%

The Affirmative Action Division will monitor this contract.

Pay or Play Program

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

Estimated Spending Authority			
DEPARTMENT	FY 2011	OUT YEARS	TOTAL
Public Works & Engineering Department	\$0.00	\$231,512.00	\$231,512.00

Buyer: Joyce Hays

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Astoria Boulevard Paving and Drainage Improvements WBS No. M-000276-0001-4

Page 1 of 2

Agenda Item #

16

FROM: (Department or other point of origin):

Origination Date:

Agenda Date: APR 06 2011

Department of Public Works and Engineering

DIRECTOR'S SIGNATURE:

Council District affected:

Daniel W. Krueger, P.E., Director

E 209

For additional information contact:

Date and identification of prior authorizing Council action:

Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director

RECOMMENDATION: (Summary)

Reject low bid and return low bidder's bond, award construction contract to second low bidder and appropriate funds.

Amount and Source of Funding:

\$ 4,595,000.00 Drainage Improvements Commercial Paper Series F, Fund No. 4030

M.P. 2/14/2011

PROJECT NOTICE/JUSTIFICATION: This project is part of the Storm Drainage Capital Improvement Plan and is required to provide drainage improvements to alleviate flooding due to insufficient pipe capacity in this subdivision.

DESCRIPTION/SCOPE: This project consists of the installation of approximately 10,555 linear feet of 24-inch to 54-inch reinforced concrete pipe storm sewers including all appurtenances and concrete roadway reconstruction with curb and gutters, sidewalks and driveways.

The Contract duration for this project is 310 calendar days. This project was designed by Dannenbaum Engineering Corporation.

LOCATION: Project is generally bound by Sandy Hook on the north, Adirondack on the south, Binghampton on the west and Turkey Creek on the east. The project is located in Key Map Grids 616D and 617A.

BIDS: Bids were received on November 18, 2010. The Eight (8) bids are as follows:

Bidder	Bid Amount
1. Conrad Construction Co., Ltd. (disqualified)	\$ 3,942,594.88
2. Reytec Construction Resources, Inc.	\$ 3,986,183.20
3. Triple B Services, L.L.P.	\$ 4,220,407.15
4. Metro City Construction, L.P.	\$ 4,408,806.27
5. SER Construction Partners, LTD	\$ 4,485,768.30
6. Texas Sterling Construction Co.	\$ 4,650,659.95
7. Resicom, Inc.	\$ 4,707,756.59
8. Total Contracting Limited	\$ 4,861,825.61

REQUIRED AUTHORIZATION

CUIC ID# 20DS11

MD

Finance Department

Other Authorization:

Other Authorization:

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

AWARD: The apparent low bidder, Conrad Construction Co., Ltd., bid was disqualified because Bidder increased a bid item that had a footnote specifically disallowing an adjustment. As per Paragraph 14.0 A of Document 00200 (instructions to Bidder) of the bid document for the referenced project, the City may disqualify a bid if the bidder improperly completes information required by the bid documents. It is therefore recommended that this construction Contract be awarded to Reytec Construction Resources, Inc. with a low bid of \$ 3,986,183.20 and that Addenda Numbers 1, 2, and 3 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$4,595,000.00 to be appropriated as follows:

• Bid Amount	\$3,986,183.20
• Contingencies	\$199,310.00
• Engineering and Testing Services	\$130,000.00
• CIP Cost Recovery	\$279,506.80

Engineering and Testing Services will be provided by DAE & Associates, LTD. under a previously approved Contract.

PAY OR PLAY PROGRAM:

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

M/SBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 9% MBE goal and 7% SBE goal for this project.

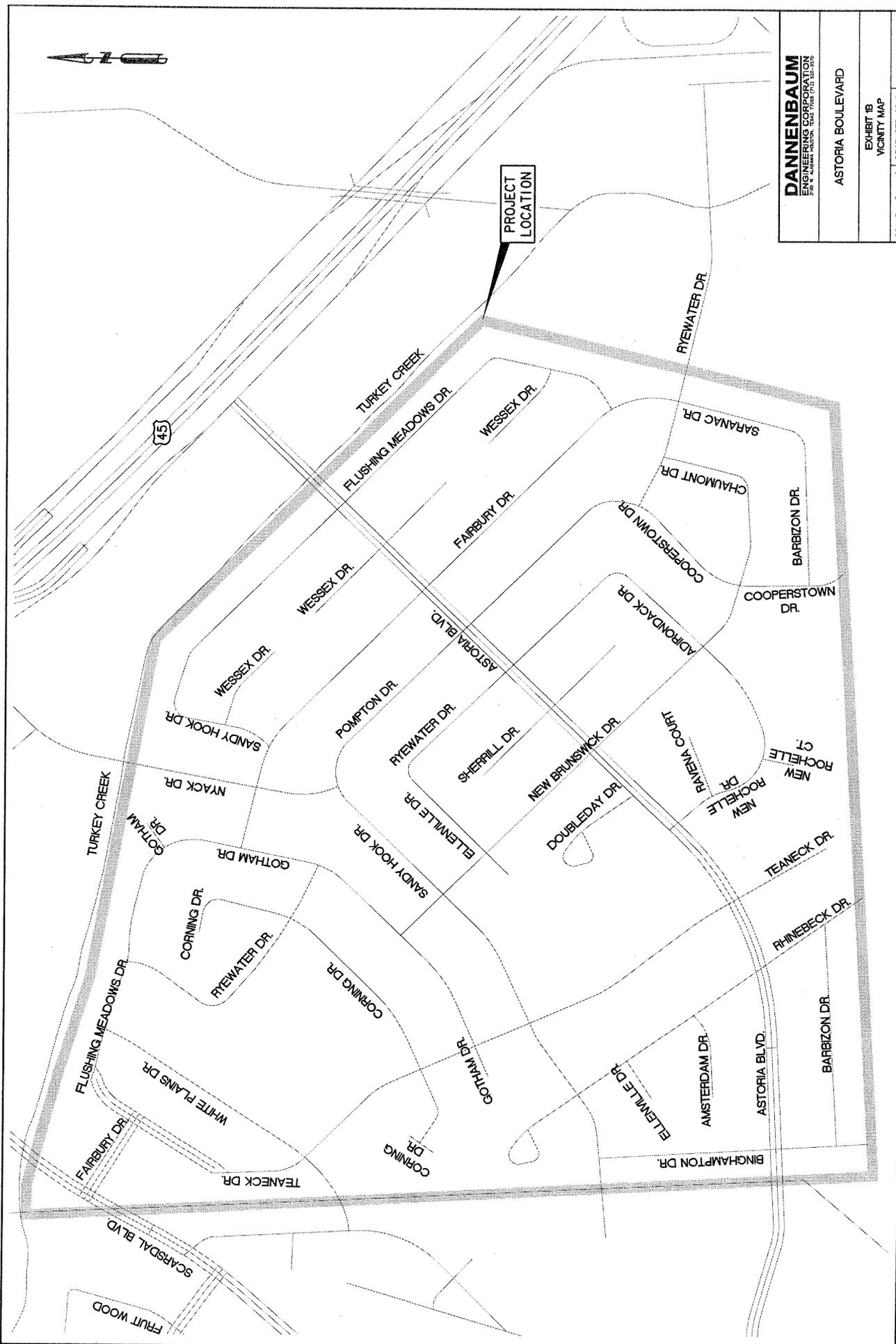
<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Reliable Signal & Lighting Solutions, LLC	Electrical Conduit	\$ 35,000.00	0.88%
2. Traffic Control Products	Striping & Signs	\$ 15,000.00	0.38%
3. Curb Planet, Inc.	Install Conc. Curb	\$ 9,000.00	0.22%
4. Jomar Silva Trucking, Inc.	Hauling Services	\$ 18,000.00	0.45%
5. Ecung Construction	Tree & Sodd	\$ 10,000.00	0.25%
6. PRV Services, Inc.	Storm Sewer Inst.	\$ 93,000.00	2.33%
7. Access Data Supply, Inc.	Supply Pipe	\$180,000.00	4.52%
	TOTAL	\$ 360,000.00	9.03%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Rebar Supply Company, Ltd.	Supply Rebar	\$129,000.00	3.24%
2. Vaca Underground Utilities, Inc.	Waterline Const.	\$150,000.00	3.76%
	TOTAL	\$279,000.00	7.00%

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

[Signature]
 DWK:DRM:RK:DS:klw
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c: File No. M-000276-0001-4



PROJECT
LOCATION

DANNENBAUM
ENGINEERING CORPORATION
ENGINEERS, ARCHITECTS, SURVEYORS

ASTORIA BOULEVARD

EXHIBIT 1B
VICINITY MAP

SCALE: 1" = 400'
DECEMBER 2010

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:
Ordinance granting a Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

Agenda Item#

17

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

Origination Date

3/31/11

Agenda Date

APR 06 2011

DIRECTOR'S SIGNATURE:



Council Districts affected:

ALL

For additional information contact:

Juan Olguin
Nikki Cooper

Phone: (713) 837- 9623
Phone: (713) 837- 9889

Date and identification of prior authorizing

Council Action: Ord. # 2002-526 – June 19, 2002;
Ord. # 2002-1166-December 18, 2002.

RECOMMENDATION: (Summary)

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

Amount of Funding:
REVENUE

FIN Budget:

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

SPECIFIC EXPLANATION:

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

1. Dumpster Dave

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

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

REQUIRED AUTHORIZATION

Finance Director:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:
Ordinance granting a Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

Agenda Item#

2. 2nd reading

18 3# 48

FROM: (Department or other point of origin):

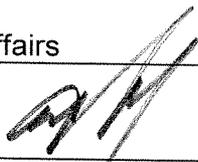
Alfred J. Moran, Director
Administration & Regulatory Affairs

Origination Date
3/15/11

Agenda Date

~~MAR 23 2011~~

DIRECTOR'S SIGNATURE:



Council Districts affected:

ALL

~~MAR 30 2011~~
APR 06 2011

For additional information contact:

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

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

RECOMMENDATION: (Summary)

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

Amount of Funding:
REVENUE

FIN Budget:

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

SPECIFIC EXPLANATION:

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

1. Pot-O-Gold Rentals, Inc.

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

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

REQUIRED AUTHORIZATION

Finance Director:

<p>SUBJECT: Ordinance authorizing the abandonment and sale of Glenheath Street, from Glen Loch Drive west to its terminus, and two 10-foot-wide utility easements and the attendant aerial easements, in exchange for the conveyance to the City of a 250-square-foot water meter easement, all located within Glenbrook Valley, Section 7, and/or Glenbrook Valley, Section 7, Replat. Parcels SY10-055A through C and KY10-145</p>	<p>Page <u>1</u> of <u>2</u></p>	<p>Agenda Item #</p> <p style="text-align: center; font-size: 2em;">19 #5</p>
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<p>FROM (Department or other point of origin):</p> <p>Department of Public Works and Engineering</p>	<p>Origination Date</p>	<p>Agenda Date</p> <p style="text-align: center;">MAR 30 2011</p>
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<p>DIRECTOR'S SIGNATURE:</p>  <p>Daniel W. Krueger, P.E., Director</p>	<p>Council District affected: I APR 06 2011</p> <p>Key Map 535X </p>
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<p>For additional information contact:</p> <p>Nancy P. Collins  Phone: (713) 837-0881 Senior Assistant Director-Real Estate</p>	<p>Date and identification of prior authorizing Council Action: C.M. 2010-0288 (5/12/10)</p>
---	---

RECOMMENDATION: (Summary) It is recommended City Council approve an Ordinance authorizing the abandonment and sale of Glenheath Street, from Glen Loch Drive west to its terminus, and two 10-foot-wide utility easements and the attendant aerial easements, in exchange for a consideration of \$31,647.00 plus the conveyance to the City of a 250-square-foot water meter easement, all located within Glenbrook Valley, Section 7, and/or Glenbrook Valley, Section 7, Replat. **Parcels SY10-055A through C and KY10-145**

Amount and Source of Funding: Not Applicable

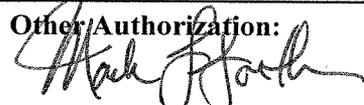
SPECIFIC EXPLANATION:
By Motion 2010-0288, City Council authorized the abandonment and sale to Houston Independent School District (HISD) of Glenheath Street, from Glen Loch Drive west to its terminus, and two 10-foot-wide utility easements and the attendant aerial easements, in exchange for the conveyance to the City of a 200-square-foot water meter easement, all located within Glenbrook Valley, Section 7, and/or Glenbrook Valley, Section 7, Replat, and a right of entry for HISD. It was later determined the water meter easement shall be 250 square feet. HISD, the abutting property owner, plans to construct improvements to the Lewis Elementary School Campus in the location of Glenheath Street and the utility easements to be abandoned and sold.

HISD has complied with the motion requirements, has accepted the City's offer, and has rendered payment in full.

The City will abandon and sell to HISD:

Parcel SY10-055A	
7,276 square feet of street right-of-way	\$23,647.00
Valued at \$3.25 per square foot	
Parcel SY10-055B	
1,450 square feet of utility easement	\$2,356.00 R
Valued at \$1.625 per square foot	
Parcel SY10-055C	
3,723 square feet of utility easement	\$6,050.00 R
Valued at \$1.625 per square foot	
TOTAL ABANDONMENT AND SALE	<u>\$32,053.00</u>

s:\dob\sy10-055.rc2.doc CUIC #20DOB052

REQUIRED AUTHORIZATION		
<p>Finance Department:</p>	<p>Other Authorization:</p>	<p>Other Authorization:</p>  <p>Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division</p>

Date:	Subject: Ordinance authorizing the abandonment and sale of Glenheath Street, from Glen Loch Drive west to its terminus, and two 10-foot-wide utility easements and the attendant aerial easements, in exchange for the conveyance to the City of a 250-square-foot water meter easement, all located within Glenbrook Valley, Section 7, and/or Glenbrook Valley, Section 7, Replat. Parcels SY10-055A through C and KY10-145	Originator's Initials 	Page <u>2</u> of <u>2</u>
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In exchange, HISD will pay:

Cash	\$31,647.00
Plus convey to the City	

<u>Parcel KY10-145</u>	
250 square feet of water meter easement	\$406.00 R
Valued at \$1.625 per square foot	

TOTAL CASH AND CONVEYANCE	<u>\$32,053.00</u>
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Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of Glenheath Street, from Glen Loch Drive west to its terminus, and two 10-foot-wide utility easements and the attendant aerial easements, in exchange for a consideration of \$31,647.00 plus the conveyance to the City of a 250-square-foot water meter easement, all located within Glenbrook Valley, Section 7, and/or Glenbrook Valley, Section 7, Replat.

DWK:NPC:dob

- c: Jun Chang, P.E., D.WRE
Marta Crinejo
Marlene Gafrick
Daniel Menendez, P.E.
Jeffrey Weatherford, P.E., PTOE

MOTION NO. 2010 0288

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

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

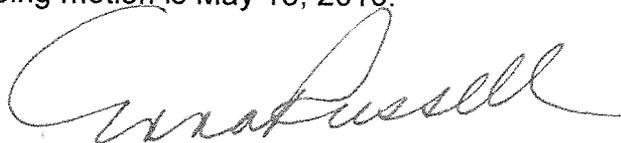
4. The applicant be required to: (a) relocate the existing storm sewer inlets within Glenheath Street to within Glen Loch Drive, (b) cut, plug, and abandon the existing 4-inch water service lead line, water meter, and water meter vault within Glenheath Street, (c) construct a new water meter and water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

Seconded by Council Member Lovell and carried.

Mayor Parker, Council Members Stardig, Johnson,
Clutterbuck, Adams, Sullivan, Hoang, Pennington,
Gonzalez, Rodriguez, Bradford and Jones voting aye
Council Member Noriega voting no
Council Members Costello and Lovell absent

PASSED AND ADOPTED this 12th day of May 2010.

Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is May 18, 2010.



City Secretary

20-1 through 20-10

Rebuild Ordinance Amendments (3/30/11)

Amend #	Council Member	Amendment
20-1	Costello	Amend Sec. 47-822 "Drainage charge established; exemptions" to remove exemptions for school districts, religious organizations, and county-exempt property. Delete: (5) Any impervious surface owned by a school district as of _____; (6) Any impervious surface owned by a religious organization as of _____; (7) County exempt property
20-2	Pennington	Amend section 47-861 "Oversight committee": There shall be created an oversight committee of nine members..... to add: " <u>Within twelve months following the appointment of the committee, the committee shall recommend to city council principles and guidelines by which future drainage projects shall be selected, and shall present to city council a proposed ten-year plan identifying drainage and street improvement projects recommended for construction with funding collected by the city pursuant to this article. Following presentation of said plan to city council, and after any amendments thereof by city council have been considered, the council shall approve the plan for implementation. The plan may thereafter be reviewed periodically by the city council and may be amended as appropriate. Following approval of the plan by city council, the plan shall be placed on the City's website or other public location for public viewing. The oversight committee shall be in place by July 1, 2011.</u> "
20-3	Pennington	Amend Sec. 47-824 "Verification, correction and appeal" (b) "Request for verification and correction of the city's initial drainage charge" to strike the sentence "to be eligible for verification and correction, any request must be at a minimum provide information sufficient to support a correction in the annual drainage charge to the user's favor of at least two percent or \$3.00, whichever is greater" (e) Strike the sentence "The appeal shall be based exclusively on the information and data considered in the verification and correction process" (e) Modify the sentence "The decision of the hearing examiner, following such appeal, shall be final." to "The decision of the hearing examiner, following such appeal, may be appealed by the user in the City of Houston Municipal courts within 30 days time."
20-4	Bradford	Sec. 47-822 "Drainage charge established; exemptions" Section (f)(5) shall be changed to read as follows: "(5) property owned by, including improvements thereon, any independent school district, to include any public charter school, that is recognized by the State of Texas" Section (f)(6) shall be changed to read as follows: (6) property owned by religious organizations, including improvements thereon, that is used primarily as a place of worship, and/or other activities, as defined in the Texas Tax Code Section 11.20, subsection (c) (g) shall be added and will read as follows: (g) Other exemptions, if any, from the imposition of a drainage charge shall be as indicated in the Schedule of Rates attached hereto.

20-5	Bradford	Sec 47-802 "Definitions"; section labeled <i>Impervious Surface</i> shall be changed to remove the terms oyster shell, gravel, and decks from the definition of impervious surface and to exclude them from consideration as impervious surface features and/or materials.
20-6	Bradford	Sec 47-824 "Verification, correction and appeal" (e) Appeals: "The director shall designate hearing examiners who will be independent of the operation of the city's drainage system..." shall be changed to read "The <u>City Council</u> shall designate hearing examiners who will be independent of the operation of the city's drainage system...."
20-7	Bradford	Sec. 47-805 "Administration of municipal drainage services" (last sentence) Calculation of impervious surface may be adjusted by the director based on utilization of specific storm water management techniques on the benefitted property" shall be changed to read: "Calculation of impervious surface <u>shall</u> be adjusted by the director based on the utilization of approved storm water management techniques on the benefitted property. <u>Any approved management techniques are to be identified and described in detail by the director and the information made readily available to the public.</u> "
20-8	Bradford	Sec. 47-822 "Drainage charge established; exemptions" (f) (7) "County-exempt property" shall be changed to read "Any property owned by a county of the State of Texas.
20-9	Bradford	Support SB 714 and HB 1022 82nd (R) Legislative Session Houston Lobby Team "I move that the City of Houston lobby team in Austin, TX, be instructed to work to assist with the passage of SB 714 authored by Senator Dan Patrick and its companion bill, HB 1022, authored by Representative Harold Dutton. These pieces of filed legislation would exempt from a drainage fee: Property owned by a county, property owned by a school district, property owned by a church synagogue or other organization or association organized primarily for religious purposes, and property owned by a nonprofit organization that is exempt from federal income taxation.
20-10	Hoang	Sec 47-861 Oversight committee Sec 47-867 shall read as follows : There shall be created an oversight committee of nine members, <u>four</u> members to be appointed by the mayor, including the committee chair, and <u>five</u> members to be appointed by city council, whose members shall advise the city on drainage project priorities and process.



STEPHEN C. COSTELLO

Houston City Council At-Large Position 1

20-1

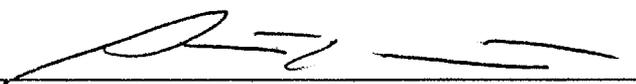
March 30, 2011

I move to amend Agenda Item #32, Article XIV to Chapter 47 of the Code of Ordinances, Houston, Texas, to create a Municipal Drainage Utility System to remove exemptions for school districts, religious organizations, and county-exempt property.

Sec. 47-822. Drainage charge established; exemptions.

(f) The following are exempt by State law from imposition of a drainage charge:

- (1) Properties appraised for use as and designated as agricultural use property by the respective county appraisal district where the property is located;
- (2) Properties served wholly sufficient and privately owned drainage system;
- (3) State agencies;
- (4) Any public or private institution of higher education
- (5) ~~Any impervious surface owned by a school district as of _____⁴;~~
- (6) ~~Any impervious surface owned by a religious organization as of _____²;~~
- (7) ~~County-exempt property.~~



Stephen C. Costello

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

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



CITY OF HOUSTON

20-2

To: Mayor Annise D. Parker
Houston Council Members

From: Oliver Pennington
Council Member
District G

Date: March 30, 2011

Amendment

Subject: Municipal Drainage Utility System

RE: Agenda Item No. 32 (03/30/2011)

I move to amend Item 32 by amending Section 47-861 of the proposed ordinance to read as follows:

“Sec. 47-861. Oversight committee.

There shall be created an oversight committee of nine members, five members to be appointed by the mayor, including the committee chair, and four members to be appointed by city council, whose members shall advise the city on drainage project priorities and process. The committee will consist of individuals with significant backgrounds in community development, infrastructure assessments, and other appropriate qualifications. Contractors, engineers or firms participating in any city drainage system project will be ineligible to serve on the committee. Within twelve months following the appointment of the committee, the committee shall recommend to city council principles and guidelines by which future drainage projects shall be selected, and shall present to city council a proposed ten-year plan identifying drainage and street improvement projects recommended for construction with funding collected by the city pursuant to this article. Following presentment of said plan to city council, and after any amendments thereof by city council have been considered, the council shall approve the plan for implementation. The plan may thereafter be reviewed periodically by the city council and may be amended as appropriate. Following approval of the plan by city council, the plan shall be placed on the City’s website or other public location for public viewing.

The oversight committee shall be in place by July 1, 2011.”



CITY OF HOUSTON

20-3

To: Mayor Annise D. Parker
Houston Council Members

From: Oliver Pennington
Council Member
District G

Date: March 30, 2011

Amendment

Subject: Municipal Drainage Utility System

RE: Agenda Item Number 32

Written Amendment by Council Member Pennington:

I move to amend Agenda Item Number 32 with the following language:

Sec. 47-824 Verification, correction and appeal.

(b) Strike the sentence "To be eligible for verification and correction, any request must be at a minimum provide information sufficient to support a correction in the annual drainage charge to the user's favor of at least two percent or \$3.00, whichever is greater."

(e) Strike the sentence "The appeal shall be based exclusively on the information and data considered in the verification and correction process."

(e) Modify the sentence "The decision of the hearing examiner, following such appeal, shall be final." to "The decision of the hearing examiner, following such appeal, may be appealed by the user in the City of Houston Municipal Courts within 30 days time."



C.O. "Brad" Bradford
Al Hoang
Houston City Council Members

Interoffice

Correspondence

20-4

To: Mayor Annise D. Parker
All Council Members

From: C.O. "Brad" Bradford,
CM At-Large 4
Al Hoang, CM District F

Date: March 30, 2011

Subject: Drainage Fee Amendment #1
Exemptions

It must be recognized that the ultimate funding sources for the Proposed Drainage Fee are the residents and businesses in the City of Houston. Thus, it is clear that charging entities which are themselves funded by those same businesses and residents does nothing more than create an unnecessary "pass-through" mechanism, adding additional administrative costs to the process. Exempting entities of this kind, such as schools and places of worship, does not increase the burden on businesses and residents who are not exempt; it merely prevents this pass-through effect and eliminates unnecessary billings and duplicative invoices. It actually reduces costs to the process!

Not being able to locate permissive authority within existing Texas State Statutes to exempt private schools; Council Member Al Hoang and I speak today to offer the following amendment, to exempt schools and religious organizations from a drainage charge under the proposed Chapter 47 of the Code of Ordinances, Houston, Texas, Article XIV. Municipal Drainage Utility System.

Sec. 47-822 Drainage charge established; exemptions.

Section (f)(5) shall be changed to read as follows:

(5) property owned by, including improvements thereon, any independent school district, to include any public charter school, that is recognized by the State of Texas;

Section (f)(6) shall be changed to read as follows:

(6) property owned by religious organizations, including improvements thereon, that is used primarily as a place of worship, and/or other activities, as defined in the Texas Tax Code Section 11.20, subsection (c);

Section (g) shall be added and will read as follows:

(g) Other exemptions, if any, from the imposition of a drainage charge shall be as indicated in the Schedule of Rates attached hereto.

Respectfully,



C.O. "Brad" Bradford
Houston City Council Member

Respectfully,



Al Hoang
Houston City Council Member

<http://www.statutes.legis.state.tx.us/Docs/TX/htm/TX.11.htm>



C.O. "Brad" Bradford
Houston City Council Member

Interoffice

Correspondence

20 - 5

To: Mayor Annise D. Parker
All Council Members

From: C.O. "Brad" Bradford
Council Member, At-Large 4

Date: March 9, 2011

Subject: Drainage Fee Amendment #2
Impervious Surface

I offer the following Amendment to alter the definition of *Impervious surface* within the proposed Chapter 47 Code of Ordinances, Houston, Texas, Article XIV, Municipal Drainage Utility System:

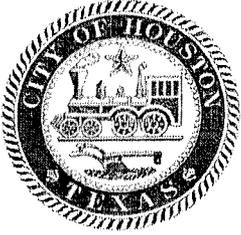
Modify Section 47-802 Definitions.

Section labeled *Impervious surface* shall be changed to remove the terms oyster shell, gravel, and decks from the definition of impervious surface and to exclude them from consideration as impervious surface features and/or materials.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brad", written over a horizontal line.

C.O. "Brad" Bradford
Houston City Council Member



C.O. "Brad" Bradford
Houston City Council Member

Interoffice

Correspondence

20-6

To: Mayor Annise D. Parker
All Council Members

From: C.O. "Brad" Bradford
Council Member, At-Large 4

Date: March 9, 2011

Subject: Drainage Fee Amendment #3
Hearing Examiners

I offer the following Amendment to the proposed Chapter 47 Code of Ordinances, Houston, Texas, Article XIV, Municipal Drainage Utility System:

Section 47-824 Verification, correction and appeal.

The second paragraph of Section (e) *Appeals* currently reads:

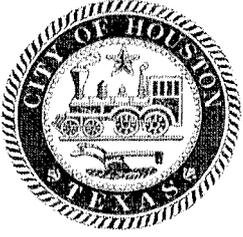
"The director shall designate hearing examiners who will be independent of the operation of the city's drainage system to consider appeals as to whether or not a drainage charge was correctly determined based on the amount of impervious surface on the property."

The second paragraph of Section (e) *Appeals* shall be changed to read:

The City Council shall designate hearing examiners who will be independent of the operation of the city's drainage system, to consider appeals as to whether or not a drainage charge was correctly determined based on the amount of impervious surface on the property.

Respectfully submitted,

C.O. "Brad" Bradford
Houston City Council Member



C.O. "Brad" Bradford
Houston City Council Member

Interoffice

Correspondence

20-7

To: Mayor Annise D. Parker
All Council Members

From: C.O. "Brad" Bradford
Council Member, At-Large 4

Date: March 9, 2011

Subject: Drainage Fee Amendment #4
**Surface Calculation
Adjustments**

I offer the following Amendment to alter the proposed Chapter 47 Code of Ordinances, Houston, Texas, Article XIV, Municipal Drainage Utility System:

Section 47-805 Administration of municipal drainage services.

The last sentence, which currently reads:

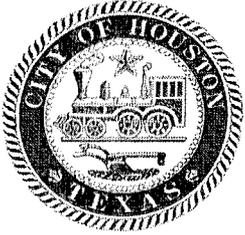
"Calculation of impervious surface may be adjusted by the director based on utilization of specific storm water management techniques on the benefited property."

Shall be changed to read as follows:

Calculation of impervious surface shall be adjusted by the director based on the utilization of approved storm water management techniques on the benefited property. Any approved management techniques are to be identified and described in detail by the director and the information made readily available to the public.

Respectfully submitted,

C.O. "Brad" Bradford
Houston City Council Member



C.O. "Brad" Bradford
Houston City Council Member

Interoffice

Correspondence

20-8

To: Mayor Annise D. Parker
All Council Members

From: C.O. "Brad" Bradford
Council Member At-Large 4

Date: March 22, 2011

Subject: Drainage Fee Amendment #5
County Property

I offer the following Amendment to the proposed Chapter 47 Code of Ordinances, Houston, Texas, Article XIV, Municipal Drainage Utility System:

Sec. 47-822 Drainage charge established; exemptions.

Subsection (f) (7) currently reads:

County-exempt property.

Shall be changed to read:

Any property owned by a county of the State of Texas.

Respectfully,

C.O. "Brad" Bradford
Houston City Council Member



C.O. "Brad" Bradford
Houston City Council Member

Interoffice

Correspondence

20-9

To: Mayor Annise D. Parker
All Council Members

From: C.O. "Brad" Bradford
Council Member, At-Large 4

Date: March 30, 2011

Subject: Support SB 714 and HB 1022:
82nd (R) Legislative Session
Houston Lobby Team

I move that the City of Houston lobby team in Austin, TX, be instructed to work to assist with the passage of SB 714 authored by Senator Dan Patrick and its companion bill, HB 1022, authored by Representative Harold Dutton. These pieces of filed legislation would exempt from a drainage fee:

- Property owned by a county
- Property owned by a school district
- Property owned by a church, synagogue or other organization or association organized primarily for religious purposes, and
- Property owned by a nonprofit organization that is exempt from federal income taxation.

Respectfully submitted,

C.O. "Brad" Bradford
Houston City Council Member



Al Hoang
Houston City Council Member

Interoffice

Correspondence

20-10

To: Mayor Annise D. Parker
All Council Members

From: Al Hoang, CM District F

Date: March 30, 2011

Subject: Drainage Fee Amendment
Oversight Committee

Sec. 47-861. Oversight committee.

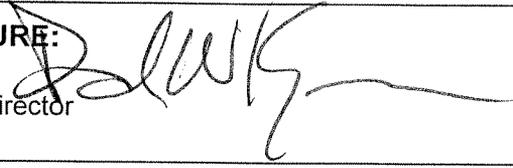
Sec. 47-867. shall read as follows

There shall be created an oversight committee of nine members, five four members to be appointed by the mayor, including the committee chair, and ~~four~~ five members to be appointed by city council, whose members shall advise the city on drainage project priorities and process.

Respectfully,

A handwritten signature in black ink, appearing to read "Al Hoang".

Al Hoang
Houston City Council Member

SUBJECT: An ordinance adopting a new Article XIV to Chapter 47 of the Code of Ordinances creating a Municipal Drainage Utility System.		Category #	Page 1 of 20A	Agenda Item# 37
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date:		Agenda Date MAR 30 2011
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E. Director		Council District Affected: APR 06 2011 All		
For additional information contact: Andy Icken 832-393-1064 Daniel Krueger 832-395-2500		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Approval of an Ordinance adopting Article XIV to Chapter 47 of the Code of Ordinances to create a Municipal Drainage Utility System				
Amount of Funding: Not Applicable			Finance Budget: NA	
Source of Funding: NA <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Other (Specify) <input type="checkbox"/> Enterprise Fund				
SPECIFIC EXPLANATION: On November 2, 2010 the Houston voters approved Proposition 1. This ballot initiative approved a City Charter Amendment creating a City of Houston Pay-As-You-Go Drainage and Street Fund. To implement the Charter Amendment, the City must, pursuant to Subchapter C, Chapter 552 of the Texas Local Government Code, create a Municipal Drainage Utility System dedicated to the maintenance and improvement of the city's drainage infrastructure to meet the city's current and future needs. This ordinance creates the Municipal Drainage Utility System. The purpose of the Municipal Drainage Utility System is to design, construct and operate the City of Houston Drainage infrastructure system. The entirety of the system will encompass all current and future components of the city's drainage system. In accordance with Texas Local Government Code 552.045, the City conducted a public hearing on March 9, 2011 for public input associated with consideration of the ordinance adopting a new Article XIV to Chapter 47 of the Code of Ordinances creating a Municipal Drainage Utility System. Approval is recommended.				
REQUIRED AUTHORIZATION CUIC: 20SB33				
Other Authorization:		Other Authorization:		Other Authorization:

City of Houston, Texas, Ordinance No. 2011-_____

AN ORDINANCE ADOPTING ARTICLE XIV TO CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, TO CREATE A MUNICIPAL DRAINAGE UTILITY SYSTEM; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City Council of the City of Houston, Texas (“the City”) received a citizen petition for the amendment of the City Charter pertaining to creation of a dedicated funding source to enhance, improve and renew the City’s drainage systems and streets; and,

WHEREAS, in accordance with state law and the City Charter, the City Council placed a proposition (Proposition No. 1) on the November 2, 2010 ballot for the electorate of the City of Houston to consider adoption of the proposed charter amendment relating to street and drainage improvements; and

WHEREAS, the proposed charter amendment was approved by the voters of the City of Houston, thereby amending the Charter of the City of Houston to add Section 22 to Article IX of the City Charter to create the Dedicated Drainage and Street Renewal Fund and to provide for the collection of drainage charges beginning July 1, 2011; and

WHEREAS, this Ordinance has been prepared for consideration by City Council in conformance with Subchapter C of Chapter 552 of the Texas Local Government Code and the City’s Home-Rule powers under Article XI, Section 5 of the Texas Constitution to create a City of Houston Municipal Drainage Utility System to accomplish the objectives and directives of Section 22, Article IX of the City Charter with regard to streets and drainage; and

WHEREAS, precedent to consideration of this Ordinance, the City Council complied with the requirements of Section 552.045 of the Texas Local Government Code to publish notices, conduct ~~a~~ public hearings, and make appropriate findings; and

WHEREAS, the City Council previously amended Chapters 36 and 47 of the Code of Ordinances to establish the W.A.T.E.R. Fund to provide financial assistance for qualified elderly residents, persons with disabilities, and certain other residents in the payment of city water and sanitary sewer bills; and

**DRAFT NOT YET APPROVED
BY THE CITY ATTORNEY**

WHEREAS, the City Council finds and determines that similar financial assistance will be necessary for qualified individuals in the payment of drainage charges, and that funding should be provided from the proceeds of the drainage charges to provide such assistance, to be implemented in accordance with the procedures established for the W.A.T.E.R. Fund; and

WHEREAS, the City Council determines that adoption of this Ordinance will benefit the health, safety, and welfare of the citizens of the City of Houston and is in the best interest of the City; **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 47 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Article XIV that reads as follows:

"ARTICLE XIV. MUNICIPAL DRAINAGE UTILITY SYSTEM

DIVISION 1. CREATION OF THE SYSTEM

Sec. 47-801. Findings.

Incident to the creation of a municipal drainage utility system, the city council of the City of Houston finds and determines that:

- (1) The city shall establish a schedule of drainage charges against all real property in the city subject to such charges under this article;
- (2) The city shall provide drainage for all real property in the city on payment of drainage charges unless the property is exempt from such payment as provided herein;
- (3) The city shall offer drainage service on nondiscriminatory, reasonable and equitable terms.

Sec. 47-802. Definitions.

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

Benefitted property means a lot or tract to which drainage service is made available under this article and which discharges into a street, creek, river, slough, bayou, culvert, conduit, inlet, or other channel that forms part of the city drainage utility system.

Billing year means each twelve-month period that begins on July 1st of one year and ends on June 30th of the ensuing year.

Cost of service, as applied to the drainage service for any benefitted property, means but shall not be limited to, the prorated cost of the following:

- (1) The acquisition of interests in real property relating to drainage structures, equipment and facilities;
- (2) The acquisition, construction, repair, and maintenance of drainage structures, equipment, and facilities;
- (3) The acquisition of drainage-related architectural, engineering, legal, and related services, plans and specifications, studies, surveys, estimates of cost and of revenue, and all other expenses necessary or incident to planning, providing, or determining the feasibility and practicality of drainage structures, equipment and facilities;
- (4) Providing and operating all drainage-related machinery, equipment, furniture, and facilities;
- (5) Start-up costs of drainage facilities; and
- (6) Administrative costs including bank fees.

County means any of the counties of Fort Bend, Harris, and Montgomery, Texas.

County-exempt property means real property owned by a county and administered or used by that county for a public purpose that is primarily supported by general county tax revenue, including, but not limited to, courthouses, emergency management facilities, jails, libraries, offices for county officers, parks, transportation facilities, flood control facilities, and other similar properties. County-exempt property shall not include real property owned and administered or used by county-wide entities that are largely self-sufficient, are primarily supported by fees and charges or a separate tax, and are not primarily funded by general county tax revenue, including, but not limited to, the Port of Houston Authority, the Harris County Hospital District, the Harris County Astrodome and Reliant Stadium complex, toll road authorities, and other similar properties. For the purposes of this article, real property owned and administered or used by the Harris County Flood Control District for a public purpose shall be considered county-exempt property.

Curb and gutter drainage means drainage primarily removed from a benefitted property by use of street curbs and gutters to channel the water to a system of underground pipes or culverts.

Department means the City of Houston department of public works and engineering.

Director means the director of the department of public works and engineering or the director's designee.

Drainage means streets, curbs, bridges, catch basins, channels, conduits, creeks, culverts, detention ponds, ditches, draws, flumes, pipes, pumps, sloughs, treatment works, and appurtenances to those items, whether natural or artificial, or using force or gravity, that are used to draw off surface water from land, carry the water away, collect, store, or treat the water, or divert the

water into natural or artificial watercourses; drainage shall also mean the water so transported.

Drainage charge means the charge imposed by the city herein, including penalties, to recover the city's cost in furnishing drainage for any benefitted property and the cost of funding future drainage system improvements.

Drainage system means the drainage owned or controlled in whole or in part by the city and dedicated to the service of benefitted property, including provisions for additions to the system. Drainage system components, including but not limited to streets, sidewalks, other dedicated improvements, and supporting right-of-way shall not be considered residential or nonresidential property as defined herein.

Impervious surface means any area that has been compacted or covered such that it does not readily absorb water or does not allow water to percolate through to undisturbed underlying soil strata. Surface materials considered impervious shall include, but not be limited to, bricks, pavers, concrete, asphalt, compacted oil-dirt, compacted or decomposed shale, oyster shell, gravel, or granite, and other similar materials. Surface features utilizing such materials and considered impervious shall include, but not be limited to, decks, foundations (whether pier and beam or slab), building roofs, parking and driveway areas, sidewalks, compacted or rolled areas, paved recreation areas, swimming pools, and other features or surfaces that are built or laid on the surface of the land and have the effect of increasing, concentrating, or otherwise altering water runoff so that flows are not readily absorbed.

Initial billing year means the City of Houston's initial billing year for drainage charges, which begins on July 1, 2011 and ends on June 30, 2012.

Notification letter means the letter the city mails ~~mailed by the city~~ to every user, informing the user of the ~~exact~~ drainage charge the user shall be billed per year, beginning July 1, 2011, and for each ~~any~~ year thereafter. The notification letter will also

inform the user of the frequency of billing for drainage charges and the amount per bill due the city, based on the number of billing cycles per year. Changes to the drainage charge caused by changes in the square footage of impervious surface or otherwise may prompt a new notification letter.

Nonresidential property means any property ~~which~~ that is not classified as residential under this article.

Open ditch drainage means drainage primarily removed from a benefitted property by use of an open ditch or ditches.

Parcel means one or more lots or tracts of land, or portions of lots or tracts.

Public or private institution of higher education means a public institution of higher education as defined by ~~Subdivision (8)~~ ~~of~~ Section 61.003 of the Texas Education Code or a private college or university that issues degrees in the state of Texas and is accredited by a recognized accrediting agency as defined by Section 61.003 of the Texas Education Code.

Public utility means drainage service that is regularly provided by the city through municipal property dedicated to providing such service to the users of benefitted property within the service area, and that is based on an established schedule of charges, the use of police power to implement the service, and nondiscriminatory, reasonable, and equitable terms as provided under this article.

Religious organization means a religious organization exempt from taxation pursuant to the current provisions of Section 11.20 of the Texas Tax Code.

Residential property means any property upon which two or ~~less~~ fewer single family residential units have or had been constructed or placed, including manufactured homes.

School district means any independent school district, as constituted by the laws of this state, located wholly or partly within the service area.

Service area for the drainage system, or *drainage service area*, means the corporate limits of the City of Houston, as those corporate limits are altered from time to time in accordance with state law and the charter and ordinances of the city. Land annexed for limited purposes shall become part of the service area upon annexation for full purposes.

State agency means an administrative agency of the State of Texas; for the purposes of this article, state agency shall not include counties, special districts, or independent school districts.

User means the person or entity who owns or occupies a benefitted property.

Wholly sufficient and privately owned drainage system means land owned and operated by a person or entity other than the city's drainage utility system, the drainage of which does not discharge into a street, ditch, culvert, creek, river, slough, or other channel that is a part of the city's drainage system.

Sec. 47-803. Creation of municipal drainage utility.

In the interest of public health and safety and a more efficient and economic operation of drainage facilities of the city, a municipal drainage utility system is created, which shall be a public utility. The public utility is created in accordance with the authority of the city as a home rule city pursuant to Article XI, Section 5 of the Texas Constitution; in accordance with Subchapter C of Chapter 552 of the Texas Local Government Code (the Municipal Drainage Utility Systems Act); and in accordance with Section 22 of Article IX of the City Charter. The provisions of Chapter 552, Subchapter C of the Texas Local Government Code, as amended, which are adopted and incorporated into this article by reference; the city charter; this article ordinance; and any other provisions of this code relating to drainage shall govern the operation of the utility. The city shall

have full authority to operate such municipal drainage utility system. Drainage service will be offered on nondiscriminatory, reasonable and equitable terms within the service area.

Sec. 47-804. Dedication of assets to drainage utility system.

Existing City of Houston drainage facilities, including all real, personal, or mixed property, materials and supplies are incorporated into the drainage utility as permitted by section 552.046 of the Texas Local Government Code, as amended.

Sec. 47-805. Administration of municipal drainage services.

The director shall be responsible for the administration of this ~~article ordinance~~ including, but not limited to, enacting any procedures or policies necessary for the administration of the drainage system and the drainage charges, developing maintenance and improvement programs, and establishing drainage criteria and standards for operation of the drainage system, in accordance with and subject to the provisions of this ~~article ordinance~~. Calculation of impervious surface may be adjusted by the director based on utilization of specific storm water management techniques on the benefitted property.

Secs. 47-806–47-820. Reserved.

DIVISION 2. FUNDING

Sec. 47-821. Management of utility funds.

All drainage charges collected by the city after ~~the effective date of this ordinance~~ July 1, 2011 and such other monies as may be available to the city for the purpose of drainage shall be used exclusively for creation, operation, planning, engineering, inspection, construction, repair, maintenance, improvement, reconstruction, administration and other reasonable and customary expenses associated with the cost of service to provide drainage services within the service area. The income derived

from the operation of municipal drainage services shall be maintained in accordance with Section 552.049 of the Texas Local Government Code and Section 22 of Article IX of the City Charter.

Sec. 47-822. Drainage charge established; exemptions.

(a) To recover the city's cost of service to provide drainage to benefitted properties, annual drainage charges calculated as provided herein ~~there is~~ are hereby imposed ~~annual drainage charges calculated as provided herein~~ on all parcels of real property within the drainage service area for which drainage service is made available under this article, save and except for those properties exempted from the payment of drainage charges as provided herein.

(b) The rate applicable to each square foot of impervious surface of a benefitted property shall be determined on the basis of whether the land use of the benefitted property is classified as residential or non-residential. In addition, the rate applicable to a residential property shall be determined on the basis of whether the drainage system for the property is curb and gutter drainage or open ditch drainage.

(c) All drainage charges shall be calculated by ~~applying~~ multiplying the appropriate rate per square foot of impervious surface as specified in the Schedule of Rates attached hereto, ~~multiplied~~ by the area in square feet of impervious surface on each benefitted property.

(d) The area of impervious surface on each benefitted property shall be determined on the basis of digital map data associated with tax plats and assessment rolls or other similar reliable data as shall be determined by the director.

(e) In the event a residential property is served by curb and gutter drainage on one or more sides and by open ditch drainage on one or more sides, the appropriate rate shall be determined by the street address for the property and the drainage system that corresponds to that side of the property.

(f) The following are exempt ~~by State law~~ from imposition of a drainage charge:

- (1) Properties appraised for use as and designated as agricultural use property by the respective county appraisal district where the property is located;
- (2) Properties served exclusively by a properly constructed and maintained wholly sufficient and privately owned drainage system;
- (3) State agencies;
- (4) Any public or private institution of higher education;
- (5) Any impervious surface owned by a school district as of

_____ ^{1.}

(6) Any impervious surface owned by a religious organization
as of _____ ^{2.}

(7) County-exempt property.

~~(g) Other exemptions, if any, from the imposition of a drainage charge shall be as indicated in the Schedule of Rates attached hereto.~~

Sec. 47-823. Review and adjustment of drainage rates.

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

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

The drainage rates established herein shall not be ~~increased~~ ~~raised~~ by city council for a minimum of ten years from _____³ ~~the date of adoption~~; provided, however, that such limitations shall not be applicable when a rate increase is necessitated by the enactment of any state law that which directly and negatively impacts the collection of drainage charges under the existing rate structure. Save and except for any rate increase prompted by the enactment of state law, approval of any rate increase shall require a super majority vote of 2/3 of the members of city council ~~to approve~~. The director shall on a regular basis review available data to verify the amount of impervious surface for benefitted property, and will make adjustments where appropriate to the calculations of the square footage of impervious surface for purposes of determining the drainage charge for benefitted property.

Sec. 47-824. Verification, correction and appeal.

(a) *Establishing a system for verification and correction.* The director shall establish and implement a system of verification and correction of drainage charges for each property subject to the drainage charges established by this article. Under such ~~a~~ system, the amount of surface on a particular property determined to be impervious by the city will be reviewed ~~by the city~~ based on documentation provided to the city by the user. The user requesting such a verification and correction must use either the city's officially-designated internet link (available on the city's website specifically for such purpose) or a form provided by the city with the notification letter, and mailed by the user to the city address shown in the notification letter; within the officially-allotted time frame. As a condition of requesting verification and correction, the user shall grant the city reasonable access to the property for the city to independently verify on-site information.

(b) *Request for verification and correction of the city's initial drainage charge.* A user's request for verification and correction of the city's initial drainage charge imposed on a benefitted property shall be forwarded by the user either electronically or in writing to the city within 60 days from the date of the initial notification letter mailed to the user by the city, ~~initially informing~~ that initially informed the user of:

³ Editor/City Secretary shall insert the effective date of this Ordinance.

- (1) The square footage of impervious surface on the benefitted property;
- (2) The rate applicable to each square foot of impervious area; and
- (3) The calculated drainage charge resulting from the multiplication of the user's square footage of impervious surface by the applicable rate.

The documentation to be provided by the user in support of a request to the city for verification and correction shall include, as a minimum, a drawing or other depiction, with accompanying measurements, supporting ~~illustrating~~ the user's claim that the city's calculation of impervious area is in error. To be eligible for verification and correction, any request must at a minimum provide information sufficient to support a correction in the annual drainage charge to the user's favor of at least two percent or \$3.00, whichever is greater. Such documentation shall be forwarded to the city either electronically or via the U.S. Postal Service.

Any documentation submitted to the city for purposes of verification and correction shall also include an affidavit in a form approved by the city attorney whereby the user shall sign and verify under penalty of law that any document the user is submitting to the city is true and correct. A special affidavit form shall be mailed by the city to every user along with the letter of notification.

Based on documentation submitted by the user (provided it was received by the city within the allotted time frame), and information available to the city in its files and databases, the city may increase or decrease the figure for the amount of impervious surface on the property for purposes of assessing the drainage charge, and shall adjust the drainage charge accordingly.

The city shall notify the user ~~shall be notified by the city~~ of the outcome of the city's verification and correction process, using the same address and the same medium by which the request was tendered (whether

in writing via the U.S. Postal Service Postage or electronically), including advising the user of the adjustment, if any, made to the drainage charge.

If any charge paid by the user during the initial billing year and prior to such adjustment exceeds the amount of the charge as adjusted by the city, the cumulative total of such corrections due the user for payments made prior to such adjustment shall be credited to the user's account and shall be applied against the user's future charges due the city.

If any charge paid by the user in the city's initial billing year and prior to such adjustment falls short of the amount of the charge as adjusted by the city, the cumulative total of such corrections due the city for payments made prior to such adjustment shall be debited to the user's account and shall be applied against the user's future charges due the city.

The facts and information a user provides ~~provided by a user~~ in a request to the city for verification and correction shall not form the basis for any subsequent request for verification and correction.

(c) *Request by user for verification and correction of changed impervious surface.* If the user's amount of impervious surface ~~has~~ changes ~~and~~ subsequent to the user's initial billing year, and the user notifies the city of such change electronically or in writing and requests the city to verify and correct the drainage charges, the request will be handled as an initial request for verification and correction as provided in ~~Section~~ Section 47-824(b) of this Code. Any adjustment in the drainage charge as a result of such request will become effective the first day of the month following the date of the user's request.

(d) *Request by user for verification and correction of change to drainage charge by the city.* The city may periodically review any properties within the service area, shall revise the city's database to reflect any changes that affect the area of impact the impervious surface, and shall forward a notification letter to the user advising the user of such change and the resulting change in the drainage charge. Any request for verification and correction of drainage charges ~~imposed on a benefitted property for~~ resulting from changes to property which affect the impervious surface as identified by the city that ~~and~~ are added by the city to the city's drainage utility database ~~throughout~~ for any year following the city's initial billing year;

will be handled as an initial request for verification and correction, as provided in Section 47-824(b) of this Code. The allotted time frame for subm

itting such a request shall be 60 days from the date of the letter of notification mailed to the user.

(e) *Appeals*. In the event a user disagrees ~~is dissatisfied~~ with the results of the verification and correction process, the user or the user's designated representative may request an appeal. Participation by a user in the verification and correction process as described herein and filing of a timely request for appeal shall be a prerequisite to any appeal.

The director shall designate drainage hearing examiners who will be independent of the operation of the city's drainage system to consider appeals as to whether or not a drainage charge was correctly determined based on the amount of impervious surface on the property.

Any request for such an appeal shall be submitted by the user either online through a specifically-designated link on the city's website, or in writing, no later than fifteen days following the date of the city's notification letter advising the user of the outcome of the verification and correction process.

The user, or the user's designated representative, may select a date and time for the appeal from those available dates shown on the city's online calendar, or if the user does not have access to said calendar, the user shall contact the city to schedule an appeal. The appeal shall be based exclusively on the information and data considered in the verification and correction process. Based on the outcome of the appeal, the drainage charge shall be adjusted accordingly or remain unchanged, and if appropriate, a credit or debit shall be applied to the user's account. The user shall be notified, using the same address and the same medium by which the appeal was tendered (whether in writing via the U.S. Postal Service Postage or electronically) of the outcome of the appeal.

The decision of the hearing examiner, following such appeal, shall be final.

Secs. 47-825–47-840. Reserved.

DIVISION 3. BILLING

Sec. 47-841. Billing and payment.

(a) For users billed by the city for other utility charges incurred for a benefitted property, such as water and/or sewer service, the city may bill for drainage charges, identified separately, in the same bill. Otherwise the city shall establish new drainage billing accounts.

(b) An initial notification letter advising the user of the imposition of a drainage charge shall be mailed to ~~all~~ each users. Such notice, as well as the bill itself, shall state the drainage charge that will be billed to the user and that failure of a user to pay such charges may result in the discontinuance of city drainage, water and sewer services.

(c) Bills for drainage charges shall reflect the annual charge imposed on a property divided by the user's number of utility billing cycles per year, e.g., if the city is billing a user for drainage on a monthly basis, the user's monthly drainage charge will equal the total annual drainage charge imposed on the property divided by 12 billing cycles per year.

(d) Bills shall be considered as received by the user, whether actually received or not, when deposited by the city in the United States mail, postage prepaid, addressed to the user's last known billing address or when electronically transmitted to the user's last known electronic address.

(e) Payment of bills shall be due when the bill is rendered.

Sec 47-842. Delinquent charges and penalties.

(a) Any drainage charge due hereunder ~~which~~ that is not paid when due may subject the user to late charges and reconnection fees authorized under the provisions of this Code relating to water and sewer charges.

(b) Any drainage charge due hereunder ~~which~~ that is not paid when due may subject the user to discontinuance of all utility services provided by the city, including drainage, water and sewer services.

(c) Any drainage charge due hereunder ~~which~~ that is not paid when due may be recovered in an action at law by the city, or by any other remedies or penalties provided at law or in Subchapters A and C of Chapter 552 of the Texas Local Government Code.

(d) The employees of the city's drainage utility shall have access, at all reasonable times, to any benefitted properties served by the drainage utility for inspection or repair of the drainage system or for the enforcement of the provisions of this article ordinance.

Sec. 47-843. Determination of payment responsibility.

Under circumstances where there may be more than one user, either multiple tenants and/or multiple owners, the director shall determine the party responsible for payment of city-billed drainage charges as follows:

- (1) On parcels where multiple utility accounts may exist and more than one tenant may be held responsible for payment of drainage charges within a single parcel or group of parcels belonging to the same owner, the director may choose the common owner of the subject property or properties to be the officially-designated user.
- (2) Where, within a twelve-month period, a rental property has changed tenants two or more times, the director may ~~henceforth~~ choose the owner of the property to be the designated user. Such designation shall have no effect on responsibility for payment of water, sewer or solid waste charges.
- (3) Where multiple residential owners are grouped into a single association responsible for the payment of collective water or

sewer charges, the director may designate the association as the official user for all impervious surfaces within the association's purview, regardless of parcel boundaries.

Sec. 47-844. Applicability of the W.A.T.E.R. fund.

Beginning the effective date of this article August 1, 2012, and on such date for each billing year thereafter, to the extent drainage charges collected under this article for the previous billing year exceed \$125 million, the amount of any excess up to, but no more than \$500,000, shall annually be transferred monies donated to the W.A.T.E.R. Fund from the proceeds of drainage charges, (as such Fund has been established by Section 36-61 of this code), shall to be available for use in the payment of drainage bills; as well as water and sanitary sewer bills; provided, however, the cumulative amount in the W.A.T.E.R. Fund for payment of drainage charges on such date for each billing year shall not exceed \$500,000. Monies accumulated in the W.A.T.E.R. Fund as provided herein shall be administered in accordance with the applicable provisions of Chapters 36 and 47 of this code, but such funds prior to the effective date of this ordinance shall be used exclusively for drainage water and sanitary sewer bills.

Secs. 47-845–47-860. Reserved.

DIVISION 4. USE OF FUNDS

Sec. 47-861. Oversight committee.

There shall be created an oversight committee of nine members, five members to be appointed by the mayor, including the committee chair, and four members to be appointed by city council, whose members shall advise the city on drainage project priorities and process. The committee will consist of individuals with significant backgrounds in community development, infrastructure assessments, and other appropriate qualifications. Contractors, engineers or firms participating in any city drainage system project will be ineligible to serve on the committee.

Sec. 47-862. No assumed liability.

Floods from drainage and storm water runoff may occasionally occur ~~which that~~ exceed the capacity of the drainage system maintained and financed with the drainage charges. In addition, surface water stagnation and pollution arising from nonpoint source runoff may occasionally occur ~~which that~~ exceed the capacity of the drainage system maintained and financed with drainage charges. This ~~article ordinance~~ does not imply that properties subject to charges shall always be free from flooding or flood damage, surface water stagnation or nonpoint source pollution or that all flood control and water treatment projects to control the quantity and quality of runoff can be constructed effectively. Nothing whatsoever in this ~~article ordinance~~ should be construed as creating or be deemed to create additional duties on the part of the city or to hold the city liable for any damages incurred in a flood or from adverse water quality due to drainage runoff. Nothing in this ~~article ordinance~~ shall be deemed to waive the city's immunities under state law or to reduce the need or necessity for flood insurance by property owners within or without the city."

Section 3. 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 4. 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 _____, 2011.

APPROVED this ___ day of _____, 2011.

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

Prepared by Legal Dept. _____

LWS:asw 03/21/2011 Senior Assistant City Attorney

Requested by Daniel W. Krueger, P.E., Director, Department of Public Works & Engineering

L.D. File No. _____

20B

APR 06 2011

MOTION NO. 2011

MOTION by Council Member Gonzalez that the recommendation of the Director of the Department of Public Works and Engineering, for approve a schedule of rates to establish and levy drainage charges for the implementation of a Municipal Drainage Utility System, be adopted, and the following Annual Rate per square foot of Impervious Surface, is hereby approved by the City Council:

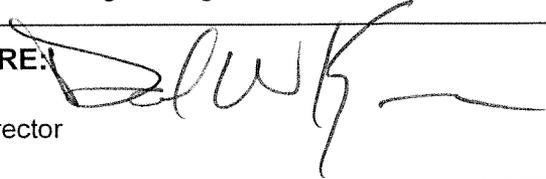
<u>Proposed Rate</u>	(per sq ft of impervious surface per year)
Residential curb & gutter, non residential	3.20¢
Residential open ditch	2.60¢

Seconded by Council Member Noriega

Council Members Adams and Jones absent

On 03/30/2011 the above motion was tagged by Council Members Costello and Sullivan.

mia

SUBJECT: Motion approving rates and establishing and levying a schedule of drainage charges for property subject to implementation of a Municipal Drainage Utility System under Article XIV of Chapter 47 of the Code of Ordinances		Category #	Page 1 of	Agenda Item# <div style="border: 1px solid black; padding: 2px; display: inline-block;"> 20SB34 </div>
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date:	Agenda Date MAR 30 2011 APR 06 2011	
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E. Director		Council District Affected: All		
For additional information contact: Andy Icken 832-393-1064 Daniel Krueger 832-395-2500		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Approve rates to establish and levy a schedule of drainage charges.				
Amount of Funding: Not Applicable			Finance Budget: NA	
Source of Funding: NA <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Other (Specify) <input type="checkbox"/> Enterprise Fund				
SPECIFIC EXPLANATION: On November 2, 2010 the Houston voters approved Proposition 1. This ballot initiative approved a City Charter Amendment creating a City of Houston Pay-As-You-Go Drainage and Street Fund. To implement the Charter Amendment, the City must, pursuant to Subchapter C, Chapter 552 of the Texas Local Government Code, create a Municipal Drainage Utility System dedicated to the maintenance and improvement of the city's drainage infrastructure to meet the city's current and future needs. By motion City Council must adopt rates to establish and levy a schedule of drainage charges for property subject to implementation of a Municipal Drainage Utility System. In accordance with Texas Local Government Code 552.045, the City has conducted a public hearing on March 9, 2011, and will conduct an additional one on March 23, 2011, for public input regarding rates to establish and levy a schedule of drainage charges for the Municipal Drainage Utility System. Attachment: Proposed Drainage Charge Schedule. Approval is recommended.				
REQUIRED AUTHORIZATION CUIC: 20SB34				
Other Authorization:		Other Authorization:		Other Authorization:

ATTACHMENT

City of Houston

Schedule of Proposed Rates

Annual Rate per Square Foot of Impervious Surface

<u>Proposed Rate</u> (per sq ft of impervious surface per year)	
Residential curb & gutter, non residential	3.20¢
Residential open ditch	2.60¢