

AGENDA - COUNCIL MEETING - TUESDAY - JULY 12, 2011 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Johnson

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

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

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - JULY 13, 2011 - 9:00 A. M.

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

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** regarding the proposed amendment of Chapter 40, Code of Ordinances to extend the provisions of the Civility Ordinance to an area within the **EAST DOWNTOWN MANAGEMENT DISTRICT - DISTRICT I - RODRIGUEZ**

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 25

MISCELLANEOUS - NUMBERS 2 through 4

2. REQUEST from Mayor for confirmation of the appointment of the following to the **BUILDING AND STANDARDS COMMISSION**:

Panel 1:

- Position A1 - **MR. WARD W. ARENDT**, for a term to expire 12/31/2012
Position A2 - **MS. MARY L. RAMOS**, for a term to expire 12/31/2011
Position A3 - **MR. JACKSON CHANG**, for a term to expire 12/31/2012
Position A4 - **MS. JENIFER RENÉ POOL**, for a term to expire 12/31/2011
Position A5 - **MR. MARK ALAN PARTHIE**, for a term to expire 12/31/2012

Panel 2:

- Position B1 - **MR. WATTS T. MCKEE, JR.**, for a term to expire 12/31/2012
Position B2 - **MS. EILEEN SUBINSKY**, for a term to expire 12/31/2011
Position B3 - **MR. MARK T. O. MOLER**, for a term to expire 12/31/2012
Position B4 - **MR. MICHAEL E. CRAMER**, for a term to expire 12/31/2011
Position B5 - **MS. VIRGINIA LEE DUKE**, for a term to expire 12/31/2012

Alternates:

- Position 1 - **MR. MOISES MONTEZ**, for a term to expire 12/31/2012
Position 2 - **MR. VICTOR L. CARDENAS, JR.**, for a term to expire 12/31/2011
Position 3 - **MR. CHUCK (CHARLES) A. DAVIDSON**, for a term to expire 12/31/2012
Position 4 - **MR. PETER EICHENLAUB**, for a term to expire 12/31/2011
Position 5 - **MR. THOMAS E. BRENTS**, for a term to expire 12/31/2012
Position 6 - **MR. DOUGLAS E. HAMMEL**, for a term to expire 12/31/2011
Position 7 - **MR. JOE H. MORENO**, for a term to expire 12/31/2012
Position 8 - **MR. JEFFREY E. COOMER**, for a term to expire 12/31/2011

- 2-1 REQUEST from Mayor for confirmation of the appointment of the following to serve as **ADJUDICATION HEARING OFFICERS**, for two year terms:

- MR. DENNIS R. ALENIK** - Part-Time
MR. JOHN C. ARANDA - Full-Time

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS**, also known as the **FOURTH WARD TIRZ BOARD**:

- Position Three - **MS. MARIAN MICHELLE DAVENPORT**, appointment, for a term to expire 6/8/2013
Position Four - **REVEREND OWEN B. BROWN**, reappointment, for a term to expire 6/8/2013
Position Five - **MS. JACQUELINE BOSTIC**, reappointment, for a term to expire 6/8/2013, and to serve as Chair beginning 1/1/2012
Position Six - **MR. ANTHONY W. HALL, III**, appointment, for a term to expire 6/8/2012
Position Seven - **MR. JESSE SAENZ**, appointment, for a term to expire 6/8/2012

- 3-1 RECOMMENDATION from the City Controller for payment of \$3,643,510.98 to the **INTERNAL REVENUE SERVICE** for Arbitrage Rebate Liability on Combined Utility System First Lien Revenue and Refunding Bonds, Series 2006 and Series 2006A - Enterprise Fund

4. RECOMMENDATION from Director Planning & Development Department to designate an Honorary Street Marker for **MS. HAZEL MAE TATE** located at the intersection of Memel Street and West Huntington Street - **DISTRICT B - JOHNSON**

AGENDA - JULY 13, 2011 - PAGE 3

ACCEPT WORK - NUMBERS 5 and 6

5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$2,236,794.84 and acceptance of work on contract with **THE GONZALEZ GROUP, LP** for the Forestry Complex Relocation - 11.07% over the original contract amount - **DISTRICT A - STARDIG**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$148,796.50 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for 12-inch Sanitary Sewer along Bastrop Street 1.77% over the original contract amount - **DISTRICT I - RODRIGUEZ**

PROPERTY - NUMBER 7

7. RECOMMENDATION from Director General Services Department that City Council declare surplus Parcel SY11-069, 6901 Brownwood - **DISTRICT H - GONZALEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 11A

8. **GT DISTRIBUTORS, INC** for Tactical Breaching Kits through the Interlocal Agreement for Cooperative Purchasing with BuyBoard for the Houston Police Department - \$122,430.00 - Grant Fund
9. **LEXISNEXIS RISK SOLUTIONS FL, INC** for Accurint® for Law Enforcement Investigative Services from the State of Texas Council of Competitive Government Contract for the Houston Police Department - \$61,200.00 - General Fund
10. **SOUTHERN IONICS INCORPORATED** for Chemical, Liquid Sodium Bisulfite for the Department of Public Works & Engineering - 5 Years - \$5,685,900.00 - Enterprise Fund
11. ORDINANCE appropriating \$218,035.00 out of Street & Bridge Consolidated Construction Fund for the purchase of Intelligent Transportation System Equipment for the Public Works and Engineering Department - **DISTRICTS A - STARDIG; C - CLUTTERBUCK and G - PENNINGTON**
 - a. **COHU, INC** - \$76,575.00 and **TWINCREST TECHNOLOGIES** - \$119,760.00 for Intelligent Transportation System Traffic Management Equipment through the Interlocal Agreements for Cooperative Purchasing with the Texas Department of Information Resources and the Houston-Galveston Area Council for the Department of Public Works & Engineering

ORDINANCES - NUMBERS 12 through 25

12. ORDINANCE appropriating \$12,069,827.00 out of Airports Improvement Fund; amending Manual Purchase Order No. SPR-SRD-040511-001 to **COMFORT SYSTEMS USA, SOUTH CENTRAL, INC** for Construction of Chilled Water Lines at George Bush Intercontinental Airport (ratified by Ordinance No. 2011-588) to increase the maximum spending authority to \$17,068,827.00 and to incorporate the construction addendum thereto as on file in the Houston Airport System **DISTRICT B - JOHNSON**
13. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **SUMMIT SEAFOOD SUPPLY, INC** for certain premises at William P. Hobby Airport - **DISTRICT I - RODRIGUEZ**

ORDINANCES - continued

14. ORDINANCE appropriating \$4,250,000.00 out of Airports Improvement Fund as an additional appropriation and approving a supplemental allocation in the amount of \$5,000,000.00 for the contract between the City of Houston and **CH2M HILL, INC**, approved by Ordinance No. 2010-1038 for Professional On-Call Planning Consulting Services for the Houston Airport System (Project No. 677) - \$750,000.00 Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
15. ORDINANCE approving and authorizing Sub-Grantee Award Agreement between **HARRIS COUNTY, TEXAS** and the City of Houston to accept FY2008 Port Security Grant Program funding for Radio System Antenna Sites
16. ORDINANCE approving and authorizing Sub-Grantee Award Agreement between **HARRIS COUNTY, TEXAS** and the City of Houston to accept FY2009 Port Security Grant Program funding for Radio System Antenna Sites, Phase II
17. ORDINANCE approving and authorizing Sub-Grantee Award Agreement between **HARRIS COUNTY, TEXAS** and the City of Houston to accept FY2009 Port Security Grant Program funding for Port Area Responders Mobile Data Computers
18. ORDINANCE approving and authorizing contract between the City and the **GREATER HOUSTON CONVENTION AND VISITORS BUREAU** for the enhancement of Protocol Services and mutual coordination efforts in the promotion of tourism and the solicitation of Convention business - \$420,000.00 - General Fund
19. ORDINANCE approving and authorizing agreement between **HOUSTON INDEPENDENT SCHOOL DISTRICT** and the City of Houston to manage and produce a Back to School Festival
20. ORDINANCE approving and authorizing License Agreement between the City of Houston and **SMG** as manager of Reliant Park, for the use of Reliant Park Facilities by the Department of Health and Human Services as site to conduct the Fifth Annual Hip Hop for HIV Awareness Campaign and providing \$68,607.92 of Federal Grant Funds for such event - **DISTRICT D - ADAMS**
21. ORDINANCE approving and authorizing Performance Based Loan Agreement between the City of Houston and **TRAVIS STREET PLAZA, LP, as owner**, and **CANTWELL-ANDERSON, INC, as borrower**, to provide \$3,828,598 of Federal "HOME" Funds to assist with the construction of the Travis Street Plaza Apartments, a 192-unit single resident occupancy facility at 4500 Travis Street in Houston, Texas - **DISTRICT D - ADAMS**
22. ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 406** and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 321** for Treated Water Supply
23. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath one tract of land containing 6.5040 acres commonly known as 18310 Market Street Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality
24. ORDINANCE No. 2011-586, passed first reading July 6, 2011
ORDINANCE granting to **ROBERT E. JENKO, INC d/b/a RELIABLE PIPE CLEANING, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions
SECOND READING

ORDINANCES - continued

25. ORDINANCE No. 2011-587, passed first reading July 6, 2011
ORDINANCE granting to **THE DUMPSTER GUYS, LLC A Texas Limited Liability 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
SECOND READING

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 26 through 29

26. MOTION by Council Member Lovell/Seconded by Council Member Gonzalez to adopt the recommendation from the Director Department of Public Works & Engineering for approval of the Municipal Drainage Utility System Appeal Process
TAGGED BY COUNCIL MEMBERS SULLIVAN, JONES and BRADFORD
This was Item 2-1 on Agenda of July 6, 2011
27. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,812,129.96 and acceptance of work on contract with **R. J. CONSTRUCTION COMPANY, INC** for Drainage Improvements at Grade Separations, Package III - 7.80% under the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**
TAGGED BY COUNCIL MEMBER JONES
This was Item 3 on Agenda of July 6, 2011
28. ORDINANCE amending Ordinance No. 2010-0502 (Passed on June 23, 2010) to increase the maximum contract amount for contract between the City of Houston and **AT&T MOBILITY NATIONAL ACCOUNTS, LLC (Formerly NEW CINGULAR WIRELESS NATIONAL ACCOUNTS, LLC)** and **GTE MOBILNET OF SOUTH TEXAS LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS** by San Antonio MTA, L.P., its General Partner, by Verizon Wireless Texas, LLC, its General Partner and **SAN ANTONIO MTA, LP, d/b/a VERIZON WIRELESS**, by Verizon Wireless Texas, LLC, its General Partner, for Wireless Voice and Data Telecommunications Equipment and Services for Various Departments - \$1,000,000.00 - Central Service Revolving Fund - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 19 on Agenda of July 6, 2011
29. ORDINANCE consenting to the addition of 30.831 acres of land to **NORTHPOINTE WATER CONTROL AND IMPROVEMENT DISTRICT**, for inclusion in its district
POSTPONED BY MOTION #2011-552, 7/6/11
This was Item 29 on Agenda of July 6, 2011

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

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

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

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

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

NOTICE is hereby given that a Regular Meeting of the City Council of the City of Houston will be held **TUESDAY, JULY 12, 2011 at 1:30 p.m. and WEDNESDAY, JULY 13, 2011 at 9:00 a.m.** with the reading of the descriptions, captions or titles of the agenda items by the City Secretary to begin not earlier than 60 minutes before the scheduled commencement, in the Council Chamber, Second Floor, City Hall, 901 Bagby, for the purpose of conducting the regular business and affairs of the City of Houston listed on the attached Agenda.

WITNESS my official signature this the 8th day of JULY, 2011.

/s/ Anna Russell

City Secretary

CERTIFICATE

I certify that the attached notice of meeting was posted on the Bulletin Board of the City Hall of the City of Houston, Texas, on JULY 8, 2011 at 4:25 p.m.

by /s/ L. Malbro

for Anna Russell
City Secretary

SUPPLEMENTAL NOTICE

NOTICE IS HEREBY GIVEN that the City Council of the City of Houston at its regular meeting Wednesday, July 13, 2011, which will convene at 9:00 a.m. in the City Council Chamber, Second Floor, City Hall, 901 Bagby, Houston, Texas, will consider the following item:

30. ORDINANCE amending Ordinance No. 2011-577, relating to an Interlocal Agreement between the City of Houston, Texas, and **HOUSTON INDEPENDENT SCHOOL DISTRICT**, for the development and use of a tract of land near 1011 Taft Street, Houston, Texas, for field and related facilities - **DISTRICTS D - ADAMS and I - RODRIGUEZ**

City Secretary

*CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - TUESDAY
JULY 12, 2011 2:00 PM*

AGENDA

1MIN 1MIN 1MIN

2MIN 2MIN 2MIN

3MIN 3MIN 3MIN

PROPHETICAL LANCE HARDY JR. – 5206 Ridgewest – 77053 – 832-352-2464 – New commandments and the position of men

MS. TAMMIE KHAN – 1500 Binz – 77044 – 713-535-7211 – Open door/low income assistance

MR. ALEJNDRO ARMANDO – 6829 Ave T - 77011 – 713-926-4560 – Trash pick-up and HPD

MS. LAURIE SOLIS – 7255 Katy Frwy. – 77024 – 713-614-9999 – Why I can't get my car back

MR. CRAIG STEWART – 1269 W. 17th – 77008 – 281-736-6706 – Mayor's decision on Red Light Cameras

MR. WILLIAM BEAL – No address – No phone – Colin Clive Dr. Henry Frankenstein, M. D.

PREVIOUS

1MIN 1MIN 1MIN

REV. JOE ANGEL LOPEZ - 13334 Wells River Dr. – 77041 - 832-891-2724 – Parking Management suffers from manual berra lack of leadership

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – 713-928-2871 – KK/Mayor w/Councilmembers w/Global Mafia terrorists – w/hotels sales membership w/Emergency protection

/
JUL 13 2011

MOTION NO. 2011 0532

MOTION by Council Member Gonzalez that the recommendation of the Chief of Police, to set a hearing date to consider amending Chapter 40 of the Code of Ordinances to extend provisions of the Civility Ordinance to the East Downtown Management District, be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, July 13, 2011 in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Rodriguez and carried.

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

Council Member Johnson absent on personal business

PASSED AND ADOPTED this 29th day of June 2011.

Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is July 5, 2011.

City Secretary



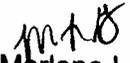
CITY OF HOUSTON

Planning and Development Department

Interoffice

Correspondence

To: Anna Russell, City Secretary

From: 
Marlene L. Gafrick
Director

Date: November 5, 2010

Subject: East Downtown Civility Petition

We have mapped the proposed area and petitioners to determine compliance with the requirements found in Section 40-353(c)(2 & 3).

Petition Requirements	Analysis	Met Criteria
Contain the signatures of property owners whose property represents 20% of the total land area to be designated.	The proposed area encompasses 220.46 acres. The petition included property owner signatures representing 59.96 acres or 27% of the land area.	Yes
Contain the signatures <ol style="list-style-type: none"> of at least 100 citizens residing within the proposed area that are over the age of 18 years old 	<ol style="list-style-type: none"> At least 103 of the petitioners live within the proposed area. Not able to verify. 	<ol style="list-style-type: none"> Yes Not able to verify

We utilized Harris County Appraisal District data to verify ownership information. In some instances Public Works and Engineering permit data was utilized to verify addresses. We are attaching a copy of a map reflecting the boundary. We trust this helps you with the petition. If you have any questions, please feel free to contact me.

Mg:tlg

attachment



LETTER OF TRANSMITTAL

TO: Anna Russell, City Secretary, City of Houston

FROM: Norm Pegram, Chairman,
East Downtown Management District
815 Live Oak, Houston, TX 77003

DATE: October 8, 2010

REGARDING: Article XVI, Section 40-353, East Downtown Designated Area Petition

RECEIVED
OCT - 8 2010
CITY SECRETARY

Pursuant to Article XVI, section 40-353, property owners and residents within East Downtown have signed a petition requesting the establishment of the East Downtown designated area. The original petitions are included within the package submitted for your review.

Article XVI, Section 40-353 defines several criteria which must be met by petition. Per the ordinance, the petition must:

- (1) Describe the proposed area by street boundaries;
- (2) Contain the signatures of property owners whose property represents 20% of the total area to be designated;
- (3) Contain the signatures of at least 100 citizens residing within the proposed area, each of whom was above the age of 18 years old when signing the petition; and,
- (4) Indicate that the signatures thereon were collected within a 60-day calendar period.

We believe that the above criteria have been met based on the following:

- (1) The petition includes two appendices: Appendix A is a map of the designated area (139.40 acres) with the text descriptions of the boundaries; and, Appendix B is a copy of the text of the ordinance in its entirety. In some cases signers retained the map and ordinance for their records.
- (2) The petitions were signed by numerous property owners whose property collectively represents an estimated 45.26 acres of the proposed area. This represents approximately 1,975,712 square feet or 32.54% ownership of the proposed area. For your review a comprehensive list of the properties owned by petition signers, along with the square footage of the property has been provided.
- (3) The petition was signed by 105 residents of the proposed area. For your review the names and addresses of residents signing the petition has been included in this package. Please note that a reference number has been assigned to each resident signature sheet as well.
- (4) The first signature was obtained on August 13, 2010 from Jim Olive. The last day of petition signatures was on October 8, 2010 from Joe Sandoval. This is within the 60-day period required by the ordinance to collect the signatures Sec. 40-353 (4).

Thank you for your assistance in this matter. If you have any questions regarding the information provided please contact Tina Araujo at 713-504-2042.



Downtown

Mint & Read Park

East Downtown Civility Petition Area

 Petition Area

City of Houston
Planning & Development Department
GIS Services Division
Map Date: November 2010

COHGIS data is prepared and made available for general reference purposes only and should not be used, or relied upon for specific applications, without independent verification. The City of Houston neither represents, nor warrants COHGIS data accuracy, or completeness, nor will the City of Houston accept liability of any kind in conjunction with its use.

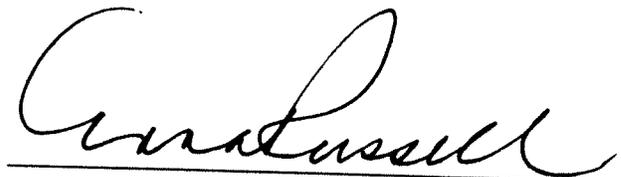


NOTICE OF PUBLIC HEARING

Pursuant to Section 40-353(f) of the Code of Ordinances, Houston, Texas, notice is hereby given that a petition has been received and certified as containing signatures sufficient to cause the City Council to consider an extension of the requirements of Article XVI of Chapter 40 of the Code of Ordinances, pertaining to lying and sitting on public sidewalks, to a designated area within the City. The area affected by this hearing is within the area generally known as the East Downtown Management District. A public hearing is scheduled for 9:00 a.m., July 13, 2011, in the City Council Chamber, second floor, 901 Bagby, Houston, Texas, at which time any interested person shall have the opportunity to participate and to present any relevant evidence and testimony.

To reserve time to appear, call the Office of the City Secretary (832) 393-1100. The petition and Article XVI of Chapter 40 of the Code of Ordinances are available for inspection in the Office of the City Secretary, 900 Bagby, Public Level, Room P-101, Houston, Texas.

Dated this 30th day of June, 2011

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

Anna Russell
City Secretary



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 20-24-11
date

2
JUL 13 2011

COUNCIL MEMBER: _____

June 21, 2011

The Honorable City Council
Houston, Texas

Dear Council Members:

Pursuant to Ordinance No. 2011-108, I am appointing the following individuals to the Building and Standards Commission, subject to Council confirmation:

Panel 1:

- Mr. Ward W. Arendt, appointment to Position A1, for a term to expire December 31, 2012;
- Ms. Mary L. Ramos appointment to Position A2, for a term to expire December 31, 2011;
- Mr. Jackson Chang, appointment to Position A3, for a term to expire December 31, 2012;
- Ms. Jenifer René Pool, appointment to Position A4, for a term to expire December 31, 2011;
- Mr. Mark Alan Parthie, appointment to Position A5, for at term to expire December 31, 2012;

Panel 2:

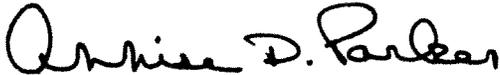
- Mr. Watts T. McKee, Jr., appointment to Position B1, for a term to expire December 31, 2012;
- Ms. Eileen Subinsky, appointment to Position B2, for a term to expire December 31, 2011;
- Mr. Markt O. Moler, appointment to Position B3, for a term to expire December 31, 2012;
- Mr. Michael E. Cramer, appointment to Position B4, for a term to expire December 31, 2011;
- Ms. Virginia Lee Duke, appointment to Position B5, for a term to expire December 31, 2012;

Alternates

Mr. Moises Montez, appointment to Alternate Position 1, for a term to expire December 31, 2012;
Mr. Victor L. Cardenas, Jr., appointment to Alternate Position 2, for a term to expire December 31, 2011;
Mr. Chuck (Charles) A. Davidson, appointment to Alternate Position 3, for a term to expire December 31, 2012;
Mr. Peter Eichenlaub, appointment to Alternate Position 4, for a term to expire December 31, 2011;
Mr. Thomas E. Brents, appointment to Alternate Position 5, for a term to expire December 31, 2012;
Mr. Douglas E. Hammel, appointment to Alternate Position 6, for a term to expire December 31, 2011;
Mr. Joe H. Moreno, appointment to Alternate Position 7, for a term to expire December 31, 2012; and
Mr. Jeffrey E. Coomer, appointment to Alternate Position 8, for a term to expire December 31, 2011.

The résumés are attached for your review.

Sincerely,

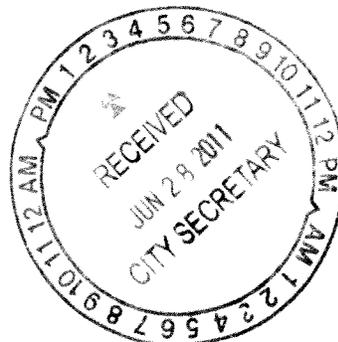


Annise D. Parker
Mayor

AP:JC:jsk

Attachments

cc: Ms. Catherine Flowers, Director, Office of Neighborhood Services





ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

2-1

JUL 13 2011

June 20, 2011

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 6-28-11
date

COUNCIL MEMBER: _____

The Honorable City Council
Houston, Texas

Re: Municipal Court Adjudication Hearing Officers

Dear Council Members:

Pursuant to Chapter 16, Article IV, and Chapter 45, Article XIX, of the City of Houston Code of Ordinances, I am appointing the following individuals to serve as a Municipal Court Adjudication Hearing Officers for a two-year term, beginning immediately upon Council confirmation:

Names	Appointment
Dennis R. Alenik	09 Part Time
John C. Aranda	10 Full Time

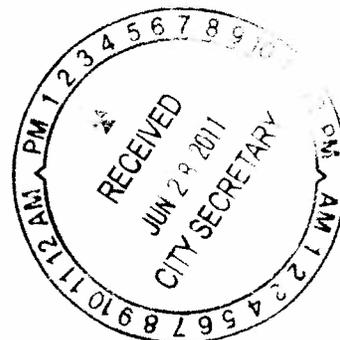
The résumés are attached for your review.

Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

Attachment



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



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

3

JUL 13 2011

June 21, 2011

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 6-28-11
date

COUNCIL MEMBER: _____

The Honorable City Council
Houston, Texas

Dear Council Members:

Pursuant to Texas Tax Code, Chapter 311, City of Houston Ordinance No. 99-565, and City of Houston Resolution No. 99-69, I am nominating the following individuals for appointment or reappointment to the Board of Directors of Reinvestment Zone Number Fourteen, City of Houston, Texas, also known as the Fourth Ward TIRZ Board, subject to City Council confirmation:

- Ms. Marian Michelle Davenport, appointment to Position Three, for a term to expire June 8, 2013;
- Reverend Owen B. Brown, reappointment to Position Four, for a term to expire June 8, 2013;
- Ms. Jacqueline Bostic, reappointment to Position Five, for a term to expire June 8, 2013, and to serve as Chair beginning January 1, 2012;
- Mr. Anthony W. Hall, III, appointment to Position Six, for a term to expire June 8, 2012; and
- Mr. Jesse Saenz, appointment to Position Seven, for a term to expire June 8, 2012.

Pursuant to City of Houston Resolution No. 99-69, the persons appointed to the positions on the Fourth Ward Redevelopment Authority Board shall be the same persons appointed to this Fourth Ward TIRZ Board, and the term of each position on the Fourth Ward Redevelopment Authority Board shall be coterminous with the term of the corresponding position on this Fourth Ward TIRZ Board.

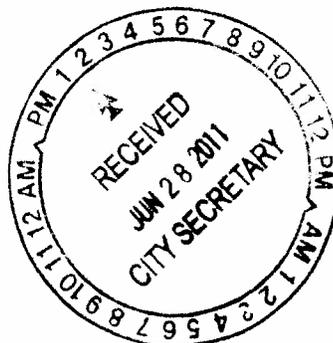
The résumés are attached for your review.

Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

Attachment



cc: Mr. Ralph De Leon, Division Manager, Economic Development & TIRZ Program

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approve by motion the payment of \$3,643,510.98 to the Internal Revenue Service for arbitrage rebate for Combined Utility System First Lien Revenue and Refunding Bonds, Series 2006 and Series 2006A	Category #	Page 1 of <u>1</u>	Agenda Item # <u>3-1</u>
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FROM (Department or other point of origin): Office of the City Controller and Department of Finance	Origination Date: 07/06/2011	Agenda Date JUL 13 2011
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DIRECTOR'S SIGNATURE: 	Council District Affected: All
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For additional information contact: Shawnell Holman-Smith Phone: 832-393-3513 James Moncur Phone: 832-393-1009	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
Approve by motion the payment of \$3,643,510.98 to the IRS for arbitrage rebate liability on the Combined Utility System First Lien Revenue and Refunding Bonds, Series 2006 and Series 2006A

Amount of Funding: \$3,643,510.98	Finance Budget:
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Source of Funding: General Fund Grant Fund Other (Specify) Enterprise Fund

Fund 8300

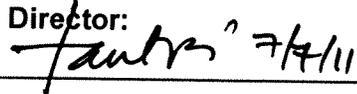
SPECIFIC EXPLANATION:

Arbitrage is the profit that can be earned by borrowing money at a low interest rate, then investing the proceeds in another market that yields a higher interest rate. The IRS requires that arbitrage earnings from bond proceeds be rebated to the US Treasury.

On July 27, 2006, the City of Houston, Texas issued its Combined Utility System First Lien Revenue and Refunding Bonds, Series 2006 and Series 2006A. PFM Asset Management LLC has completed an arbitrage rebate and Yield restriction calculation for the bonds and the liability is calculated to be \$3,643,510.98

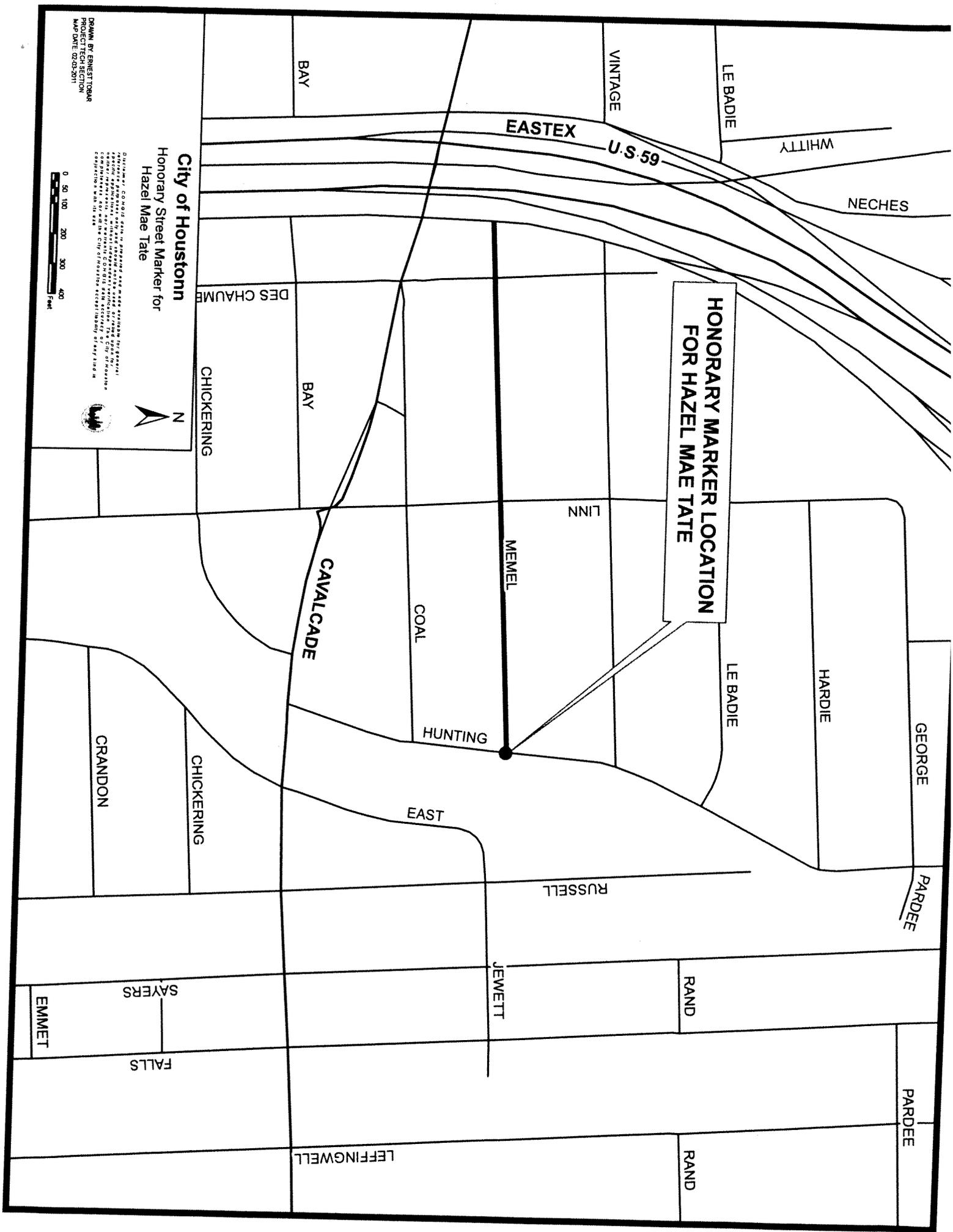
City Council is asked to approve the payment of the arbitrage rebate liability.

REQUIRED AUTHORIZATION

Finance Director:  7/14/11	Other Authorization:	Other Authorization:
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TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

SUBJECT: Request the designation of an Honorary Street Marker for Ms. Hazel Mae Tate		Category #	Page 1 of	Agenda Item # 4
FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department		Origination Date 7/7/11		Agenda Date JUL 13 2011
DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i>		Council District affected: B		
For additional information contact: Jennifer Ostlind Phone: 713-837-7871		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Approval of a motion designating an Honorary Street Marker for Ms. Hazel Mae Tate.				
Amount and Source of Funding:			Finance Budget:	
SPECIFIC EXPLANATION: The Planning and Development Department received a request for an Honorary Street Marker honoring Ms. Hazel Mae Tate. The Honorary Street Marker will be located at the intersection of Memel Street and West Hunting Street. (see map). Attached is a summary of Ms. Hazel Mae Tate's contributions to the community. The proposed marker is in compliance with City Council Honorary Marker policy. Attachment: Locater Map Summary of contributions cc: Anna Russell, City Secretary Daniel W. Krueger P.E., Director, Public Works and Engineering Daniel M. Feldman, City Attorney Bill Hlavacek, Public works and Engineering Jarvis Johnson, Council Member, District B				
REQUIRED AUTHORIZATION				
Finance Director:		Other Authorization:		Other Authorization:



**HONORARY MARKER LOCATION
FOR HAZEL MAE TATE**

City of Houston
Honorary Street Marker for
Hazel Mae Tate

DISCLAIMER: CITY OF HOUSTON IS PROVIDING THIS INFORMATION FOR GENERAL INFORMATION ONLY. CITY OF HOUSTON DOES NOT WARRANT THE ACCURACY OR COMPLETENESS OF THE INFORMATION, AND THE CITY OF HOUSTON SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE CITY OF HOUSTON ACCEPTS LIABILITY OF ANY KIND OR NATURE FOR ANY DAMAGE OR LOSS OF ANY KIND OR NATURE, INCLUDING BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES, INCLUDING ANY AND ALL LOSS OF PROFITS, LOSS OF BUSINESS, LOSS OF DATA OR CONFIDENTIALITY, LOSS OF REPUTATION, LOSS OF GOODWILL, LOSS OF OPPORTUNITY, LOSS OF ANTICIPATED SAVINGS, LOSS OF USE, LOSS OF BENEFIT, LOSS OF TIME, AND ANY AND ALL OTHER DAMAGES, LOSSES AND EXPENSES ARISING OUT OF THIS INFORMATION, HOWEVER CAUSED, IN ANY MANNER AND BY ANY THEORY OF LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, OR OTHERWISE, ARISING OUT OF OR IN CONNECTION WITH THE VISITATION, USE, OR RELIANCE ON THIS INFORMATION.



DRAWN BY: ERNEST TORRES
DATE: 02/25/2011
MAP DATE: 02/25/2011

Dear Ms Marlene Gafrick,

I would like to request an Honorary Street Marker honoring Hazel Mae Tate. She lived in that community for 50 years. She sheltered the homeless in her two bedroom home located at 3420 Memel, Houston, Texas, 77026. She was always feeding the hungry and never turned anyone away who didn't have somewhere to stay. She even had people living in the attic, which was transformed into a room to provide shelter for those who needed it. Sometimes people were sleeping on mats on the floor in every room. She really cared for the community and was always there to lend a helping hand. She was the mother of the neighborhood, providing guidance for children when they became delinquent.

She passed January 4, 2010. She is greatly missed in the community and I feel she is worthy to be remembered on that street.

I would greatly appreciate if you would take this into consideration.

Thank you!!

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work The Gonzalez Group, LP Forestry Complex Relocation WBS No. F-504A17-0001-4	Page 1 of 2	Agenda Item 5
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FROM (Department or other point of origin): General Services Department	Origination Date	Agenda Date JUL 13 2011
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DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott Minnix 6/27/11</i>	Council District affected: A
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For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance No. 2008-475, May 28, 2008 Ordinance No. 2010-207, March 10, 2010
--	---

RECOMMENDATION: Pass a motion approving the final contract amount of \$2,236,794.84, accept the work and authorize final payment.

Amount and Source of Funding: No Additional Funding Required Previous Funding: \$2,339,590.66 Parks Consolidated Construction Fund (4502)	Finance Budget:
---	------------------------

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$2,236,794.84 or 11.07% over the original contract amount, accept the work and approve final payment to The Gonzalez Group, LP for construction services for the Forestry Complex Relocation for the Parks and Recreation Department (PARD).

PROJECT LOCATION: 12025 Sowden Rd. (Key Map No. 454-D)

PROJECT DESCRIPTION: The project renovated the former Public Works and Engineering Maintenance Facility to house PARD's Forestry Division and the Langwood Maintenance Facility; converted an existing warehouse facility into new offices; meeting rooms; restroom/shower/locker facilities for employees; and storage facilities for maintenance equipment. The site renovations included a new fueling station, parking lot improvements, maintenance shops, new maintenance vehicles garages, painting existing structures, site lighting and security fencing.

Parsons-3D/I was the design consultant and construction manager for this project.

PREVIOUS HISTORY AND PROJECT SCOPE: On March 10, 2010, City Council approved a First Amendment and appropriated \$124,855.66 to increase the director's authority to approve Change Orders up to 11.20% of the original contract price to provide additional improvements to the project.

CONTRACT COMPLETION AND COST: The contractor completed the project within 430 days: the original contract time of 240 days plus 190 days approved by Change Orders. The final cost of the project, including Change Orders is \$2,236,794.84, an increase of \$222,993.84, over the original contract amount.

NDT

REQUIRED AUTHORIZATION		CUIC ID # 25PARK148
General Services Department:  FOR — Richard A. Vella Chief of Design & Construction Division	Houston Parks and Recreation Department:  Joe Turner Director	

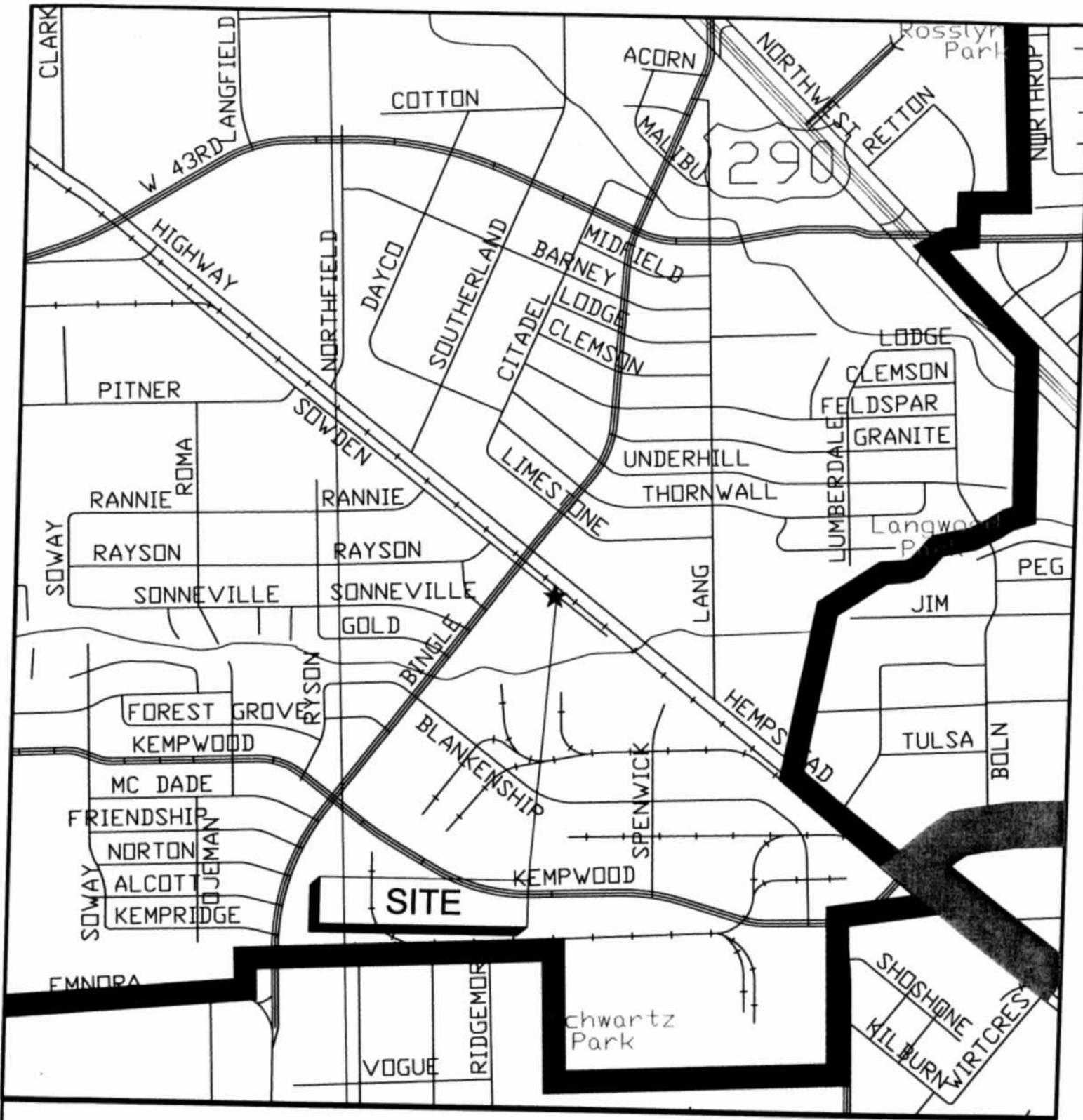
Date	SUBJECT: Accept Work The Gonzalez Group, LP Forestry Complex Relocation WBS No. F-504A17-0001-4	Originator's Initials CP	Page 2 of 2
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PREVIOUS CHANGE ORDERS: Change Orders 1-7 addressed the following: added permitting fees for waste-water capacity and water; removed existing rack shelving, hoist crane and beam; installed mounting surfaces in IT room; added security fencing in equipment storage areas and additional power circuits and ground wire in IT room; furnished two hollow metal door frames; installed Ethernet card to fuel system; removed tree. Installed new platform for HVAC unit to raise above 100 year flood plain, containers at fuel pumps to monitor fuel leaks, and underground conduits for phone system. Replaced one exterior hollow metal door with aluminum door; disconnected gas service to property; removed fencing; reconnected sanitary sewer line; installed conduit for AT&T network connection; replaced switch and contactor at electrical panel for existing exterior lights; installed time clock and electrical contactor for exterior light controls; rerouted ductwork for second floor HVAC system; revised front grading at building entry to create a garden area. Installed new drain inlet for landscape area, internal gutter system for new maintenance shop, new lockers, platform at the fuel tanks, key switch to elevator, wrought iron fencing at the equipment room, overhead hoist system for maintenance barn doors, a sanitary sewer sampling well, and fencing between employee parking and facilities. Adjusted hot water heater; modified main entry to accommodate emergency vehicles; patched existing driveway; added sidewalk at eyewash station; repaired existing storm drain inlet; and replaced existing key cores.

M/WBE PARTICIPATION: The contract contained an 8.5% MBE goal, 2.55% SBE goal and 1.2% WBE goal. According to the Office of Business Opportunity, Contract Compliance Section, the contractor achieved 8.32% MBE, 1.28% SBE and 2.42% WBE participation and was assigned a satisfactory rating because the participation level was within 1% of the established goals.

SM:RAV:JLN:LJ:CP:bo

c: Marta Crinejo, Jacquelyn L. Nisby, Calvin R. Curtis, Mark Ross, Morris Scott, Christopher Gonzalez, Lisa Johnson, Martha Leyva, Gabriel Mussio, Russell Lee, File 1008



FORESTRY COMPLEX RELOCATION
12025 SOWDEN RD.
HOUSTON, TX 77016

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for 12-inch Sanitary Sewer along Bastrop Street. WBS No. R-002011-0076-4.		Page 1 of 1	Agenda Item # <i>6</i>
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date JUL 13 2011
DIRECTOR'S SIGNATURE: <i>[Signature]</i> Daniel W. Krueger, P.E., Director		Council Districts affected: <i>PRW</i> I	
For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director		Date and Identification of prior authorizing Council Action: Ord. #2011-10 dated 01/05/2011	

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$148,796.50, which is 1.77% 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 \$170,500.00 from Reimbursement of Equipment/Projects Fund No. 1850.)

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's ongoing program to provide the construction of extensions of wastewater lines to meet the capacity needed in various City neighborhoods. The project was in support of East Downtown Economic Development (CIP No. D-000129).

DESCRIPTION/SCOPE: The project consisted of construction by auger method of 417 feet of 12-inch sanitary sewer extension along Bastrop Street from McKinney to Walker. Sander Engineering Corporation designed the project with 100 calendar days allowed for construction. The project was awarded to Reliance Construction Services, L. P. with an original Contract Amount of \$146,207.45.

LOCATION: The project area is along the Bastrop Street, bound by Walker on the east and McKinney on the west. The project is located in Key Map Grid 493-R.

CONTRACT COMPLETION AND COST: The Contractor, Reliance Construction Services, L. P. has completed the Work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities is \$148,796.50, an increase of \$2,589.05 or 1.77% over the original Contract Amount.

The increased cost is primarily due to an overrun in Base Unit Price Item No. 15 - Pavement Repair and Replacement, which was necessary to complete the Work.

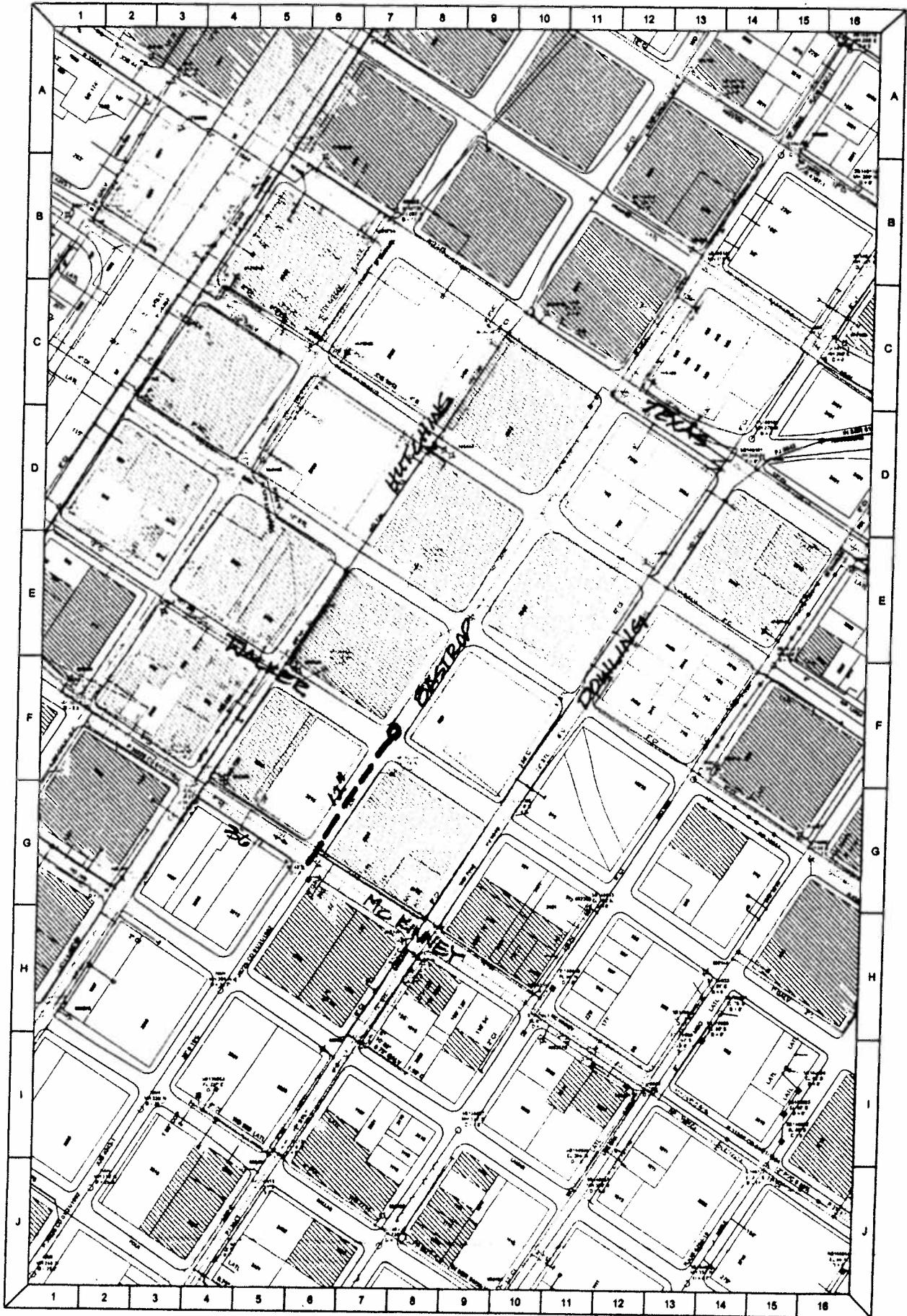
M/WBE PARTICIPATION: There was no M/W/SBE goal for this project.

[Signatures]
DWK:DRM:JTL:SKF:SRW:mj
Z:\E&C Construction\Facilities\Projects\R-002011-0076-4 12-inch Sanitary Sewer along Bastrop\Closure\RCA\RCA - rev.DOC

c: File No. R-002011-0076-4 - Closureout

REQUIRED AUTHORIZATION CUIC ID# 20MZQ224 *MA*

Finance Department:	Other Authorization:	Other Authorization: <i>[Signature]</i> Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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1 inch equals 200 feet



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

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



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Declare Parcel SY11-069 surplus.		Page 1 of 1	Agenda Item 7
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FROM (Department or other point of origin): General Services Department	Origination Date	Agenda Date JUL 13 2011
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DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott Minnix 6/2/11</i>	Council District affected: H
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For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Declare Parcel SY11-069 surplus to the City's needs.

Amount and Source Of Funding: N/A	Finance Budget:
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SPECIFIC EXPLANATION: The Department of Public Works and Engineering has determined that the 13,360 square foot tract of land and building located at 6901 Brownwood, referred to as Parcel SY11-069, surplus to its needs and available for sale.

All City departments with land needs have been canvassed and it has been determined that Parcel SY11-069 is not needed for City purposes. Therefore, the General Services Department recommends that City Council declare Parcel SY11-069 surplus to the City's needs.

SM:JLN:RB

xc: Marta Crinejo, Anna Russell, Jacquelyn L. Nisby and Nancy Collins

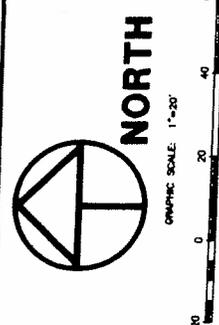
REQUIRED AUTHORIZATION

CUIC ID# 25 RB 116

General Services Department: <i>Humberto Bautista</i> Humberto Bautista, P.E. Assistant Director
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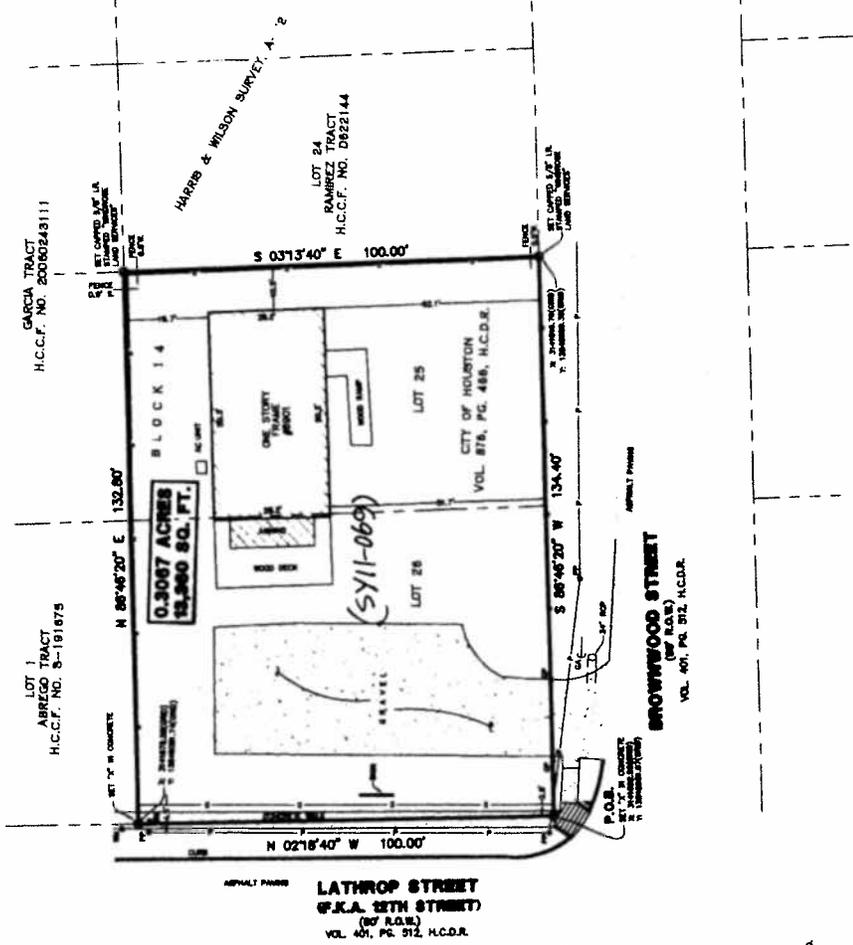
Department of Public Works and Engineering Daniel W. Krueger, P.E. Director <i>DW Krueger</i>
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DESCRIPTION
 LOTS 26 AND 28, BLOCK 14,
 LIBERTY HEIGHTS ADDITION,
 VOL. 401, PG. 512, H.C.D.R.
 HARRIS & WILSON SURVEY, A-33
 HARRIS COUNTY, TEXAS

GENERAL NOTES

1. RECORDS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, 1983 (TMS).
2. ALL DISTANCES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, 1983 (TMS). ALL DISTANCES WERE OBTAINED BY GPS SURVEYING TECHNIQUES AND ARE ACCURATE TO WITHIN 1 CM.
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SURVEYOR'S CERTIFICATION

TO: CITY OF HOUSTON
 FREET HARRISON TITLE INSURANCE COMPANY

I, DO HEREBY CERTIFY TO THE ABOVE LISTED THAT THIS SURVEY WAS THIS DATE MADE ON THE GROUND AND WAS PERFORMED UNDER MY SUPERVISION. THAT THE FACTS FOUND AT THE TIME OF THIS SURVEY SHOW THAT THE ASSUMED HEREON THAT THE FACTS FOUND AT THE SURVEYMENTS APPEAR TO BE CORRECT EXCEPT AS SHOWN AND AS USUALLY STATED IN THE REPORT. I AM NOT A MEMBER OF THE TEXAS SOCIETY OF PROFESSIONAL SURVEYORS AND SPECIFICATIONS FOR A CATEGORY 1 SURVEY, TO THE BEST OF MY KNOWLEDGE.



05/19/11
 DATE

Mike Marzkowski
 Registered Professional Land Surveyor
 Texas Registration No. 8101

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

APPROVAL: *[Signature]* DATE: 05/03/2011
 CHIEF SURVEYOR: *[Signature]* RIGHT-OF-WAY SECTION

KEY MAP NO. 494H
 GMS MAP NO. 5558D
 PARCEL NO. 5711-069

CIP NO. _____
 GFS NO. _____
 C.M. NO. _____

Windrose Land Surveying, Inc.
 3200 West Loop West, Suite 700
 Houston, Texas 77024
 Phone (713) 466-2200 (713) 466-1101
 Professional Development Credit Course Number: _____
 Land Surveying, Planning, Project Administration, etc.

**LAND TITLE SURVEY OF
 LOTS 26 AND 28, BLOCK 14,
 LIBERTY HEIGHTS ADDITION,
 VOL. 401, PG. 512, H.C.D.R.
 HARRIS & WILSON SURVEY, A-33
 HARRIS COUNTY, TEXAS**

CHECKED BY: LK
 FIELD DATE: 05-05-11
 SHEET NO. 1 OF 2

LEGEND

- * SOME OF THESE ELEMENTS MAY NOT BE USED ON THIS SURVEY
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REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9099

Subject: Purchase of Tactical Breaching Kits through the Texas Local Government Purchasing Cooperative for the Houston Police Department S45-E23997

Category # 4

Page 1 of 1

Agenda Item 8

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

Origination Date June 28, 2011

Agenda Date JUL 13 2011

DIRECTOR'S SIGNATURE Calvin D. Wells

Council District(s) affected All

For additional information contact: Joseph A. Fenninger - JAF 6/29/11 Phone: (713) 308-1708 Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary) Approve the Purchase of Tactical Breaching Kits through the Texas Local Government Purchasing Cooperative (BuyBoard) in the amount of \$122,430.00 for the Houston Police Department.

Award Amount: \$122,430.00

Finance Budget

\$122,430.00 - Federal State Local Pass Through Fund (Fund 5030)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of tactical breaching kits through the Interlocal Agreement for Cooperative Purchasing with BuyBoard in the amount of \$122,430.00 for the Houston Police Department, and that authorization be given to issue a purchase order to the BuyBoard contractor, GT Distributors, Inc. The tactical breaching kits will greatly enhance the capability of the Houston Police Department in responding to active shooter incidents.

This purchase consists of 350 backpack kits each containing three specific tools designed to defeat locked doors, reinforced windows and fencings. Each kit consists of a lightweight padded pack, a bolt cutter, an axe/sledge hammer and a hallagan pry tool. These kits will come with a life time warranty.

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

Buyer: Sandy Yen Purchase Requisition: 10126041

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization: [Signature] 6/29/11

Other Authorization: [Signature]

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9103

Subject: Approve the Purchase of Accurint® for Law Enforcement Investigative Services from the State of Texas Council of Competitive Government (CCG) Contract for the Houston Police Department S17-H24008

Category #
4

Page 1 of 1

Agenda Item
9

FROM (Department or other point of origin):

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

Origination Date

June 28, 2011

Agenda Date

JUL 13 2011

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

Joseph A. Fenninger *JAF 6/29/11* Phone: (713) 308-1708
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of Accurint® for Law Enforcement Investigative Services from the State of Texas Council of Competitive Government Contract in the total amount of \$61,200.00 for the Houston Police Department.

Award Amount \$61,200.00

Finance Budget

\$61,200.00 - General Funds (Fund 1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council Approve the purchase of Accurint® for Law Enforcement Investigative Services from the State of Texas Council of Competitive Government (CCG) Contract in the total amount of \$61,200.00 for the Houston Police Department and that authorization be given to issue purchase orders, as necessary, to the State of Texas contractor, LexisNexis Risk Solutions FL, Inc.

The HPD Criminal Intelligence Division utilizes the Accurint® for Law Enforcement Investigative Services subscription to obtain information to enhance criminal investigations, and provide timely and comprehensive intelligence. Moreover, the Accurint® for Law Enforcement Investigative Services provides access to real-time information from multiple data sources, including but not limited to the following information:

- Multiple persons locators
- Multiple telephone sources
- Assets, including motor vehicles, watercraft and aircraft
- Professional licenses
- Death records
- Advanced Sex Offender Information

The service will be utilized by eighty-five police officers and analysts in the HPD investigative division and will be accessed through a secured link with data encryption, password protection and data cloaking to hide the gathered information from the contractor's operating system personnel. The monthly cost for the service is \$5,100.00.

Buyer: Murdock Smith III

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

[Signature] 6/29/11

NDT

pm

(10)

REQUEST FOR COUNCIL ACTION

RCA# 9095

TO: Mayor via City Secretary

Subject: Formal Bids Received for Chemical, Liquid Sodium Bisulfite for the Public Works and Engineering Department S12-S23936

Category #
4

Page 1 of 2

Agenda Item

10

FROM (Department or other point of origin):

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

Origination Date

June 17, 2011

Agenda Date

JUL 13 2011

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

David Guernsey Phone: (832) 395-3640
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Southern Ionics Incorporated on its low bid in an amount not to exceed \$5,685,900.00 for liquid sodium bisulfite for the Public Works and Engineering Department.

Estimated Spending Authority: \$5,685,900.00

Finance Budget

\$5,685,900.00 - Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Southern Ionics Incorporated on its low bid in an amount not to exceed \$5,685,900.00 for liquid sodium bisulfite for the Public Works and Engineering Department. It is further requested that authorization be given to make purchases, as needed, for a 60-month period upon approval of City Council.

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

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Southern Ionics Incorporated	\$5,685,900.00
2. Calabrian Corporation	\$7,035,170.00
3. Atlantic Petroleum & Mineral Resources, Inc.	\$48,440,473.85

This award consists of 30,000,000 pounds of liquid sodium bisulfite that will be used by the Department's Wastewater Operations Division to dechlorinate wastewater effluent prior to discharge into area bayous and streams and in the chlorine scrubber systems to prevent accidental chlorine release from the City's wastewater treatment plants and satellite facilities. Liquid sodium bisulfite is also necessary and required to maintain compliance with the Environmental Protection Agency and the Texas Commission on Environmental Quality's wastewater treatment and discharge mandates and standards.

MWBE Subcontracting:

This invitation to bid was issued with an 11% goal for MWBE participation. Southern Ionics Incorporated has designated the below-named company as its certified MWBE subcontractor.

<u>Name</u>	<u>Type of Service</u>	<u>Amount</u>
Oil Products Distribution, Ltd.	Chemical and Petroleum Supplies	\$625,499.00 ✓

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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MDT

Date:
6/17/2011

Subject: Formal Bids Received for Chemical, Liquid Sodium
Bisulfite for the Public Works and Engineering Department
S12-S23936

Originator's
Initials
MK

Page 2 of 2

The Office of Business Opportunity will monitor this award.

Estimated Spending Authority:

DEPARTMENT	FY 2012	OUT YEARS	TOTAL
Public Works and Engineering Department	\$1,118,950.00	\$4,566,950.00	\$5,685,900.00

Buyer: Martin L. King

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9038

Subject: Purchase of ITS Equipment Through the Texas Department of Information Resources and the Houston-Galveston Area Council Purchasing Cooperative for the Public Works and Engineering Department S12-E23849-D&H

Category #
4

Page 1 of 2

Agenda Item

11 + 11A

FROM (Department or other point of origin):

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

Origination Date

May 03, 2011

Agenda Date

JUL 13 2011

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

A, C, G

For additional information contact:

David Guernsey Phone: (832) 395-3640
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing 1) the appropriation of \$218,035.00 out of the Street and Bridge Consolidated Construction Fund (Fund 4506) and 2) approve the purchase of Intelligent Transportation System traffic management equipment through the Texas Department of Information Resources (DIR) and the Houston-Galveston Area Council Purchasing Cooperative (H-GAC) in the total amount of \$218,035.00 for the Public Works and Engineering Department.

Award Amount: \$218,035.00

F & A Budget

\$218,035.00 - Street and Bridge Consolidated Construction Fund (Fund 4506)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$218,035.00 out of the Street and Bridge Consolidated Construction Fund (Fund 4506). It is further recommended that City Council approve the purchase of Intelligent Transportation System (ITS) traffic management equipment through the Interlocal Agreements for Cooperative Purchasing with DIR and H-GAC in the total amount of \$218,035.00 for the Public Works and Engineering Department, and that authorization be given to issue purchase orders to the cooperative agencies contractors as shown below. The ITS traffic management equipment will be used by the Department's Traffic and Transportation Division as part of the West Houston Advance Traffic Management System's project to reduce congestion and improve the utilization of existing arterials by providing real-time traffic information to the public and the transportation management structure.

The total appropriation of \$218,035.00 includes funding of \$196,335.00 for the purchase of ITS traffic management equipment from Cohu, Inc. and Twincrest Technologies; and \$21,700.00 for the purchase of internet protocol audio/video encoders, equipped with power management cables, from Teleste Corporation Video Networks, a DIR contractor, which does not require City Council approval since the award amount is less than \$50,000.00.

DIR Contractor:

Cohu, Inc.: Approve the purchase of twenty-five, 120-volt, I-Dome color day/night cameras, equipped with pole mounting brackets, connector cables and hi-speed positioners, each integrated into a heated dome housing, in the amount of \$76,575.00.

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

NDT

NDT

Date: 5/3/2011	Subject: Purchase of ITS Equipment Through the Texas Department of Information Resources and the Houston-Galveston Area Council Purchasing Cooperative for the Public Works and Engineering Department S12-E23849-D&H	Originator's Initials MK	Page 2 of 2
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H-GAC Contractor:

Twincrest Technologies: Approve the purchase of sixteen heavy duty traffic counters, equipped with 20' sensor pigtails, 3-axis sensor mounts, power surge protectors, 5-Amp circuit breakers, each equipped with a serial to ethernet converter and a 24-volt power supply, in the amount of \$119,760.00.

The ITS equipment will provide comprehensive traffic coverage and data sharing via video and network connections with the City's partner agencies (TxDOT, Transtar, Houston Emergency Center, Harris County, METRO, and towing centers). This equipment will come with a full one year warranty and the life expectancy is seven to twelve years.

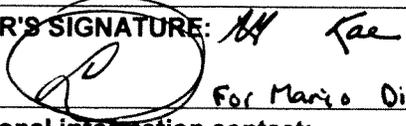
Buyer: Martin L. King

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

Subject: Ordinance Relating to Emergency Construction of Bypass Chilled Water Lines at IAH (Project No. 622) (WBS# A-000091-0009-4-01)	Category #	Page 1 of 2	Agenda Item # 12
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FROM (Department or other point of origin): Houston Airport System	Origination Date July 7, 2011	Agenda Date JUL 13 2011
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DIRECTOR'S SIGNATURE:  For Mario Diaz	Council District affected: B
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For additional information contact: Lance Lyttle Phone: 281-233-1889 Robert Bielek 281-233-1941	Date and identification of prior authorizing Council action: 07/06/11 (O) 2011-588
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AMOUNT & SOURCE OF FUNDING: EPO No. SPD-SRD-040511.001 \$ 12,068,827.00 CIP No. A-0091.33 HAS Arpt Improvement (8011)	Prior appropriations: 07/06/11.....\$5,000,000.00 HAS Arpt Improvement (8011)
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RECOMMENDATION: (Summary) Ordinance appropriating the sum of \$12,068,827.00 out of the Airports Improvement Fund; increasing the not to exceed spending authority of the manual Emergency Purchase Order No. SPD-SRD-040511.001 (EPO) to Comfort Systems USA, South Central, Inc. for emergency construction of bypass chilled water lines at George Bush Intercontinental Airport/Houston (Project No. 622) issued April 5, 2011 and ratified by City Council July 6, 2011 by Ordinance No. 2011-588 to \$17,068,827.00; approving issuance of a system EPO to replace the manual EPO; authorizing progress payments; and including the addendum containing Terms and Conditions.

PROJECT LOCATION: George Bush Intercontinental Airport/Houston (IAH)

PROJECT SUMMARY: A set of direct buried chilled water lines that deliver cooling water to the terminals at IAH has developed a serious leak. The cooling water is essential to ensure proper HVAC functions, the loss of which would impair operations at all the terminals. The water leak is in the general vicinity of JFK Boulevard and the abutments of one of the taxiway bridges.

On July 6, 2011, Council appropriated \$5,000,000 out of Airports Improvement Fund and ratified the issuance of Emergency Purchase Order (EPO) to Comfort Systems USA, South Central, Inc. for the initial work on the emergency construction of bypass chilled water lines. Under the approved \$5,000,000 manual EPO, Comfort Systems USA, South Central, Inc. has been working with the design team and begun mobilizing their workforce and procuring long-lead materials for construction of a new chilled water supply and return lines. It was noted in the RCA last week when the manual EPO was ratified that HAS is in the process of reviewing the documents for construction of the entire project and anticipated requesting Council approval of final documents and appropriation of additional funds for completion of this project in the upcoming weeks.

The Director of HAS now recommends that City Council enact an Ordinance appropriating the sum of \$12,068,827.00 out of the Airports Improvement Fund; increasing the not to exceed spending authority of the manual Emergency Purchase Order No. SPD-SRD-040511.001 (EPO) to Comfort Systems USA, South Central, Inc. for emergency construction of bypass chilled water lines at George Bush Intercontinental Airport/Houston (Project No. 622) issued April 5, 2011 and ratified by City Council July 6, 2011 by Ordinance No. 2011-588 to \$17,068,827.00; approving issuance of a system EPO to

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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WJG

✓

Date July 7, 2011	Subject: Ordinance Relating to Emergency Construction of Bypass Chilled Water Lines at IAH (Project No. 622) (WBS# A-000091-0009-4-01)	Originator's Initials WD	Page 2 of 2
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replace the manual EPO; authorizing progress payments; and including and executing the addendum containing Terms and Conditions.

The new chilled water supply and return lines will be installed under emergency conditions from the Central Plant to the above ground connection point near the western side of Terminal C. This project includes the following:

- Install a new set of chilled water lines that would run above ground on approximately the same route that these lines run now (approximately 6,000 ft. of replacement line will be 36" diameter in order to provide future cooling capacity for future terminal development projects). When the new above ground lines are tied into the piping system they will immediately be placed into service via new valves in the system.
- Install screening around the piping in visible areas. The screening used will match that used on the existing pipe runs and used in the garages to provide a consistent appearance.

The construction term for this project is 225 days. Design services were provided by USA Shelco, Inc. (DBE certified firm) under the existing on-call planning contract with CH2M Hill. Burns and McDonnell, a firm specializing in airport utility work, is supplementing HAS staff and providing technical oversight for this project under a Purchase Order in the amount of \$50,000. A separate Council approval of an EPO will be requested to further fund Burns and McDonnell for their services throughout the end of this project.

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

PROJECT COST: The Guaranteed Maximum Price (GMP) for this emergency construction is \$17,068,827.00.

MBE PARTICIPATION: The Minority Business Enterprise participation goal for this project is thirty-three percent (33%) and will be met by the following firms:

Firm s	Type of Work	Amount	%
CBIC Construction & Development	Construction Management	\$4,275,349.00	25 %
TLC Engineering, Inc.	QA/QC, Inspections	\$ 580,000.00	3.4 %
Matt Mechanical, LLC	Mechanical Work	\$ 700,000.00	4.1 %
Silveria Sales	Material Supplier	<u>\$ 950,000.00</u>	<u>5.5 %</u>
Total		\$6,505,349.00	38 %

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Lease Agreement between the City of Houston and Summit Seafood Supply, Inc. – William P. Hobby Airport (HOU).	Category #	Page 1 of 2	Agenda Item # 13
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FROM (Department or other point of origin): Houston Airport System	Origination Date July 5, 2011	Agenda Date JUL 13 2011
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DIRECTOR'S SIGNATURE:  <i>Mark A. Miller</i>	Council District affected: 1
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For additional information contact: Janet Schafer Phone: 281/233-1796 Roxane Bustos <i>INW</i> Phone: 281/233-1820	Date and identification of prior authorizing Council action:
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AMOUNT & SOURCE OF FUNDING: REVENUE: \$94,260.40 per year (\$7,855.03 monthly)	Prior appropriations: N/A
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RECOMMENDATION: (Summary)
Enact an ordinance approving and authorizing the execution of a Lease Agreement between the City of Houston and Summit Seafood Supply, Inc., for premises located at William P. Hobby Airport (HOU).

SPECIFIC EXPLANATION:
Summit Seafood Supply, Inc., ("Lessee") has requested to lease a Hangar and land located at 8251 Travelair Street, William P. Hobby Airport (HOU).
The pertinent terms and condition of the Lease Agreement are as follows:

- 1. Leased Premises:** Approximately 24,767 square feet of Hangar (improvement) only.
Approximately 52,798 square feet of Aircraft Ramp.
Approximately 33,598 square feet of ground under Hangar and improved/unimproved area.
Approximately 7,021 square feet for Additional Tract.
- 2. Term:** Effective on countersignature date, the term is for ten (10) years, unless otherwise terminated in accordance with the terms of the Lease Agreement. The Director and Lessee may mutually agree in writing to terminate this Lease Agreement. The Lease Agreement may be terminated by Lessee upon 90 days' written notice to the Director.
- 3. Options:** The Lessee may request an extension of up to three 5-year option periods, subject to Director's approval.
- 4. Use:** Corporate Aviation operation only. Provided, however, if Lessee or its affiliate obtains an FAA Part 135 charter operations certificate, the Director shall not unreasonably withhold his approval to amend the Lease for City Council approval to change the permitted use to

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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Date July 5, 2011	Subject: Lease Agreement between the City of Houston and Summit Seafood Supply, Inc. – William P. Hobby Airport (HOU).	Originator's Initials	Page 2 of 2
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- allow Part 135 operations and to require compliance with all other regulations, permits insurance and terms and conditions related to Part 135 operations.
5. **Rent:** Rent will be \$94,260.40 per year (\$7,855.03* monthly), which shall be adjusted at year end to reconcile with the annual rate). When the Additional Tract is added the rent will be \$96,296.49 per year (\$8,024.71 monthly).

Lessee's rent shall increase by 15% each 5th year of Term and option periods (if exercised).
 6. **Performance Security:** Lessee will provide a performance bond, an irrevocable letter of credit, or cash deposit in the amount of \$24,074.00.
 7. **Maintenance and Utilities:** Lessee shall assume the entire responsibility, cost and expense for all repair and maintenance of the leased premises and shall be responsible for all utilities and fees.
 8. **Improvements:** Lessee is obligated to expend a minimum of \$1,500,000 on Improvements to the Leased Premises at least 60 days prior to the expiration of the initial term. The Lessee shall also be required to install a fire suppression system within six months from the date of countersignature. If Lessee's actual expenditures are less than the total required Improvement Expenditure, the difference shall be charged as additional rent.
 9. **Indemnification and Insurance:** Lessee shall indemnify and hold the City harmless and shall provide the required insurance in the limits as stated in the Lease Agreement.
 10. **Environmental Matters and Airport Rules:** Lessee shall comply with all federal, state and local environmental laws and all airport policies and procedures.
 11. **Other:** Lessee agrees to comply with all rules and regulations adopted by the airport and/or TSA and/or the FAA, and to comply with all federal, state and local statutes, ordinances, regulations and policies.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Supplemental Allocation to Professional Planning Consulting Services Contract for CH2M Hill, Inc. for the Houston Airport System Project No. 677 (WBS# A-000368-0007-1-01; Contract No. 4600010715)	Category	Page 1 of 2	Agenda Item # 14
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FROM (Department or other point of origin): Houston Airport System <i>Mario Diaz</i>	Origination Date July 5, 2011	Agenda Date JUL 13 2011
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DIRECTOR'S SIGNATURE: <i>Mario Diaz</i>	Council District affected: B, E & I
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For additional information contact: Lance Lyttle <i>LL</i> Phone: 281-233-1889 Carlos Ortiz <i>CO</i> 281-233-1842	Date and identification of prior authorizing Council action: 12/15/2010 (O) 2010-1038
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AMOUNT & SOURCE OF FUNDING: CIP No. A-0368.27 \$4,250,000.00 HAS Arpt Improvement (8011) FY2012 <i>KR</i> \$ 750,000.00 HAS Revenue (8001) Total \$5,000,000.00	Prior appropriations: 12/15/10.....\$3,000,000.00 HAS Arpt Improvement (8011)
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RECOMMENDATION: (Summary)
Enact an Ordinance to approve a supplemental allocation to the Professional Consulting Services contract with CH2M Hill, Inc. and appropriate the necessary funds to finance the cost of these services.

PROJECT LOCATION: George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU), and Ellington Airport (EFD)

SPECIFIC EXPLANATION: On December 15, 2010, Council approved a contract with CH2M Hill, Inc. to provide on-call planning consulting services for the Houston Airport System (HAS). Services provided to date covered a wide range of on-call planning services that are normally conducted at large airport systems such as HAS, including master planning implementation, regional transportation planning, planning support to airport management, Airport Improvement Program (AIP) grants, support for Capital Improvement Programs (CIP) and environmental planning activities.

It is now requested that Council approve a supplemental allocation to provide services for a number of critical short-term airport planning projects identified by HAS Management that need to be addressed immediately. This work entails specialized consulting services and is currently underway, in addition to the ongoing planning programs originally included in this project.

- The following critical projects listed have been identified by the airport management:
- Master Plan Update Phase II (IAH, HOU, EFD)
 - Wayfinding/Signage Phase II (IAH, HOU)
 - Peak Week Survey (2011)
 - TRACON/ATCT facility reuse
 - Asset management program implementation
 - Master Plan implementation support
 - Technical support and specialized consulting services

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization: <i>MD</i>
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DATE July 5, 2011	SUBJECT: Supplemental Allocation to Professional Planning Consulting Services Contract for CH2M Hill, Inc. for the Houston Airport System Project No. 677 (WBS# A-000368-0007-1-01; Contract No. 4600010715)	Originator's Initials CO	Page 2 of 2
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PAY OR PLAY: 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.

It is anticipated that during the contract term HAS will be requesting Council's approval for additional appropriations.

DBE PARTICIPATION: The Disadvantage Business Enterprise (DBE) goal for this agreement is 24% (twenty-four percent) and will be met by the following certified firms.

Firms	Type of Work
ESC Polytech Consultants, Inc.	Airport Planning Services
Ferguson Consulting, Inc.	Electrical & Fiber Optic Engineering
Grounds Anderson, LLC	Drainage and Environmental Services
Nathelyne A. Kennedy & Associates, LP	Engineering Services
USA Shelco, Inc.	MEP Engineering
Jarreau & Associates, Inc.	Land Use Planning
Gunda Corporation, LLC	Traffic, Planning and Engineering
Knudson & Associates	Urban and Comprehensive Planning
TransSolution, LLC	Airfield and Traffic Simulations
Bradlink, LLC	Constructability Reviews, Permitting, TSA
EStudio P.C.	Airport Terminal Design, Cost Estimation
Vesta Rae & Associates, LLC	Stakeholder Involvement, Public Participation
Rey de la Reza Architects, Inc.	Architectural Design

In addition to above listed DBE firms, CH2M HILL, Inc. has the following MBE/WBE certified firms amongst its submitted subcontractors. Their participation will not be counted towards the 24% DBE goal for this contract, but will be counted towards the department's overall annual M/WBE goal.

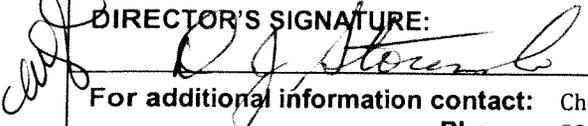
Firms	Type of Work
Kimberley Mickelson, P.C. (WBE)	Legal Services

CH2M Hill, Inc. is currently achieving 26.02 % DBE participation on their 24% goal.

FAA AIP Grant Programs and PFC: This project may be eligible for federal funding through the Federal Aviation Administration's (FAA) AIP program or through the Passenger Facility Charge (PFC) Program. Appropriate fund source adjustments will be made in the future if additional AIP or PFC funding becomes available.

SUBJECT: FY2008 Port Security Grant Program – Communications – Radio System Antenna Sites	Category	Page 1 of 1	Agenda Item # 15
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FROM (Department or other point of origin): Dennis J. Storemski, Mayor's Office of Public Safety and Homeland Security	Origination Date: 7/5/2011	Agenda Date JUL 13 2011
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DIRECTOR'S SIGNATURE: 	Council District affected: All
For additional information contact: Cheryl Murray Phone: 832-393-0929	Date and Identification of prior authorizing Council action:

RECOMMENDATION: (Summary) Approval of an ordinance authorizing execution a Sub-grantee Award Agreement with Harris County to accept FY2008 Port Security Grant Program funding.

Amount of Funding: \$6,065,263.50	F & A Budget:
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SOURCE OF FUNDING: **Federal Grant Funds:** \$6,065,263.50 Harris County (pass-through from DHS)

SPECIFIC EXPLANATION:

The U.S. Department of Homeland Security (DHS) provides grants to strengthen critical infrastructure against terrorist attack. The Port Security Grant Program (PSGP) is one such DHS initiative that specifically supports port-wide risk management and mitigation, enhanced domain awareness, and resumption of trade (i.e., business continuity) planning.

Harris County serves as the PSGP fiscal agent for the Houston-Galveston Port Area. The proposed ordinance authorizes the Mayor to execute a Sub-grantee Award Agreement with Harris County to accept FY2008 PSGP funds for equipment to support five radio system tower sites that will serve the greater Port area. This radio infrastructure is a critical component of Houston's new, standards-based, 700 MHz radio system.

This grant program requires 25% local match, which effectively means that the federal government will provide \$3 for each \$1 that the City contributes to the project. Houston's match requirement will be met with voter authorized bonds that are supporting the 700 MHz radio project.

Federal Share (75%)	Local Share (25%)	TOTAL
\$6,065,263.50	\$2,021,754.50	\$8,087,018

PROJECT MANAGEMENT AND GRANT OVERSIGHT

Tom Sorley, ITD's deputy director of radio communication services, is serving as the project manager. The Mayor's Office of Public Safety & Homeland Security will manage and administer this grant as they do other awards that originate with the U.S. Department of Homeland Security.

RECOMMENDATION

It is recommended that Council authorize the Mayor to execute this Sub-grantee Award Agreement.

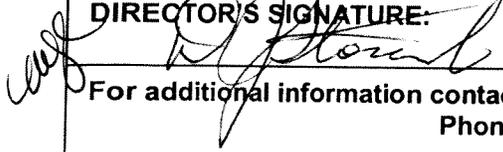
DJS:CFM

REQUIRED AUTHORIZATION

F & A Director:	Other Authorization:	Other Authorization:
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SUBJECT: FY2009 Port Security Grant Program - Radio System Antenna Sites, Phase II	Category	Page 1 of 1	Agenda Item # 16
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FROM (Department or other point of origin): Dennis J. Storemski, Mayor's Office of Public Safety and Homeland Security	Origination Date: 7/5/2011	Agenda Date JUL 13 2011
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DIRECTOR'S SIGNATURE: 	Council District affected: All
For additional information contact: Cheryl Murray Phone: 832-393-0929	Date and Identification of prior authorizing Council action:

RECOMMENDATION: (Summary) Approval of an ordinance authorizing execution a Sub-grantee Award Agreement with Harris County to accept FY2009 Port Security Grant Program funding.

Amount of Funding: \$6,844,818	F & A Budget:
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SOURCE OF FUNDING: **Federal Grant Funds:** \$6,844,818 Harris County (pass-through from DHS)

SPECIFIC EXPLANATION:

The U.S. Department of Homeland Security (DHS) provides grants to strengthen critical infrastructure against terrorist attack. The Port Security Grant Program (PSGP) is one such DHS initiative that specifically supports port-wide risk management and mitigation, enhanced domain awareness, and resumption of trade (i.e., business continuity) planning.

Harris County serves as the PSGP fiscal agent for the Houston-Galveston Port Area. The proposed ordinance authorizes the Mayor to execute a Sub-grantee Award Agreement with Harris County to accept FY2009 PSGP funds for equipment to support six radio system tower sites that will serve the greater Port area. This radio infrastructure is a critical component of Houston's new, standards-based, 700 MHz radio system.

This grant program requires 25% local match, which effectively means that the federal government will provide \$3 for each \$1 that the City contributes to the project. Houston's match requirement will be met with voter authorized bonds that are supporting the 700 MHz radio project.

Federal Share (75%)	Local Share (25%)	TOTAL
\$6,844,818	\$2,281,606	\$9,126,424

PROJECT MANAGEMENT AND GRANT OVERSIGHT

Tom Sorley, ITD's deputy director of radio communication services, is serving as the project manager. The Mayor's Office of Public Safety & Homeland Security will manage and administer this grant as they do other awards that originate with the U.S. Department of Homeland Security.

RECOMMENDATION

It is recommended that Council authorize the Mayor to execute this Sub-grantee Award Agreement.

DJS:CFM

REQUIRED AUTHORIZATION

F & A Director:	Other Authorization:	Other Authorization:
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SUBJECT: FY2009 Port Security Grant Program - Port Area Responders Mobile Data Computers	Category	Page 1 of 1	Agenda Item # 17
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FROM (Department or other point of origin): Dennis J. Storemski, Mayor's Office of Public Safety and Homeland Security	Origination Date: 7/5/2011	Agenda Date JUL 13 2011
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DIRECTOR'S SIGNATURE: 	Council District affected: All
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For additional information contact: Cheryl Murray Phone: 832-393-0929	Date and Identification of prior authorizing Council action:
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RECOMMENDATION: (Summary) Approval of an ordinance authorizing execution a Sub-grantee Award Agreement with Harris County to accept FY2009 Port Security Grant Program funding.

Amount of Funding: \$2,693,700	F & A Budget:
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SOURCE OF FUNDING: **Federal Grant Funds:** \$2,693,700 Harris County (pass-through from DHS)

SPECIFIC EXPLANATION:

The U.S. Department of Homeland Security (DHS) provides grants to strengthen critical infrastructure against terrorist attack. The Port Security Grant Program (PSGP) is one such DHS initiative that specifically supports port-wide risk management and mitigation, enhanced domain awareness, and resumption of trade (i.e., business continuity) planning.

Harris County serves as the PSGP fiscal agent for the Houston-Galveston Port Area. The proposed ordinance authorizes the Mayor to execute a Sub-grantee Award Agreement with Harris County to accept FY2009 PSGP funds for the purchase of 584 mobile data computers and associated components for use by first responders serving the greater Port area.

This grant program requires 25% local match, which effectively means that the federal government will provide \$3 for each \$1 that the City contributes to the project. HPD has confirmed that the match requirement will be met with equipment acquisition funds.

Federal Share (75%)	Local Share (25%)	TOTAL
\$2,693,700	\$897,900	\$3,591,600

PROJECT MANAGEMENT AND GRANT OVERSIGHT
David Morgan, HPD's deputy director of technology services, is serving as the project manager. The Mayor's Office of Public Safety & Homeland Security will manage and administer this grant as they do other awards that originate with DHS.

RECOMMENDATION
It is recommended that Council authorize the Mayor to execute this Sub-grantee Award Agreement.

DJS:CFM

REQUIRED AUTHORIZATION

F & A Director:	Other Authorization:	Other Authorization:
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SUBJECT: Ordinance approving and authorizing an agreement for professional protocol services between the City of Houston ("City") and the Greater Houston Convention and Visitors Bureau ("GHCVB").	Category #	Page 1 of	Agenda Item # 18
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FROM (Department or other point of origin): Mayor's Office	Origination Date July 8, 2011	Agenda Date JUL 13 2011
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DIRECTOR'S SIGNATURE: Andrew F. Icken 	Council District affected: All
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For additional information contact: Saba Abashawl 281-233-1829	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
 Approve a one-year contract between the City of Houston and the Greater Houston Convention and Visitors Bureau.

Amount of Funding: \$420,000.00 General Fund (1000) (total dollar amount to be reimbursed by HOT funds)	Finance Budget:
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SPECIFIC EXPLANATION:

GHCVB has provided protocol services to the City for many years through its annual funding agreement with the Convention and Entertainment Facilities Department ("CEFD"). With CEFD's recent transition to Houston First Corporation ("HFC"), the GHCVB funding agreement is also moving to become an HFC contract. Because of the vital role GHCVB's protocol office plays in assisting the City in dealing with foreign consul offices and visiting dignitaries, as well as assisting in the City's ever expanding role in international matters, the City has elected to keep protocol services as a direct contract activity for the City rather than allowing it to move to the HFC contract. Management of the contract will be handled through the City's Chief Development Office, with day to day coordination by the Houston Airport System's External Affairs Office, and direct participation in protocol efforts by members of the Mayor's staff. The City proposes a one-year contract with GHCVB for the primary purpose of providing high quality protocol services, with direct coordination between the City and the GHCVB. The contract is expected to further their mutual efforts to promote and support tourism and the convention and hotel industry in Houston.

The amount of the contract is based on past annual budgets and, though the monies are being allocated from the General fund, all dollars will be reimbursed by Hotel Occupancy Taxes.

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

The MWBE goal for this contract is 4% of all funds paid to the GHCVB under the agreement.

The Mayor's Office recommends City Council approval of a contract with the Greater Houston Convention and Visitors Bureau for FY2012.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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REQUEST FOR COUNCIL ACTION

To: Mayor via City Secretary			
Subject: An Ordinance approving and authorizing an agreement between Houston Independent School District and the City of Houston to manage and produce a back to school festival		Page 1 of 2	Agenda Item 19
FROM (Department or other point of origin): Mayor's Office of Neighborhood Services		Origination Date: July 8 th , 2011	Agenda Date JUL 13 2011
DIRECTOR'S SIGNATURE: Catherine Flowers, Director 		Council District(s) affected: All	
For additional information contact: Nelson Espitia – 832.393.0955		Date and Identification of prior authorizing Council Action:	
RECOMMENDATION: (Summary): An Ordinance approving and authorizing an agreement between Houston Independent School District and the city of Houston to manage and produce a back to school festival			
Amount of Funding: N/A		Finance Budget:	
SPECIFIC EXPLANATION: Requesting that Council approve an agreement between the City of Houston and the Houston Independent School District for the purpose of hosting a back-to-school event to be held on Saturday, August 6, 2011 at the George R. Brown Convention Center from 8:00 a.m. to 12:00 p.m. The purpose of the Back-to-School Fest (BTSF) is to provide a platform for families to obtain HISD and City of Houston information critical to their well-being. Families will receive on-site education, health and social services. Area agencies will provide a variety of free screenings (including state-mandated immunizations). Basic assistance with school supplies and uniforms will be offered. The Houston Independent School District has requested an agreement to lay out the following: City of Houston will provide <ul style="list-style-type: none"> • Help HISD solicit sponsors • Pro-bono Space for the Event at the George R. Brown Convention Center • Provide lunches through the City's Houston Parks and Recreation Department Summer Lunch Program • Provide 250 volunteers to staff the event. • Provide volunteer nurses to administer vaccines • Provide other City services as needed. HISD will provide: <ul style="list-style-type: none"> • Help the City solicit sponsors • Provide 250 volunteers to staff the event. • Provide volunteer nurses to administer vaccines • reimburse the City and HISD for expenses incurred by each in producing the Event, with 50% of the funds used for City expenses and 50% used for HISD expenses. • Provide 20 hours of pro-bono graphic design services through HISD print services department • Host event website 			
Approval of this item is recommended.			
REQUIRED AUTHORIZATION			
Other Authorization:	Other Authorization:	Other Authorization:	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: License Agreement with SMG, at Reliant Park, for the Disease Prevention and Control Division of the Department of Health and Human Services		Page 1 of 1	Agenda Item 20
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FROM (Department or other point of origin): General Services Department	Origination Date	Agenda Date JUL 13 2011
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DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott Minnix 6/24/11</i>	Council District affected: D
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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: Approve and authorize a License Agreement between SMG (Licensor), and the City of Houston (Licensee), for use of Reliant Park, located at One Reliant Park, for the Disease Prevention and Control Division of the Department of Health and Human Services.

Amount and Source of Funding: \$68,607.92 Federal Government - Grant Funded (5000) HIV Prevention Projects Grant	Finance Budget:
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve and authorize a License Agreement with SMG, for use of Reliant Park, located at One Reliant Park, by the Disease Prevention and Control Division of the Department of Health and Human Services (DHHS), to host the Fifth Annual Hip Hop for HIV Awareness Campaign(Campaign).

The Campaign has a goal of testing 8,000 youth and young adults for HIV. The Campaign is nationally acclaimed as a "best practice intervention" and is the largest single testing event in the United States each year. The one-day event will provide health screenings for HIV and other sexually transmitted diseases, onsite treatment, as well as educational classes, and will culminate in a free concert featuring well-known hip hop artists for those who fully participated in the health intervention. DHHS is working in partnership with the AIDS Foundation of Houston, KBXX-FM "97.9 The Box", Texas Department of State Health Services, Planned Parenthood Houston, St. Hope, and Cricket Wireless to provide training, educational support, testing and awareness services, as well as intervention and treatment programs.

The proposed License Agreement provides for a two-day license term to commence July 29, 2011 and expire on July 30, 2011. The City shall pay a one-time license fee of \$68,607.92 for the entire event which is allocated as follows:

- \$ 21,600.00 Exhibit Halls and Meeting Rooms
- \$ 47,007.92 Operational Costs
- \$ 68,607.92 Total Cost of Event**

SMG will provide all maintenance, utilities, and security of the licensed facility.

SM:HB:JLN:RG:rdg
xc: Marta Crinejo, Anna Russell, Jacquelyn L. Nisby and Claudette Manning

REQUIRED AUTHORIZATION

CUIC ID# 25 RG 8

General Services Department: <i>Humberto Bautista</i> Humberto Bautista, P.E. Assistant Director		Department of Health and Human Services: <i>Stephen L. Williams</i> Stephen L. Williams, M.Ed., M.P.A. Director
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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance authorizing a Loan Agreement between City of Houston and Travis Street Plaza, LP.	Category #	Page 1 of 2	Agenda Item # 21
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FROM (Department or other point of origin): Jim Noteware Housing and Community Development Department	Origination Date 6/23/11	Agenda Date JUL 13 2011
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DIRECTOR'S SIGNATURE: 	Council District affected: District "D"
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For additional information contact: Eta Paransky Phone: (713) 868-8449	Date and identification of prior authorizing Council action: 6/29/11 – 2011-0576
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RECOMMENDATION: (Summary)
The Housing and Community Development Department (HCDD) recommends approval of an Ordinance authorizing an Agreement between City of Houston and Travis Street Plaza, LP, using HOME funds, to assist in the development of a 192-unit single room occupancy (SRO) development for veterans.

Amount and Source of Funding: \$3,828,598 HOME Investment Partnership Fund	Finance Budget:
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SPECIFIC EXPLANATION:

Travis Street Plaza, LP, a Texas limited partnership, is requesting a \$3,828,598 Performance Based Loan from the HOME Investment Partnership. The proceeds are for the construction of a 192-unit single resident occupancy (SRO), Travis Street Plaza Apartments. Travis Street Plaza Apartments will be located at 4500 Travis near US 59, and will provide permanent supportive housing targeted at homeless veterans. The property will be located adjacent to Midtown Terrace Suites, located at 4640 Main, a 286-unit facility for homeless veterans that was developed by Cloudbreak Houston, LLC, which is also the proposed developer of Travis Street Plaza Apartments.

Travis Street Plaza, LP is the owner of the proposed Travis Street Plaza apartments. 4500 Travis LLC, a Texas corporation, is the general partner of Travis Street Plaza, LP. The Developer is Cloudbreak Houston, LLC and the principals of the developer are Peter W. Postlmayr, Randall A. Bishop, and Cantwell Anderson, Inc., a California private corporation. Principals of Cantwell Anderson, Inc. are Thomas R. Cantwell, Jr. and Greg Anderson. Raymond James Tax Credit Funds, Inc., a national tax-credit syndicator, will acquire a 99.99% interest in the partnership for tax credit equity of \$11,036,348, and the City of Houston is providing a \$1,900,000 grant from the Homeless and Housing Consolidated Bond Fund. There is a short-term construction loan of \$8,048,424 from Amegy Bank which will be repaid out of the tax credit equity.

Travis Street Plaza will be built on a .90 acre site located 2.5 miles southwest of Downtown and 2 miles northeast of the Medical Center, and is surrounded by countless businesses, restaurants, and retailers. There are approximately 40 social service providers within the area that can provide additional services to homeless veterans. In addition, the newly installed light rail line runs directly in front of Travis Street Plaza, providing convenient and easy access to Downtown and the Medical Center

REQUIRED AUTHORIZATION		
Finance Director:	Other Authorization:	Other Authorization:

Date
6/23/11

Subject: An Ordinance authorizing an Agreement between City of Houston and Travis Street Plaza, LP.

Originator's
Initials

Page
2 of 2

The development will offer controlled gate access, community laundry rooms, a covered pavilion with BBQ grills and tables, a fitness center, and a community room. The unit mix consists of 180 efficiency units averaging 367 square feet each, 8 efficiency units averaging 457 square feet each, and 4 one-bedroom units averaging 771 square feet each. Unit amenities include covered entries, nine-foot ceilings, energy efficient heating and air conditioning, and fire sprinkler systems in all living units. Green building features include high efficiency toilets; water-saving bathroom faucets, showerheads, and kitchen faucets; use of native trees, sub-metered utility meters, and thermally and draft efficient doors.

Travis Street Plaza, LP will collaborate with local organizations for the provision of supportive services. They will assist with outreach, health screening, legal assistance, counseling services, vocational training, credit counseling, crisis intervention, relapse prevention services, and life skills services for veterans. Overall, Travis Street Plaza and affiliated facilities will provide a safe, sober, clinically supported housing environment.

The City of Houston HOME funds will be a 0% performance based loan with a 20 year term.

The City will restrict 72 of the 192 units (38%), which will target households earning less than 60% AMI, through a Land Use Restriction Agreement (LURA). 20% of the restricted units (15 units) will be designated for households earning less than 50% of Area Median Income, and the remaining 80% of the restricted units (57 units) will be designated for households earning less than 60% of AMI. The City's LURA will be superior to all other liens on the property, and will have an affordability period of 20 years.

Estimated Sources of Funds:

HOME funds	\$ 3,828,598	\$ 19,941 per unit	21%
Tax Credit Equity	11,036,348	54,481 per unit	61%
Homeless Bonds (separate RCA)	1,900,000	9,896 per unit	11%
FHLB of Dallas	500,000	2,604 per unit	03%
Deferred Developer Fee	<u>681,240</u>	<u>3,548 per unit</u>	<u>04%</u>
TOTAL	\$17,946,186	\$ 93,470 per unit	100%

Estimated Uses of Funds:

Acquisition	\$ 2,341,780	\$ 12,197 per unit
Hard Costs	10,874,720	56,639 per unit
Soft Costs	2,704,357	14,085 per unit
Developer Fees	<u>2,025,329</u>	<u>10,549 per unit</u>
TOTAL	\$1,7946,186	\$ 93,470 per unit

This item was presented to the Housing and Community Development Committee on May 19, 2011, and no action was taken due to lack of quorum.

This project is consistent with the City of Houston Consolidated Plan to provide affordable SRO housing. The Department recommends approval of an Agreement between the City of Houston and Travis Street Plaza, LP.

JN:EP:SS

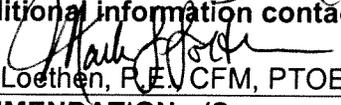
cc: City Secretary
Mayor's Office
Legal Department
Finance Department

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Treated Water Supply Contract between the City of Houston and Harris County Municipal Utility District Nos. 406 and 321.	Page 1 of 1	Agenda Item # 22
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date JUL 13 2011
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DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.	Council District affected: ALL 
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For additional information contact:  Mark L. Loethen, P.E., CFM, PTOE Phone: 832-395-2705	Date and identification of prior authorizing Council action: 11/19/2008 2008-1043
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RECOMMENDATION: (Summary)
Approve an ordinance authorizing the Mayor to execute a Treated Water Supply Contract with Harris County Municipal Utility District Nos. 406 and 321.

Amount and Source of Funding: NO FUNDS REQUIRED; REVENUE CONTRACT FOR TREATED WATER.

SPECIFIC EXPLANATION:

As allowed by Chapter 47 of the City of Houston Code of Ordinances, Harris County Municipal Utility District Nos. 406 and 321 have requested to enter into a Treated Water Supply Contract. The initial minimum monthly contract amount is 1.2 million gallons per month. This contract charges rates for treated water as specified in the City of Houston Code of Ordinances, Section 47-61(f). The base rate is currently \$2.467 per thousand gallons.

The Treated Water Supply Contract, drafted by Legal, will replace the current individual contracts with Harris County Municipal District Nos. 406 and 321. The two districts will construct a metering station and a water tank to provide storage and an air gap to protect the City of Houston water system.

The Planning and Development Services Division has evaluated the request and found that the water supply and delivery system is adequate to provide the requested quantities.

Approval of Harris County Municipal Utility District No. 406 Water Supply Contract is requested.

CUIC# 20UPA55

Other Authorization:



Mark L. Loethen, P.E., CFM, PTOE
Deputy Director
Planning & Development Services
Div.

Other Authorization:



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

0 R 11
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance to adopt a Municipal Setting Designation prohibiting the use of designated groundwater for MSJ Holdings, L.P. for the site located at 18310 Market Street, Channelview, TX 77530. (MSD # 2011-036-SWS)

Page
1 of 1

Agenda Item
23

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

Agenda Date

JUL 13 2011

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E., Director

Council District affected:

ETJ

Catt

For additional information contact:

Carol Ellinger Haddock, P.E., Senior Assistant Director (832) 395-2686
JG Jedediah Greenfield Staff Analyst (832) 395-2695

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

It is recommended that City Council adopt a Municipal Setting Designation (MSD) ordinance prohibiting the use of designated groundwater at the MSJ Holdings, L.P. site located at 18310 Market Street, Channelview, TX 77530, and support issuance of an MSD by the Texas Commission on Environmental Quality (TCEQ). (MSD # 2011-036-SWS)

Amount and Source of Funding: N/A

BACKGROUND: In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSD), which designates an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by the Texas Commission on Environmental Quality (TCEQ) and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting public health. On August 22, 2007, City Council approved an ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support an MSD application to the State (ordinance amended 7/14/2010).

MSJ HOLDINGS, L.P. APPLICATION: MSJ Holdings, L.P. is seeking a Municipal Setting Designation (MSD) for just over six acres of land located at 18310 Market Street, Channelview, TX 77530, within the City's Extraterritorial Jurisdiction or ETJ. The contamination consists of benzene, benzidine, chloroform, toluene ethylbenzene, perchloroethylene, trichloroethylene, 1,1-dichloroethylene, 1,2-dichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, vinyl chloride, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, bis(2-ethylhexyl)phthalate, dibenzofuran, 2,4-dimethylphenol, indeno(1,2,3-c,d)pyrene, 4-methylphenol, 1,2-dechloropropane, and naphthalene. The property is an operating shipyard consisting of seven buildings, four tank farms, and a water treatment facility. The facility originated in 1957 and operates at the site currently. Remediation at the site has been ongoing since 1994 and has included pumping and treating over 52 million gallons of impacted groundwater from 1994 to 2008. The area of contamination has been fully studied and the data shows that it is stable and in most cases decreasing.

MSJ Holdings, L.P. is seeking an MSD for this property to restrict access to groundwater to protect the public against exposure to the contaminants. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD site. A public meeting was held on May 16, 2011 at the M.L. Flukinger Community Center, and a public hearing was held on June 16, 2011 during the Council Committee on Development and Regulatory Affairs. Both meetings are necessary steps prior to City Council's consideration of support.

RECOMMENDATIONS: It is recommended that City Council adopt a Municipal Setting Designation (MSD) ordinance prohibiting the use of designated groundwater at the MSJ Holdings, L.P. site located at 18310 Market Street, Houston, TX 77530, and support issuance of an MSD by the Texas Commission on Environmental Quality.

DWK:MLL:CEH

P:\PLANNING BRANCH\MSD\DATABASE\GENERIC RCA - ORDINANCE SUPPORT.DOC

C: Marta Crinejo, Ceil Price

REQUIRED AUTHORIZATION

CUIC ID# 20CAE120

Other Authorization:

Authorization:

Mark L. Loethen, P.E., CFM, PTOE
Deputy Director

Planning & Development Services Division

Other Authorization:

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#

24 27

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

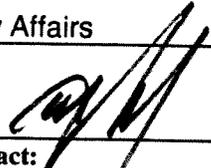
Origination Date

06/15/11

Agenda Date

JUL 19 2011
JUL 06 2011

DIRECTOR'S SIGNATURE:



Council Districts affected:

ALL

For additional information contact:

Juan Olguin ^{JFO} 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. ROBERT E. JENKO, INC. D/B/A RELIABLE PIPE CLEANING

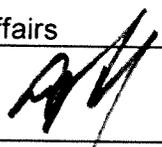
The proposed ordinance grants the Franchisee the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, the Franchisee agrees to pay to the City 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# <i>25 23</i>
FROM: (Department or other point of origin): Alfred J. Moran, Director Administration & Regulatory Affairs	Origination Date 06/15/11	Agenda Date JUL 06 2011 JUL 13 2011	
DIRECTOR'S SIGNATURE: 	Council Districts affected: ALL		
For additional information contact: Juan Olguin <i>JFO</i> 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:
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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:

- The Dumpster Guys, LLC

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

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

REQUIRED AUTHORIZATION

Finance Director:

26

JUL 13 2011

MOTION NO. 2011

MOTION by Council Member Lovell that the recommendation of the Director of the Department of Public Works and Engineering, for approval of the Municipal Drainage Utility System Appeal Process, be adopted, and the adoption of the attached Drainage Utility System Appeal Process is hereby approved by the City Council.

Seconded by Council Member Gonzalez

Council Members Adams and Noriega absent

Council Member Clutterbuck due to being ill

Council Member Hoang absent on personal business

On 07/06/2011 the above motion was tagged by Council Members Sullivan, Jones and Bradford.

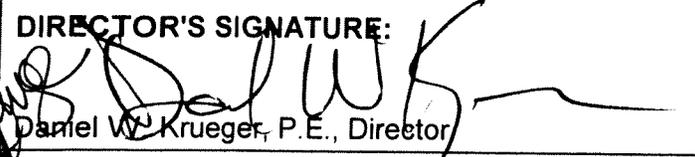
mla

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approve the Municipal Drainage Utility System Appeal Process following the adoption of Article XIV to Chapter 47 of the Code of Ordinances.	Category #	Page 1 of 1 26	Agenda Item # 2-1
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date:	Agenda Date JUL 06 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District Affected: JUL 13 2011 All
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For additional information contact: Susan Bandy 832-395-2500	Date and identification of prior authorizing Council action: Ordinance 2011-254, April 6, 2011
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RECOMMENDATION: (Summary)
Adopt a Motion approving the Municipal Drainage Utility System Appeal Process.

Amount of Funding: Not Applicable	Finance Budget: NA
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Source of Funding: N/A [] General Fund [] Grant Fund [] Other (Specify) [] Enterprise Fund

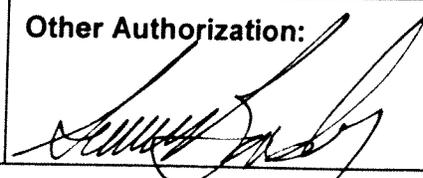
SPECIFIC EXPLANATION:

On November 2, 2010, Houston voters approved Proposition 1, which required an amendment to the City Charter creating the City of Houston Pay-As-You-Go Drainage and Street Fund. In order to implement the Charter Amendment, and pursuant to Subchapter C, Chapter 552 of the Texas Local Government Code, City Council on April 6, 2011 approved Ordinance No. 2011-254, adopting Article XIV to Chapter 47 of the Code of Ordinances which created the Municipal Drainage Utility System (MDUS). The MDUS is dedicated to the maintenance and improvement of the city's drainage infrastructure to meet the City's current and future needs.

Section 47-824 of this Ordinance required the Director of the Department of Public Works & Engineering (PWE) to establish a process for citizens to verify and correct the drainage utility charge as calculated by the City. Further per the Ordinance, citizens who disagree with the results of the City's verification and correction process may request an appeal of the results to a hearing examiner.

Ordinance 2011-254 requires the Director of PWE to establish an appeal process independent of the operation of the City's drainage system and requires that the appeal process be reviewed and approved by City Council. Therefore, in accordance with Ordinance 2011-254, the Director of PWE recommends that City Council adopt a Motion approving the implementation of the attached MDUS appeal process.

The appeal process was presented at the June 28, 2011 meeting of the Flooding and Drainage Committee. The Committee took no action due to a lack of a quorum.

REQUIRED AUTHORIZATION		CUIC: 20SB36
Other Authorization:	Other Authorization:	Other Authorization: 



MUNICIPAL DRAINAGE UTILITY SYSTEM APPEAL PROCESS



APPEAL PROCESS INITIATION Standard Communications to Citizens



- **Direct written information:**
 - Notification letter of Drainage Utility Charge conveys process for Verification & Correction.
 - A Request for Verification & Correction form has been attached to every Notification Letter.
 - Outcome Notification letter - at conclusion of Verification & Correction process provides written information on Appeal Process.
- **By phone:** 713-371-1111
- **By website:** Related information is posted on the City's website, including the drainage ordinance (www.rebuildhouston.org)

SCHEDULING AN APPEAL

3

- Request for and scheduling a date for an appeal can be done:
 - on line (www.rebuildhouston.org)
 - by phone (713-371-1111)
 - in writing
- City mails out or e-mails:
 - Confirmation of hearing's date and time, along with
 - An instruction sheet on hearing proceedings
- Appellant may reschedule:
 - A hearing date up to 3 times, with a 24-hour advance notice, including
 - A hearing date up to 1 time, within a 24-hour advance notice
- No show or late, hearing proceeds.
- Must notify City 5 calendar days prior to hearing if bringing a representative along. If more than one representative will attend, appellant is requested contact City and coordinate for additional space.

HEARING EXAMINERS

4

- Designated by the Director, independent of City drainage system [§47-824(e)]
- To be employed through City contracted employee services agencies.
- Responsibility: **"to consider appeals as to whether or not a drainage charge was correctly determined based on the amount of impervious surface on the property"** [§47-824(e)].
- **Key Qualifications:**
 - Ability to interpret ordinance(s), policies, engineering documents, aerial and other maps
 - Oral and written communications
 - Proficiency in mathematical computation
 - Minimum 4 years of related experience
 - Education considered
- Goal is 20% of examiners to be bilingual
- 16 Hours of orientation to be provided (on ordinance, fee determination, policies and hearing procedures) by UCS and other City Staff

HEARING SEQUENCE

Agenda & Timeline

3	
<p>ONE-HOUR SESSION FOR RESIDENTIAL & SMALL COMMERCIAL</p> <p>15 Min. Hearing Examiner's prep time</p> <p>Session with the Appellant - 30 Minutes</p> <p>3 Min. Hearing Examiner: open meeting & explain timeline</p> <p>8 Min. Drainage Utility Rep: City Presentation</p> <p>10 Min. Appellant: Presentation</p> <p>8 Min. Q&A</p> <p>1 Min. Hearing Examiner: Hearing closing</p> <p>15 Min. Hearing Examiner's conclusion</p>	<p>TWO-HOUR SESSION FOR LARGE COMMERCIAL (3 ACRES PLUS)</p> <p>20 Min. Hearing Examiner's prep time</p> <p>Session with the Appellant - 90 Minutes</p> <p>3 Min. Hearing Examiner: open meeting & explain timeline</p> <p>20 Min. Drainage Utility Rep: City Presentation</p> <p>25 Min. Appellant: Presentation</p> <p>26 Min. Q&A</p> <p>1 Min. Hearing Examiner: Hearing closing</p> <p>25 Min. Hearing Examiner's conclusion</p>

HEARINGS

Other Pertinent information

- Hearing Examiner has discretion to reallocate hearing timeline as needed.
- Copies of additional supporting documents may be presented.
- All hearings to be recorded.
- Examiner to inform appellant that final decision will be provided in writing.
- Hearing examiner's decision to be mailed within 10 days following the hearing date.

PROCESS CONCLUSION

Standard Communication to the Appellant

7

- Appellant to be notified of appeal outcome in writing.
- Based on the outcome of the appeal:
 - Appellant's drainage charge will be adjusted (up or down) or remain unchanged
 - Credit or debit to be applied to the User's account, as appropriate.

ADMINISTRATIVE INFORMATION

FOR APPEAL HEARINGS

8

Where: Houston Permitting Center, 1002 Washington Ave.,
Houston, TX 77002

When: Monday-Friday, starting at 9:00 AM, last starting at 4:00
PM.

- Appeal hearing to start promptly at the scheduled time.
- Existing documents to be reviewed on monitor; new ones to be scanned and attached to appellant's electronic file.
- A valid photo ID is required to enter the building.
- Hearings may be held at alternate times and locations.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Drainage Improvements at Grade Separations, Package III; WBS No. M-000241-0004-4.

Category #1, 7

Page 1 of 2

Agenda Item # 27B

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

Agenda Date JUL 13 2011

DIRECTOR'S SIGNATURE:

[Signature of Daniel W. Krueger]

Daniel W. Krueger, P.E., Director

Council District affected:

B, C, D, I & H

[Handwritten initials]

For additional information contact:

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

[Signature of J. Timothy Lincoln]

Phone: (832) 395-2355

Date and identification of prior authorizing Council action:

Ord. # 2009-519 dated 06/10/2009

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$2,812,129.96 or 7.80% 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 \$3,421,000.00 from the Drainage Improvements Commercial Paper Series F Fund No. 4030.

PROJECT NOTICE/JUSTIFICATION: This project was part of the FY 2009 Stormwater Capital Improvement Plan (CIP) and was required to alleviate flooding in the depressed areas and to enhance mobility and driver safety during heavy rain events.

DESCRIPTION/SCOPE: This project consisted of construction of drainage improvements at five grade separations within the City of Houston. Work included demolition of existing pump station, construction of new pump station, construction of 16 feet concrete access road, upgrade existing pump station, and installing Advance Flood Warning devices at two pump stations. Infrastructure Associates, Inc. designed the project with 365 calendar days allowed for construction. The project was awarded to R. J. Construction Company, Inc. with an original Contract Amount of \$3,050,000.00.

LOCATION: The five (5) stormwater pump stations are as follows:

Locations	Key Map	Council District
1. Jensen Drive No. 1 Pump Station:1700 Jensen Drive, Houston, Texas	494E	B
2. Fannin Street Pump Station:6800 Fannin, Houston, Texas 77030	532H	D
3. Main Street Pump Station:6800 Main Street, Houston, Texas 77030	532H	C
4. Polk Street Underpass	494S	I
5. Houston Avenue Underpass	493G	H

CONTRACT COMPLETION AND COST: The Contractor, R.J. Construction Company, Inc., has completed the work under the subject Contract. The project was completed with an additional 5 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Orders No. 1, 2 and 3 is \$2,812,129.96, a decrease of \$237,870.04 or 7.80% under the original Contract Amount.

REQUIRED AUTHORIZATION

20HA121

Finance Department:

Other Authorization:

Other Authorization:

[Signature of Daniel R. Menendez]

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

Date	SUBJECT: Accept Work for Drainage Improvements at Grade Separations, Package III; WBS No. M-000241-0004-4.	Originator's Initials	Page 2 of 2
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The decreased cost is a result of the difference between planned and measured quantities. This decrease is primarily the result of an underrun in Various Bid Items for location 1 - Jensen Drive No. 1 Pump Station, Location 2 - Fannin Street Pump Station Location 3 - Main Street Pump Station, Location 4 - Polk Street Underpass and Location 5 - Houston Avenue Underpass and Extra Unit Price Items, which were not necessary to complete the project.

M/WBE PARTICIPATION: The M/W/SBE goal established for this project was 22.00%. According to Affirmative Action and Contract Compliance Division, the participation was 16.10%. Contractor's M/W/SBE performance evaluation was rated Satisfactory.

This went to M/WBE Committee for review on June 27, 2011.

SKF JW
DWK:DRM:JTL:SKF:JW:ha

Z:\E&C Construction\Facilities\Projects\M-000241-0004-4 Drainage Improvements at Grade Separations Pkg. III\RCA\RCA - Closeout.doc

c: File No.:M-0241-04/21.0

R. J. Construction Company, Inc.

Contract Number	Prime	Description	CIP #	Total Paid	SMWDBE Goal	SMWDBE Goal Achieved	Date Cleared	Labor /EEO Rating	MSMWDBE Rating
460000997	R. J. Construction Company	WW #4765-07 - Portwest lift station repair and replacement. R-000267-00	R-000267-0072-4	\$249,000.00	0%	0%	5/20/08	N/A	No goal
12852	R. J. Construction Company, Inc.	P. O. #PC20-00020010969 - Emergency shower and eye wash for PWE D	PC20-0002010969	\$157,500.00	0%	0.00%	6/19/02	Satisfactory	No Goal
4600008883	R. J. Construction Company, Inc.	Drainage Improvements at Grade Separations. M-000241-0003-4	M-000241-0003-4	\$4,105,951.14	22%	21.24%	3/30/10	Satisfactory	Satisfactory
4600004725	R. J. Construction Company, Inc.	Drainage Improvements at Grade Separations. M-0241-02-3	M-0241-02-3	\$2,034,808.80	17%	0.99%	12/17/07	Satisfactory	Unsatisfactory
50711	R. J. Construction Company, Inc.	WW #4134-05 - Wastewater Facilities Safety Improvements. R-0302-05-3	R-0302-05-3	\$417,250.00	0%	0.00%	9/29/99	Satisfactory	No goal
52885	R. J. Construction Company, Inc.	WW #4275-32 - Aldine Bender lift station rehabilitation. R-0267-43-3	R-0267-43-3	\$294,266.20	0%	0.00%	1/30/02	Satisfactory	No goal
4600009636	R. J. Construction Company, Inc.	WW #4276-26 - Goodyear and Scott #1 lift stations rehabilitation. R-0267-66-3	R-0267-66-3	\$1,338,749.63	17%	6.56%	4/15/03	Satisfactory	Unsatisfactory
51558	R. J. Construction Company, Inc.	WW #4459-04 - Expansion of West Bellfort #2 Lift Station. R-0267-80-3	R-0267-80-3	\$508,140.81	0%	0.00%	8/27/99	Satisfactory	Satisfactory
4600004579	R. J. Construction Company, Inc.	WW #4728-01 - Sharpview lift station rehabilitation. R-0267-A1-3	R-0267-A1-3	\$231,391.56	0%	0.00%	6/19/02	Satisfactory	No Goal
4600004766	R. J. Construction Company, Inc.	WW #4728-07 - Westhollow lift station replacement. R-0267-A7-3	R-0267-A7-3	\$668,000.00	0%	0.00%	1/21/04	Satisfactory	No goal
4600004913	R. J. Construction Company, Inc.	WW #4808-1R - West Bellfort #3 lift station replacement. R-002011-0027-4	R-002011-0027-4	\$1,224,984.22	17%	11.57%	12/22/06	Satisfactory	Satisfactory
4600009670	R. J. Construction Company, Inc.	Water #10435 - Improvements at various groundwater production plant fac	S-0530-02-3	\$755,604.93	17%	8.26%	10/24/07	Satisfactory	No goal
		Drainage improvements at grade separation Package 3	M-000241-0004-4	\$2,812,129.96	22%	16.10%	8/27/99	Satisfactory	Satisfactory
							5/3/11	Unsatisfactory	Satisfactory



**City of Houston
Office of Business Opportunity
Post-Award Good Faith Efforts Assessment**

Date: June 23, 2011

Prime Contractor: R J Construction Company

Project No. /Description: Drainage Improvements at Grade Separation, Package III.
M-000241-0004 460009670

S/MWDBE Goal: 22% **S/MWDBE Goal Attained:** 16.10% **S/MWDBE Rating:** Satisfactory

Did the Contractor:

Yes

No

Designate an S/MWBE Liaison?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Report MWBE Utilization Timely?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Respond Timely to AAD Information Requests?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Submit Deviation Requests, when necessary?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Notify AAD of S/MWDBE issues that affected the goal?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Enter into subcontracting agreements with subs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Respond to efforts to resolve disputes with subs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Submit S/MWDBE Utilization Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Agree to make up missed S/MWBE participation on another identified contract?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Provide S/MWBE's listed the maximum opportunity to participate?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provide documentation on Good Faith Efforts to meet the goal?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Contacted City to assist in finding additional S/MWBE participation when needed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Participate in Mentor-Protégé Program?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Rationale for Rating (including contractor history):

Work authorized to be performed by SMBE subs was removed from the contract. PWE validated that the work
Not needed after the project started. Of the \$256,000 worth of concrete and piping that was not performed or
deleted at the request of the Department \$183,000 was scheduled to be performed by SMBE subs to meet the
participation goal established for this contract.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9071

Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract No. C57129 and Contract No. C57130 for Wireless Communications Equipment and Svcs. for Various Depts./TC-20422-A3

Category #
4

Page 1 of 1

Agenda Item

28 #9

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

Origination Date

May 25, 2011

Agenda Date

~~JUL 0 6 2011~~
JUL 1 3 2011

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Gary Morris Phone: (832) 393-0065
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

Ord. 2005-822, 2008-991 and 2010-0502

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the maximum contract amounts from \$13,259,743.00 to \$14,259,743.00 to the contracts between the City of Houston and AT&T Mobility National Accounts, LLC (formerly New Cingular Wireless National Accounts, LLC) and GTE Mobilenet of South Texas Limited Partnership d/b/a Verizon Wireless by San Antonio MTA, L.P., its General Partner, by Verizon Wireless Texas, LLC, its General Partner and San Antonio MTA, L.P. d/b/a Verizon Wireless by Verizon Wireless Texas, LLC, its General Partner for wireless voice and data telecommunications equipment and services for various departments.

Maximum Contract Amount Increase: \$1,000,000.00

Finance Budget

\$1,000,000.00 - Central Service Revolving Fund (1002)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount from \$13,259,743.00 to \$14,259,743.00 to the contracts between the City of Houston and AT&T Mobility National Accounts, LLC (formerly New Cingular Wireless National Accounts, LLC) and GTE Mobilenet of South Texas Limited Partnership d/b/a Verizon Wireless by San Antonio MTA, L.P., its General Partner, by Verizon Wireless Texas, LLC, its General Partner and San Antonio MTA, L.P. d/b/a Verizon Wireless by Verizon Wireless Texas, LLC, its General Partner for wireless voice and data telecommunications equipment and services for various departments.

This funding increase to the current contracts will allow the City adequate time to complete its transition into the new next generation wireless devices and services contract.

The scope of work requires the contractor to provide all hardware, billing and monthly airtime for the wireless voice and data communications services for various departments. The services provided in the contracts are essential communication and information tools, which are necessary components to the City's overall operations.

The contracts were awarded with a 12% M/WBE participation goal; AT&T is currently achieving 4.77% of its goal and Verizon is currently achieving 4.82% of its goal. The Mayor's Office of Business Opportunity will continue to monitor these contracts to ensure maximum M/WBE participation.

Buyer: Conley Jackson

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

29

JUL 13 2011

MOTION NO. 2011 0552

MOTION by Council Member Sullivan that the following item be postponed for one week:

Item 29 - Ordinance consenting to the addition of 30.831 acres of land to NorthPointe Water Control and Improvement District, for inclusion in its district

Seconded by Council Member Lovell and carried.

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

Council Member Clutterbuck due to being ill

Council Member Hoang absent on personal business

PASSED AND ADOPTED this 6th day of July, 2011.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is July 12, 2011.

City Secretary

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

SUBJECT: Petition for the City's consent to the addition of 30.831 acres of land to NorthPointe Water Control Improvement District (Key Map No. 328-B, C, D, F, G, H, K, L, P & Q; 288-Y & Z)

Page
1 of 1

Agenda Item
#

29 ~~27~~

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

~~JUN 29 2011~~

DIRECTOR'S SIGNATURE

Council District affected:
"ETJ"

~~JUL 06 2011~~

Daniel W. Krueger, P.E.

JUL 13 2011

For additional information contact:

Date and identification of prior authorizing Council action:

Mark L. Loethen, P.E., CFM, PTOE
Deputy Director (832) 395-2705

RECOMMENDATION: (Summary)

The petition for the addition of 30.831 acres of land to NorthPointe Water Control Improvement District be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

NorthPointe Water Control Improvement District has petitioned the City of Houston for consent to add 30.831 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Spring-Cypress Road, Shaw Road, Boudreaux Road and SH 249. The district desires to add 30.831 acres, thus yielding a total of 1,725.057 acres. The district overlaps Harris County Municipal Utility District No. 282, which will provide water and sewer service to this tract. The District will provide storm water drainage only. The nearest major drainage facility for NorthPointe Water Control Improvement District is Faulkey Gully which flows to Cypress Creek which flows into Spring Creek then to the San Jacinto River and finally into Lake Houston.

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

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

Attachments

cc: Marta Crinejo Marlene Gafrick Jun Chang
Bill Zrioka Deborah McAbee Carl Smitha

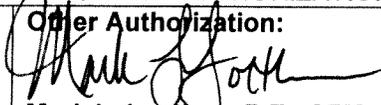
REQUIRED AUTHORIZATION

20UPA110

Finance Department

Other Authorization:

Other Authorization:



Mark L. Loethen, P.E., CFM, PTOE
Deputy Director
Planning & Development Services Div.



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

received
5/19/11 *AW*

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

Application is hereby made for consent of the City of Houston to the creation/ addition of 30.831 acres to NorthPointe WC & ID under the provisions of Chapters 49 & 51 of the Texas Water Code.

Martha Bersch
Attorney for the District

Attorney: Schwartz, Page & Harding, LLP

Address: 1300 Post Oak Boulevard, Suite 1400, Houston, Texas

Zip: 77056

Phone: 713-623-4531

Engineer: Benchmark Engineering, Inc.

Address: 2401 Fountainview, Suite 500, Houston, Texas

Zip: 77057

Phone: 713-266-99

Owners: Tomball Independent School District

Address: 221 West Main Street, Tomball, Texas

Zip: 77375

Phone: 281-357-3100

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

LOCATION

INSIDE CITY

OUTSIDE CITY

NAME OF COUNTY (S) Harris

Survey Charles Marriott

Abstract 566

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

North of: Spring-Cypress Road

East of: Shaw Road

South of: Boudreaux Road

West of: State Highway 249

WATER DISTRICT DATA

Total Acreage of District: 1,694.226

Existing Plus Proposed Land 1,725.057

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

Single Family Residential 0

Multi-Family Residential 0

Commercial 0

Industrial 0

Institutional 100%

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

Regional Plant

Sewage Treatment Plant Name: N/A

NPDES/TPDES Permit No: N/A

TCEQ Permit No: N/A



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): N/A

Ultimate Capacity (MGD): N/A

Size of treatment plant site: N/A square feet/acres.

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

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

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

Total permitted capacity: N/A

MGD of (Regional Plant).

Name of District: N/A

MGD Capacity Allocation N/A

or property owner(s)

Name of District: N/A

MGD Capacity Allocation N/A

Water Treatment Plant Name: N/A

Water Treatment Plant Address: N/A

Well Permit No: N/A

Existing Capacity:

Well(s): N/A

GPM

Booster Pump(s): N/A

GPM

Tank(s): N/A

MG

Ultimate Capacity:

Well(s): N/A

GPM

Booster Pump(s): N/A

GPM

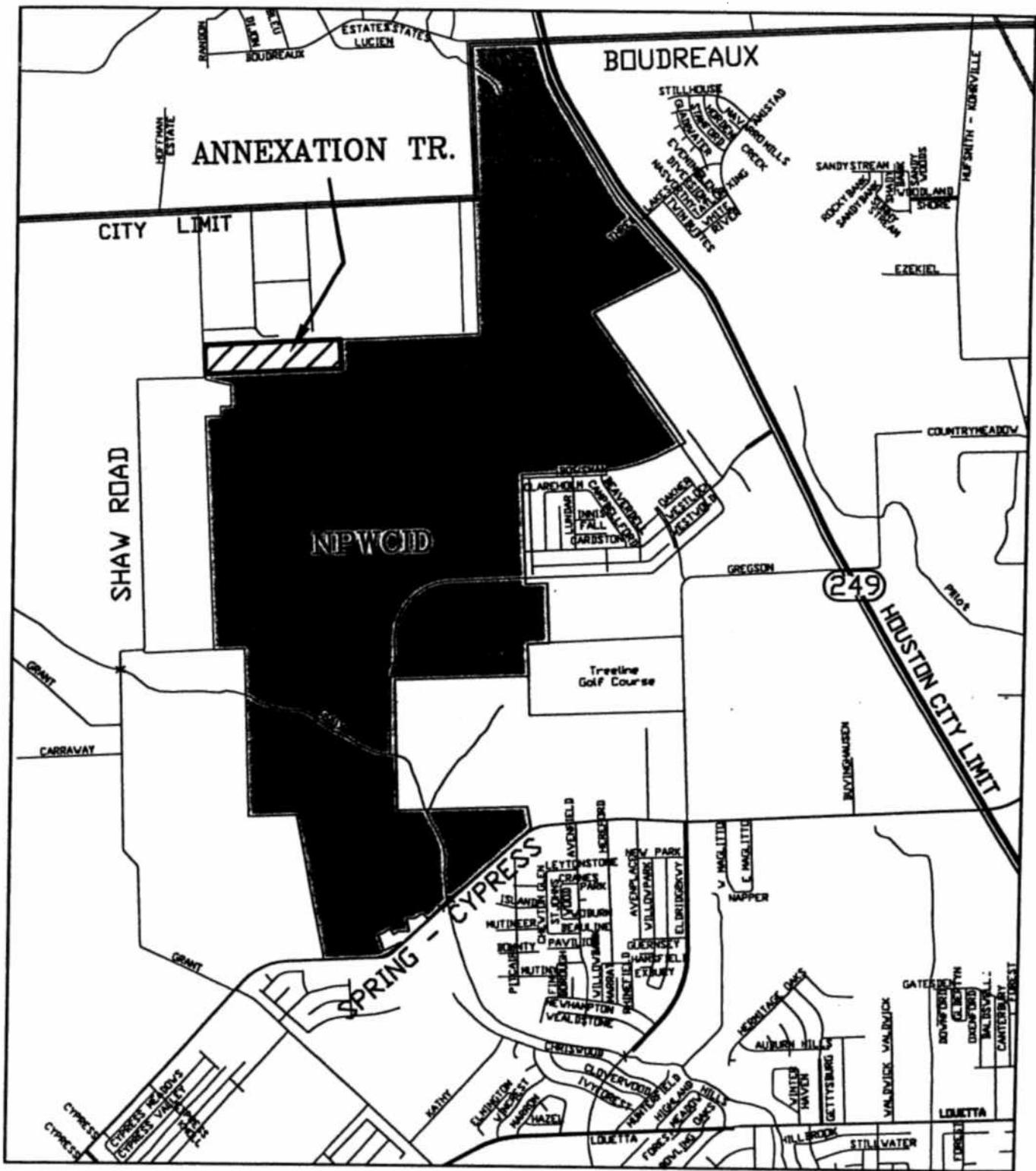
Tank(s): N/A

MG

Size of Treatment Plant Site: N/A

square feet/acres.

Comments or Additional Information: NorthPointe Water Control and Improvement District is an overlapping District that is responsible for storm water drainage only. Water supply and wastewater collection are not provided the District.



VICINITY MAP

KEY MAP: PG. 328 B,C,D,F,G,H,K,L,P & Q
 PG. 288 Y & Z



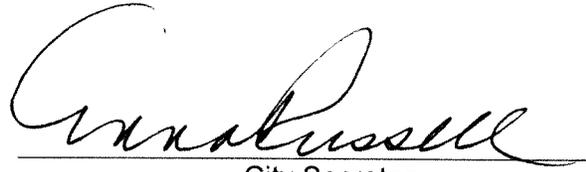
Benchmark Engineering Corporation
 Consulting Engineers - Planners - Surveyors

2401 Fountainview Suite 500
 Houston, Texas 77057 U.S.A. (713)286-9930
 Job No. 02054 Date: March, 2011

SUPPLEMENTAL NOTICE

NOTICE IS HEREBY GIVEN that the City Council of the City of Houston at its regular meeting Wednesday, July 13, 2011, which will convene at 9:00 a.m. in the City Council Chamber, Second Floor, City Hall, 901 Bagby, Houston, Texas, will consider the following item:

30. ORDINANCE amending Ordinance No. 2011-577, relating to an Interlocal Agreement between the City of Houston, Texas, and **HOUSTON INDEPENDENT SCHOOL DISTRICT**, for the development and use of a tract of land near 1011 Taft Street, Houston, Texas, for field and related facilities - **DISTRICTS D - ADAMS and I - RODRIGUEZ**


City Secretary

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approve an Ordinance amending Ordinance No. 2011-577 to correct errors in the Interlocal Agreement between the City of Houston and the Houston Independent School District (HISD).

Category #

Page
1 of 1

Agenda Item#

30

FROM: (Department or other point of origin):

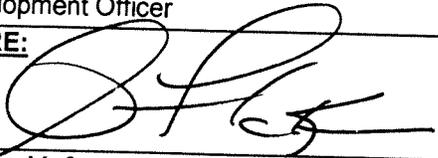
Andrew F. Icken
Chief Development Officer

Origination Date

Agenda Date

JUL 13 2011

SIGNATURE:



Council Districts affected:
D, I

For additional information contact:

Tim Douglass
Will Whitehead

Phone: (713) 837-9857
Phone: (832) 393-8062

Date and identification of prior authorizing Council Action:

Ordinance No. 2011-577 dated 6/29/2011

RECOMMENDATION: (Summary)

Approve an Ordinance amending Ordinance No. 2011-577 to amend the Interlocal Agreement between the City of Houston (City) and Houston Independent School District (HISD) to change a payment date and make other alterations to ensure uniformity of the agreements.

Funding: None

SOURCE OF FUNDING:

General Fund Grant Fund Enterprise Fund

SPECIFIC EXPLANATION:

On June, 29, 2011, City Council adopted Ordinance No. 2011-577 appropriating funds and approving an Interlocal Agreement between the **City of Houston** and **Houston Independent School District (HISD)** as well as a Sponsorship Agreement between the **City of Houston** and the **Fourth Ward Redevelopment Authority (Authority)** for public improvements associated with the Carnegie Vanguard High School campus.

Subsequent to approval, it was determined that the Interlocal Agreement approved by Council and the agreement signed by HISD were not identical. One important difference was the prescribed date on which payment is due to HISD. The date should have been listed as July 29, 2011 rather than June 30, 2011. The other difference do not substantively change the agreement passed by City Council and are detailed in the attached redline.

The Administration recommends approval of this action by City Council.

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

INTERLOCAL AGREEMENT

This Interlocal Agreement ("Agreement") is entered into pursuant to the Interlocal Cooperation Act (Texas Government Code, Chapter 791) by and between **HOUSTON INDEPENDENT SCHOOL DISTRICT**, a public independent school district, whose address is 4400 West 18th Street, Houston, Texas 77092-8501, hereinafter called "HISD", and the **CITY OF HOUSTON**, a municipal corporation situated in Harris, Fort Bend and Montgomery Counties, Texas, whose address is P.O. Box 61189, Houston, Texas 77208-1189, hereinafter called "City".

WITNESSETH:

WHEREAS, HISD is the owner of the hereinafter described tract of land, which tract is part of the Gregory-Lincoln Education Center and Carnegie Vanguard High School site, located at 1101 and 1501 Taft Street in Houston, Texas, hereinafter called the "Site", and as shown on Exhibit "A"; and

WHEREAS, the City is owner of the Genesee Street right-of-way (ROW) and improvements thereon; and

WHEREAS, HISD is constructing the Carnegie Vanguard High School ("High School") on the south portion of the Site, and in conjunction with such construction HISD and the City desire to have a portion of the Site utilized as set forth herein; and

WHEREAS, City has requested that HISD use a portion of the Site for youth baseball, in conjunction with HISD's use for school purposes; and

WHEREAS, City plans to reconstruct a portion of Genesee Street south of Andrews Street, or the entire street between West Gray and West Dallas Streets; and

WHEREAS, HISD desires to utilize a portion of the Genesee ROW for parking and bus loading and unloading for both schools on the Site; and

WHEREAS, HISD desires to construct a parking garage on the Site open to the public during non-school hours (the "Parking Garage"); and

Now, therefore, in consideration of the premises and the further terms and conditions as hereinafter set forth, HISD and the City (the "Parties") agree as follows;

Article 1

License, Parking Garage, Field, Term, and Termination

1.1 License. HISD by these presents does hereby license and authorize City, during the continuance of this Agreement, to enter upon the field area ("Field") as set forth in the sketch attached hereto as Exhibit "B" and made a part hereof. (The Parties recognize and understand that the drawing attached hereto is not a precise engineering drawing, nor is it one which has been prepared by a registered licensed surveyor; but it is designed to provide an indication of the area, forming a part of the Site, sought to be used by City and the public and which is subject to the terms and provisions of the Agreement). City shall have the use of said Field in

accordance with use provisions described in Article 6. The City shall not describe nor identify the Field as a City park.

1.2 Parking Garage. HISD will construct the Parking Garage in the manner outlined in Article 3 and operate the Parking Garage in manner that allows it to be open to the public during non-school hours.

~~1.1.1.1.1.1.1.1.1~~ Term. The initial term of this Agreement shall be ~~ten (10) years commencing upon date of execution of the Agreement. Upon mutual written consent, ten (10) year extensions may be added to the initial term.~~

1.2.1.3 Access to Field. City access to the Field shall commence October 1, 2012 or 30 days after HISD's acceptance of the construction of the field improvements, whichever is later.

1.3.1.4 Right to Terminate. The Parties may agree to terminate and/or modify the term of the Agreement at any time upon mutual consent. Additionally, either party shall have the right to terminate this Agreement without cause for any reason upon giving one hundred and eighty (180) days written notice to the other party. Unless funding described in Section 2.2 is received by HISD by July ~~29~~44, 2011, the Agreement shall expire with no further action required by either party.

1.5 Termination Compensation. City acknowledges that after start of construction of the Improvements, HISD must proceed with construction related to the parking for the High School. In the event that the City provides notice of termination after start of construction of the Improvements, HISD will complete the improvements related to ~~parking~~the Parking Garage and bus loading areas using funding described in Article 2. In the event either party terminates the Agreement at any time, no additional compensation or monies or refunds shall be due to the other party.

Article 2 Funding

2.1 HISD Funding. HISD shall fund One Million Dollars (\$1,000,000.00) ("HISD Funding") of the total cost to construct the Improvements described in Article 3. HISD warrants that these funds are reserved and available for the Improvements.

2.2 City Funding. As consideration for the performance of the obligations of HISD set forth in this Agreement, the City ~~shall fund~~ agrees to pay to HISD the amount of Two Million, Five Hundred Thousand Dollars (\$2,500,000.00) ("City Funding"). This amount shall be paid by City by check and received by HISD, no later than July ~~29~~44, 2011 at the address listed above and addressed to the attention of the Chief Financial Officer, Melinda Garrett. HISD shall keep the HISD Funding and City Funding (collectively, "Funding") and account for it, and shall make the payments to the appropriate Party contemplated herein. The Parties understand and agree that the portion of the City Funding for Improvements on HISD's Site is a contribution to HISD in exchange for the rights and privileges stipulated in Article 6, and HISD shall retain ownership of all Improvements that are constructed on HISD's Site. Improvements constructed in the City's ROW shall be paid for with City Funding and shall be property of the City.

2.3 Budget. The Parties acknowledge that the total sum of the Funding funds described in Sections 2.1 and 2.2 is the Budget ("Total Budget") for the total cost of Improvements ("Total Improvement Costs"), and that additional funding is not committed~~anticipated~~; therefore, the

Redline2.DOC

Parties agree to work together to adjust scope to keep the Total Improvement Costs within the Total Budget, using the priorities described in Section 3.1. The Total Improvement Costs include fees, construction, printing, advertising, permit costs, security cameras, and all other costs related to the design and construction of the Improvements. In the event of claims related to the Improvements, any costs incurred by HISD shall be considered part of the Total Improvement Costs.

2.4 2.4—Cost Detail and Surplus Funds. HISD shall provide the City detailed cost accounting for the Total Improvement Costs. If the Total Improvement Costs are less than the Total Budget, remaining funds shall be returned to the City by check within 3 years after completion of construction.

2.5 Reimbursements for City Improvements. The Parties intend that HISD shall construct or cause to be constructed the Improvements on HISD's property ("HISD Improvements"), and City shall construct or cause to be constructed the Improvements within the City ROW ("City Improvements"). To the extent that monies are available over and above the cost of HISD Improvements, HISD shall promptly reimburse the City out of the Total Budget for the City's reasonably documented costs for the City Improvements which have been accepted by both parties in accordance with Section 4.2.

Article 3 Improvements

3.1 Improvements and Priority. Article 3 describes the obligations under this agreement known as the "Improvements." The anticipated Improvements are set forth below. Construction shall only include Improvements that can be constructed without exceeding However, the Total Budget. The Parties agree to the prioritization of the Improvements as required for HISD to obtain a Certificate of Occupancy for the construction of the Carnegie Vanguard High School, and in the order listed below. Construction shall only include Improvements that can be constructed without exceeding the Total Budget.

- A. Removal of an existing parking lot with approximately 24 parking spaces which are assigned to the Gregory-Lincoln Education Center and are currently located in the proposed Field area, to be included in HISD Improvements.
- B. Construction of the Parking Garage, which will be a two-level parking structure on the Site to accommodate approximately 219 parking spaces, to be included in HISD Improvements. The two levels are grade level and an elevated parking deck. The structure shall provide approximately 195 parking spaces for the High School and 24 spaces to replace the existing surface parking assigned to Gregory-Lincoln Education Center and referred to in Section 3.1 Paragraph A above
- C. Improvement of Genesee Street ROW to create a bus loading area within the ROW as required to obtain a Certificate of Occupancy for the Carnegie Vanguard High School, to be included in City Improvements. The loading area can be a reserved area on the improved street or a pull-off lane accessed from the existing street. A section of new concrete walk shall be widened for student access to the bus area. HISD shall consult with the City and/or its representative concerning the simultaneous Genesee Street Reconstruction project.
- D. Construction of a youth baseball field with infield and backstop/dugout fencing, to be included in HISD Improvements. The City acknowledges that while land is available

for outfield play, the baseball outfield area overlaps the High School soccer field; therefore, a permanent outfield fence will not be provided, but the design of the outfield area shall allow for future design of a temporary fence not included in the Improvements. Grass areas around the infield and the outfield/soccer field shall have an automatic lawn irrigation system.

- E. Reconstruction of a portion of Genesee Street south of Andrews Street, or the entire street between West Grey and West Dallas Streets, as further described below, to be included in City Improvements.

- (1.) Construction shall be in accordance with the City's Design Manual for a 28-foot wide roadway.
- (2.) A 5-foot wide concrete walk shall be constructed on the east and west sides of the street. The City may seek future funding and plan for future pedestrian improvements in the ROW on the west side of Genesee Street.
- (3.) Traffic shall be one-way southbound.
- (4.) Lanes on Genesee Street shall not be striped (similar to other neighborhood streets).
- (5.) A designated parking lane shall be located on Genesee Street at the west side. Parking shall be restricted in an area reserved for bus loading and unloading during times required for buses.
- (6.) Parking shall be prohibited on the east side of Genesee Street at all times.
- (7.) The storm sewer for Genesee Street Improvements shall be designed for future connection to the proposed Gillette Street storm sewer replacement to be constructed by the City.

Article 4
Design and Approvals

4.1 Schedule. HISD has scheduled and contracted for the construction of the new High School to be completed for occupancy by August 1, 2012. Therefore, the HISD Improvements constructed under this Agreement shall also be scheduled for completion by August 1, 2012 for the full operation of the school. City Improvements shall be scheduled for completion no later than August 1, 2013. The Parties agree to work together to accelerate the schedules, and this acknowledge that this is an accelerated schedule that may require that review and approvals be completed in a shorter period than normal, and the Parties agree to work together to achieve the scheduled completion.

4.2 Scope Verification. Upon execution of the Agreement, each Party HISD shall contract for the design of its Improvements. Each party HISD shall provide to the other party City schematic design documents and cost estimates for its Improvements. Together the parties shall develop a detailed estimate of the Total Improvement Cost that includes an individual total project budget, and a recommendation for each proceeding with design of scope prioritized Improvement. The total estimate shall not exceed and estimated within the Total Budget, except as provided for in Section 6.7. The individual budget amounts for each prioritized Improvement shall be approved in writing by both parties, and any changes to individual budget amounts funded by the Total Budget shall be approved by both parties in writing. Each party City shall review and accept the individual budget amounts prepared by the other party documents in writing, or provide written comments, within ten (10) working days of receipt.

4.3 Construction Documents. HISD shall be responsible for the preparation of all architectural, engineering and other contract documents required for the construction of HISD the Improvements. City shall be responsible for the preparation of such items required for the construction of City Improvements. Each party HISD shall submit 60% and 90% documents to

~~the City other party for review. Each party~~ The City shall review and accept the documents in writing, or provide written comments, within ten (10) working days of receipt.

~~HISD shall submit 90% documents to the City for review. The City shall review and accept the documents in writing, or provide written comments, within ten (10) working days of receipt.~~

4.4 Permit. After acceptance of the 90% construction documents by the City and completion of the documents, HISD shall submit construction documents to the City for permit and written approval by the Director of the City's Public Works and Engineering Department or his designee ("Director"). The Director of General Services Department or his designee shall assist in expediting the permit process. The City shall endeavor to respond in less than thirty (30) calendar days of receipt.

4.5 Pricing. HISD shall coordinate issuance of construction documents for pricing with permit approval. HISD shall obtain a Guaranteed Maximum Price proposal from HISD's Construction Manager-at-Risk ("CMAR") as described in Section 5.2. HISD shall review the proposal with the City. The Parties agree to adjust scope, if necessary, to reduce the construction cost. HISD, working with its CMAR, shall be responsible for the determination of the accepted subcontractor bids and proposals for the construction of the Improvements, and HISD's determination shall be final and conclusive.

4.6 Bonds. HISD shall obtain payment and performance bonds from the CMAR for the construction of the Improvements.

Article 5 Construction

5.1 Construction by HISD and City. Each Party ~~HISD shall construct its the~~ Improvements described in Article 3 as funded within the Total Budget. ~~Neither Party is not obligated to construct any Improvements that would cause the Total Improvement Costs to exceed the Total Budget. HISD shall be responsible for administering all construction and related HISD contracts for HISD Improvements. The City shall be responsible for administering all construction and related City agreements for City Improvements. the Project.~~

5.2 Construction Manager-at-Risk (CMAR). HISD intends to construct ~~its the~~ Improvements through a CMAR agreement for construction of the new High School. In accordance with State law, the CMAR shall publicly advertise for bids/proposals.

5.3 Access During Construction. ~~The City shall allow HISD to use the City's ROW, upon which any Improvements are located, for the purpose of completing the Improvements. HISD's activities within the City's ROW shall be subject to normal City requirements. During the construction of the Improvements, the City shall have reasonable right of access to the construction site and shall have the right to review all documents, maps, plats, records, photographs, reports or drawings, and cost accounting affecting the construction of HISD the Improvements. Site inspections by the City shall be coordinated with HISD's project manager, and the City shall not interfere with any work in progress, except as required for code enforcement and ROW inspection duties.~~

~~5.4 Acceptance. Upon completion of the Improvements within the City's ROW, HISD shall prepare and deliver to the City drawings showing the roadways, storm drainage facilities, or utilities as constructed. The City shall have the right to finally inspect the completed work within the ROW. The City shall provide written approval and acceptance of the Improvements within the ROW. During the warranty period, the City may contact the GMAR directly for any required corrections. Prior to City access and use of youth baseball field, the City shall provide written acceptance of the youth baseball field improvements. Prior to HISD's use of Improvements within the City ROW to be used for bus drop-off, HISD shall provide written acceptance of such Improvements.~~

Article 6
Use of Field

6.1 Use Schedule. City shall have the use of the Field in accordance with a schedule which shall be subject to approval by the High School principal and which is subject to modification at any time by the principal as deemed in the best interests of the school; however, the use herein granted to City shall not, at any time or under any circumstances, interfere with any school activity that may be scheduled by HISD. HISD shall have exclusive control and supervision of the Field during school hours, and at such other times that HISD may have activities going on, and HISD may exclude the general public from the Field to the extent necessary for the use by HISD for school activities. City may conduct City-sponsored activities, and at all other times as approved by HISD, the Field shall be available for general public access on a first come, first serve basis.

6.2 Adjacent Neighborhood. City shall not sponsor any activities on the Field that would unreasonably disturb the residents residing adjacent to or near the Field. City is responsible for responding to all complaints related to the use of the Field by City and all persons using the Field in connection with its sponsored activities.

6.3 Safety. City shall not sponsor any activities on the Field that are hazardous, or likely to cause injury to students or faculty at the school or damage to property of HISD.

6.4 No Liability. HISD assumes no responsibility for any injury or damage to persons or property resulting from the use of the Field under this Agreement. Nothing herein shall be construed as a waiver of HISD's right to assert its defense of governmental immunity against any such claims, losses, or liabilities. Any obligations as set forth in this section shall survive the termination of this Agreement.

6.5 Field Activities and Signs. The Field, when used by the City and general public, shall be used for recreational purposes, and for no other purposes, in conjunction with HISD's continuing use of same for school purposes. Any signage for the Field must be approved by HISD and City in writing. No alcoholic beverages shall be allowed or used on the Field at any time.

6.6 No Discrimination. In accordance with the provisions of Civil Act 5281, United States District Court Eastern Division of Texas, Tyler division, as amended August 15, 1973, the City shall also comply with the following:

The further covenant, consideration and condition is that the following restrictions shall in all things be observed, followed and complied with:

- (a) The above-described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which discriminates against any person because of his race, color or national origin, regardless of whether such discrimination be effected by design or otherwise.
- (b) The above described realty or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which creates, maintains, reinforces, renews or encourages, or which tends to create, maintain, reinforce, renew or encourage, a dual school system.

The restrictions and conditions shall be binding upon the City; and in case of violation of either or both of the above restrictions, the license herein granted shall, without entry or suit, immediately revert to and vest in HISD herein and its successors, this instrument shall be null and void; and no act or omission upon the part of HISD herein and its successors shall be a waiver of the operation or enforcement of such condition.

The restriction set out in (a) above shall be construed to be for the benefit of any person prejudiced by its violation. The restriction specified in (b) above shall be construed to be for the benefit of any public school district or any person prejudiced by its violation.

6.7 Future City Improvements. The City may seek additional funding over and above the City Funding requirements set forth in Section 2.2. The City may request that HISD construct additional Improvements on HISD property and/or the City's ROW using additional City funding. HISD shall have the option to approve or disapprove any request for HISD's construction of additional Improvements or upgrades proposed and funded by the City. Any future lighting that may be constructed shall be planned in cooperation with the residents whose homes may be affected by the lights. The City shall have the responsibility for seeking consensus for lighting improvements and hours of light fixture operation from adjacent neighbors. Utility costs related to lighting and other future improvements requested by the City, including any connection fees, shall be funded by the City.

6.8 Future HISD Improvements. HISD shall not be precluded from installing facilities on those areas of the Field not designed for youth baseball at any time during the term of the Agreement.

Article 7 Maintenance and Security

7.1 HISD Maintenance. HISD shall be responsible for maintenance of all Improvements constructed on HISD property. HISD agrees to maintain the Field in a clean and orderly condition. HISD shall keep the grass trimmed at all times.

7.2 City Maintenance. ~~City shall be responsible for maintenance of all~~ ~~After acceptance by the City of Improvements constructed by HISD in the City's ROW, HISD shall have no further responsibility for the condition or maintenance of the Improvements constructed in the City's ROW, other than assisting the City ROW, as deemed reasonable by HISD, in enforcing requirements of the contractor's warranty and performance bond.~~

7.3 Operating Costs. Operating costs shall include all utilities, assessments, waste removal, lawn and landscaping costs. HISD shall be responsible for operating costs on HISD property, except as provided for in Sections 6.7 and 7.4.

7.4 Irrigation Water. The City shall provide irrigation water for the grass areas of the Field. A separate City meter shall be installed for these areas of the Site, and the City shall be responsible for all water usage costs.

7.5 Security. The City shall be responsible for providing security, as needed, for the Field when it is in use by the City or the general public.

Article 8 Insurance

8.1 Insurance. ~~Each Party~~ HISD shall require its contractor responsible for constructing its that the CMAR under contract for the Improvements (with respect to HISD, the CMAR) to provide the insurance described below:

- A. Workers' compensation covering the contractor in the amount required by law.
- B. Commercial General Liability Insurance including broad form coverage, contractual liability, bodily and personal injury, and completed operations for bodily and property damage, minimum limits of \$1,000,000 per occurrence, with a minimum aggregate limit of \$2,000,000.
- C. Comprehensive Automobile Liability Insurance, including owned and non-owned, as well as hired, vehicles used for the Project limits of \$1,000,000 combined single limit for each single occurrence.

Each policy must contain an endorsement to the effect that the issuer waives any claims or right in the nature of subrogation to recover against HISD, the City, and their officers, agents or employees. Each such policy must expressly state that it may not be canceled or non-renewed unless thirty (30) days advance notice of cancellation is given in writing to the insureds by the Insurer. HISD and the City shall each be a named "Specific Additional Insured" on the commercial general liability and business automobile liability policies.

Article 9 Miscellaneous

9.1 No Assignment. The Parties shall not sublet or assign their rights under this Agreement or any part thereof to any party without the prior written consent of the other party. This Agreement shall not bestow any rights upon any third party, but rather shall benefit HISD and City only.

9.2 Relationship of Parties. Nothing contained herein shall be deemed or construed by the Parties hereto, nor by any third party, as creating the relationship of principal and agent or of partnership or of joint venture between the Parties.

9.3 Headings and Titles. The captions used herein are for convenience only and do not limit or amplify the provisions hereof.

9.4 Waivers. One or more waivers of any covenant, term or condition of this Agreement by either party shall not be construed as a waiver of a subsequent breach of the same covenant, term or condition. The consent or approval by either party shall not be construed as a waiver of a subsequent breach of the same covenant, term or condition. The consent or approval by either party to or of any act by the other party requiring such consent or approval shall not be deemed to waive or render unnecessary consent to or approval of any subsequent similar act.

9.5 Numbers and Genders. Whenever herein the singular number is used, the same shall include the plural, and words of any gender shall include each other gender.

9.6 Sole Agreement. This Agreement contains the entire agreement between the Parties, and may only be waived, changed, modified, amended or terminated by a written instrument signed by all Parties hereto. In the case of the City, the requirement of a written instrument shall specifically and exclusively mean a written instrument signed by the then current Mayor. This Agreement supersedes all prior proposals with regard to the Transaction.

9.7 Interpretation. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement. Any action brought to enforce or interpret this Agreement shall be brought in the court of appropriate jurisdiction in Houston, Harris County, Texas. Should any provision of this Agreement require judicial interpretation, the Parties hereto stipulate that the court interpreting or considering the same shall not apply the presumption that the terms hereof shall be more strictly construed against a party by reason of any rule or conclusion that a document should be construed more strictly against the party who prepared the same, it being agreed that all Parties hereto have participated in the preparation of this Agreement and that each party had full opportunity to consult legal counsel of its choice before the execution of this Agreement.

9.8 Severability. Each and every agreement contained in this Agreement is, and shall be construed as, a separate and independent agreement. If any provision of this Agreement should be held to be invalid or unenforceable, the validity and enforceability of the remaining provisions of this Agreement shall not be affected thereby.

9.9 Remedies. All remedies of the City or HISD under this Agreement are cumulative, and the election of any remedy by the City or HISD shall not foreclose the City or HISD from pursuing any other equitable or legal remedy.

9.10 Binding Terms. The terms, provisions and covenants contained in this Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective heirs, successors in interest and legal representatives.

9.11 Time. Time is of the essence in this Agreement.

9.12 Notices. Wherever any notice is required or permitted hereunder such notice shall be in writing. Any notice or document required or permitted to be delivered hereunder shall be deemed to be delivered when addressed to the Parties hereto at their respective addresses and (1) personally delivered; (2) transmitted by a nationally-recognized courier service; (3) transmitted by facsimile; or (4) deposited in the United States mail, postage prepaid, Certified or Registered Mail, Return Receipt Requested. For the purpose of notice, the addresses of the Parties shall be as follows:

A. In the case of HISD:

Houston Independent School District
Attn: Issa Dadoush, General Manager
Construction and Facility Services
CFS Administration
228 McCarty, Building 17
Houston, Texas 77029-1138

With a copy to:
Houston Independent School District
Attn: Donald R. Boehm
Finance and Tax Attorney
4400 West 18th Street
Houston, Texas 77092-8501

B. In the case of the City:

City of Houston
Attn: Scott Minnix, Director
General Services Department
PO Box 61189
City Hall Annex
Houston, Texas 77208

or
900 Bagby
2nd Floor
Houston, Texas 77002

With a copy to:
City of Houston
Attn: Gary W. Dzierlenga
Senior Assistant City Attorney
900 Bagby
3rd Floor
Houston, Texas 77002

[Execution pages follow]