

AGENDA - COUNCIL MEETING - TUESDAY - FEBRUARY 14, 2012 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Burks

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 - FEBRUARY 15, 2012 - 9:00 A. M.

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

HEARINGS

1. **PUBLIC HEARING** regarding a third amendment to the **PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN** for Reinvestment Zone Number Thirteen (Old Sixth Ward Zone) **DISTRICT H - GONZALEZ**

MAYOR'S REPORT - Forensic Services update

CONSENT AGENDA NUMBERS 2 through 34

AGENDA - FEBRUARY 15, 2012 - PAGE 2

PROPERTY - NUMBER 2

2. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Mary Villareal, The Interfield Group, on behalf of Yuri A. Perez, for abandonment and sale of a 10-foot-wide prescriptive storm sewer easement, in exchange for the conveyance to the City of a 20-foot-wide storm sewer easement, both located within Tract 3D, out of the Henry Tierwester Survey, Parcels SY12-044 and LY12-014 - **DISTRICT D - ADAMS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 3 through 6

3. **SCOTT TECHNOLOGIES, INC dba SCOTT HEALTH AND SAFETY** for Radio Connectors for the Houston Fire Department
4. **ESI ACQUISITION, INC** for Emergency Management Crisis Information Training for the Office of Emergency Management of the Houston Emergency Center - \$16,301.00 - Grant Fund
5. ORDINANCE appropriating \$119,784.00 out of Equipment Acquisition Consolidated Fund for the purchase of Utility Vehicles for the Houston Police Department
 - a. **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY CHEVROLET** for Police Utility Vehicles for the Houston Police Department
6. **AMEND MOTION #2010-200, 4/7/10 as amended by MOTION #2011-395 and #2011-644, TO INCREASE** award amount from \$10,268,000.00 to \$13,068,000.00 for Purchase of Fuel Cards and related services from the Texas Facilities Commission formerly known as the Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments, awarded to **COMDATA NETWORK, INC** - \$2,800,000.00 Fleet Management Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 7 through 34

7. RESOLUTION designating the property at 2504 Stanmore Drive within the City of Houston as a historic landmark - (Fore-Blaine House) - **DISTRICT G - PENNINGTON**
8. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use as a public right-of-way of Eastwood Street, from Perry Street north to its terminus; vacating and abandoning the right-of-way to New Hope Housing, Inc., and to Linda Flanagan and Elmo Flanagan, Jr., owners, in consideration of their payment to the City of \$118,739.00 and other consideration - **DISTRICT D - ADAMS**
9. ORDINANCE establishing the north and south sides of the 1700 block of Milford Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - COHEN**
10. ORDINANCE establishing the north side of the 3600-3700 block of Rio Vista Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**
11. ORDINANCE establishing the north and south sides of the 1800 block of West 14½ Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - COHEN**

RESOLUTIONS AND ORDINANCES - continued

12. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON SRO HOUSING CORPORATION**, providing up to an additional \$92,490.00 for the administration and operation of a Single Room Occupancy Community Residence under the Housing Opportunities for Persons With AIDS Program - **DISTRICTS C - COHEN and I - RODRIGUEZ**
13. ORDINANCE approving and authorizing contract between the City of Houston and **BERING OMEGA COMMUNITY SERVICES** providing up to \$1,640,822.00 in Housing Opportunities for Persons With AIDS Funds for the administration and operation of a Tenant-Based Rental Assistance Program, Short-Term Rent, Mortgage, and Utility Assistance Program and the provision of other supportive services - **DISTRICT D - ADAMS**
14. ORDINANCE approving and authorizing contract between the City of Houston and **CATHOLIC CHARITIES OF THE ARCHDIOCESE OF GALVESTON-HOUSTON** providing up to \$600,000.00 in Housing Opportunities for Persons With AIDS Funds for the administration and operation of a Tenant-Based Rental Assistance Program, Short-Term Rent, Mortgage, and Utility Assistance Program and the provision of other supportive services - **DISTRICTS D - ADAMS and H - GONZALEZ**
15. ORDINANCE approving and authorizing contract between the City of Houston and **SEARCH HOMELESS SERVICES, (Formerly SERVICE OF THE EMERGENCY AID RESOURCE CENTER FOR THE HOMELESS, INC)** to provide up to \$70,000.00 for the administration and operation of a Supportive Services Program under the Housing Opportunities for Persons With AIDS Program - **DISTRICT I - RODRIGUEZ**
16. ORDINANCE approving and authorizing contract between the City of Houston and **SEARCH HOMELESS SERVICES**, to provide up to \$139,942.35 in Community Development Block Grant Funds for the administration, implementation, oversight and delivery of an Engagement Services Program for the homeless
17. ORDINANCE approving and authorizing contract between the City of Houston and **CAPITAL INVESTING IN DEVELOPMENT AND EMPLOYMENT OF ADULTS, INC**, to provide up to \$280,595.53 in Community Development Block Grant Funds for the administration, implementation, oversight and delivery of a Workforce Development Program
18. ORDINANCE appropriating \$11,000.00 out of Parks Special Fund; approving Real Estate Sales Contract, including Associated Lease Agreement and Development Agreement, with **BUFFALO BAYOU PARTNERSHIP (BBP)** for the City's acquisition of land at 707 Drennan Street for the expansion of Tony Marron Park in exchange for the City's conveyance to BBP of the abandoned Northside Wastewater Treatment Plant (Parcels SY8-020A and SY8-020B) off Lockwood and north of and abutting Buffalo Bayou; approving necessary documents related thereto **DISTRICTS H - GONZALEZ and I - RODRIGUEZ**
19. ORDINANCE appropriating \$3,500,000.00 from TIRZ Affordable Housing Fund (2409) and authorizing the use of \$3,500,000.00 in TIRZ Affordable Housing Funds for the demolition of dangerous single and multi-family vacant buildings under the City of Houston's "Distressed Properties Intervention & Demolition Initiative"
20. ORDINANCE appropriating \$377,000.00 out of Public Health Consolidated Construction Fund, \$47,000.00 out of Woodlands Regional Participation Fund, and \$400,000.00 out of Parks Consolidated Construction Fund as an additional appropriation for the Job Order Contracting Program for Construction Services for the Health and Human Services and Parks and Recreation Departments (Approved by Ordinance No. 2011-0732)

RESOLUTIONS AND ORDINANCES - continued

21. ORDINANCE amending Ordinance No. 2009-1231 (Passed on December 2, 2009) to contract between the City of Houston and **SPEEDPAY, INC** for Western Union Speedpay Service for an Interactive Voice Response and Call Center Payment Processing Portal for the Municipal Courts Department
22. ORDINANCE approving and authorizing first amendment to contract (Approved by Ordinance No. 2007-0972) between the City of Houston and **BL TECHNOLOGY, INC** for Security System Installation and Repair Services for the General Services Department - **DISTRICT A - BROWN**
23. ORDINANCE appropriating \$48,939.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **PATE ENGINEERS, INC** for Lift Station Renewal and Replacement (Approved by Ordinance No. 2010-0371, as amended); providing funding for CIP Cost Recovery relating to construction financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT B - DAVIS**
24. ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **S & B INFRASTRUCTURE, LTD** for Water and Sewer Capital Projects
25. ORDINANCE appropriating \$1,772,800.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **HDR ENGINEERING, INC** for Design of Sludge Handling Improvements and Miscellaneous Engineering Services at the East Water Purification Plant; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - SULLIVAN**
26. ORDINANCE appropriating \$7,218,700.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **LEM CONSTRUCTION CO., INC** for West District and Upper Brays Wastewater Treatment Plant Improvements; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS F - HOANG and G - PENNINGTON**
27. ORDINANCE appropriating \$2,553,645.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LLC** for Sanitary Sewer Rehabilitation by Cured-in-Place Pipe Method; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (4258-51)
28. ORDINANCE appropriating \$2,914,500.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CALCO CONTRACTING, LTD.** for Water Line Replacement in Polk Area; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**

RESOLUTIONS AND ORDINANCES - continued

29. ORDINANCE granting to **ADAM H. BELMONT d/b/a BETO'S HYDRO & SANITATION, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**
30. ORDINANCE granting to **C.R. MCCASKILL ENTERPRISES, INC dba TIDELAND GREASE TRAP SERVICE, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**
31. ORDINANCE granting to **JERRY BRUMFIELD d/b/a BRUMFIELD SANITATION SERVICE, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**
32. ORDINANCE granting to **SONYA CARR BERTRAN d/b/a ANITA'S VACUUM SERVICE, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**
33. ORDINANCE granting to **CIMA SERVICES, L.P., A Texas Limited Partnership**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**
34. ORDINANCE granting to **WASTE PARTNERS OF TEXAS, INC d/b/a JACKPOT SANITATION SERVICES, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 35 and 36

35. ORDINANCE **AMENDING CHAPTERS 8 AND 28 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to the regulation of automotive businesses; containing findings and other provisions relating to the foregoing subject; providing for severability

POSTPONED BY MOTION #2011-940, 12/21/11

This was Item 44 on Agenda of December 21, 2011

36. MOTION by Council Member Gonzalez/Seconded by Council Member Bradford to adopt recommendation from Director Department Public Works & Engineering to accept the January 2012 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$9,995,462.74 to the Combined Utilities System Operating Fund for Revenue Bond Debt Service as recommended in the Report

TAGGED BY COUNCIL MEMBER SULLIVAN

This was Item 3 on Agenda of February 8, 2012

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

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

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

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

**CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - TUESDAY
FEBRUARY 14, 2012 2:00PM**

AGENDA

3MIN

3MIN

3MIN

NON- AGENDA

3MIN

3MIN

3MIN

MR. HONGGER KAN – 8450 Cambridge St., No. 3159 – 77054 – 405-618-9805 – Allied Collision Center Scam

MR. JOHN MILLER – 13403 Murphy Rd. – Stafford – TX – 77477 – 281-850-5254 – Chapter 8

MR. RUSK ELATASSI – 3720 Westheimer – 77027 – 713-621-6122 – Proposition 8

MR. JAY MEIR – 5621 Schumacher – 77057 – 713-864-6868 – Chapter 8

MR. SHANE RHODES – 8111 Long Point Rd. – 77055 – 713-582-8074 – Chapter 8

MS. YOLANDA BROUSSARD – 11835 Murr Way – 77048 – 713-731-9188 – Investigation on R. H. Roberts refund of property taxes

MR. STEVEN WILLIAMS – (no address – no phone) – HPD - 6865 T. C. Jester Blvd. 2/7/2012. - U. S. Attorney Reference injury to Williams

MS. LISA TROUT – 1116 Dart Tree – 77006 – 713-885-6981 – City of Houston denial for low speed shuttle vehicle

MS. BERNETTA COLEMAN – 12415 Atlaw – 77071 – 281-923-3572 – Acknowledge District K Staff

MR. DONALD BURNS – 13021 Donegal Way - 77047 – 713-882-0307 – Official Oppression

MR. FOUAD HAMEK – 6220 Fairdale – 77057 – 713-817-4326 – Complaint about HPD

MR. /COACH R. J. BOBBY TAYLOR - 3107 Sumpter - 77026 - FA34511 – Behavior Coward Conspiracy my born little girl from birth

MS. OSVALDA GONZALEZ – 7302 Bastogne Rd. – 77053 – 713-733-0212 – Hurricane Ike – Need assistance

PREVIOUS

1MIN

1MIN

1MIN

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – 713-928-2871 – US President Joseph Charles O/Royalty’s – F/President Washington in Black History month

FEB 15 2012

MOTION NO. 2012 0067

MOTION by Council Member Bradford that the recommendation of the Chief Development Officer, to set a hearing date regarding a third amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Thirteen (Old Sixth Ward Zone), be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, February 15, 2012, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Pennington and carried.

Mayor Pro Tem Gonzalez, Council Members Brown, Davis, Cohen, Adams, Sullivan, Hoang, Pennington, Laster, Green, Burks, Bradford and Christie voting aye
Nays none
Council Member Rodriguez absent

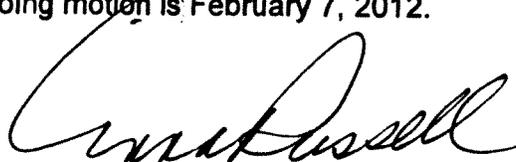
Mayor Parker and Council Member Costello absent on personal business

Council Member Noriega due to being ill

Mayor Pro Tem Gonzalez presiding

PASSED AND ADOPTED this 1st day of February, 2012.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is February 7, 2012.


City Secretary

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Motion setting a public hearing date for the third amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Thirteen (Old Sixth Ward Zone)

Category #

Page
1 of 1

RCA #

Agenda Item#

27

FROM: (Department or other point of origin):

Andrew F. Icken
Chief Development Officer

Origination Date

Agenda Date

FEB 01 2012

DIRECTOR'S SIGNATURE:

[Handwritten Signature]

Council Districts affected:

H

For additional information contact:

Ralph De Leon Phone: (713) 837-9573

Date and identification of prior authorizing Council Action: Ord. No. 1998-1256, 12/22/98, Ord. No. 1999-0794, 07/28/99, Ord. No. 1999-0827, 08/11/99, Res. No. 2000-0040, 08/16/00, Ord. No. 2010-0819, 10/26/10

RECOMMENDATION: (Summary)

Set a public hearing date for the third amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Thirteen (Old Sixth Ward Zone)

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund N/A

SPECIFIC EXPLANATION:

Reinvestment Zone Number Thirteen (Old Sixth Ward Zone) was created by City Council ("City") by Ordinance No. 1998-1256, adopted on December 22, 1998, to facilitate the revitalization of the Old Sixth Ward area. On July 28, 1999, the City approved a Project Plan and Reinvestment Zone Financing Plan by Ordinance No. 1999-0794, and which was subsequently amended by Ordinance No. 1999-0827 on August 11, 1999, and again by Ordinance 2010-0819, on October 26, 2010 (collectively, the "Plans"). By Resolution 2000-0040, adopted on August 16, 2000, the City approved the creation of the Old Sixth Ward Redevelopment Authority ("Authority"). The Authority was created to assist the City in implementing the Plans.

On January 19, 2012, the Board of Directors of both the Authority and the Old Sixth Ward Zone approved a Third Amendment to the Plan ("Amended Plan") and forwarded the proposed amendment to the City for consideration. The proposed Amended Plan restates the goals and objectives in the Plans including the design and construction of public streets and roadways, utility systems, parks, cultural and public facility improvements, historic preservation and affordable housing. The Amended Plan also includes provisions for the enlargement of the Zone by approximately 100.54 acres. Overall, the non-educational project cost will increase by \$42 in the Amended Plan.

Pursuant to Texas Tax Code Section 311.011(e), a public hearing must be held prior to the adoption of an ordinance approving an Amended Plan. Accordingly, the Administration recommends setting the public hearing date for Wednesday February 15, 2012.

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:

SUBJECT: Abandonment and sale of a 10-foot-wide prescriptive storm sewer easement, in exchange for the conveyance to the City of a 20-foot-wide storm sewer easement, both located within Tract 3D, out of the Henry Tierwester Survey. Parcels SY12-044 and LY12-014		Page <u>1</u> of <u>1</u>	Agenda Item # <i>2</i>
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 2/9/12	Agenda Date FEB 15 2012
DIRECTOR'S SIGNATURE: <i>[Signature]</i> Daniel W. Krueger, P.E., Director		Council District affected: D Key Map: 533G <i>100</i>	
For additional information contact: Nancy P. Collins <i>(NPC)</i> Phone: (832) 395-3130 Senior Assistant Director-Real Estate		Date and identification of prior authorizing Council Action:	

RECOMMENDATION: (Summary) It is recommended City Council approve a Motion authorizing the abandonment and sale of a 10-foot-wide prescriptive storm sewer easement, in exchange for the conveyance to the City of a 20-foot-wide storm sewer easement, both located within Tract 3D, out of the Henry Tierwester Survey. **Parcels SY12-044 and LY12-014**

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:
Mary Villareal, The Interfield Group, 401 Studewood, Suite 300, Houston, Texas, 77007, on behalf of Yuri A. Perez requested the abandonment and sale of a 10-foot-wide prescriptive storm sewer easement, in exchange for the conveyance to the City of a 20-foot-wide storm sewer easement, both located within Tract 3D, out of the Henry Tierwester Survey. Yuri A. Perez plans to construct a single family home in the location of the existing storm sewer line.

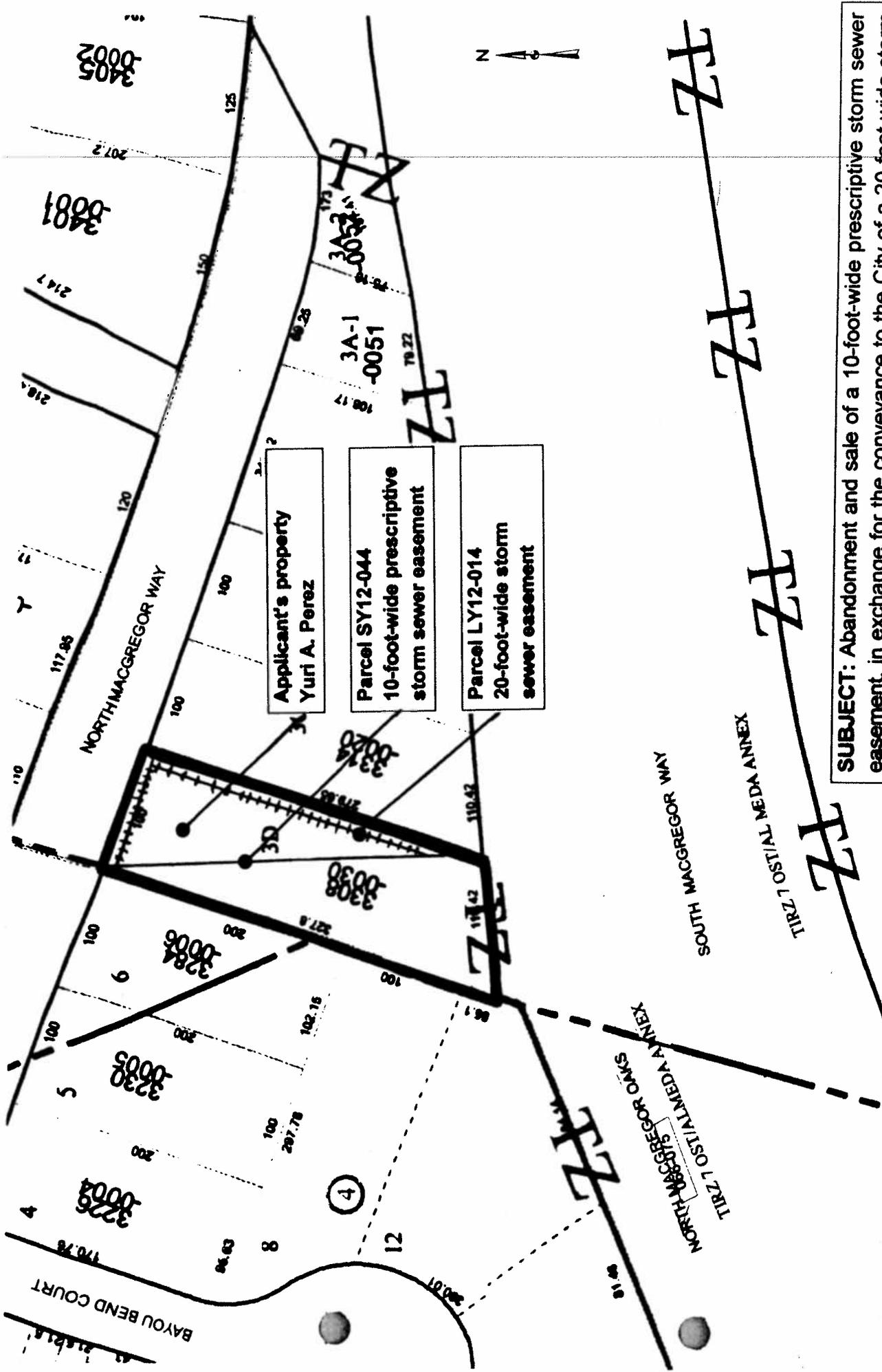
This is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works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

1. The City abandon and sell a 10-foot-wide prescriptive storm sewer easement, in exchange for the conveyance to the City of a 20-foot-wide storm sewer easement, both located within Tract 3D, out of the Henry Tierwester Survey;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The applicant be required to cut, plug, and abandon the 36-inch storm sewer line within the applicant's property and construct a 36-inch storm sewer line centered within the 20-foot-wide storm sewer easement to be dedicated to the City within the applicant's property. All of the foregoing items must be completed at no cost to the City and under the proper permits;
4. The applicant be required to prepare drawings that show all public utilities (storm sewer) that are to be abandoned, relocated, and/or constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the council motion shall be attached to the plan set when it is submitted for plan review;
5. The Legal Department be authorized to prepare the necessary transaction documents; and,
6. Inasmuch as the value of the City's property interest is not expected to exceed \$50,000.00, that the value be established by staff appraisal, according to City policy.

DWK:NPC:dob
c: Jun Chang, P.E., D.WRE David Feldman Terry A. Garrison
Marta Crinejo Marlene Gafrick Daniel Menendez, P.E.

s:\dob\sy12-044.rcl.doc CUIC #20DOB9259

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



Applicant's property
Yuri A. Perez

Parcel SY12-044
10-foot-wide prescriptive
storm sewer easement

Parcel LY12-014
20-foot-wide storm
sewer easement

SUBJECT: Abandonment and sale of a 10-foot-wide prescriptive storm sewer easement, in exchange for the conveyance to the City of a 20-foot-wide storm sewer easement, both located within Tract 3D, out of the Henry Tierwester Survey. Parcels SY12-044 and LY12-014

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9302

Subject: Sole Source Purchase of Radio Connectors for the Houston Fire Department
S19-E24198

Category #
4

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Agenda Item

3

FROM (Department or other point of origin):

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

Origination Date

February 06, 2012

Agenda Date

FEB 15 2012

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

Neil Depascal Phone: (832) 394-6755
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

Ordinance No. 2011-996, 11/16/11

RECOMMENDATION: (Summary)

Approve the sole source purchase of radio connectors from Scott Technologies, Inc. dba Scott Health & Safety in the amount of \$220,497.55 for the Houston Fire Department.

Award Amount: \$220,497.55 (previously appropriated)

Finance Budget

\$220,497.55 - Equipment Acquisition Consolidated Fund (1800)
(Appropriation Ordinance No. 2011-996, Passed 11/16/11)

SPECIFIC EXPLANATION:

The Chief of the Houston Fire Department and the City Purchasing Agent recommend that City Council approve the sole source purchase of radio connectors from Scott Technologies, Inc. dba Scott Health and Safety in the total amount of \$220,497.55 for the Houston Fire Department and that authorization be given to issue a purchase order. These connectors are a component of the EZ COMM system that provide a secure quick-connect from a portable radio to allow hands-free radio communication on the fire ground. These connectors are required due to the forthcoming changes to the radio system and will allow the continued use of the EZ COMM system.

Scott Technologies, Inc. dba Scott Health and Safety is the sole distributor, manufacturer and supplier of this specialized made-to-order radio connector.

This purchase consists of 989 radio connectors. These connectors will come with a full a one-year warranty and the life expectancy is two to three years.

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

Buyer: Roy Korthals
PR# 10143242

B

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

[Signature]

Other Authorization:

MD



A Tyco International Company

January 31, 2012

Mr. Roy Korthals
Houston Fire Department
Procurement
600 Jefferson Street, 7th Floor
Houston, TX 77002

Subject: E-Z Radiocom II Communication Equipment, p/n 200126-501C
Fire Ground Communication Equipment

Dear Mr. Korthals:

This purpose of this letter is to confirm that Scott Safety is the sole manufacturer and sole source of the E-Z Radiocom II communication equipment purchased and used by the Houston Fire Department. Scott Safety developed the custom designed EZ Radiocom II Radio Connector (200126-501C) for Houston Fire Department and is presently offering the product only directly to the Houston Fire Department, therefore it is not available to our current Distribution Network or the public. Scott Safety is planning to make the product available to our current Distribution Network for resale to other potential end-users on or after May 1, 2012.

Please let me know if you have any questions regarding the Scott E-Z Radiocom II product supplied to HFD.

Regards,

A handwritten signature in black ink that reads 'M. W. Ryan'.

Michael W. Ryan
Vice President/General Manager
Scott Safety

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9298

Subject: Approve the Sole Source Purchase of Emergency Management Crisis Information Training for the Office of Emergency Management (OEM) of the Houston Emergency Center S19-E24194

Category #
4

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Agenda Item

4

FROM (Department or other point of origin):

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

Origination Date

January 30, 2012

Agenda Date

FEB 15 2012

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

David Cutler Phone: (713) 884-3602
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the sole source purchase of emergency management crisis information training in the total amount of \$16,301.00 for the Office of Emergency Management (OEM) of the Houston Emergency Center.

Award Amount: \$16,301.00

Finance Budget

\$16,301.00 - Federal State Local - Pass Through Fund (5030) - Homeland Security Grant Fund

SPECIFIC EXPLANATION:

The Director of the Houston Emergency Center and the City Purchasing Agent recommend that City Council approve the purchase of emergency management crisis information training in the total amount of \$16,301.00 for the Houston Emergency Center, and that authorization be given to issue a purchase order to ESI Acquisition, Inc.

Since July 1, 2011, the Strategic Purchasing Division has issued a purchase order to ESI Acquisition, Inc. totaling \$47,750.00. With the issuance of this purchase order of \$16,301.00, the aggregate total for ESI Acquisition, Inc. will be \$64,051.00 and therefore requires City Council approval.

The contractor will teach users of the system the skills needed to enhance the crisis information management system (known as WebEOC) boards using the hypertext markup language (HTML). The on-site training will consist of a certified instructor and manuals with customized content to train fifteen users on the basics of the foundational web technology and will enable users to create functional WebEOC boards. The training classes will be taught over a period of five-days at the Houston Emergency Center.

ESI Acquisition, Inc. is the sole distributor, manufacturer, supplier and trainer of the crisis information management software system.

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

Buyer: Roy Korthals
PR# 10142677

REQUIRED AUTHORIZATION

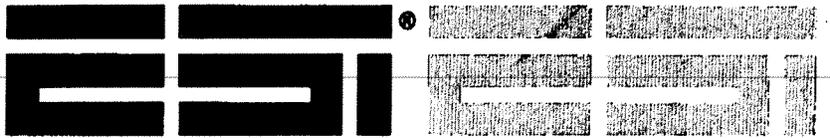
Finance Department:

Other Authorization:

Other Authorization:

Cutler

13



ESi Acquisition, Inc. • 823 Broad Street, Augusta, GA 30901 • Fax: 706-826-9911 • Phone: 706-823-0911 • www.esi911.com

December 20, 2011

Jessica M. Jackson, MPA
Crisis Information System Administrator
City of Houston Office of Emergency Management
5320 N. Shepherd
Houston, Texas 77091

Subject: WebEOC® Software – Sole Manufacturer

This letter affirms that ESi Acquisition, Inc., of 823 Broad Street, Augusta, GA 30901, is the sole developer and manufacturer of the WebEOC® and ESiWebFUSION™ product suite.

Certain WebEOC products can be sold through other venues (e.g. GSA), but products and services associated with installation, training, and implementation are delivered by ESi. Resellers within the United States are not certified to deliver services.

As the WebEOC software developer, ESi is the only entity with access to the source code. As such, only ESi can issue corrections or updates to the software. ESi delivers ongoing Software Support covered under four optional Software Support Plans (Bronze, Gold, Silver or Platinum). Any attempt by another agency to change ESi's source code would be a violation of the license agreement and would invalidate the maintenance contract.

If you have any questions, or require additional information, please contact me at (706) 823-0911.

Sincerely,

Curtis R. MacDonald
Chief Operating Officer

REQUEST FOR COUNCIL ACTION

RCA# 9263

TO: Mayor via City Secretary

Subject: Formal Bids Received for Police Utility Vehicles for the Houston Police Department
S38-N24106

Category #
1 & 4

Page 1 of 2

Agenda Item

5/5/12

FROM (Department or other point of origin):

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

Origination Date

January 11, 2012

Agenda Date

FEB 15 2012

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Joseph A. Fenninger *JAF 1/18/12* Phone: (713) 308-1708
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$119,784.00 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve an award to Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Chevrolet, a City business, on its low bid in the amount of \$119,784.00 for police utility vehicles for the Houston Police Department.

Award Amount: \$119,784.00

Finance Budget

\$119,784.00 - Equipment Acquisition Consolidated Fund (Fund 1800)

SPECIFIC EXPLANATION:

The Chief of Police and the City Purchasing Agent recommend that City Council approve an ordinance authorizing the appropriation of \$119,784.00 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council approve an award to Caldwell Automotive Partners, LLC d/b/a Caldwell Country Chevrolet, a City business, on its low bid in the amount of \$119,784.00 for four police utility vehicles for the Houston Police Department, and that authorization be given to issue a purchase order. The new police utility vehicles will be used citywide by the Department for patrol activities and to respond to emergency incidents. The funding for these vehicles is included in the adopted FY12 Equipment Acquisition Plan.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Four prospective bidders downloaded the solicitation document from the Strategic Purchasing Division's e-bidding website and three bids were received as outlined below.

<u>Company</u>	<u>Amount</u>
1. Caldwell Automotive Partners, LLC d/b/a Caldwell Country Chevrolet	\$119,784.00
2. Lone Star Chevrolet	\$123,476.00
3. Ron Carter Automotive	\$129,512.00

These new vehicles will come with a full three-year/36,000-mile bumper-to-bumper warranty and the life expectancy is seven years or 100,000 miles. See the Equipment Usage Summary on Page 2 of 2 for vehicle usage and replacement details. The vehicles that will be replaced have reached their life expectancy and will be sent to auction for disposition. The vehicles that will be purchased meet the EPA's current emission standards for low emission vehicles.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

[Signature] 1/18/12

MA
12A

Date: 1/11/2012	Subject: Formal Bids Received for Police Utility Vehicles for the Houston Police Department S38-N24106	Originator's Initials LF	Page 2 of 2
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M/WBE Subcontracting:

Because these vehicles are manufactured with factory-installed options and are shipped directly to the manufacturer's authorized dealer, the only M/WBE potential is the purchase and installation of non-factory options such as emergency lights and associated equipment. This bid was advertised with a 5% M/WBE goal for the purchase of this equipment. Caldwell Automotive Partners, LLC d/b/a Caldwell Country Chevrolet has designated the following company as its certified M/WBE subcontractor.

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>	<u>Percentage</u>
General Body Manufacturing Company, Inc. d/b/a/ General Truck Body	Installation of non-factory options	\$6,300.00	5.26%

EQUIPMENT USAGE SUMMARY

<u>BID ITEM NO./ DESCRIPTION</u>	<u>REQUISITION NO.</u>	<u>QTY</u>	<u>DEPARTMENT FLEET USAGE</u>	<u>EQUIPMENT REPLACEMENT</u>		
				<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>
ITEM NO. 1, POLICE UTILITY VEHICLES	10131838	4	Houston Police Department	34302	6	143,889
			The new police utility vehicles will be used citywide by the Department for patrol activities and to respond to emergency incidents.	34303	6	185,334
				34304	6	141,293
				34305	6	189,201

Buyer: Lena Farris/ PR No. 10131838

REQUEST FOR COUNCIL ACTION

RCA# 9301

TO: Mayor via City Secretary

Subject: Amend Council Motion for the Purchase of Fuel Cards and Related Services for Various Departments/S17-S23575-A3

Category #
4

Page 1 of 2

Agenda Item

6

FROM (Department or other point of origin):

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

Origination Date

February 07, 2012

Agenda Date

FEB 15 2012

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Kim Burley Phone: (832) 393-6920
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

CM's 10-200, 4/7/10; 11-395, 5/18/11; & 11-644,

RECOMMENDATION: (Summary)

Amend Council Motion 2010-0200, as amended by CM 2011-0395 and CM 2011-0644, to increase the award amount from \$10,268,000.00 to \$13,068,000.00 for fuel cards and related services for various departments.

Estimated Spending Authority: \$2,800,000.00

Finance Budget

\$ 2,800,000.00- Fleet Management Fund (1005)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council amend Council Motion 2010-0200, as amended by Council Motions 2011-0395 and 2011-0644, to increase the award amount for fuel cards and related services from the Texas Facilities Commission (TFC), formerly known as the Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program, from \$10,268,000.00 to \$13,068,000.00 for various departments and that authorization be given to issue purchase orders, as necessary, to the State of Texas contractor, Comdata Network, Inc.

The award was approved by Council Motion 2010-0200, passed April 7, 2010 in an amount not to exceed \$4,768,000.00 and was subsequently amended by Council Motion 2011-0395, passed May 18, 2011, to increase the award amount by \$2,000,000.00, and Council Motion 2011-0644, passed August 17, 2011, to increase the award amount by \$3,500,000.00. Expenditures as of January 29, 2012 totaled \$8,048,902.21. Several factors occurred over the term of this award that caused the award to reach the maximum spending authority amount prior to the end of the award term. The primary factors were: 1) high fuel prices through the last four months of 2010; 2) the significant increase in high fuel prices in 2011 and the expectation of continued high prices in the near term; and 3) TFC issuance of multiple contract extensions, which collaboratively extended the initial award period for an additional twelve-months. The additional spending authority is expected to sustain the departments through August 31, 2012 when the TFC six (6) month contract extension with Comdata Network, Inc. expires. Additionally, due to the urgent requirements of the departments needing continued future services, it is anticipated that the departments will seek City Council approval to enter into a long-term State cooperative in approximately six-months; at which time a new request for council action will be submitted.

The fuel cards are primarily used by the Houston Fire and Police Departments. Both departments use the cards in areas of the City where there are no nearby City-owned fueling facilities, including the southwest Houston, Kingwood and Greenspoint areas. The Fire Department also uses the cards for unleaded emergency vehicles in areas where the fire stations' unleaded fuel tanks have been converted to diesel. This permits larger, less frequent deliveries of diesel fuel, and decreased transportation costs. It also reduces the response time to alarms for unleaded Fire Department emergency vehicles by eliminating the need to return

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

M

Date: 2/7/2012	Subject: Amend Council Motion for the Purchase of Fuel Cards and Related Services for Various Departments/S17-S23575-A3	Originator's Initials DM	Page 2 of 2
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to the fire station for fuel. The fuel cards are also available to other City departments such as Public Works & Engineering, where it is deemed cost effective and operationally beneficial to use.

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

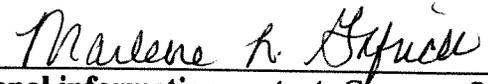
Buyer: Murdock Smith III

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

Reso

SUBJECT: Approval of a resolution designating the Fore-Blaine House at 2504 Stanmore Drive as a Landmark in accordance with Chapter 33, Code of Ordinances	Category #	Page 1 of 1	Agenda Item # 7
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FROM (Department or other point of origin): Planning and Development	Origination Date January 27, 2012	Agenda Date FEB 15 2012
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DIRECTOR'S SIGNATURE: 	Council District affected: G
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For additional information contact: Courtney Spillane Phone: (713) 837-7894	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
 Approval of a resolution designating the Fore-Blaine House at 2504 Stanmore Drive as a Landmark

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

A property owner may initiate an application for the designation of a Landmark. This application for Landmark designation of the Fore-Blaine House at 2504 Stanmore Drive was initiated by the owner.

A public hearing was held by the Houston Archaeological and Historical Commission and there were no objections to the designation. The Houston Archaeological and Historical Commission determined that the application satisfied applicable criteria of the ordinance and unanimously recommended approval of the Historic Landmark designation.

Photos of the proposed landmark can be found by going to the following on the Planning Department's website: <http://www.houstontx.gov/planning/HistoricPres/landmarks.html>

MG: kc

Attachments: Application and Staff Report

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

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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TQ: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance authorizing the abandonment and sale of Eastwood Street, from Perry Street north to its terminus, in the Belmont Addition Number Two, out of the John E. Durkee Survey, A-1013. **Parcels SY11-023, SY11-061, and SY11-065**

Page 1 of 2

Agenda Item #

8

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

2/9/12

Agenda Date

FEB 15 2012

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E., Director

Council District affected: D

Key Map 533M

JP for BAM

For additional information contact:

Nancy P. Collins **Phone: (832) 395-3130**
Senior Assistant Director-Real Estate

Date and identification of prior authorizing Council Action:

C.M. 2011-0320 (4/20/2011)

RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment and sale of Eastwood Street, from Perry Street north to its terminus, in the Belmont Addition Number Two, out of the John E. Durkee Survey, A-1013. **SY11-023, SY11-061, and SY11-065**

Amount and

Source of Funding: Not Applicable

SPECIFIC EXPLANATION:

By Council Motion 2011-0320, City Council authorized the sale of Eastwood Street, from Perry Street north to its terminus, in the Belmont Addition Number Two, out of the John E. Durkee Survey, A-1013. New Hope Housing, Inc., (Joy Horak-Brown, Executive Director), an abutting property owner, plans to incorporate the subject street with its abutting property for the development of a senior living facility. Linda Flanagan and Elmo Flanagan Jr., the other abutting property owners plan to sell their portion of the subject street to New Hope Housing, Inc. to facilitate the development of the senior living facility.

New Hope Housing, Inc., Linda Flanagan and Elmo Flanagan, Jr., have complied with the motion requirements, have accepted the City's offer, and have rendered payment in full.

Parcel SY11- 023

18,938-square-foot street:
Valued at \$5.14 PSF

\$97,341.00 (R)

Parcel SY11- 061

2,775-square-foot street:
Valued at \$5.14 PSF

\$14,264.00 (R)

Parcel SY11- 065

1,388-square-foot street:
Valued at \$5.14 PSF

\$7,134.00 (R)

TOTAL ABANDONMENTS

\$118,739.00

Therefore, it is recommended City Council approve an ordinance authorizing the sale of Eastwood Street, from Perry Street north to its terminus, in the Belmont Addition Number Two, out of the John E. Durkee Survey, A-1013.

DWK:NPC:bam

c: Jun Chang, P.E., D.WRE
Marlene Gafrick
Jeffrey Weatherford, P.E., PTOE

Marta Crinejo
Daniel Menendez, P.E

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CUIC #20BAM26

REQUIRED AUTHORIZATION

Finance Department

Other Authorization:

Other Authorization:

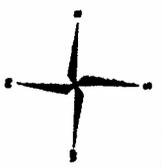
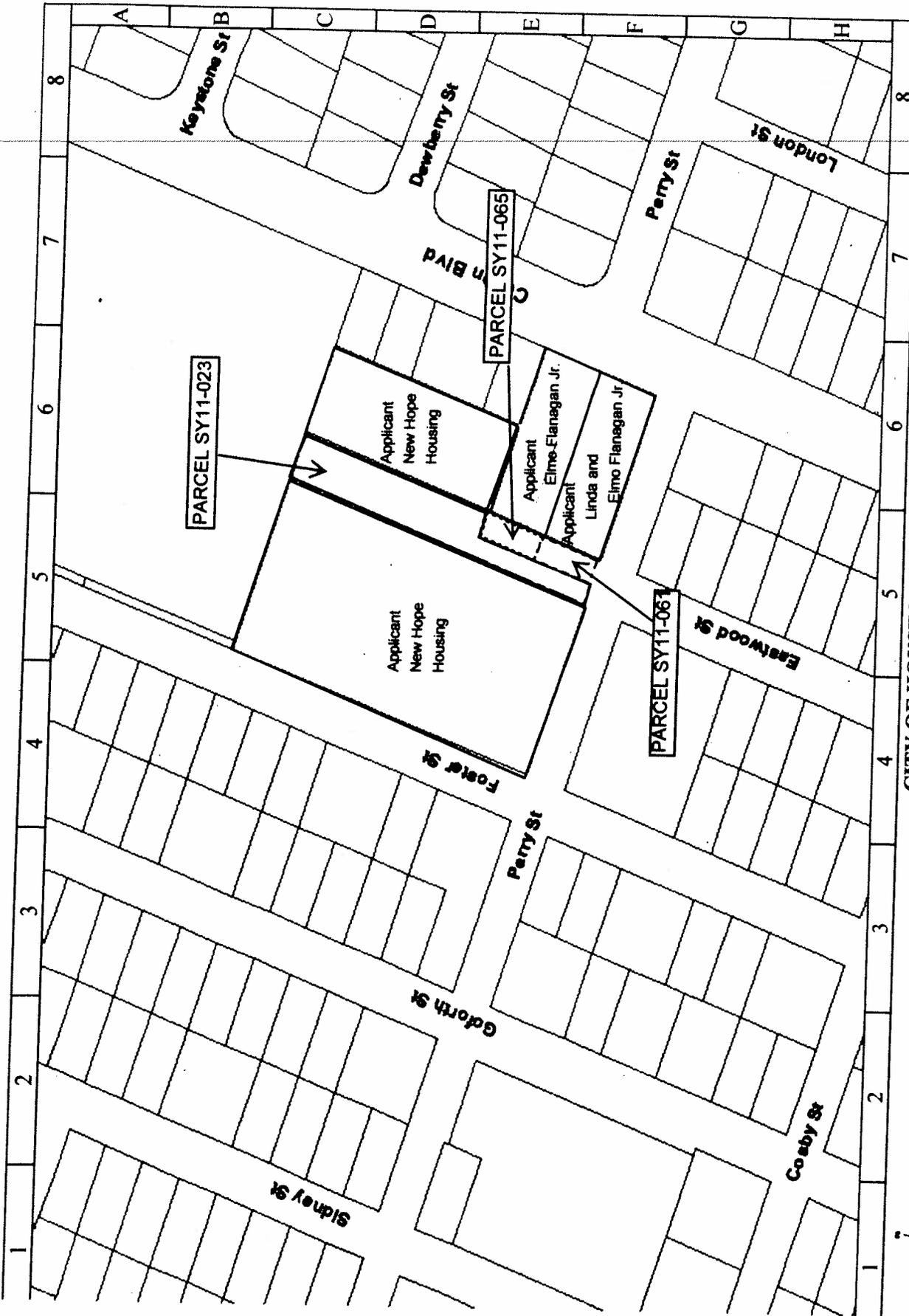
Mark L. Lothen

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

Planning and Development Services Division

SUBJECT: Abandonment and sale of Eastwood Street, from Perry Street north to its terminus, in the Belmont Addition Number Two, out of the John E. Durkee Survey, A-1013 Parcels SY11-023, SY11-061, and SY11-065

PARCEL MAP



1 inch = 160 feet

CITY OF HOUSTON

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



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

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

LANDMARK DESIGNATION REPORT

LANDMARK NAME: Fore-Blaine House
OWNERS: Minnette and Peter Boesel
APPLICANTS: Courtney Tardy, GHPA
LOCATION: 2504 Stanmore Drive – River Oaks

AGENDA ITEM: II.a
HPO FILE NO: 11L257
DATE ACCEPTED: Feb-11-2011
HAHC HEARING DATE: Oct-20-11

SITE INFORMATION

Lot 24, Block 40, River Oaks Section 1, City of Houston, Harris County, Texas. The building on the site includes an historic wood frame and brick veneer two-story residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY

The Fore-Blaine House at 2504 Stanmore Drive was designed by local architect Fred Gray, and built in 1935 by Jack and Lois Fore. Building houses was the couple's hobby and the house at 2504 Stanmore was the first of three houses that they built. Jack Fore was an insurance executive for his entire career; he owned Jack Fore Agency and was Vice President of Texas-Fore Associates. The Fores lived in the house only until 1940. The house was purchased in 1941 by Robert and Elizabeth Blaine and remained in the Blaine family until 1988. The Fore-Blaine House is located in the first platted section of River Oaks, is an excellent example of the Colonial Revival style, and retains most of its original exterior features.

The Fore-Blaine House meets Criteria 1, 4, and 6 for Landmark designation.

HISTORY AND SIGNIFICANCE

The house at 2504 Stanmore Drive was built in 1935 by Jack and Lois Fore. On October 27, 1935, the following appeared in the *Houston Post*.

“Jack Fore Builds \$9500 Residence – Construction was started last week on a two story New England colonial residence on Stanmore Drive in River Oaks for Jack E. Fore, manager of the local office of the Employers Casualty Company...Plans and specifications were prepared by Fred Gray, local architect with offices at the March Lumber Company.

The Fore residence will contain seven rooms, including three bedrooms and two baths. Mr. Fore bought the homesite last week from W. J. Rollins for \$2500...”

Jack and Lois Fore's daughter, Mary Ellen Fore Wright, is age 91 and still lives in Houston. According to Mrs. Fore Wright, building houses was her parents' hobby. She was an only child and remembers sitting in the backseat of her parents' car on trips to look at her their latest projects. She remembered that the Stanmore lot was purchased from Dr. Rollins simply because he had found a house that “suited him better.” At the time of moving into the house at 2504 Stanmore, she was a freshman at Lamar High School.

According to Mrs. Fore Wright, her parents completed three projects: 2504 Stanmore (1935-36), 2220 Pelham (1937), and 3445 Wickersham (1940). Upon the completion of the Wickersham house, World War II made obtaining building supplies difficult and the Fores ended their house-building ventures.

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

Jack E. Fore

Jack E. Fore (1900- 1975) was the son of Eugene and Ellen C. Fore. He resided in Houston for 45 years and was married to Lois Wathen Fore. According to his obituary, he attended Mercersburg Academy and the University of Texas. He was an insurance executive for his entire career; he owned Jack Fore Agency and was Vice President of Texas-Fore Associates. At the time of the building of the house in 1935, he was the assistant district manager of Employers Casualty Company. He was active within the community and a member of River Oaks Country Club, Houston Club, Rotary Club, Masonic Lodge, and the Order of the Constantine (the highest fraternity honor for alumni of Sigma Chi). The Fore family lived in the house for two or three years and by 1940 had moved to the house they built at 3445 Wickersham.

In 1940, Jack Ferguson, an assistant department manager for HO&R Co., was living in the house. In 1941, the house was purchased by Robert and Elizabeth Blaine. Robert M. Blaine was an insurance agent with W. Tucker Blaine located in the Cotton Exchange Building. Mr. Blaine lived in the house eleven years before his death circa 1950. Mrs. Blaine remained in the house until 1982, making her the longest resident of the house. Elizabeth Baker Blaine was born in 1903 and died on October 9, 1982. According to her obituary, she was involved in many organizations in the community, including First Presbyterian Church, National Society of Colonial Dames of America, Junior League of Houston and Kappa Kappa Gamma Sorority. After her death in 1982, the house remained in the Blaine family until 1988 when it was sold to Judith Chapman. In 1998, it was purchased by Peter and Minnette Boesel. Minnette Boesel is the Mayor's Liaison to Cultural Affairs and was one of the developers of Houston's first historic preservation ordinance.

William Fred Gray

William Fred Gray was a member of the American Institute of Architects (AIA) from 1947-1952. According to the River Oaks Card Files, he was also the architect of 2220 Pelham Drive, also designed for Jack Fore, and 3239 Ella Lee Lane designed for Carter Cavitt.

River Oaks

When Will C. Hogg, Mike Hogg, and Hugh Potter began the development of River Oaks in 1923, it was with the intention of making it into a demonstration of the highest standards of modern community planning, a role model for the rest of Houston to follow. Will Hogg's ambitiousness and Hugh Potter's skillful management of River Oaks during its first thirty years made the community known nation-wide as a symbol of Houston. Since its creation, River Oaks has been published in national news, real estate, and design media, and has been the focus of scholarly analysis, in recognition of its significant contributions to the history of Houston and twentieth-century American elite suburban community development.

The creation of this type of subdivision was unique for Houston in many respects. The subdivision was laid out at what was then the far western edge of Houston. Prior to 1923, the majority of Houston's residential developments had occurred in a tight girdle around the downtown business district, such as Westmoreland (1902), Avondale (1907), Montrose (1911), Audubon Place (1906), Cherryhurst (1908), Binz, Southmore (1914), and Courtland Place (1906). River Oaks, however, was situated at the western city limits far away from other developments.

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

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

The Fore-Blaine House at 2504 Stanmore is a faithful interpretation of the 1930s Colonial Revival style popular in the United States between 1890 and 1935. The Colonial Revival style resulted from a rejection of the Queen Anne Revival style, and a desire to return to a more traditional American building type. The style took on added popularity with the restoration of Colonial Williamsburg in the 1920s. This style draws from the simple building forms typical of early American colonial structures, and elements of classical or Georgian architecture. It is closely related to the Neoclassical Revival and Georgian Revival styles. Colonial Revival residential structures are typically one or two stories, with hipped or gabled roofs and symmetrical facades. The entryway or porch is the primary focus, often highlighted with a decorative crown or pediment. Other areas of elaboration are the cornice and windows.

The 3,326 square foot Fore-Blaine House sits in the middle of an 8,125 square foot lot on Stanmore Drive facing south. It is two stories tall, with a side gabled roof punctuated by a chimney at the east end. The roof slightly overhangs the second story. The first floor of the house is faced with painted brick and the second floor features horizontal wooden siding and slightly overhangs the first. This common feature of Colonial Revival houses is called a jetty. The entrance features a four-paneled wooden door with two lights surrounded by fluted pilasters to the sides of the door and a pediment above. The molding decoration is composed but restrained. Wooden pendants are symmetrically placed and accent the second floor overhang at the ends and to either side of the front entrance. These pendants were also common features of Colonial Revival houses.

To either side of the door are 8-over-8 wood sash windows on the first floor. On the second floor are three 4-over-4 wood sash windows, one over each downstairs window and one over the front entrance. Every window on the front façade features working shutters.

A one-story side room is set back from the front façade on the east façade of the house. It looks to be original and was probably a sunroom or porch. It features a single 8-over-8 wood sash window with a hipped roof that meets the chimney.

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

BIBLIOGRAPHY

City Directories, 1935-1983.

Houston Chronicle, obituary of Elizabeth Baker Blaine, October 10, 1982.

Houston Chronicle, obituary of Jack E. Fore, November 19, 1975.

Houston Post, "Jack Fore Builds \$9500 Residence," October 27, 1935.

Johnston, Marguerite, *Houston: The Unknown City 1836-1946*, Texas A&M University Press, College Station, 1991.

McAlester, Virginia and Lee, *Field Guide to American Houses*, Alfred A. Knopf, New York, 1984.

River Oaks Property Owners card file.

Sanborn Fire Insurance map for Houston, 1924-February 1951, Volume 11, Sheet 1127.

Wright, Mary Ellen Fore. Personal Communication, Houston, January 28, 2011.

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

EXHIBIT A

Fore-Blaine House
2504 Stanmore Drive



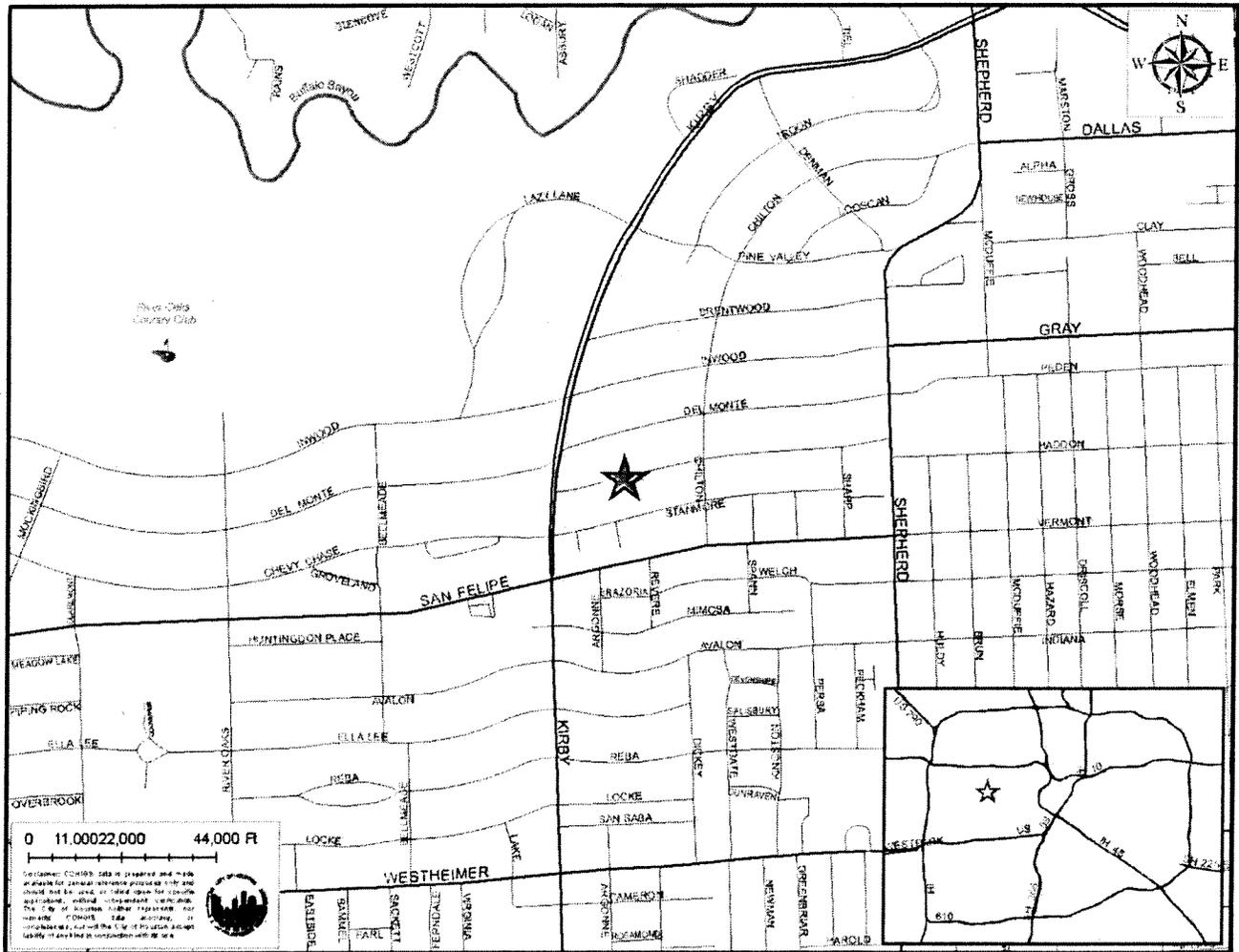
CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

EXHIBIT B SITE LOCATION MAP Fore-Blaine House 2504 Stanmore Drive

NOT TO SCALE



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating the 1700 block of Milford Avenue, north and south sides, between Woodhead Street and Dunlavy Street as a Special Minimum Lot Size Area	Category #	Page 1 of _____	Agenda Item # 9
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date 1/13/2012	Agenda Date FEB 15 2012
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DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i>	Council District affected: C
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For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary) Approval of an ordinance designating the 1700 block of Milford Avenue, north and south sides, between Woodhead Street and Dunlavy Street as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

Amount and Source of Funding:	Finance Budget:
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SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of Lot 9, Block 2, of the West Edgemont Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 80% of the area. Notification was mailed to the twenty-four (24) property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 6,000 sf.

MLG:kw

Attachments: Planning Director's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area

xc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
David M. Feldman, City Attorney
Deborah McAbee, Land Use Division, Legal Department

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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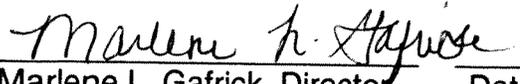
Special Minimum Lot Size Area No. 335

Planning Director's Approval

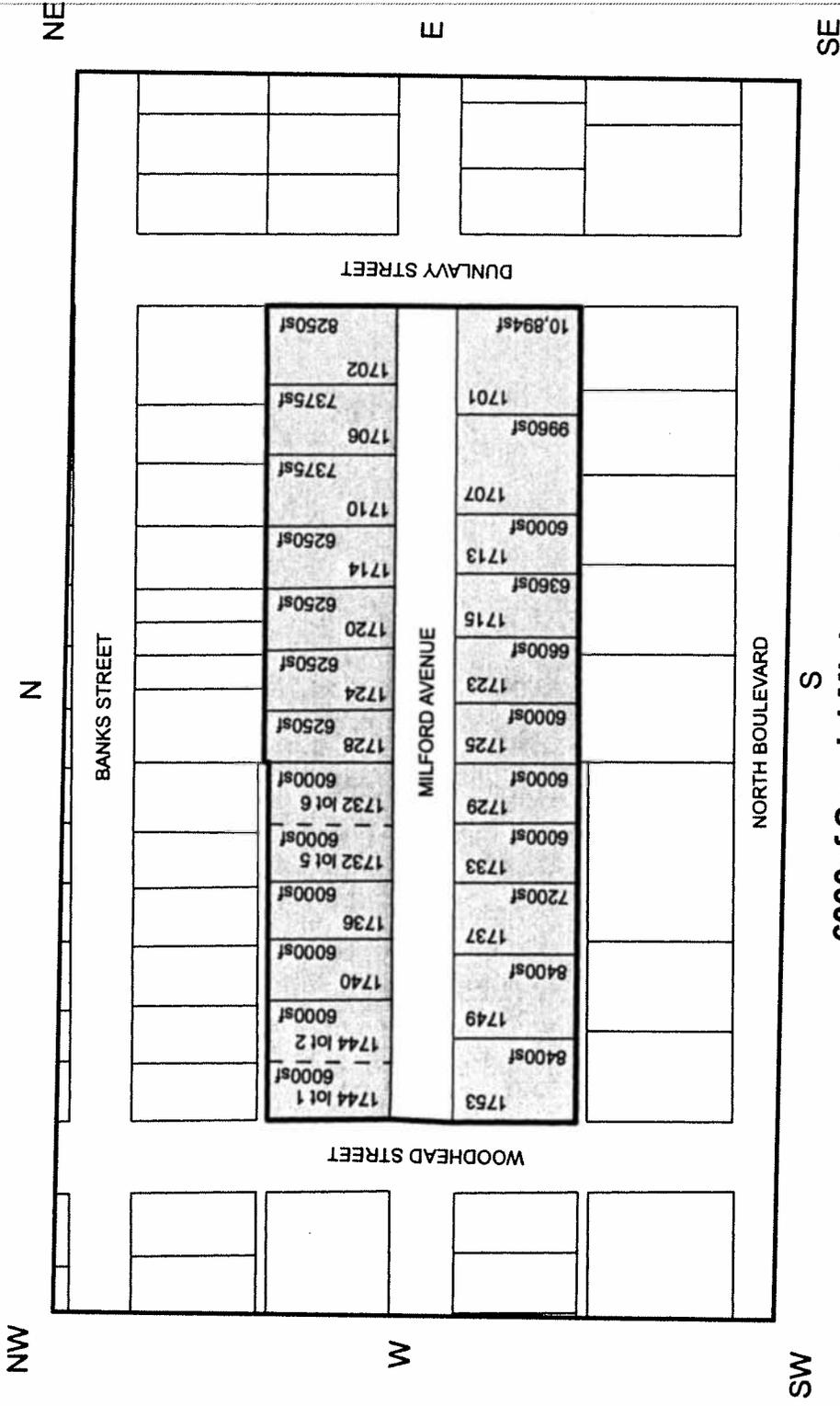
Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 1700 block of Milford Avenue, north and south sides.</p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>100% of the proposed application area is developed with not more than two SF residential units per property.</p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 64% of the SMLSA.</p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p>A minimum lot size of 6,000 sq ft exists on twenty-four (24) lots in the blockface.</p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p>The subdivision was platted in 1923. The houses originate from the 1930's. The establishment of a 6,000 sf minimum lot size will preserve the lot size character of the area.</p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p>Twenty-four (24) out of twenty-four (24) lots (representing 100% of the application area) are at least 6,000 square feet in size.</p>		

The Special Minimum Lot Size Area meets the criteria.


1/12/17
 Marlene L. Gafrick, Director Date

WEST EDMONT/ORMOND PLACE



6000sf Special Minimum Lot Size

MAP/SKETCH

SMLSA No. 335

-  Properties that meet the 6,000sf Special Minimum Lot Size
-  Properties less than the 6,000sf Special Minimum Lot Size
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating the 3600-3700 blocks of Rio Vista Street, north side, between Scott Street and S. MacGregor Way as a Special Minimum Lot Size Area	Category #	Page 1 of _____	Agenda Item # 10
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date 11/4/11	Agenda Date FEB 15 2012
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DIRECTOR'S SIGNATURE: 	Council District affected: D
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For additional information contact: Kevin Calfee Phone:713.837.7768	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary) Approval of an ordinance designating the 3600-3700 blocks of Rio Vista Street, north side, between Scott Street and S. MacGregor Way as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

Amount and Source of Funding:	Finance Budget:
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SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of Lot 10, Block 70, of the Riverside Terrace Section 13 Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 91% of the area. Notification was mailed to the fourteen (14) property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 11,305 sf.

MLG:kw

Attachments: Planning Director's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area

xc: Marty Stein, Agenda Director
Anna Russell, City Secretary
David M. Feldman, City Attorney
Deborah McAbee, Land Use Division, Legal Department

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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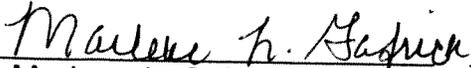
Special Minimum Lot Size Area No. 333

Planning Director's Approval

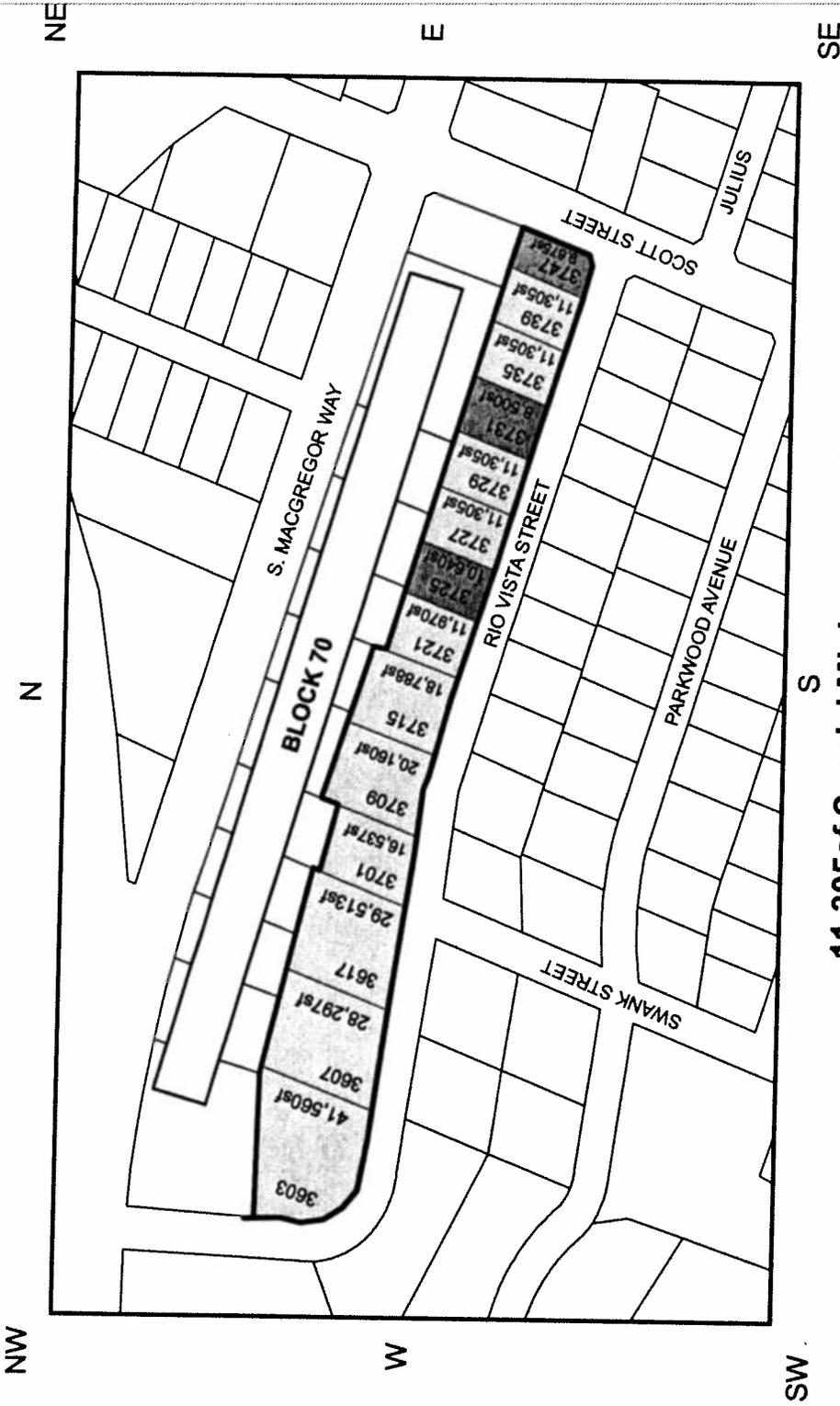
Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 3600-3700 blocks of Rio Vista Street, north side.</p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>100% of the proposed application area is developed with not more than two SF residential units per property.</p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 91% of the SMLSA.</p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p>A minimum lot size of 11,305 sq ft exists on eleven (11) lots in the blockface.</p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p>The subdivision was platted in 1937. The houses originate from the 1940's. The establishment of a 11,305 sf minimum lot size will preserve the lot size character of the area.</p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p>Eleven (11) out of fourteen (14) lots (representing 88% of the application area) are at least 11,305 square feet in size.</p>		

The Special Minimum Lot Size Area meets the criteria.


11-4-11
 Marlene L. Gafrick, Director Date

RIVERSIDE TERRACE



11,305sf Special Minimum Lot Size

MAP/SKETCH

SMLSA No. 333

-  Properties that meet the 11,305sf Special Minimum Lot Size
-  Properties less than the 11,305sf Special Minimum Lot Size
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating the 1800 block of West 14 1/2 Street, north and south sides, between Dian Street and Dead End as a Special Minimum Lot Size Area	Category #	Page 1 of _____	Agenda Item # <i>11</i>
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date 10/21/11	Agenda Date FEB 15 2012
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DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i>	Council District affected: C
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For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary) Approval of an ordinance designating the 1800 block of West 14 1/2 Street, north and south sides, between Dian Street and Dead End as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

Amount and Source of Funding:	Finance Budget:
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SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of Lot 1, Block 7, of the Clark Pines Section 2 Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 63% of the area. Notification was mailed to the twenty-one (21) property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. One (1) written protest was filed. The Houston Planning Commission considered the protest on July 21, 2011 and voted to recommend that the City Council establish the Special Minimum Lot Size Area.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 7,040 sf.

MLG:kw

Attachments: Planning Commission's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area, Protest Letter

- xc: Marty Stein, Agenda Director
Anna Russell, City Secretary
David M. Feldman, City Attorney
Deborah McAbee, Land Use Division, Legal Department

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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**Special Minimum Lot Size Requirement Area No. 331
Planning Commission Approval**

Planning Commission Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>MLS area includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 1800 block of West 14th ½ Street, north and south sides.</p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>85% of the proposed application area is developed with not more than two SF residential units per property.</p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 63% of the SMLSA.</p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p>A minimum lot size of 7,040 sq ft exists on twelve (12) lots in the blockface.</p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p>The subdivisions were platted in 1948. The houses originate from the 1940's. The establishment of a 7,040 sf minimum lot size will preserve the lot size character of the area.</p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p>		
<p>Twelve (12) out of twenty-one (21) lots (representing 70% of the application area) are at least 7,040 square feet in size.</p>		

The Special Minimum Lot Size Requirement Area meets the criteria.

Mark A. Kilkenny 7/21/11
 Mark A. Kilkenny, Chair Date
 or

 Sonny Garza,
 Vice-Chair Date

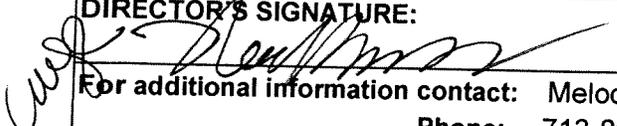
HCD 12-19

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

12 - Houston SRO HOPWA

SUBJECT: An Ordinance Authorizing the Execution of a Contract between the City of Houston and Houston SRO Housing Corporation for a HOPWA Community Residence.	Category	Page	Agenda Item #
	1 & 2	1 of 2	12

FROM (Department or other point of origin): Neal Rackleff, Interim Director Housing and Community Development Department	Origination Date	Agenda Date
	2/3/2012	FEB 15 2012

DIRECTOR'S SIGNATURE: 	Council District affected: Districts C & I
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For additional information contact: Melody Barr Phone: 713-868-8329	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
Approval of an ordinance authorizing a contract between the City of Houston and Houston SRO Housing Corporation providing up to **\$92,490.00** in funding for the administration and operation of a "SRO Community Residence" project under the Housing Opportunities for Persons with AIDS ("HOPWA") Program.

Amount of Funding: \$92,490.00	Finance Budget:
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund Other (Specify)
HOPWA Grant (Fund 5000)

SPECIFIC EXPLANATION:
The Housing and Community Development Department ("HCDD") recommends approval of a Contract between the City of Houston ("City") and Houston SRO Housing Corporation ("Houston SRO") to finance the administration and operation of a "SRO Community Residence" project. The Administrative Offices for Houston SRO are located on 2211 Norfolk, Houston, Texas 77098.

HCDD recently finished conducting a Request for Proposals ("RFP") for fiscal year 2012 HOPWA contracts. Houston SRO is one of the agencies that successfully completed the RFP and was awarded a conditional commitment of HOPWA funds, pending City Council approval. Houston SRO has received HOPWA funding through the City of Houston for various contracts since 1998.

Houston SRO's mission is to provide access to housing and supportive services for low-income individuals and families in the Greater Houston Area. Houston SRO is a subsidiary of The Housing Corporation of Greater Houston, Inc., which was formed in 1968 by then Mayor Louie Welch and the Chamber of Commerce. The Housing Corporation of Greater Houston has managed more than 1,400 apartment units and provided oversight of services at eight facilities housing low-income individuals. In 1998, Houston SRO Housing Corporation was created to meet the multiple, diverse needs of persons who are low-income or homeless.

Houston SRO currently manages a HOPWA community residence. Funds from the HOPWA program rehabilitated this project in 1998 for homeless veterans with HIV/AIDS. Located in Midtown, this facility provides permanent housing in efficiency apartments to 33 individuals and couples with HIV/AIDS. All participants are required to have an HIV Case Manager to assist residents in obtaining mainstream benefits, maintaining a healthy lifestyle and remaining compliant with the housing program. Houston SRO is requesting funding to support the housing operations at the project.

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization:
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NOT

This agreement will provide up to \$92,490.00 in HOPWA funds for this anticipated one-year contract, which is inclusive of \$18,019.06 in pre-contract services. The contract's performance period will begin on December 1, 2011 and end on November 30, 2012, with pre-contract services from December 1, 2011 – January 31, 2012. The funding will provide housing assistance and supportive services to a minimum of thirty-three (33) unduplicated, low-income HIV/AIDS individuals, annually.

Total Funds and Sources: **\$92,490.00**
 Number of Persons to be Served: 33 households
 Category of Persons: HIV/AIDS/Low-income persons and their families

This contract will provide funding for a 12-month period.

Category	Pre-Contract Services	Annual Contract Amount	Total Contract Amount	Percent
Administrative	\$ 0.00	\$ 624.00	\$624.00	0.67%
Supportive Services	\$3,442.96	\$19,158.04	\$22,601.00	24.44%
Operating Costs	\$14,576.10	\$54,688.90	\$69,265.00	74.89%
Total	\$18,019.06	\$74,470.94	\$92,490.00	100.00%

The Housing and Community Development Committee reviewed this item on November 17, 2011 and recommended it for Council action. Therefore, HCDD is requesting approval of this ordinance, which will provide up to \$92,490 in additional HOPWA funds for a supportive services project for low-income persons living with HIV/AIDS and their families.

- c: City Attorney
- Mayor's Office
- City Secretary
- Finance and Administration

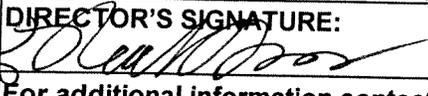
NR:BB:MNB:AB

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

12 - Bering HOPWA

SUBJECT: An Ordinance Authorizing the Execution of a Contract between the City of Houston and Bering Omega Community Services for a HOPWA Tenant-based Rental Assistance, Short-Term Rent Mortgage and Utility Assistance with Supportive Services Program.	Category	Page	Agenda Item #
	1 & 2	1 of 2	13

FROM (Department or other point of origin): Neal Rackleff, Interim Director Housing and Community Development Department	Origination Date 1/31/2012	Agenda Date FEB 15 2012
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DIRECTOR'S SIGNATURE: 	Council District affected: District D
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For additional information contact: Melody Barr Phone: 713-868-8329	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
Approval of an ordinance authorizing a contract between the City of Houston and Bering Omega Community Services providing up to **\$1,640,822.00** in funding for the administration and operation of a "Tenant-Based Rental Assistance, Short-term Rent Mortgage and Utility Assistance with Supportive Services" project under the Housing Opportunities for Persons with AIDS ("HOPWA") Program.

Amount of Funding: \$1,640,822.00	Finance Budget:
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund Other (Specify)
HOPWA Grant (Fund 5000)

SPECIFIC EXPLANATION:
The Housing and Community Development Department ("HCDD") recommends approval of a Contract between the City of Houston ("City") and Bering Omega Community Services ("Bering") to finance the administration and operation of a "Tenant-Based Rental Assistance, Short-term Rent Mortgage and Utility Assistance with Supportive Services" project. The Administrative Offices for Bering are located on 1429 Hawthorne, Houston, Texas 77006.

HCDD recently finished conducting a Request for Proposals ("RFP") for fiscal year 2012 HOPWA contracts. Bering is one of the agencies that successfully completed the RFP and was awarded a conditional commitment of HOPWA funds, pending City Council approval. Bering has received HOPWA funding through the City of Houston for various contracts since 1994. Through its rental assistance program, Bering provides rental subsidies to help participants obtain and keep permanent housing and emergency housing assistance for persons at risk of becoming homeless, in a transitional stage due to lost employment or similar circumstances.

Bering Memorial United Methodist Church established the non-profit agency in 1987 to provide assistance for people living with HIV/AIDS. Bering initiated the tenant-based rental assistance component two years ago. With this funding Bering will continue to provide HOPWA funding for low-income, HIV/AIDS infected individuals and their families in the following HOPWA activities: (1) tenant-based rental assistance with supportive services, (2) short-term rent, mortgage, and utility assistance with supportive services, and (3) adult day care and permanent housing placement services under its supportive services activity. The agency's HOPWA project is a cost-effective one, which helps to prevent homelessness by providing payments of rent, mortgage and utility bills directly to the client's landlord, mortgage lender and/or utility companies. The funding will provide housing assistance and supportive services to approximately five hundred and fifty-five (555) households. The contract's performance period will be from December 1, 2011 – November 30, 2012.

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization:
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Date
1/31/2012

Subject: An ordinance authorizing the execution of a contract between the City of Houston and Bering Omega Community Services for a HOPWA Tenant-based Rental Assistance, Short-Term Rent Mortgage and Utility Assistance with Supportive Services Program.

Originator's
Initials



Page
2 of 2

Total Funds and Sources: **\$1,640,822.00**
Number of Persons to be Served: 555 households
Category of Persons: HIV/AIDS/Low-income persons and their families

The tenant-based rental assistance program will provide assistance to 125 households for clients in long-term rental situations. This assistance will be available each month for a 12-month period, at the end of which the client must re-qualify for the program.

The Short-term rent, mortgage and utility assistance program will provide assistance to 350 households for clients facing loss of housing and/or utilities due to a temporary emergency situation. According to HOPWA regulations, an agency can provide up to 21 weeks of assistance to an individual in any 52-week period.

The adult day care program will provide assistance to 60 households, which will include case management, nutritional and healthcare services and other social activities. The adult day care program is located at Bering's Care Center. Also, housing assistance clients will participate in the Care Center activities that will save the clients money with utility and food costs; therefore, saving the client money for rent.

Permanent housing placement services provide first-month's rent and deposit assistance. This assistance will be provided to 20 households. It will be used to help eligible persons establish a new residence where on-going occupancy is expected to continue. It can be used with persons receiving short-term rent, mortgage and utility assistance and/or tenant-based rental assistance.

This agreement will provide up to \$1,640,822.00 for this anticipated one-year contract, which is inclusive of \$211,385.00 in pre-contract services. The contract's term will begin on February 1, 2012 and end on November 30, 2012, with pre-contract services from December 1, 2011 – January 31, 2012.

Category	Pre-Contract Services	Annual Contract Amount	Total Contract Amount	Percent
Administrative	\$19,594.00	\$95,263.00	\$114,857.00	7.00%
Supportive Services	\$13,038.00	\$77,687.00	\$90,725.00	5.53%
Tenant-Based Rental Assistance	\$116,736.00	\$810,129.00	\$926,865.00	56.49%
Short-term Rent, Mortgage and Utilities Assistance	\$62,017.00	\$446,358.00	\$508,375.00	30.98%
Total	\$211,385.00	\$1,429,437.00	\$1,640,822.00	100.00%

The Housing and Community Development Committee reviewed this item on November 17, 2011 and recommended it for Council action. Therefore, HCDD is requesting approval of this ordinance, which will provide up to \$1,640,822.00 in HOPWA funds for a supportive services project for low-income persons living with HIV/AIDS and their families.

c: City Attorney
Mayor's Office
City Secretary
Finance and Administration

NR:BB:MNB:AB

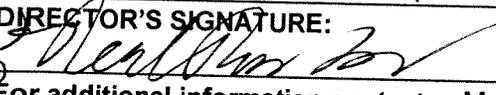
HCD 12 - 22

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

12 - Catholic Charities HOPWA

SUBJECT: An Ordinance Authorizing the Execution of a Contract between the City of Houston and Catholic Charities of the Archdiocese of Galveston-Houston for a HOPWA Tenant-based Rental Assistance, Short-Term Rent, Mortgage and Utilities Assistance with Supportive Services Program.	Category	Page	Agenda Item #
	1 & 2	1 of 2	14

FROM (Department or other point of origin): Neal Rackleff, Interim Director Housing and Community Development Department	Origination Date 2/1/12	Agenda Date FEB 15 2012
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DIRECTOR'S SIGNATURE: 	Council District affected: Districts D and H
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For additional information contact: Melody Barr Phone: 713-868-8329	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
Approval of an ordinance authorizing a contract between the City of Houston and Catholic Charities of the Archdiocese of Galveston-Houston providing up to **\$600,000.00** in funding for the administration and operation of a "Tenant-Based Rental Assistance, Short-term Rent, Mortgage and Utilities Assistance with Supportive Services" project under the Housing Opportunities for Persons with AIDS ("HOPWA") Program.

Amount of Funding: \$600,000.00	Finance Budget:
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund Other (Specify)
HOPWA Grant (Fund 5000)

SPECIFIC EXPLANATION:
The Housing and Community Development Department ("HCDD") recommends approval of a Contract between the City of Houston ("City") and Catholic Charities of the Archdiocese of Galveston-Houston ("Catholic Charities") to finance the administration and operation of a "Tenant-Based Rental Assistance, Short-term Rent, Mortgage and Utilities Assistance with Supportive Services" project. The Administrative Offices for Catholic Charities are located on 2900 Louisiana, Houston, Texas 77002.

HCDD recently finished conducting a Request for Proposals ("RFP") for fiscal year 2012 HOPWA contracts. Catholic Charities is one of the agencies that successfully completed the RFP and was awarded a conditional commitment of HOPWA funds, pending City Council approval. Catholic Charities has received HOPWA funding through the City of Houston for various contracts since 2003.

Catholic Charities of the Archdiocese of Galveston-Houston is a Texas, nonprofit corporation founded in 1943. Catholic Charities is fully accredited by the Council on Accreditation of Services for Families and Children, Inc. and in 2010 received its ninth consecutive four-star (highest) ranking through Charity Navigator. The agency's outreach programs include services for refugees, immigrants, juveniles, cancer patients, and others. The agency's AIDS Ministry serves as a holistic program providing case management, housing and financial assistance, and other services for persons infected and affected by HIV/AIDS.

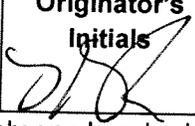
Last year, Catholic Charities expanded its project to include tenant-based rental assistance for clients requiring more long term care. The agency desires to continue this program. The proposed project will provide tenant-based rental assistance; short-term rent, mortgage and utilities assistance; permanent housing placement services; and other supportive services.

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization:

Date
2/1/12

Subject: An ordinance authorizing the execution of a contract between the City of Houston and Catholic Charities of the Archdiocese of Galveston-Houston for a HOPWA Tenant-based Rental Assistance, Short-Term Rent, Mortgage and Utilities Assistance with Supportive Services Program.

**Originator's
Initials**


Page
2 of 2

The funding will provide housing assistance and supportive services to approximately one hundred and sixteen (116) households. The agreement will provide up to \$600,000.00 for this anticipated one-year contract, which is inclusive of \$104,534.05 in pre-contract services. The contract's performance period will begin on December 1, 2011 and end on November 30, 2012, with pre-contract services from December 1, 2011 – January 31, 2012.

The tenant-based rental assistance program will provide twenty-six (26) households with a rental subsidy for one-year. At the end of the 12-month period, each client will be evaluated and must re-qualify to enter the program the following year.

The short-term rent, mortgage, and utilities assistance program will be provided to clients facing loss of housing and/or utilities due to a temporary emergency situation. Catholic Charities anticipates serving seventy-five (75) households under this activity.

Permanent housing placement services enable a household to obtain permanent housing in the private rental market. Costs may include application fees, security deposits, and first month's rent, among other services. Assistance cannot exceed the value of two months rent in the new unit. Catholic Charities anticipates serving fifteen (15) households under this activity.

Total Funds and Sources: **\$600,000.00**
Number of Persons to be Served: 116 households
Category of Persons: HIV/AIDS/Low-income persons and their families

This contract will provide funding for a 12-month period.

Category	Pre-Contract Services	Annual Contract Amount	Total Contract Amount	Percent
Administrative	\$ 0.00	\$42,000.00	\$42,000.00	7.00%
Supportive Services	\$3,757.34	\$31,372.66	\$35,130.00	5.85%
Tenant-Based Rental Assistance	\$57,017.95	\$248,432.05	\$305,450.00	50.91%
Short-term Rent, Mortgage and Utilities Assistance	\$43,758.76	\$173,661.24	\$217,420.00	36.24%
Total	\$104,534.05	\$495,465.95	\$600,000.00	100.00%

The Housing and Community Development Committee reviewed this item on November 17, 2011 and recommended it for Council action. Therefore, HCDD is requesting approval of this ordinance, which will provide up to \$600,000.00 in HOPWA funds for a supportive services project for low-income persons living with HIV/AIDS and their families.

c: City Attorney
Mayor's Office
City Secretary
Finance and Administration

NR:BB:MNB:AB

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

12 - SEARCH (HOPWA)

SUBJECT: An ordinance authorizing the execution of a contract between the City of Houston and SEARCH Homeless Services for a HOPWA Supportive Services Program.	Category 1 & 2	Page 1 of 2	Agenda Item # 15
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FROM (Department or other point of origin): Neal Rackleff, Interim Director Housing and Community Development Department	Origination Date 2/2/2012	Agenda Date FEB 15 2012
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DIRECTOR'S SIGNATURE: <i>Neal Rackleff</i>	Council District affected: District I
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For additional information contact: Melody Barr Phone: 713-868-8329	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
Approval of an ordinance authorizing the execution of a contract between the City of Houston and SEARCH, Inc. providing up to \$70,000.00 for the administration of a Supportive Services project, under the Housing Opportunities for Persons with AIDS ("HOPWA") Program.

Amount of Funding: \$70,000.00	Finance Budget:
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund Other (Specify)
HOPWA Grant (Fund 5000)

SPECIFIC EXPLANATION:
The Housing and Community Development Department ("HCDD") recommends approval of a Contract between the City of Houston ("City") and SEARCH Homeless Services ("SEARCH") to finance the administration and support services of an early childhood development childcare facility. The Administrative Offices for SEARCH are located on 2505 Fannin, Houston, Texas 77002.

HCDD recently finished conducting a Request for Proposals ("RFP") for fiscal year 2012 HOPWA contracts. SEARCH is one of the agencies that successfully completed the RFP and was awarded a conditional commitment of HOPWA funds, pending City Council approval. SEARCH has received HOPWA funding through the City of Houston for various contracts since 1996.

SEARCH, whose downtown facility opened in 1989, has provided services to thousands of the homeless by offering one-stop service delivery through programs it provides directly and through those of other community based providers it hosts at its facilities.

This agreement will provide daycare services for HIV positive individuals and their children through SEARCH's House of Tiny Treasures, an early childhood development childcare facility. SEARCH will provide HOPWA funding for developmentally appropriate childcare services to a minimum of thirteen (13), unduplicated, homeless children who are either infected or affected by HIV or AIDS. In addition, services will be provided to the 24 family members and/or caretakers of these children. Supportive services provided will include case management, counseling and referral services to support the basic and emotional needs of those who are infected or affected by HIV/AIDS and other family members served by the program.

REQUIRED AUTHORIZATION

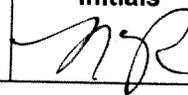
F&A Director:	Other Authorization:	Other Authorization:
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NOT

Date
2/2/2012

Subject: An ordinance authorizing the execution of a contract between the City of Houston and SEARCH Homeless Services for a HOPWA Supportive Services Program.

**Originator's
Initials**



Page
2 of 2

The agreement will provide up to \$70,000.00 for this anticipated one-year contract, which is inclusive of \$12,300.00 in pre-contract services. The contract's performance period will begin on December 1, 2011 and end on November 30, 2012, with pre-contract services from December 1, 2011 – January 31, 2012.

Total Funds and Sources: **\$70,000.00**

Number of Persons to be Served: 13 children;

24 family members and/or caretakers of these children

Category of Persons: HIV/AIDS/Low-income persons and their families

This contract will provide funding for a 12-month period.

Category	Pre-Contract Services Amount	Annual Contract Amount	Total Contract Amount	Percent
Administrative	\$1,250.00	\$2,965.00	\$4,215.00	6%
Supportive Services	\$11,050.00	\$54,735.00	\$65,785.00	94%
Total	\$12,300.00	\$57,700.00	\$70,000.00	100.00%

The Housing and Community Development Committee reviewed this item on November 17, 2011 and recommended it for Council action. Therefore, HCDD is requesting approval of this contract, which will provide up to \$70,000.00 in HOPWA funds for a supportive services project for low-income persons living with HIV/AIDS and their families.

c: City Attorney
Mayor's Office
City Secretary
Finance and Administration

NR:BB:MNB:AB

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

12- SEARCH

SUBJECT: An Ordinance Authorizing the Execution of a Contract between the City of Houston and SEARCH Homeless Services, for the administration and operation of the Engagement Services Program.		Category # 1	Page 1 of 2	Agenda Item # 16
FROM (Department or other point of origin): James D. Notewale, Director. Neal Rackleff, Interim Director Housing and Community Development		Origination Date 1/30/12	Agenda Date FEB 15 2012	
DIRECTOR'S SIGNATURE: 		Council District affected: ALL		
For additional information contact: Melody Barr Phone: 713-868-8329		Date and identification of prior authorizing Council action: N/A		

RECOMMENDATION: (Summary)
Approval of an ordinance authorizing a contract between the City of Houston and SEARCH Homeless Services providing up to **\$139,942.35** in funding for the administration and operation of the Engagement Services Program under the CDBG Public Services Program.

Amount of Funding: \$139,942.35	Finance Budget:
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify **CDBG**)

SPECIFIC EXPLANATION:

The Housing and Community Development Department ("HCDD") recommends approval of a Contract between the City of Houston ("City") and SEARCH Homeless Services ("SEARCH") to finance the administration and operation of the Engagement Services program.

HCDD recently finished conducting a Request for Proposals ("RFP") for fiscal year 2012 Public Services contracts. SEARCH is one of the agencies that successfully responded to the RFP and was awarded a conditional commitment of CDBG funds, pending City Council approval. SEARCH previously received CDBG funding through the City of Houston for the Mobile Outreach Project. Through its Mobile Outreach program, SEARCH provides bus tokens, clothing, blankets, Gold Cards, medical, and dental assistance. Other services include substance abuse counseling, HIV education and testing, job training, and transportation to appointments.

SEARCH was founded in 1989 by a coalition of ecumenical congregations, representing diverse ethnic, social, and spiritual backgrounds. SEARCH has become the leading homeless services provider in our community, serving more than 10,000 men, women, and children each year. With this CDBG funding, SEARCH will provide services through Mobile Outreach and the Resource Center to homeless persons and families on a flexible schedule of seven hours a day, five days a week. SEARCH will provide referrals to healthcare and mental health services for homeless persons through collaborations with Healthcare for the Homeless-Houston, Baylor College of Medicine, Harris County Health Department, Harris County Hospital District, MHMRA, and other agencies.

The funding will provide services to approximately 1,620 homeless persons.

The administrative offices for SEARCH are located at 2505 Fannin, Houston, TX 77002.

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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MA

Date: 1/30/12	Subject: An ordinance authorizing the execution of a contract between the City of Houston and SEARCH Homeless Services for a CDBG Engagement Services Program.	Originator's Initials 	Page 2 of 2
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The term of this contract is for 12 months, February 1, 2012 – January 31, 2013.

Sources of Funds:

CDBG: \$139,942.35

Number of Persons to be Served: 1,620

Category of Persons to be Served: Homeless Individuals and Families

The time of performance is February 1, 2012 – January 31, 2013.

Service Category	Total Contract Amounts	Percent
Program Administration	\$8,302.00	5.9%
Mobile Outreach Program – Services and Operating	\$131,640.35	94.1%
Total	\$139,942.35	100%

HCDD is requesting approval of this ordinance, which will provide up to \$139,942.35 for homeless persons and families.

pc: City Attorney
Mayor's Office
City Secretary
Finance and Administration

JN:BB:MNB:rlj

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

12 - Capital IDEA

SUBJECT: An Ordinance Authorizing the Execution of a Contract between the City of Houston and Capital IDEA Houston for a workforce development program.	Category 1 & 2	Page 1 of 2	Agenda Item # 17
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FROM (Department or other point of origin): Neal Rackleff, Interim Director Housing and Community Development Department	Origination Date 2/6/12	Agenda Date 2/15/12
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DIRECTOR'S SIGNATURE: 	Council District affected: All
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For additional information contact: Melody Barr Phone: 713-868-8329	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
Approval of an ordinance authorizing a contract between the City of Houston and Capital Investing In Development and Employment of Adults, Inc. providing up to **\$280,595.53** in funding for the administration and operation of a Workforce Development project under the CDBG Public Services Program.

Amount of Funding: \$280,595.53	Finance Budget:
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund Other (Specify)
CDBG Grant (Fund 5000)

SPECIFIC EXPLANATION:
The Housing and Community Development Department ("HCDD") recommends approval of a Contract between the City of Houston ("City") and Capital Investing In Development and Employment of Adults, Inc. ("Capital IDEA - Houston") to finance the administration and operation of a workforce development project.

HCDD recently finished conducting a Request for Proposals ("RFP") for fiscal year 2012 Public Services contracts. Capital Idea - Houston is one of the agencies that successfully responded to the RFP and was awarded a conditional commitment of CDBG funds, pending City Council approval. This will be the first contract between the City and Capital IDEA - Houston.

Capital IDEA – Houston lifts low-income working families out of poverty by sponsoring a community college education in high-paying and in-demand professional careers that lead to life-long independence. Participants pursue associate degrees and upon graduation are placed in jobs that pay a minimum of \$17 per hour with benefits and the opportunity for advancement. Support services for participants include individual case management; developmental academies in basic math, English and writing; tutoring services; child care assistance; and financial planning.

Founding collaborating institutions include: The Metropolitan Organization; Houston Community College; Lone Star College; Work Source; and numerous area employers in the health care and petroleum industries and in the professional trades.

The administrative offices of Capital IDEA – Houston are located at 504 Lavaca Street, Suite 1008, Austin, TX 78701.

REQUIRED AUTHORIZATION		
Finance Director:	Other Authorization:	Other Authorization:
		<i>NOT</i>

Date 2/6/12	Subject: An ordinance authorizing the execution of a contract between the City of Houston and Capital Idea Houston for a CDBG Workforce Development Program.	Originator's Initials 	Page <u>2</u> of <u>2</u>
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Capital IDEA- Houston has been providing its services in Austin since 1988. As of September 11, 2009, 854 participants have completed the program with an average starting wage of \$18.13 per hour. Sister organizations also exist in San Antonio, El Paso, Dallas, and the Valley.

Organizational efforts to bring Capital IDEA to Houston began in 2009. In 2010, a local steering committee was formed, initial funding agreements were secured, cooperative agreements with community colleges were finalized, and local staff hired. The first cohort of students began classes in June 2010 with additional cohorts beginning in August 2010 and January 2011.

The funding will provide workforce development training for approximately 122 clients.

Total Funds and Sources: **\$280,595.53**
Number of Persons to be Served: 122
Category of Persons: Low and moderate income individuals
Time of Performance is 12 months from the date of countersignature.

This contract will provide funding for a 12-month period.

Category	Total Contract Amount	Percent
Administrative	\$77,970.49	27.8%
Program Services	\$202,625.04	72.2%
Total	\$280,595.53	100%

The Housing and Community Development Committee reviewed this item on November 17, 2012, but no quorum was present. Therefore, HCDD is requesting approval of this ordinance, which will provide up to \$280,595.53 for workforce development.

pc: City Attorney
Mayor's Office
City Secretary
Finance and Administration

NR:BB:MNB:rj

SUBJECT: Real Estate Sales Contract and Lease Agreement between the City of Houston and The Buffalo Bayou Partnership for the sale and conveyance of 9.8163 acres of land, located at 723 North Drennan Street in exchange for the sale and conveyance of the abandoned Northside Wastewater Treatment Plant site for the Parks and Recreation Department, Parcels SY8-020A and SY8-020B		Page 1 of 2	Agenda Item 18
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FROM (Department or other point of origin): General Services Department	Origination Date	Agenda Date FEB 15 2012
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DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott Minnix 1/20/12</i>	Council District(s) affected: H, I
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For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (1) Declare surplus and authorize the sale of Parcels **SY8- 020A and SY8- 020B**; (2) approve and authorize a Real Estate Sales Contract and Lease Agreement between the City of Houston and The Buffalo Bayou Partnership (BBP) for the sale and conveyance from BBP to the City of 9.8163 acres of land, located at 723 North Drennan Street, in exchange for the sale and conveyance from the City to BBP of the abandoned Northside Wastewater Treatment Plant site for the Parks and Recreation Department; and (3) appropriate funds.

Amount and Source Of Funding: \$11,000.00 – Parks Special Fund (4012)	Finance Budget:
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SPECIFIC EXPLANATION: The City desires to acquire from The Buffalo Bayou Partnership (BBP), a Texas non-profit corporation, a 9.8163 acre tract of land located at 723 North Drennan Street (BBP Tract), for the expansion of Tony Marron Park. Tony Marron Park currently consists of 20.9 acres located at 808 N. York Street and is a connector for Parks and Recreation's trail system along Buffalo Bayou. The expansion will increase the size of the existing park by 50%.

As consideration for acquisition of the BBP Tract, the City will sell and convey to BBP a 10.299 acre tract and a 9.216 acre tract (City Tracts) located off Lockwood and north of and abutting Buffalo Bayou. The City previously used the land for its Northside Wastewater Treatment Plant (now abandoned). The City Tracts include abandoned treatment facilities, six aeration tanks, four settling tanks, three chlorination tanks, compressors, pipes, valves and fittings, and two concrete compressor buildings. The City will convey the tracts to BBP in their "as-is" condition, but will retain various access, sanitary sewer and drainage easements.

The BBP Tract currently includes several metal frame warehouses and buildings. BBP is obligated to demolish all improvements above the slab before the City takes possession of the property. The value of the BBP Tract is \$2,052,470.00, and the value of the City Tracts is \$2,063,269.00, less a credit of \$10,799.00 to BBP for demolition costs, which results in a net value of \$2,052,470.00. The closing costs for the BBP Tract will be paid by the City and are estimated at \$11,000.00.

BBP will enter into a Development Agreement, under which they must develop, over a six-year period following the closing date of the conveyance from the City to BBP, the City Tracts into an ecology park for educational, recreational and environmental clean-up and maintenance uses.

REQUIRED AUTHORIZATION CUIC ID# 25 RB 44

General Services Department:  Humberto Bautista, P.E., Assistant Director		Parks and Recreation Department:  Joe Turner Director
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Date	SUBJECT: Real Estate Sales Contract and Lease Agreement between the City of Houston and The Buffalo Bayou Partnership for the sale and conveyance of 9.8163 acres of land, located at 723 North Drennan Street in exchange for the sale and conveyance of the abandoned Northside Wastewater Treatment Plant site for the Parks and Recreation Department, Parcels SY8-020A and SY8-020B	Originator's Initials RB	Page 2 of 2
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In addition, the City Tracts will be conveyed subject to a restriction in the deed that for 20 years after the date of the Deed, the tracts must be owned and operated by a non-profit organization and developed and maintained for educational and recreational uses by the general public.

The City and BBP will enter into a Lease Agreement for BBP to continue to use the BBP Tract as a dock facility for its skimmer and trash pick-up boats, which clean portions of Buffalo Bayou and the Houston Ship Channel, and for tour boats, which provide educational opportunities on Buffalo Bayou. BBP also uses the property to sort for recycling trash and debris reclaimed from Buffalo Bayou. The proposed lease provides for a five-year term, which will commence on the closing date of the conveyance from BBP to the City. Either party has the right to terminate the lease with one year's prior written notice.

After consideration of the conditions in which the tracts are to be delivered by the parties; the post-closing lease to be provided to BBP; the restrictions in the deed on the use of the City Tracts; and BBP's requirements and duties under the Development Agreement; the tracts of land are to be conveyed as an even exchange and no appropriation of funds by the City is required for acquisition of the BBP Tract.

This sale is in accordance with Section 272.001(b)(4) of the Texas Local Government Code, which permits a political subdivision to sell real property to an independent foundation for development, and is subject to the City's billboard restrictions; all easements and public utilities; and the applicable covenants, conditions and restrictions. Therefore, the General Services Department (GSD) recommends that City Council declare surplus and authorize the sale of Parcels SY8-020A and SY8-020B. The Parks and Recreation Department has determined that the properties are surplus to its needs. All City departments with land needs have been canvassed and it has been determined that the properties are not needed for City purposes. GSD further recommends that City Council approve and authorize a Real Estate Sales Contract for the above-described properties, including associated Development Agreement and Lease Agreement between the City and BBP. It is further recommended that City Council authorize the Mayor to execute and the City Secretary to attest a Special Warranty Deed conveying the City Tracts to BBP.

SM:HB:JLN:RB:rdg

xc: Marta Crinejo, Jacquelyn L. Nisby, Anna Russell and Renissa Garza Montalvo

HCD12-25

To: Mayor Via City Secretary

REQUEST FOR COUNCIL ACTION

Subject: An ordinance approving and authorizing an appropriation from the TIRZ Affordable Housing Fund (Fund 2409) to provide \$3,500,000 in funding for demolition of dangerous single and multi-family vacant buildings.	Category	Page 1 of 2	Agenda Item # 19
From (Department or other point of origin): Neal Rackleff, Director Housing and Community Development Department	Origination Date 1/30/12	Agenda Date FEB 15 2012	
Director's Signature: 	Council District affected: ALL		
For additional information contact: Robert Bradford Phone: (713) 868-8340	Date and Identification of prior authorizing Council action: NA		
Recommendation: (Summary) Approval of an ordinance authorizing the appropriation of \$3,500,000 from the TIRZ Affordable Housing Fund (Fund 2409) to provide up to \$3,500,000 in funding for the demolition of dangerous single and multi-family vacant buildings (and other structures/improvements) having outstanding demolition orders and/or existing tax foreclosure judgments.			
Amount of Funding Up to \$3,500,000.00	Finance Budget:		
Source of Funding <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund			
<input checked="" type="checkbox"/> Other (Specify) TIRZ Affordable Housing Fund (2409)			
Specific Explanation: The Housing and Community Development Department ("HCDD") recommends approval of an appropriation to provide up to \$3,500,000 out of the TIRZ Affordable Housing Fund (Fund 2409) for demolition initiatives and administrative costs associated with the City of Houston, "Distressed Properties Intervention & Demolition Program". These funds will be used for the demolition of single and multi-family buildings and other structures determined to be dangerous by the Buildings and Standard Commission, an Administrative Hearing Official, a Neighborhood Protection. Official or a registered structural engineer and have outstanding demolition orders and/or existing tax foreclosure judgments. In addition to demolition services, these funds will be used for demolition support services, emergency demolition services, asbestos/lead testing and removal and appraisal services as permitted by law. The "Distressed Properties Intervention & Demolition Program" supports the furtherance of affordable housing in low-to-moderate income communities via the removal of dangerous structures which are areas of blight and crime havens which diminish property values and quality of life for residents. The removal of such blight encourages the development of affordable housing and fosters community renewal and revitalization, and as such is for the provision of affordable housing. The City of Houston's Department of Neighborhoods (D.O.N.) will administer the "Distressed Properties Intervention & Demolition Program" having responsibility for all management oversight, documentation, disbursements, and tracking. The "Distressed Properties Intervention & Demolition Program" will use the \$3,500,000 appropriation to provide for the demolition (including debris disposal) of approximately 350 - 437 dangerous single and multi-family vacant buildings, pools, sheds, carports, etc. with outstanding court ordered demolition orders and/or existing tax foreclosure judgments.			
Required Authorization			
Finance Director	Other Authorization	Other Authorization	

Date 1/30/12	Subject: An ordinance approving and authorizing an appropriation from the TIRZ Affordable Housing Fund (Fund 2409) to provide \$3,500,000 in funding for demolition of dangerous single and multi-family vacant buildings.	Originator's Signature 	Page 2 of 2
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The projected average demolition costs are \$8,000 - \$10,000 per structure including asbestos abatement (as necessary) and debris disposal.

The \$3,500,000 appropriation from TIRZ Affordable Housing Fund (Fund 2409) will be leveraged with \$3,300,000 of Demolition Bond Funds to demolish approximately 680 – 850 structures within twelve months.

CDBG Grant funds cannot be used for demolition costs without triggering strict federal funding guidelines and limitations. Due to the critical need to expeditiously eliminate these blighted structures and foster an environment in which the affected communities may be neutralized and renewed. Neighborhood Protection will use these appropriated funds (\$3,500,000) to cover the actual demolition expenses.

This request was approved by the Housing Committee on June 23, 2011.

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

SUBJECT: Appropriate Additional Funds for the Job Order Contracting Program for FY2012 WBS Nos. H-000069-0002-4, F-000695-0006-4, F-000585-0002-4	Page 1 of 2	Agenda Item <div style="text-align: center; font-size: 2em; font-family: cursive;">20</div>
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FROM (Department or other point of origin): General Services Department	Origination Date <div style="text-align: center; font-size: 1.5em; font-family: cursive;">2/9/12</div>	Agenda Date FEB 15 2012
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DIRECTOR'S SIGNATURE: Scott Minnix 2/2/12 	Council District (s) affected: All
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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. 2011-0732; Dated August 17, 2011
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RECOMMENDATION: Appropriate additional funds for the Job Order Contracting Program for FY2012.

Amount and Source of Funding: Maximum contract amount for RHJ-JOC, Inc.: \$12,500,000.00 – 5 years Maximum contract amount for other contracts: \$10,000,000.00 – 5 years \$ 377,000.00 – Public Health Consolidated Construction Fund (4508) \$ 47,000.00 – Woodlands Regional Participation Fund (2425) \$ <u>400,000.00</u> – Parks Consolidated Construction Fund (4502) \$ 824,000.00 –Total Appropriation	Finance Budget:
Previous Funding for FY 2012: \$ 100,000.00 General Improvement Consolidated Construction Fund (4509) \$ 735,000.00 Public Library Consolidated Construction Fund (4507) \$ 400,000.00 Parks Consolidated Construction Fund (4502) \$ <u>962,000.00</u> Police Consolidated Construction Fund (4504) \$ 2,197,000.00 Total Appropriation	

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate an additional \$824,000.00 for the Job Order Contracting Program (JOC Program) for construction services for the Health and Human Services and Parks and Recreation Departments. Currently, the JOC Program utilizes six contractors: RHJ-JOC, Inc.; Hallmark CBIC Joint Venture; P^2MG, LLC; Horizon International Group, LLC; J.E. Dunn Construction Company; and Weatherproofing Technologies, Inc. The JOC Program is funded through supplemental allocations from various departmental budgets or appropriations from various bond funds as departments identify projects and specific funding for each project. Funds are allocated to each JOC contract as work orders are issued. Work Orders are issued and approved in accordance with pre-described and pre-priced tasks as established by the *R.S. Means* construction unit price book.

JOC is used for minor construction, repairs, rehabilitations, or alterations of various facilities. This alternative delivery method allows the City to expedite smaller facility construction projects by having contracts in place which provide these services. Additionally, JOC contracts can help the City respond quickly to emergency situations.

REQUIRED AUTHORIZATION

CUIC #25CONS196

General Services Department: Humberto Bautista, P.E. Assistant Director	Houston Department of Health and Human Services: Stephen L. Williams, M.ED, MPA Director	Parks and Recreation Department Joe Turner Director
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NOT

DATE	SUBJECT: Appropriate Additional Funds for the Job Order Contracting Program for FY 2012 WBS Nos. H-000069-0002-4, F-000695-0006-4, F-000585-0002-4	Originator's Initials EA	Page 2 of 2
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PROJECT LOCATION: Citywide

PREVIOUS HISTORY AND PROJECT SCOPE: On February 7, 2007, City Council awarded a five-year Job Order Contract to Williams & Thomas, LP dba Jamail Construction and RHJ-JOC, Inc. for construction services for various facilities. On December 16, 2009, City Council awarded two new Job Order Contracts for five years to Hallmark CBIC Joint Venture and P^2MG, LLC. On June 8, 2011, City Council awarded three new five-year Job Order Contracts to J.E. Dunn Construction Company; Horizon International Group, LLC; and Weatherproofing Technologies, Inc. On August 17, 2011, City Council appropriated \$2,197,000.00 for the JOC Program for FY 2012.

MBE/SBE PARTICIPATION: A 15% MBE goal and 5% SBE goal have been established for each contract. To date, RHJ-JOC, Inc. has achieved 23.7% MBE participation and 24.9% SBE participation. P^2MG has achieved 25.7% MBE and 5.9% SBE participation. Hallmark CBIC Joint Venture has achieved 22.9% MBE and 3.7% SBE participation.

J.E. Dunn Construction Company; Horizon International Group, LLC; and Weatherproofing Technologies, Inc. have only recently submitted invoices for payment; consequently, there is no subcontracting utilization to report at this time.



SM:HB:JLN:EA:ea

c: Marta Crinejo, Jacquelyn L. Nisby, Chris Gonzalez, Celina Ridge, Lisa Johnson, Mark Ross, Calvin Curtis, Morris Scott, Martha Leyva, Project File 813

TO: Mayor via City Secretary

RCA #

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SUBJECT: Approve an Ordinance amending a contract between the Municipal Courts Department and Western Union Speedpay for Integrated Voice Response (IVR) and Call Center payment processing.

Category #

Page 1 of 1

Agenda Item#

21

FROM: (Department or other point of origin):
Municipal Courts Department

Origination Date
October 26, 2011

Agenda Date
FEB 15 2012

DIRECTOR'S SIGNATURE:

Council Districts affected:
ALL

For additional information contact:
Charlotte Lang Booker, Deputy Director & Clerk of Court
Phone: (713) 247-4105
Karen Williams, Assistant Director
Phone: (713) 247-8049

Date and identification of prior authorizing Council Action: December 2, 2009 - Ord. #2009-01231

RECOMMENDATION: The Municipal Courts Department recommends that Council approve an Ordinance amending a contract between the City of Houston and Western Union Speedpay Service for IVR and call center payments.

Spending Authority: N/A – Revenue Contract

Finance Budget:

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

SPECIFIC EXPLANATION:

The Municipal Courts Department recommends that City Council approve an ordinance approving a three year contract with two one year optional renewal years to Western Union Speedpay Service for processing IVR and Call Center payments. On December 2, 2009, Council approved Ordinance #2009-01231 for an agreement between the Municipal Courts Department and Western Union for IVR and Call Center credit and debit card processing via Court's One Call Solution Center. The Municipal Courts proposes new terms whereby a flat convenience fee will be assessed for each successful transaction, rather the current 3.5% per transaction. Services to the City will remain free of charge. However, the customer will continue to pay a convenience fee for use of the alternative payment channel. The proposed flat convenience fee of \$6.25 versus the current 3.5% convenience fee times the average citation price of \$258 will create an average savings of over 30% to the citizens of Houston, who currently pay an average of \$9.03. Furthermore, the flat convenience fee will allow potentially 75% of the Court's One Call Solution Center call volume to be processed by the vendor; thus allowing greater utilization of resources for delinquent collections.

The Director and Presiding Judge may terminate this contract for any uncured material breach upon thirty (30) days written notice or for convenience upon sixty (60) days written notice to the contracted vendor.

Western Union Speedpay will continue to provide a detailed account of debit and credit card processing of convenience fees, merchant processing fees and Originating Depository Financial Institution (ODFI) fees. Western Union Speedpay will also provide application hosting, 24/7/365 technical support, electronic transfer confirmation letters and standard Western Union Call Center services. The City of Houston will receive \$1.00 for every successful transaction.

An evaluation committee from the Municipal Courts Department has compared services between JPMorgan Chase Bank and Western Union Speedpay Service and determined that Western Union Speedpay could offer both Call Center and IVR processing at a substantially better price to the customer. Other areas evaluated were:

- Expertise/Experience/Qualifications
- Service Features and Design
- Service & Operation Plan
- PCI Compliance
- Transaction Fees to Users
- Rebate

Western Union Speedpay Service was selected based on the aforementioned criteria and its knowledge of our business rules and processes. This procurement is exempted under 252.022 of the Local Government Code.

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization

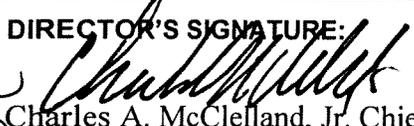
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance appropriating funds for the purchase and installation of security equipment from BL Technology, Inc. for the Houston Police Department's new Tactical Operations facility; WBS No. G-000132-0001-5	Page 1 of 1	Agenda Item # 22
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FROM: (Department or other point of origin): Houston Police Department	Origination Date: 2/9/12	Agenda Date: FEB 15 2012
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DIRECTOR'S SIGNATURE:  Charles A. McClelland, Jr. Chief of Police	Council District affected: A
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For additional information contact: Joseph A. Fenninger <i>JAF</i> Phone: 713-308-1708 Stephen Hanner Phone: 713-308 -1895	Date and identification of prior authorizing Council action: Ordinance #2007-972, August 29, 2007
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RECOMMENDATION: Approve an ordinance appropriating \$143,801 from the Police Consolidated Construction Fund for the purchase and installation of security equipment for the Houston Police Department.

Amount and Source of Funding: Total - \$143,801.00 Police Consolidated Construction Fund (4504) WBS-G-000132-001-5

SPECIFIC EXPLANATION:

As part of a Base Realignment and Closure (BRAC) agreement with the United States Department of Justice, the City of Houston has been granted approval to occupy a recently vacated U.S. Army Reserve Center for police purposes. The Tactical Operations Division will relocate their current operations from 811 W. Dallas to the new location at 7077 Perimeter Park Drive. The new facility is much larger than the current site and will allow elements of Tactical Operations (SWAT, Dive Team, Bomb Squad) to be housed in one location.

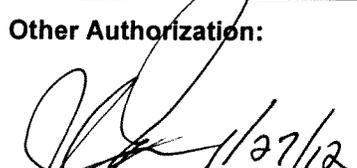
The facility is being provided at no cost to the city; however, the purchase and installation of security equipment is required in order to make the facility operational. The control access and CCTV systems will be purchased under the existing citywide contract (#4600008051, Ord. #2007-972) with BL Technology Inc., in the amount of \$143,801.00.

The scope of work requires the contractor to provide all necessary supervision, labor, transportation, tools, equipment and supplies required to perform security system installations and furnish all miscellaneous supplies necessary to complete each installation.

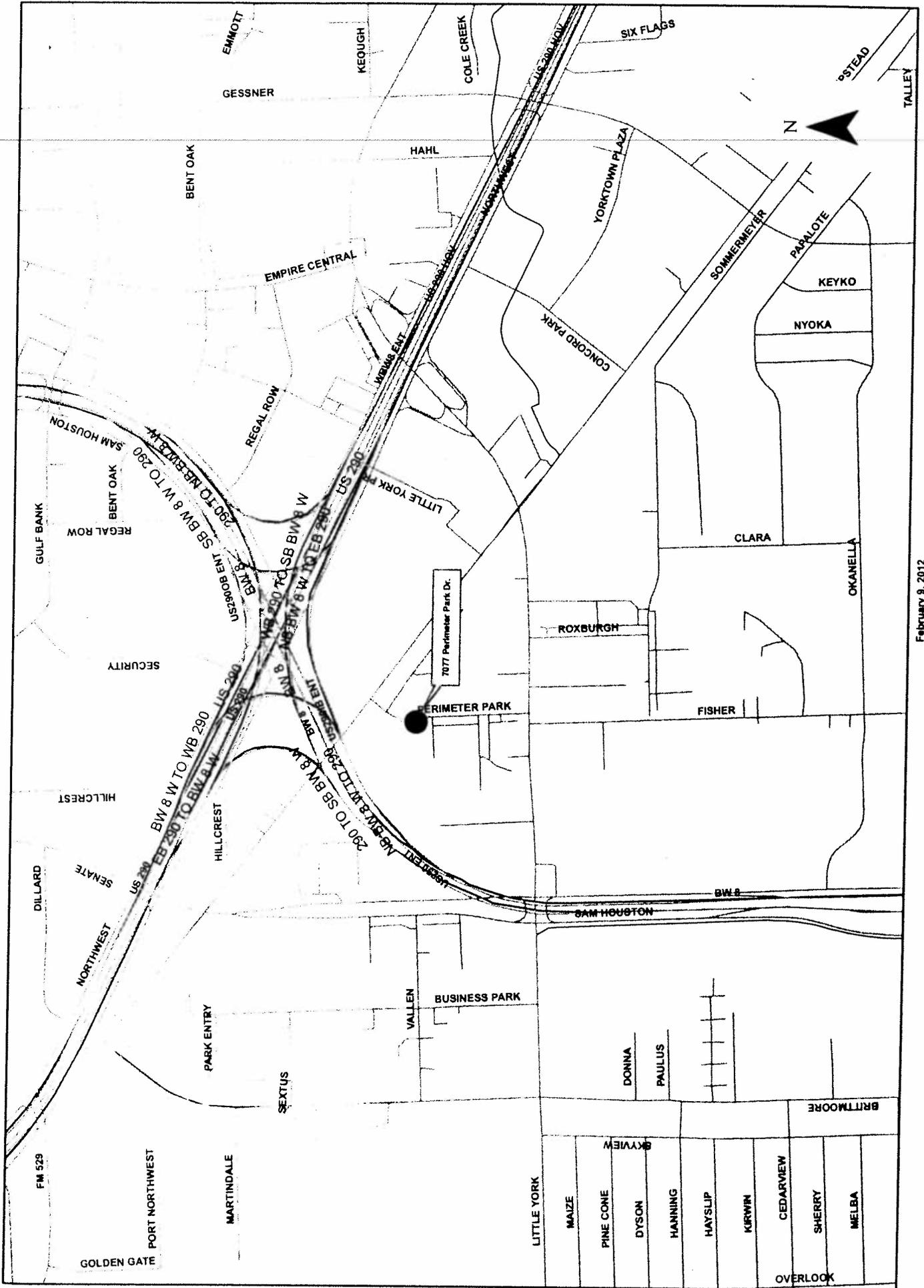
The contract contains an MWBE goal of 11%. BL Technology, Inc. is currently achieving 20.05% MWBE participation.

REQUIRED AUTHORIZATION

MDT

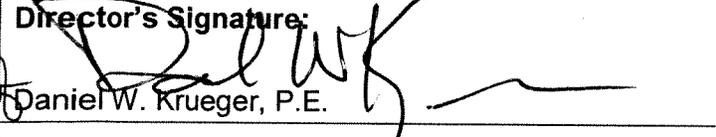
Finance:	Other Authorization:  1/27/12	Other Authorization:
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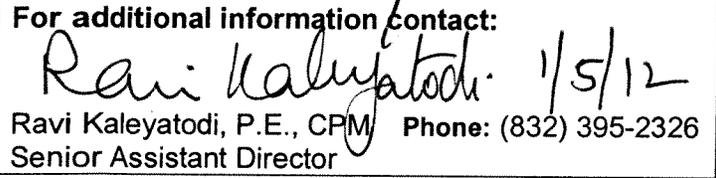
Proposed HPD Tactical Operations Facility 7077 Perimeter Park Dr.



SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City and Pate Engineers, Inc. for Lift Station Renewal and Replacement. WBS No. R-000267-0092-3.	Page 1 of 2	Agenda Item # 23
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From: (Department or other point of origin): Department of Public Works and Engineering	Origination Date 2/9/12	Agenda Date FEB 15 2012
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Director's Signature:  Daniel W. Krueger, P.E.	Council District affected: (Council District Letter Only) B RCM
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For additional information contact:  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action: Ordinance #: 2010-0371 Dated: 05/12/2010
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Recommendation: (Summary)

Approve an Ordinance appropriating additional funds for Professional Engineering Services Contract with Pate Engineers, Inc.

Amount and Source of Funding:

\$48,939.00 from the Water and Sewer System Consolidated Construction Fund No. 8500. *W.P. 1/12/2012*
 Original (previous) appropriations of \$400,862.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's ongoing program to upgrade its Lift Station facilities.

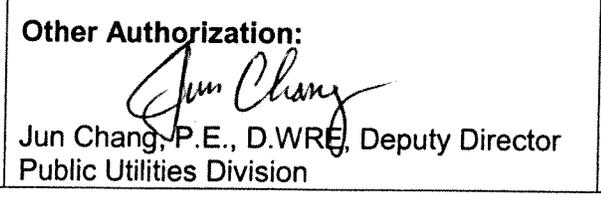
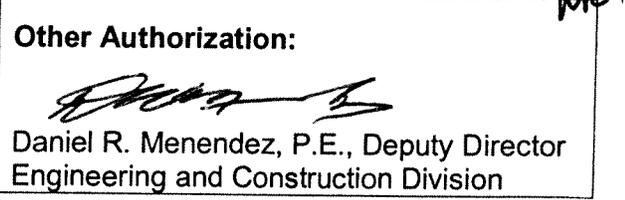
DESCRIPTION/SCOPE: This project consists of design services to consolidate various lift station facilities and one wastewater treatment plant and related sewer systems. Included in this scope of the project are a regional lift station and approximately 11,200 linear feet of 16-inch diameter force main.

LOCATION: This project is generally bounded by West Mount Houston on the north, West Montgomery Road on the south, Veterans Memorial and N. Shepherd on the east and Ella and Wheatley on the west. The project is located in Key Map Grids 412K, P, Q, U, & Y, and 452C.

PREVIOUS HISTORY AND SCOPE: The scope of services under the Original Contract (Ordinance Number 2010-0371, dated May 12, 2010) consisted of the evaluation and design to rehabilitate, replace or consolidate various lift stations and one wastewater treatment plant and related sewer systems. Under this Contract, the Consultant completed the assignment to evaluate the rehabilitation, replacement or consolidation of various lift stations.

Additional funds are needed to complete the additional proposed services which were not budgeted.

REQUIRED AUTHORIZATION **CUIC ID #20RCM12**

Finance Department:	Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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MO1

SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City and Pate Engineers, Inc. for Lift Station Renewal and Replacement.
WBS No. R-000267-0092-3.

**Originator's
Initials**

RCM

**Page
2 of 2**

SCOPE OF THIS SUPPLEMENT AND FEE: The requested additional appropriation will accomplish the following tasks: Phase II – Final Design and Phase III – Construction Phase Services. \$39,056.00 are budgeted as Basic Services Fee. An Additional Service is also proposed to be paid as lump sum or on a reimbursable basis. The Additional Service is currently anticipated to include technical review committee presentation. The total Additional Services Fee under the additional appropriation as \$3,500.00.

The requested appropriation is \$48,939.00 to be appropriated as follows: \$42,556.00 for contract services and \$6,383.00 for CIP Cost Recovery.

PAY OR PLAY PROGRAM:

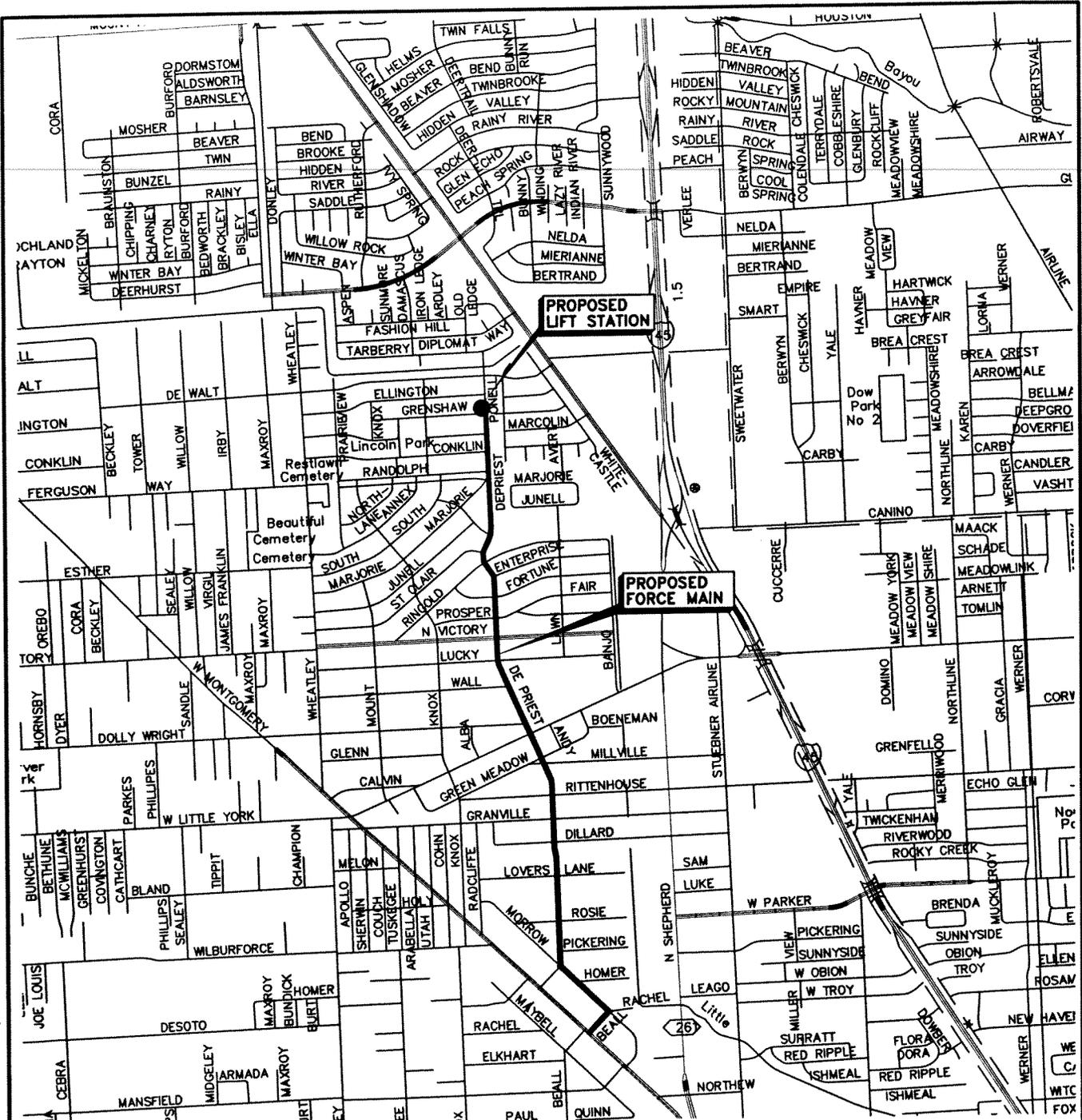
The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the Consultant provides health benefits to eligible employees in compliance with City policy.

M/WBE INFORMATION: The M/WBE goal established for this project is 24%. The original Contract approved by Ordinance No. 2010-0371 totals \$400,862.00. The consultant has been paid \$144,901.61 (36.15%) to date. Of this amount \$24,378.00 (16.82%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation the contract amount will increase to \$443,418.00. The Consultant proposes the following plan to meet the M/WBE goal:

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Prior M/WBE Work		\$ 24,378.00	5.50%
2. Kalluri Group, Inc.	Electrical Engineering Services	\$ 42,000.00	9.47%
3. Kuo and Associates, Inc.	Survey Services	\$ 10,824.40	2.44%
4. Geotest Engineering, Inc.	Geotechnical Investigation and Phase I Environmental Site Assessment	\$ 10,608.60	2.39%
5. Knudson, LP	Tree Protection Plan	\$ 3,250.00	0.73%
6. ISANI Consultants, LLP	Traffic Control Plans	\$ 12,986.00	2.93%
7. B & E Reprographics, Inc.	Reproduction Services	\$ 4,743.00	1.07%
	TOTAL	\$108,790.00	24.53%


DWK:DRM:RK:EN:IMR:RCM:pa

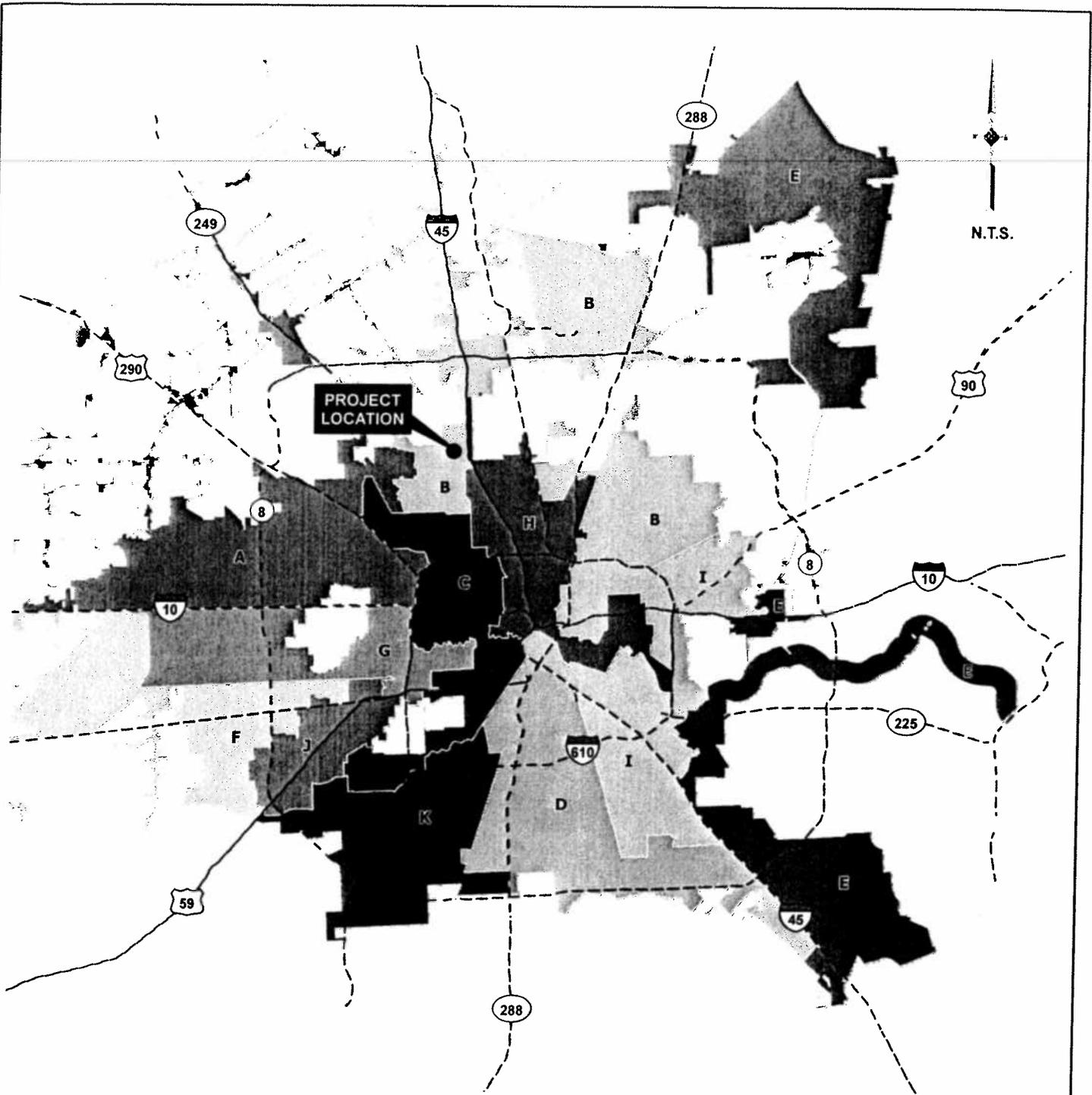
c: File No. R-000267-0092-3 (1.2)



VICINITY MAP
KEY MAP NO. 412Q
FACILITY NO. 587
GRENSHAW LIFT STATION
& FORCE MAIN



13333 N.W. Freeway, Suite 300 Houston, Tx. 77040
Phone: 713-462-3178



COUNCIL DISTRICT MAP

**GRENSHAW LIFT STATION
& FORCE MAIN**

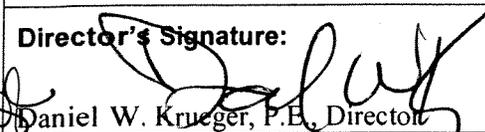


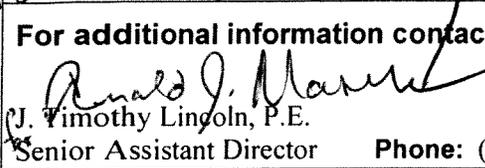
13333 Northwest Fwy, Ste. 300 Houston, TX 77040 T: 713-462-3178

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Professional Construction Management and Inspection Services Contract between the City of Houston and S & B Infrastructure, LTD. for Water and Sewer Capital Projects. WBS Nos. S-000020-0006-4; R-000020-0006-4.	Page 1 of 1	Agenda Item # 24
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From: Department of Public Works and Engineering	Origination Date 2/9/12	Agenda Date FEB 15 2012
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Director's Signature:  Daniel W. Krueger, P.E., Director	Council District affected: All
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For additional information contact:  J. Timothy Lingol, P.E. Senior Assistant Director Phone: (832) 395-2355	Date and identification of prior authorizing Council action: N/A
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Recommendation: Approve a Professional Construction Management and Inspection Services Contract with S & B Infrastructure, LTD. and appropriate funds.

Amount and Source of Funding: \$12,000.00 from the Water and Sewer System Consolidated Construction Fund No. 8500. M.P. 1/18/2012

PROJECT NOTICE/JUSTIFICATION: These projects are part of the City's Capital Improvement Plan (CIP).

DESCRIPTION/SCOPE: This contract provides for construction management and inspection services for the Construction Branch of the Department of Public Works and Engineering in connection with water and sanitary sewer projects.

LOCATION: These projects are located throughout the City of Houston.

SCOPE OF APPROPRIATION AND FEE: This contract will provide construction management and inspection services, including contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, inspection, document control, project closeout, and other tasks requested by the Director of the Department of Public Works and Engineering.

Project funding for construction management services will be appropriated with the construction award. The requested appropriation of \$12,000.00 will provide for the limited pre-construction review and preparation as required.

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

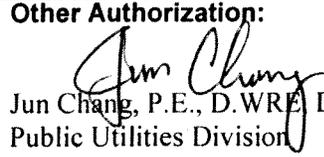
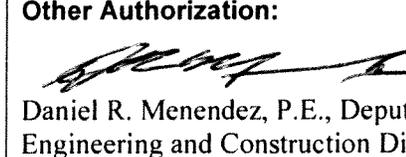
M/WBE PARTICIPATION: S & B Infrastructure, LTD. has proposed the following firms to achieve the 24% M/WBE goal for this project:

NAME OF FIRM	WORK DESCRIPTION	PERCENTAGE
1. Brian Smith Construction Inspection, Inc.	Inspection	12%
2. KIT Professional, Inc.	Inspection	12%
Total		24%

DWK:DRM:JTL:LS:mq
Z:\E&C Construction\East Sector\CMs\S&B\S&B 2011\R-000020-0006-4 & S-000020-0006-4\RCA.doc

c: File No. Admin - S&B

REQUIRED AUTHORIZATION CUIC ID #20MZQ233

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

24

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Professional Engineering Services Contract between the City and HDR Engineering, Inc. for Engineering Services associated with the design of Sludge Handling Improvements and Miscellaneous Engineering Services at the East Water Purification Plant. WBS No. S-000056-0066-3

Page 1 of 2

Agenda Item #

25

FROM (Department or other point of origin):

Origination Date

Agenda Date

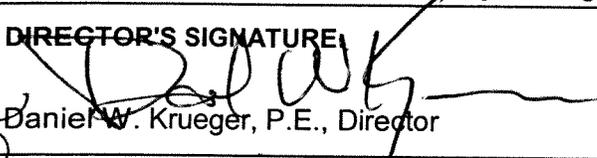
Department of Public Works and Engineering

2/9/12

FEB 15 2012

DIRECTOR'S SIGNATURE:

Council District affected:

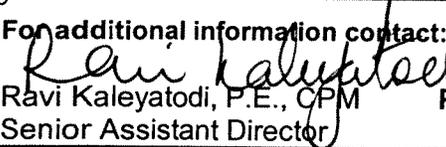

Daniel W. Krueger, P.E., Director

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For P2

For additional information contact:

Date and identification of prior authorizing Council action:


Ravi Kaleyatodi, P.E., CPM
Senior Assistant Director
12/29/11
Phone: (832) 395-2326

RECOMMENDATION: (Summary)

An ordinance approving a Professional Engineering Services Contract with HDR Engineering, Inc. and appropriate funds.

Amount and Source of Funding:

\$1,772,800.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.

1/5/2012

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's Capital Improvement Program to improve operability, maintainability and reliability for the East Water Purification Plant to comply with the Texas Commission on Environmental Quality and Surface Water Treatment Rule mandated by the United States Environmental Protection Agency and to meet existing and future water demand requirements.

DESCRIPTION/SCOPE: This project consists of providing professional engineering and related services associated with the design of new sludge thickener and surge basin and the improvements of the existing surge basin at plant 3. The project includes the rehabilitation of the sludge and backwash transfer pumps at plants 1 & 2 and will also provide miscellaneous engineering services at plants 1, 2 & 3.

LOCATION: This project is located at 12555 Clinton Drive and 2300 Federal Road. The project is located in key map grids 496 U and Y.

SCOPE OF CONTRACT AND FEE: Under the scope of the contract, the consultant, HDR Engineering, Inc., will perform Phase I - Preliminary Design, Phase II - Final Design and Phase III - Construction Phase Services and Additional Services. Basic Services Fee for Phase I is based on the cost of time and materials with a not-to-exceed agreed upon amount. The Basic Services fees for Phase II and Phase III will be negotiated on a lump sum basis after the completion of Phase I. The negotiated maximum fee for Phase I Basic Services is \$334,293.00. The total Basic Services appropriation is \$1,300,000.00.

The contract also includes certain Additional Services to be paid either as lump sum or on a reimbursable basis. The Additional Services include surveying, geotechnical investigation, storm water pollution prevention plans, subsurface investigations, environmental site assessment and miscellaneous engineering services. The total Additional Services appropriation is \$241,568.00.

CUIC ID # 20JWM63

Finance Department:

Other Authorization:

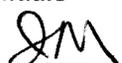
Other Authorization:


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


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

MB

25

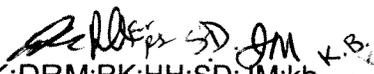
Date	SUBJECT: Professional Engineering Services Contract between the City and HDR Engineering, Inc. for Engineering Services associated with the design of Sludge Handling Improvements and Miscellaneous Engineering Services at the East Water Purification Plant. WBS No. S-000056-0066-3	Originator's Initials 	Page <u>2</u> of <u>2</u>
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The total cost of this project is \$1,772,800.00 to be appropriated as follows: \$1,541,568.00 for contract services and \$231,232.00 for CIP Cost Recovery.

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

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

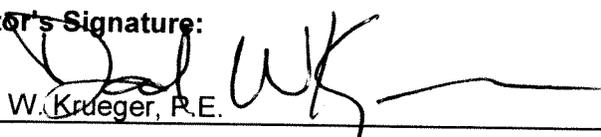
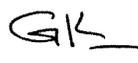
<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. KIT Professionals, Inc.	Engineering Services	\$200,000.00	12.97%
2. Gupta & Associates, Inc.	Engineering Services	\$124,284.00	8.06%
3. Geotest Engineering, Inc.	Geotechnical Services	\$81,600.00	5.29%
4. Geosurv, Inc., DBA TSC Surveying	Surveying Services	\$14,000.00	0.91%
TOTAL		\$419,884.00	27.23%

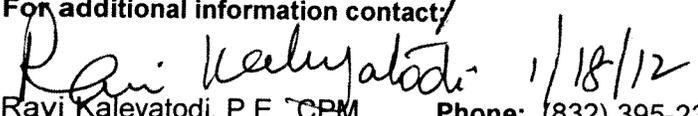

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 c: File S-000056-0066-3

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

SUBJECT: Contract Award for West District and Upper Brays Wastewater Treatment Plants Improvements. WBS No. R-000265-0068-4.	Page 1 of 2	Agenda Item # 26
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FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date: 2/9/12	Agenda Date: FEB 15 2012
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Director's Signature:  Daniel W. Krueger, P.E.	Council District affected: G & F 
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For additional information contact:  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding:
\$7,218,700.00 Water and Sewer System Consolidated Construction Fund No. 8500. *M.P. 1/25/2012*

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's ongoing program for improvements to the major wastewater treatment plants (WWTPs).

DESCRIPTION/SCOPE: This project consists of various upgrades and improvements to the wastewater treatment plants including, but not limited to the following:

- Bar screen addition at West District WWTP
- Access shaft, lift station pump guide system rehabilitation, and odor control system rehabilitation at Upper Brays WWTP.

The Contract duration for this project is 510 calendar days. This project was designed by Malcolm Pirnie/ Arcadis US, Inc.

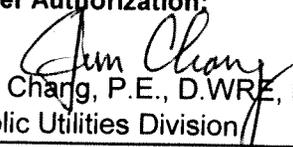
LOCATION: The project areas are located as follows:

Location	Address	Key Map Grid	Council District
1. Upper Brays WWTP	13525 West Houston Center Blvd.	529A	F
2. West District WWTP	255 Isolde	489L	G

BIDS: Bids were received on December 1, 2011. The three (3) bids are as follows:

Bidder	Bid Amount
1. LEM Construction Company, Inc.	\$6,373,800.00
2. Industrial TX Corp.	\$6,414,009.00
3. Pepper-Lawson Waterworks, LLC	\$8,168,800.00

REQUIRED AUTHORIZATION **CUIC ID #20GK66**

Finance Department:	Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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Date	Subject: Contract Award for West District and Upper Brays Wastewater Treatment Plants Improvements. WBS No. R-000265-0068-4.	Originator's Initials <i>CAJ</i>	Page 2 of 2
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AWARD: It is recommended that this construction contract be awarded to LEM Construction Company, Inc. with a low bid of \$6,373,800.00 and that Addenda Numbers 1, and 2 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$7,218,700.00 to be appropriated as follows:

• Bid Amount	\$6,373,800.00
• Contingencies	\$ 318,690.00
• Engineering and Testing Services	\$ 80,000.00
• CIP Cost Recovery	\$ 446,210.00

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

PAY OR PLAY PROGRAM:

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

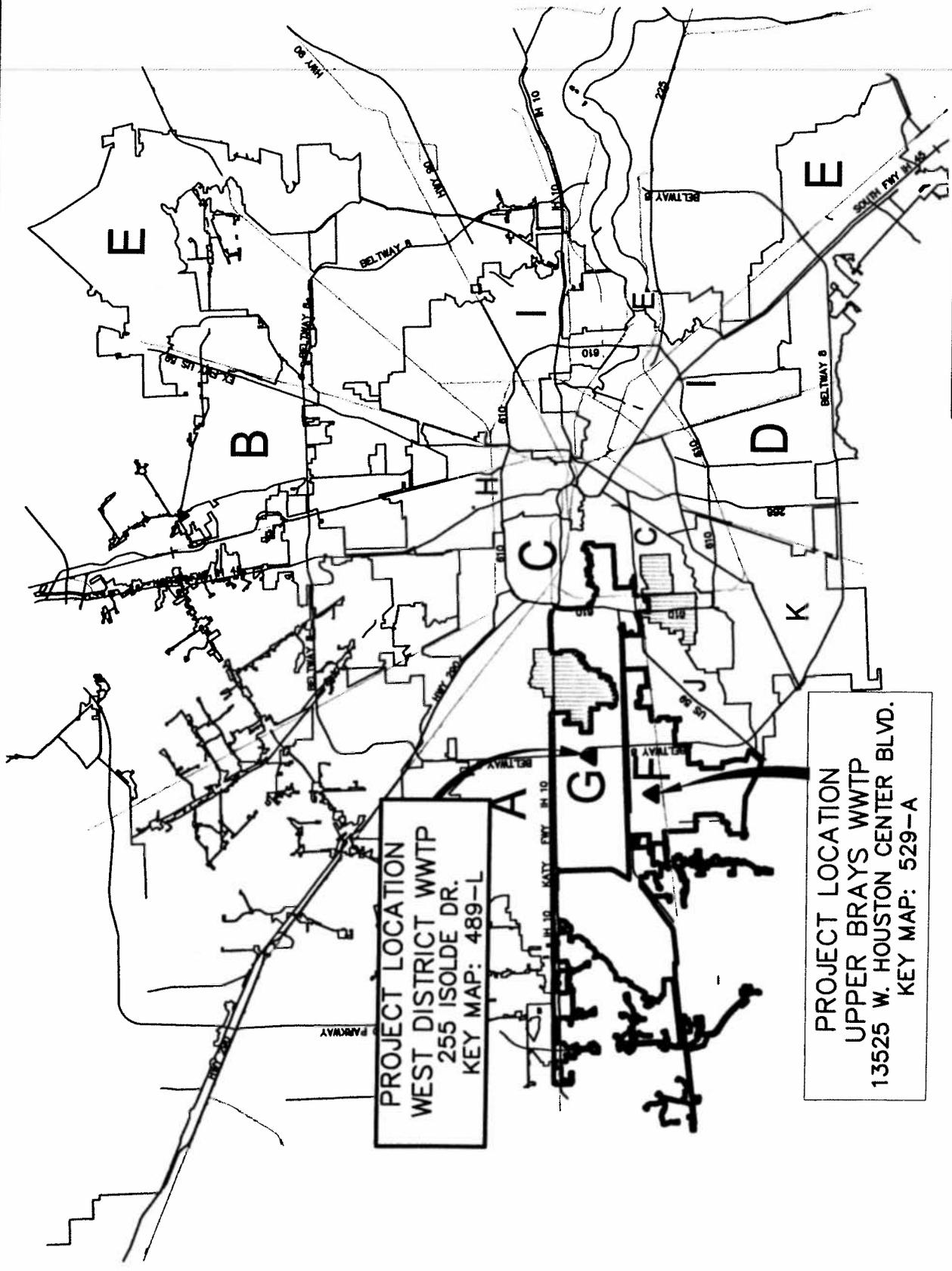
M/WBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 10% MBE goal, and 8% SBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Brown Mechanical Services, Inc.	Headworks Equipment	\$ 757,000.00	11.88%
	TOTAL	\$ 757,000.00	11.88%
<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Medcalf Fabrication, Inc.	Metals Fabrication	\$ 235,991.00	3.70%
2. C&B Rebar Construction, Inc.	Reinforcing Steel	\$ 125,744.00	1.97%
3. Macaulay Controls Company	Instrumentation & Controls	\$ 81,550.00	1.28%
4. Automation Nation, Inc.	Programming	\$ 72,400.00	1.14%
	TOTAL	\$ 515,685.00	8.09%

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

DRM
DWK:DRM:RK:EN:GK:MS:pa

c: File No. R-000265-0068-4



PROJECT LOCATION
 WEST DISTRICT WWTP
 255 ISOLDE DR.
 KEY MAP: 489-L

PROJECT LOCATION
 UPPER BRAYS WWTP
 13525 W. HOUSTON CENTER BLVD.
 KEY MAP: 529-A

CITY OF HOUSTON

WBS No. R-000265-0088-3

**WEST DISTRICT & UPPER BRAYS
 WASTEWATER TREATMENT PLANT
 IMPROVEMENTS**

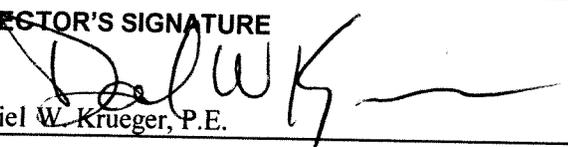
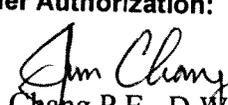
KEY MAP: 489-L & 529-A



The Water Division of ARCADIS

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS) WBS# R-002013-0029-4		Page 1 of 2	Agenda Item # 27								
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 2/9/12	Agenda Date FEB 15 2012								
DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.		Council District affected: All									
For additional information contact: Jason Iken, P.E. Senior Assistant Director Phone: (832) 395-4989		Date and identification of prior authorizing Council action: N/A									
RECOMMENDATION: (Summary) Accept low bid, award construction contract, and appropriate funds.											
Amount and Source of Funding: \$2,553,645.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier III.		M.P. 1/10/2012									
SPECIFIC EXPLANATION: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems throughout the City.											
DESCRIPTION/SCOPE: This project consists of sanitary sewer rehabilitation by cured-in-place pipe method. The contract duration for this project is 540 calendar days.											
LOCATION: The project area is generally bounded by the City Limits.											
BIDS: Three (3) bids were received on November 17, 2011 for this project as follows:											
<table border="0"> <thead> <tr> <th>Bidder</th> <th>Bid Amount</th> </tr> </thead> <tbody> <tr> <td>1. RePipe Construction, LLC</td> <td>\$2,403,471.74</td> </tr> <tr> <td>2. Insituform Technologies, Inc.</td> <td>\$2,547,873.92</td> </tr> <tr> <td>3. Reynolds Inliner, LLC</td> <td>\$2,997,894.40</td> </tr> </tbody> </table>		Bidder	Bid Amount	1. RePipe Construction, LLC	\$2,403,471.74	2. Insituform Technologies, Inc.	\$2,547,873.92	3. Reynolds Inliner, LLC	\$2,997,894.40		
Bidder	Bid Amount										
1. RePipe Construction, LLC	\$2,403,471.74										
2. Insituform Technologies, Inc.	\$2,547,873.92										
3. Reynolds Inliner, LLC	\$2,997,894.40										
File/Project No. WW 4258-51		REQUIRED AUTHORIZATION									
Finance Department	Other Authorization:	Other Authorization:  Jun Chang P.E., D. WRE, Deputy Director Public Utilities Division									

AWARD: It is recommended that this construction contract be awarded to RePipe Construction, LLC, with a low bid of \$2,403,471.74.

PROJECT COST: The total cost of this project is \$2,553,645.00 to be appropriated as follows:

- Bid Amount \$2,403,471.74
- Contingencies \$120,173.26
- Engineering Testing Services \$30,000.00

Engineering Testing Services will be provided by HTS, Inc. Consultants under a previously approved contract.

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

M/W/SBE PARTICIPATION: The low bidder has demonstrated a good faith effort to comply with the M/WBE goals of the Texas Water Development Board and the SBE goals of the City of Houston. The bidder has proposed an MBE participation of 10.00% and SBE participation of 8.67%.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Chief Solutions, Inc.	Clean & Televiser Sewer Lines	\$120,000.00	4.99%
5M Rope & Supply, Inc.	Supplies	\$70,347.00	2.93%
Standard Cement Materials, Inc.	Manhole Rehabilitation	<u>\$50,000.00</u>	<u>2.08%</u>
	TOTAL	\$240,347.00	10.00%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
CBL Industries, LLC	Asphalt/Paving	\$96,200.00	4.00%
Deanie Hayes, Inc.	Supplies	\$40,000.00	1.66%
Austin Ray Construction, LLC.	Resin Supplies	<u>\$72,278.00</u>	<u>3.01%</u>
	TOTAL	\$208,478.00	8.67%

All known rights-of-way and easements required for this project have been acquired.

FDL

DWK:JC:JI:DR:mb

File No. WW 4258-51

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Water Line Replacement in Polk Area.
WBS No. S-000035-0116-4.

Page
1 of 2

Agenda Item
28

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

2/9/12

FEB 15 2012

DIRECTOR'S SIGNATURE:

Council District affected:

I, D, H

M 13

Daniel W. Krueger, P.E., Director

For additional information contact:

Date and identification of prior authorizing Council action:

Ravi Kaleyatodi 12/19/11
Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326
Senior Assistant Director

RECOMMENDATION: (Summary)

Accept low bid, award construction contract and appropriate funds.

Amount and Source of Funding:

\$2,914,500.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

Per 12/29/2011

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

DESCRIPTION/SCOPE: This project consists of the construction of approximately 26,260 linear feet of water lines with related appurtenances in the Polk Area.

The contract duration for this project is 199 calendar days. This project was designed by LJA Engineering, Inc.

LOCATION: This project is located in four areas:

Area	Bounded by	Key Map Grid	Council District
1	HCFC Ditch 0100-00-00 on the north, Lawndale on the south, Pasadena on the east and Forest Hill on the west.	534D & 494Z	I
2	Dallas on the north, McGowan on the south, Cullen on the east and Page on the west.	493V, Z & 494 S,W	ID
3	Harrisburg on the north, Rusk on the south, Milby on the east and Velasco on the west.	494N,S	I,H
4	Dallas on the north, Bell on the south, Page on the east and Nagel on the west.	493R,V	I

REQUIRED AUTHORIZATION

CUIC ID #20MB112

Finance Department:

Other Authorization:

Other Authorization:

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

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

BIDS: Bids were received on November 10, 2011. The six (6) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Calco Contracting Ltd.	\$2,548,630.00
2. Metro City Construction, L.P.	\$2,563,682.60
3. TRCU Ltd.	\$2,734,565.73
4. Resicom, Inc.	\$2,783,865.00
5. Slack & Co. Contracting, Inc.	\$3,053,262.00
6. D.L. Elliott Enterprises, Inc.	\$3,190,302.25

AWARD: It is recommended that this construction contract be awarded to Calco Contracting Ltd. with a low bid of \$2,548,630.00 and that Addendum Number 1 be made a part of this contract.

PROJECT COST: The total cost of this project is \$2,914,500.00 to be appropriated as follows:

• Bid Amount	\$2,548,630.00
• Contingencies	\$127,431.50
• Engineering and Testing Services	\$60,000.00
• CIP Cost Recovery	\$178,438.50

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

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

MBE/SBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 11% MBE goal and 9% SBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. T. Construction, L.L.C.	Water Line Installation	\$326,637.00	12.82%
TOTAL		\$326,637.00	12.82%

<u>SBE - Name of Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Capstone Trucking	Trucking	\$62,000.00	2.43%
2. Mickie Service Company, Inc.	Meter Service Connections	\$101,000.00	3.96%
3. Kossman Contracting Company, Inc.	Site Restoration	\$68,000.00	2.67%
TOTAL		\$231,000.00	9.06%

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

DWK:DRM:RK:HH:MB:ofa:mb:ht

\\611grshr01\ECRE\design\A-WS-DIV\WPDATA\BM35-LJA\116-Polk\Post Bid\S-000035-0116-4 RCA.doc

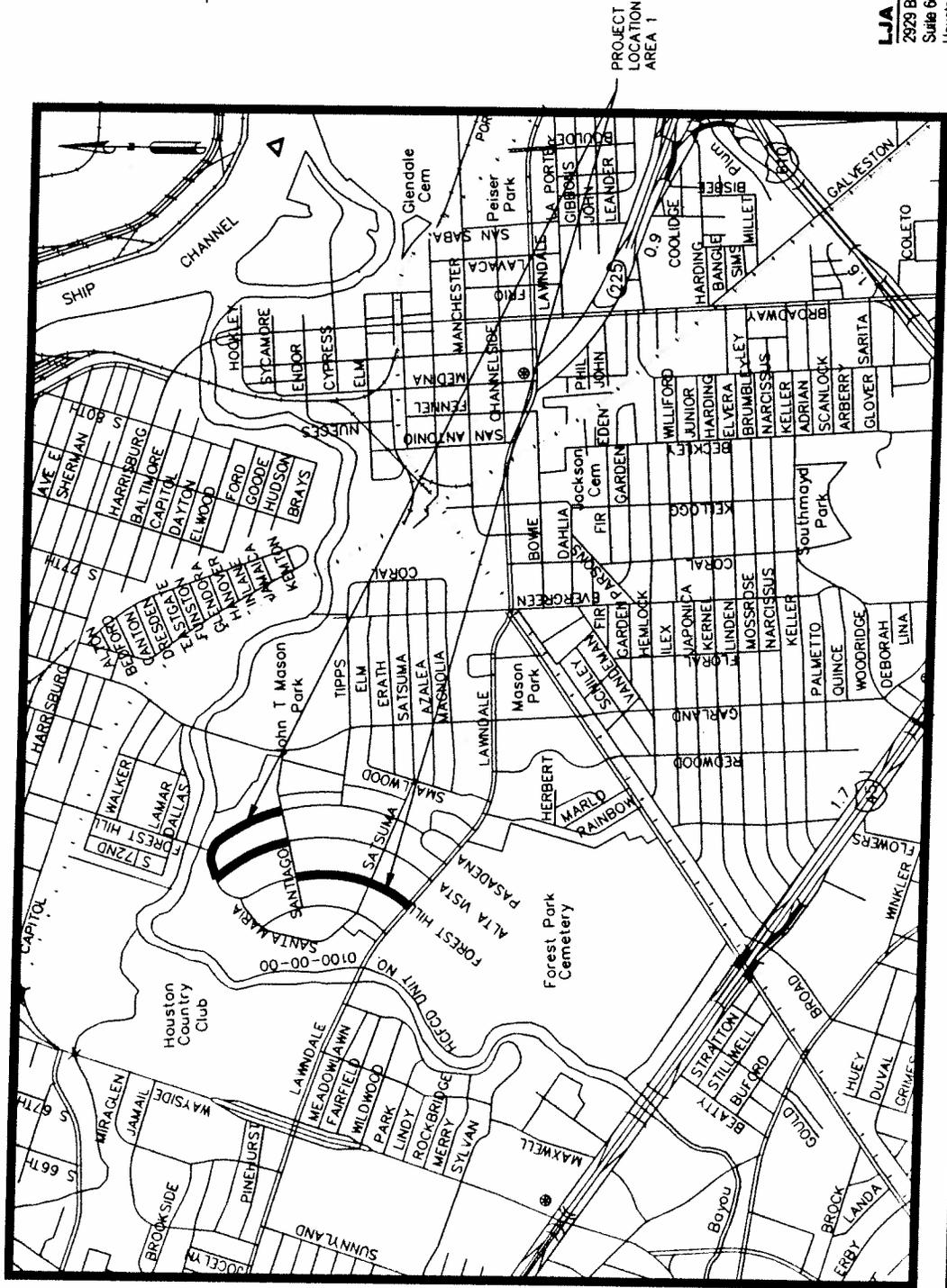
CITY OF HOUSTON

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

ENGINEERING AND CONSTRUCTION DIVISION

WATER LINE REPLACEMENT IN POLK AREA

WBS NO. S-000035-0116-4



VICINITY MAP

COUNCIL DISTRICT 1

- Legend**
- Road with Proposed Water Line
 - Vicinity Roads
 - Freeway
 - Stream

KEY MAP NO:
 452 K,L
 493 Z,V,R
 494 S,W,R

PROJECT LOCATION AREA 1

LJA Engineering & Surveying, Inc.
 2929 Briarpark Drive
 Suite 600
 Houston, Texas 77042
 Phone 713.953.5200
 Fax 713.953.5026
 FRN - F-1386

CITY OF HOUSTON

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING ENGINEERING AND CONSTRUCTION DIVISION WATER LINE REPLACEMENT IN POLK AREA



WBS NO. S-000035-0116-4



VICINITY MAP

COUNCIL DISTRICTS: D, H & I

Legend

- Road with Proposed Water Line
- Vicinity Roads
- Freeway
- Stream

KEY MAP NO:

- 452 K,L
- 493 Z,V,R
- 494 S,W,R

LJA Engineering & Surveying, Inc.
 2929 Briarpark Drive
 Suite 600
 Houston, Texas 77042
 Phone 713.953.5200
 Fax 713.953.5026
 FRN - F-1386

S-000035-0116-4**Water Line Replacement in Polk Area****Area 1**

Street Name	From	To	Key Map	District
Forest Hill	Lawndale	Santiago	534D	I
Alta Vista Street	Santiago	Forest Hill	534D-494Z	I
Pasadena Street	Santiago	Forest Hill	534D-494Z	I
Forest Hill	Alta Vist	Pasadena	494Z	I

Area 2

Street Name	From	To	Key Map	District
Polk	Paige	Sampson	493V,494J	D, I
Roberts	Polk	Dallas	494S	I
Sampson	Polk	Dallas	494S	I
Polk	New York	Milby	494S	I
Edmundson	Polk	I-45	494S	I
Miller	Leeland	I-45	494S	I
Milby	Polk	Leeland	494S	I
Hussion	Polk	Leeland	494S	I
Pease	Hussion	Kealing	494S	I
Kealing	Pease	End of Kealing	494S	I
Pease	Sampson	Scott	493V-494Z	I
Sampson	Leeland	I-45	493V-494Z	I
Tharp	Milby	East	494S	I
Winchester	Milby	End	494S	I
I-45 Feeder	Scott	Hussion	494S	I
McIlheny	Canfield	Milby	493Z-494W	D
McGowan	Canfield	Milby	493Z-494W	D
Napoleon	McIlheny	McGowan	493Z	D
Lucianda	McIlheny	Bremond	493Z	D
Milby	I-45	Bremond	493Z	D

Area 3

Street Name	From	To	Key Map	District
Texas	Velasco	Hutcheson	494N and S	H
Roberts	Harrisburg	Capitol	494N	H
Capiton	Sampson	New York	494N	H
Rusk	Sampson	New York	494N	H

Area 4

Street Name	From	To	Key Map	District
Nigel	Bell	Dallas	493 R & V	I
Delano	Bell	Clay	493V	I

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:
Ordinances granting Commercial Solid Waste Operator Franchises

Category #

Page 1 of 1

Agenda Item#

29 to 34

FROM: (Department or other point of origin):

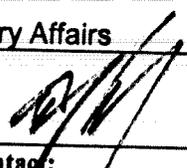
Alfred J. Moran, Director
Administration & Regulatory Affairs

Origination Date
01/23/2012

Agenda Date

FEB 15 2012

DIRECTOR'S SIGNATURE:



Council Districts affected:

ALL

For additional information contact:

Juan Olguin *JFO 71* Phone: (713) 837- 9623
Naelah Yahya 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 ordinances granting Commercial Solid Waste Operator Franchises

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 ordinances granting Commercial Solid Waste Operator Franchises to the following solid waste operators pursuant to Article VI, Chapter 39. The proposed Franchisees are:

1. Adam H. Belmont D/B/A Beto's Hydro & Sanitation
2. C.R. McCaskill Enterprises, Inc. D/B/A Tideland Grease Trap Service
3. Jerry Brumfield D/B/A Brumfield Sanitation Service
4. Sonya Carr Bertran D/B/A Anita's Vacuum Service
5. CIMA, L.P
6. Waste Partners of Texas, Inc. D/B/A Jackpot Sanitation Services

The proposed ordinances grant the Franchisees 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, each 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 solid waste franchises.

REQUIRED AUTHORIZATION

Finance Director:

35

FEB 15 2012

MOTION NO. 2011 0940

MOTION by Council Member Bradford that the following item be postponed to
February 15, 2012:

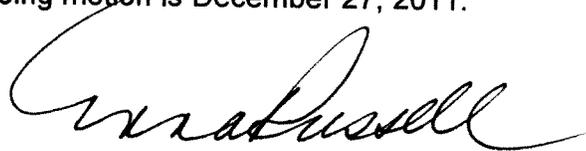
Item 44 - Ordinance amending Chapters 8 and 28 of the Code of Ordinances of Houston, Texas, relating to the regulation of automotive businesses; containing findings and other provisions relating to the foregoing subject; providing for severability

Seconded by Council Member Pennington and carried.

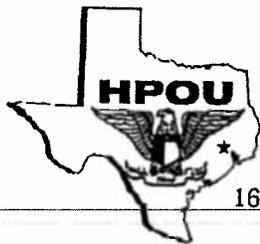
Mayor Parker, Council Members Stardig, Johnson, Clutterbuck, Adams, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Costello, Lovell, Noriega, Bradford and Jones voting aye
Nays none

PASSED AND ADOPTED this 21st day of December, 2011.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is December 27, 2011.



City Secretary



HOUSTON POLICE OFFICERS' UNION

Texas' Largest Police Union

1600 State Street • Houston, Texas 77007 • 713.237.0282 • Fax 713.227.8450

February 7, 2012

The Honorable Annise Parker
P. O. Box 1562
Houston, Texas 77251

Dear Mayor Parker:

The Auto Dealers Detail of the Vehicular Crimes Division is responsible for the licensing and regulating the automotive industry. As such, personnel assigned to this detail license automotive repair facilities. This type of license is comprised of both collision and mechanical related repair businesses. Regulation includes physical inspections of businesses and investigating complaints received by the citizenry. In the past three years, the Auto Dealers Detail received approximately 128 complaints on automotive repair facilities. Approximately 50 of these complaints were on collision facilities while approximately 78 were against mechanics. Of the 128 complaints, 50 were in reference to overcharging citizens. Most of the overcharging complaints were against collision repair facilities.

According to data received from the Better Business Bureau (BBB), there were 839 complaints against repair facilities in the last calendar year. The breakdown lists as follows: 500 were in the 'general' category (both mechanical and collision), 147 were in regards to collision repair, and 192 were mechanical related. In contrast to HPD data, many of the mechanical related complaints were in regards to overcharging.

That said, the Houston Police Officers' Union is going on record to support the needed consumer protection procedures. This correspondence is our effort to set the record straight regarding why it is important to us that you support our efforts to protect our citizens from criminal abuse.

The purpose of this proposed amendment is to enable citizens to authorize the repair of their vehicle prior to the work to be completed. Currently, many of the overcharging complaints are a result of businesses charging fees which were not authorized by the vehicle owner or authorized agent.

Following is a response to several misconceptions regarding Section 8-22:

The amendment harms small businesses.

There are no provisions which harm the small business owners. Again, most reputable owners already have the business practice of advising citizens in advance regarding fees associated with the repair of their vehicles.

There should be a waiver allowing a business owner to receive authorization over the phone.

There is a one line waiver which would allow business owners to conduct business in such a manner providing the vehicle is not being repaired as a result of a crash. This is due to the fact that in most cases insurance companies authorize repair as a result of a crash – not the vehicle owner.

This amendment will cost the owners additional fees and/or additional expenses.

There are no fee increases associated with this ordinance. The only provision which could cost the business owners additional funds is the insurance requirement for garage keepers and liability coverage. Insurance

requirements are not uncommon to the automotive industry as storage lots, towing companies, and motor vehicle dealers must have insurance pursuant to either state or local law.

If this ordinance is passed, business owners must pay for revised invoice or work orders.

There are no requirements to mandate a specific invoice or work order. In fact, the one-line waiver can be written in or stamped on the current document being utilized by the business. The requirements for the record associated with the repair work performed can be found in 8-22 (d). Most requirements are centered on the goal of giving the public an itemized listing of charges.

This is over-regulation.

The proposed ordinance is a record keeping law. There are no provisions which mandate labor charges to be at a certain rate. The purpose is merely to allow citizens the ability to control costs associated with the repair of their vehicle that they may not be able to afford. There are also provisions which assist business owners in this endeavor such as the waiver which will enable businesses to operate in an expedited manner.

A result of this ordinance will allow officers to go into my shop and demand to see invoices associated with my business.

Houston police officers have the authority to do this now pursuant to the law.

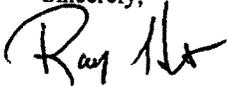
This ordinance has not been vetted with industry stakeholders.

We have been assured that Department personnel have been working with industry stakeholders and former Council Member Sue Lovell for approximately two years. Specifically, they have met with representatives from area automotive repair facility groups such as the Automotive Service Association (ASA), Houston Area Body Shop Association (HABA), Southwest Towing, New Car Dealers, etc. Additionally, the ordinance has been through two different committees at City Council. Furthermore, a letter was sent to all licensed automotive repair facilities in the City of Houston, advising them of pending changes.

I hope that our correspondence has assisted you in seeing the merits of the proposed ordinance. It is an ordinance that will greatly assist the Houston Police Department in its goals to protect the people of our city.

The HPOU would appreciate council's unanimous support of this particular ordinance. It protects the citizens of our city.

Sincerely,



Ray Hunt
President

cc: Houston City Council
Mr. Charles A. McClelland, Jr., Chief of Police
Mr. David Feldman, City Attorney

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

AN ORDINANCE AMENDING CHAPTERS 8 AND 28 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS, RELATING TO THE REGULATION OF AUTOMOTIVE BUSINESSES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City Council previously adopted Chapter 8 of the Code of Ordinances, "Automotive Dealers and Auto Wreckers" ("Chapter 8"); and

WHEREAS, the City Council finds that it is necessary to amend certain provisions of the Code of Ordinances (the "Code") in order to more effectively regulate automotive businesses; and

WHEREAS, the City Council finds it is necessary to amend certain provisions of the Code in order to correct internal references to the applicable governing statutes; and

WHEREAS, the City Council finds that it is necessary to amend the definition of "automotive repair facility" in Chapter 8 in order to clarify the types of businesses included within this category as well as the types of activities that are excluded from the regulations relating to this industry; and

WHEREAS, the City Council finds that, unlike vehicle storage facilities, automotive repair facilities are subject to very few requirements regarding maintenance of their administrative records; and

WHEREAS, the City Council finds that it is necessary to improve the regulation of automotive repair facilities within the City by requiring those businesses to maintain records, include certain information on invoices, provide written estimates and obtain written authorization from customers for automotive repairs, and display signage that informs the public of the rates and charges associated with repairs; and

WHEREAS, the City Council finds that both collision repair facilities and mechanical repair facilities are included within the category of "automotive repair facility" for licensing purposes; and

WHEREAS, the City Council establishes reporting requirements for both collision repair facilities and mechanical repair facilities, while basing certain regulations within Chapter 8 on the nature of the repairs; and

WHEREAS, the City Council finds that it is necessary to add two new positions to the automotive board in order to represent the businesses and citizens subject to or otherwise affected by the regulations promulgated by the City pursuant to Chapter 8 of the Code; and

WHEREAS, the City Council finds that it is necessary to clarify that failure to obtain a license pursuant to Chapter 8 is not a defense to failure to comply with Chapter 8's requirements; and

WHEREAS, the City Council finds that it is necessary to establish certain regulations related to the assessment of administrative or teardown fees by automotive repair facilities, for the purpose of preventing unsavory business practices that undermine the City's regulation of automotive businesses and negatively affect the citizens of the City; and

WHEREAS, the City Council finds that it is necessary to require an automotive repair facility to display its license number on its advertisements, work order authorizations, repair estimates and final invoice forms, and for the City to maintain a list all licensed automotive repair facilities on its website, so that the citizens of the City will have access to information that will assist them in making decisions relating to automotive repair; **NOW, THEREFORE**,

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

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

Section 2. That, in Section 8-16 of the Code of Ordinances, Houston, Texas, the definitions of the terms *automotive rebuilder*, *automotive repair facility*, and *dealer in motor vehicles* are hereby amended to read as follows:

"Automotive rebuilder. Any person who, primarily or incidentally, wholly or part time, engages in the public business of buying, selling, offering for sale, consigning to be sold, trading or otherwise operating as a public dealer in used secondhand or salvage titled motor vehicles or trailers for the purpose of rebuilding or dismantling wrecked or salvage titled motor vehicles or trailers."

"Automotive repair facility. Any person who engages in the public business of repairing motor vehicles or motor vehicle trailers, or both, including a mobile automotive repair business and a dealer in motor

vehicles that repairs motor vehicles or trailers; provided, however, that this term does not include i) a fleet repair operation that exclusively services fleet-owned vehicles, ii) a person who engages in automotive repair solely for the purpose of recreation or education and not for any commercial purpose, or iii) an educational repair facility that does not provide repairs or services to the general public."

"*Dealer in motor vehicles.* Any person who engages in the public business of buying, selling, offering for sale to the public, consigning to be sold to the public, trading or otherwise dealing in motor vehicles or motor vehicle trailers, or both; provided, however, that this term does not include a person who repairs or stores disabled, wrecked or salvage titled motor vehicles."

Section 3. That, in Section 8-16 of the Code of Ordinances, Houston, Texas, the definition of *automotive storage lot operator* is hereby deleted and replaced by the definition of *consent storage lot facility* which shall be inserted in the appropriate alphabetical order position and shall read as follows:

"*Consent storage lot facility.* Any person who engages in, conducts or carries on the public business of storing motor vehicles, including wrecked, damaged, or repossessed motor vehicles; provided however that this term does not include those who store new motor vehicles pending the retail sales thereof nor those who own or operate lots or garages for the hourly or daily parking of motor vehicles. The term also does not include any facility that is required to be licensed pursuant to the Vehicle Storage Facility Act (Chapter 2303 of the Texas Occupations Code), unless the facility—in addition to keeping vehicles parked or stored without the owners' consent, as authorized by a license granted thereunder—keeps vehicles parked or stored with the owners' consent."

Section 4. That Section 8-16 of the Code of Ordinances, Houston, Texas, is hereby amended by adding, in the appropriate alphabetical order position, the following definitions:

"*Collision repair facility.* Any automotive repair facility that is engaged in the public business of repairing or replacing the nonmechanical exterior or interior body parts of a damaged motor vehicle."

“Mechanical repair facility. Any automotive repair facility that is engaged in the public business of making mechanical-related repairs to motor vehicles or motor vehicle trailers, or both.”

“Used automotive parts recycler. Any person who engages in, conducts, or carries on the public business of keeping or storing discarded, abandoned, junked, wrecked, worn out, salvage titled or otherwise disabled motor vehicles, including but not limited to cars, trucks, tractor trailers and buses, for the purpose of disassembling, dismantling, cutting up, stripping or otherwise wrecking such motor vehicles to extract therefrom parts, components or accessories for sale, for export or for use in an automotive repair or rebuilding business.”

Section 5. That Section 8-17 of the Code of Ordinances, Houston, Texas, is hereby amended by amending Subsections (a) and (d) and adding a new Subsection (e) to read as follows:

“(a) There is hereby created an automotive board consisting of thirteen members appointed by the mayor and confirmed by the city council. The mayor shall designate the member to be chairman. Each of the thirteen positions shall be numbered and filled as follows:

- (1) Position number one shall be filled by a new car dealer.
- (2) Position number two shall be filled by a used car dealer.
- (3) Position number three shall be filled by a wholesale parts and accessories dealer.
- (4) Position number four shall be filled by a new and used automobile retail parts dealer.
- (5) Position number five shall be filled by a service station or gasoline station operator.
- (6) Position number six shall be filled by a person who owns and operates a vehicle storage lot.
- (7) Position number seven shall be filled by a person who is not related within the first or second degree by consanguinity or affinity to any person who holds any interest in or is employed by any automotive business of a type that is

subject to regulation under this chapter and is situated in the county.

-
- (8) Position number eight shall be filled by a person who owns and operates a collision repair facility.
 - (9) Position number nine shall be filled by a person who owns and operates a used automotive parts recycler or an automotive rebuilder.
 - (10) Position number ten shall be filled by a person who owns and operates a mechanical repair facility.
 - (11) Position number eleven shall be filled by a person who is not related within the first or second degree by consanguinity or affinity to any person who holds any interest in or is employed by any automotive business of a type that is subject to regulation under this chapter and is situated in the county.
 - (12) Position number twelve shall be filled by a member of the legal department of the city designated by the city attorney, who shall be an ex officio member only.
 - (13) Position number thirteen shall be the chief of police or a duly authorized representative from the automobile dealers detail, who shall serve as secretary of the automotive board and shall be an ex officio member only."

"(d) Six members of the automotive board (excluding ex officio members) present at any meeting shall constitute a quorum for the transaction of all business of the board, and a majority vote of those members of the board present at any meeting shall prevail. The board shall hold not less than one nor more than three regular meetings each calendar month, provided that additional meetings may be conducted if required in order to meet deadlines imposed by law or by any contract to which the city is a party."

"(e) No entity that is subject to regulation under this chapter, including a parent, affiliate, partner or subsidiary thereof, shall be permitted to have more than one representative on the automotive board at any given time. No person who is a member of the automotive board shall be related within the first or second degree by consanguinity or affinity to any other person who is a member of the automotive board. For

purposes of this subsection, "representative" includes an owner, officer, employee or other representative."

Section 6. That Section 8-22 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 8-22. Automotive repair facility display and recordkeeping requirements.

(a) An automotive repair facility shall prominently display and have available for inspection the following documentation, as applicable, in the areas of its business premises that are accessible to the public:

- (1) A valid and current automotive repair facility license;
- (2) A valid certificate of occupancy;
- (3) A work order authorization or repair estimate form;
- (4) All storage costs;
- (5) The maximum labor rates for any repair for which the facility charges an hourly rate;
- (6) A storage lot license;
- (7) A certificate of garagekeepers and liability insurance with a policy limit of not less than \$300,000.00;
- (8) A Texas sales tax permit; and
- (9) A certificate of registration, if the automotive repair facility is a collision repair facility.

(b) If a vehicle owner or authorized agent authorizes an automotive repair facility to perform repair work on a motor vehicle, the automotive repair facility shall maintain a record of the work order authorization, repair estimate or final invoice associated with that repair work for two years following the later of the date the work order authorization or repair estimate is provided to the vehicle owner or authorized agent or the date the final invoice is provided to the vehicle owner or authorized agent.

(c) If the total amount of repair work performed on a motor vehicle will exceed \$100.00, exclusive of any fee paid to another entity not owned by or affiliated with the automotive repair facility in connection with the

towing of a motor vehicle, the automotive repair facility shall obtain the vehicle owner's or the authorized agent's signature or a facsimile or electronic signature thereof on a work order authorization or repair estimate prior to initiating any repair on the motor vehicle.

(d) The following information shall be included in the record associated with repair work performed on a motor vehicle:

- (1) The name, address, telephone number and automotive repair facility license number of the automotive repair facility;
- (2) The name, address and telephone number of the vehicle owner and of any authorized agent identified by the vehicle owner;
- (3) If more than 20% of the repair work has been subcontracted to be performed off-premises, a notation on the final invoice indicating the specific repair work that has been subcontracted, provided, further, that the automotive repair facility shall maintain a record of the name, address and telephone number of the person who performed the work;
- (4) The date of a work order authorization, repair estimate or final invoice associated with the repair work;
- (5) The year, make, model, odometer reading (if a reading can be obtained), license plate number and vehicle identification number of the motor vehicle;
- (6) A description of the vehicle owner's or authorized agent's request for repairs to or concerns about the motor vehicle;
- (7) The estimated labor charges based on a flat rate, an hourly rate, or a combination of the two;
- (8) An itemized estimate of the total repair costs, including administrative fees or teardown fees, if any;
- (9) The estimated charges for shop supplies or for hazardous or other waste removal;
- (10) The charges for daily storage of the motor vehicle, as applicable; and

- (11) A space for an initialed notation indicating that the vehicle owner requests the return of replaced parts. Unless otherwise provided by law or by the terms of a warranty, for any repair made to a motor vehicle that is incapable of being operated or is otherwise unsafe to operate due to an accident, as that term is defined in section 8-101 of this chapter, if the vehicle owner has requested the return of replaced parts, the automotive repair facility shall return replaced parts to the vehicle owner within a period of time not to exceed seven days from the date that repair of the motor vehicle has begun. For any other repair made to a motor vehicle, if the vehicle owner has requested the return of replaced parts, the automotive repair facility shall return replaced parts to the vehicle owner upon completion of the repair work.

For purposes of this subsection, a "record" consists of the set of documents associated with a repair, including a work order authorization, repair estimate, final invoice and other related documents.

(e) If the cost of repairs exceeds the amount of a work order authorization or repair estimate authorized by the vehicle owner or authorized agent pursuant to subsection (c) by the greater of \$100.00 or ten percent of the amount of the work order authorization or repair estimate, then prior to completing the repairs, the automotive repair facility shall obtain written approval (which may be in electronic or facsimile form) from the vehicle owner or an authorized agent.

(f) A vehicle owner or authorized agent may grant to an automotive repair facility a written waiver (which may be in electronic or facsimile form and shall include the vehicle owner's or the authorized agent's signature or a facsimile or electronic signature thereof) of the requirements of subsections (c) and (e) of this section, provided, however, that this subsection is not applicable to any repair made to a motor vehicle that is incapable of being operated or is otherwise unsafe to operate due to an accident, as that term is defined in section 8-101 of this chapter. A waiver granted under this subsection must include the following statement in at least 14 point font size bold type, with a signature line next to the statement: "I understand that my signature is required so that this automotive repair facility may obtain verbal approvals associated with the repair of this motor vehicle, pursuant to Section 8-22(f) of the Code of Ordinances of the City of Houston."

An automotive repair facility that obtains a waiver under this subsection shall maintain a record of the waiver, any oral work order authorization or

repair estimate provided and any verbal authorization obtained pursuant to that waiver for two years following the date that an oral work order authorization or repair estimate is provided to the vehicle owner or authorized agent. A record of waiver, oral work order authorization or repair estimate and verbal authorization shall contain the information required by subsection (d) of this section. Signature of a waiver pursuant to this subsection does not constitute a waiver of the automotive repair facility's obligation to obtain authorization from the vehicle owner or authorized agent prior to the performance of work on the subject motor vehicle.

(g) If the total amount of repair work performed on a motor vehicle will exceed \$100.00, exclusive of any fee paid to another entity not owned by or affiliated with the automotive repair facility in connection with the towing of a motor vehicle, an automotive repair facility or one of its employees commits an offense if the automotive repair facility or employee:

- (1) Makes any repair or assesses any cost that has not been expressly authorized in writing (which may be in electronic or facsimile form) by the vehicle owner or an authorized agent, except as provided in subsection (f);
- (2) Alters any vehicle owner contract, work order authorization, repair estimate, final invoice, or other document without the written authorization (which may be in electronic or facsimile form) of the vehicle owner or an authorized agent, except as provided in subsection (f);
- (3) Fails to provide a vehicle owner a copy of a final invoice requiring the vehicle owner's or authorized agent's signature upon completion or cancellation of the repair work; or
- (4) Fails to provide a vehicle owner a copy of any other document requiring the vehicle owner's or authorized agent's signature upon request of the vehicle owner.

(h) An authorized agent that is an insurance company or an employee thereof commits an offense if, in connection with the repair of damage to a motor vehicle covered by an automobile insurance policy, the authorized agent or employee:

- (1) Solicits or accepts a referral fee or gratuity in exchange for referring a vehicle owner or third-party claimant to an automotive repair facility to repair the damage;

- (2) States or suggests, either orally or in writing, to a vehicle owner that the vehicle owner must use a specific automotive repair facility or an automotive repair facility identified on a preferred list compiled by an authorized agent for the damage repair or parts replacement to be covered by the policy; or
- (3) Restricts the right of a vehicle owner or third-party claimant to choose an automotive repair facility by requiring the vehicle owner or third-party claimant to travel an unreasonable distance to repair the damage.

(i) Any record required to be maintained under this section shall be kept in written form or in an electronic recordkeeping system.

Section 7. That Section 8-26 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 8-26. Other required records.

(a) Every person who, as dealer, makes any sale, purchase, transfer or exchange of either a new or used motor vehicle, or new or used motor vehicle trailer in the city shall keep a record of any and all transfers and assignments, if any, made by the person, or chattel mortgages, liens or notes covered by or secured by lien upon those motor vehicles or motor vehicle trailers. The record shall include the following information:

- (1) The name and address of each transferee; and
- (2) A description of the mortgage, lien or note transferred and of the property affected thereby, including the motor number, model and license number of the motor vehicle or trailer therein involved.

(b) Every licensee under this article who repossesses any motor vehicle or trailer or forecloses any lien or mortgage upon any motor vehicle shall keep a record of each repossession or foreclosure that includes the following information:

- (1) The name of the mortgagor or lienholder;
- (2) The amount of indebtedness, principal, interest and other items, if any, separately;

(3) The date and manner of foreclosure, whether by suit or private sale; and

(4) The description of the property repossessed or foreclosed upon, including the motor number, model and license number of the motor vehicle or trailer therein involved, and the name and address of the purchaser thereof.

(c) Every licensee under this article who deals in secondhand or used motor vehicle parts or accessories shall keep a record of secondhand and used motor vehicle accessories and parts except tires, purchased by the licensee or deposited for any purpose with such licensee, and of each motor vehicle or motor vehicle trailer purchased or received by such person for the purpose of rebuilding or dismantling the same. With respect to accessories and parts, the record shall include any item that constitutes a "major component part" as defined in section 501.091 of the Texas Transportation Code, or a "component part," "interior component part," "minor component part," or "special accessory part" as those terms are defined in section 2302.251 of the Texas Occupations Code. Additionally, the record shall include any other part or parts that are regularly the subject of trade by automotive parts thieves as determined by regulation promulgated by the automotive board; and supported by clear and convincing evidence that there is recurring theft of the same type of part, provided that any such automotive board regulation that adds additional parts shall expire on the second anniversary of its adoption unless extended by the automotive board, and again supported by clear and convincing evidence that there is recurring theft of the same type of part.

The record shall include the following information:

- (1) The vehicle identification number and license number of all motor vehicles or trailers transferred unto the licensee;
- (2) An accurate description in the English language of the secondhand or used motor vehicle parts or accessories purchased or deposited, the vehicle identification number of the motor vehicle from which the parts or accessories were removed, the amount of money paid for same or loaned thereon, and the time of purchase, transfer, or deposit thereof;

- (3) The name, age, sex, signature, if any, residence, race, and approximate height and weight of the person from whom the licensee acquired the property;
- (4) A photograph depicting the transferor or seller with the secondhand or used motor vehicle parts or accessories purchased and a thumbprint of the transferor or seller, provided that if a licensee acquires an entire motor vehicle or trailer from the owner of the motor vehicle or trailer, then in lieu of the photograph and thumbprint, the buyer shall obtain and maintain a copy of the seller's vehicle title and the vehicle identification number of the motor vehicle or the trailer; and
- (5) A unique identification number which corresponds to a transaction and has been attached to the motor vehicle or trailer and to the secondhand or used motor vehicle parts or accessories purchased by the licensee.

(d) It is an affirmative defense to prosecution under this section that both the transferor and the transferee are city or state licensed dealers in used parts and used accessories and that the transfer was documented in full compliance with Chapter 2302 of the Texas Occupations Code requesting the name of the business that the motor vehicle or motor vehicle part is purchased from and the Texas Certificate of Inventory number or federal taxpayer identification number and the record must include the part description and a unique inventory number or motor vehicle identification number from which the part came. It is also an affirmative defense to prosecution under this section that the transferee is a city licensed dealer in used parts and used accessories and that the transferor is a person who conducts a similar business in another jurisdiction who caused the parts or accessories to be delivered to the transferee by commercial freight line or common carrier and the transferee documented the inventory number kept by the transferor for the part under Texas state law, if the transferor resides in Texas, or obtain the transferor's federal taxpayer identification number if the transferor resides outside the State of Texas. The provisions of this section are in addition to any applicable state law, including but not limited to Chapter 2302 of the Texas Occupations Code. Records forms promulgated hereunder shall be designed to include any state requirements that are also applicable in order to avoid any duplication of records. Any violation of this section that also constitutes a violation of state law shall be punishable as provided by the applicable state law.

(e) A person who sells a motor vehicle, motor vehicle trailer, or a secondhand or used motor vehicle accessory or part to a licensee under this section must have a valid government issued ID from which the licensee shall record the required information.

(f) Any record required to be maintained under this section shall be kept at the place of business of the licensee in written form or in an electronic recordkeeping system."

Section 8. That Section 8-30 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 8-30. Used automotive parts recyclers, automotive rebuilders and automotive repair facilities.

(a) *Definitions:*

Automotive business dealing in used parts and used accessories means any lot or tract of land used for the purpose of carrying on the trade of a "used parts and used accessories dealer," as defined in this chapter.

Automotive repair facility means any lot or tract of land used for the purpose of carrying on the trade of an "automotive repair facility," as defined in this chapter.

Automotive rebuilder means any lot or tract of land used for the purpose of carrying on the trade of an "automobile rebuilder," as defined in this chapter.

Used automotive parts recycler means any lot or tract of land used for the purpose of carrying on the business or trade of a "used automotive parts recycler," as defined in this chapter.

Solid in reference to a fence means a fence constructed and maintained so that the outer surface is continuous and without gaps. This shall not be construed to prohibit any spaces or gaps left by a properly constructed and maintained chain link fence with strips or slats as hereinafter provided.

Stored means placed or left on property.

(b) *Compliance.* All lots and tracts of land used for the purpose of carrying on the business or trade of a used automotive parts recycler, an

automotive rebuilder, an automotive repair facility or an automotive business dealing in used parts and used accessories shall comply with the requirements of this section.

(c) *Removal of flammable liquids from vehicles.* All gasoline, gasohol, and diesel fuel shall be completely drained and removed from any junked, wrecked or abandoned automotive vehicle before the vehicle is stored at a used automotive parts recycler, automotive rebuilder or automotive repair facility in the city. All flammable liquids drained from any vehicle in the yard shall be stored in a safe manner and in strict accordance with the Fire Code of the city.

(d) *Fencing wall requirements.* Each area utilized for the keeping or storing of used automotive parts or used accessories by an automotive business dealing in used parts and used accessories or each area that is utilized for the keeping, storing, dismantling, cutting up, stripping or otherwise wrecking of any discarded, abandoned, junked, wrecked or otherwise disabled automotive vehicles upon any used automotive parts recycler, automotive rebuilder or any automotive repair facility within the city shall be completely surrounded and enclosed by a solid fence or wall as follows:

- (1) Any side of the yard that extends generally parallel to, and within one hundred (100) feet of any public street right-of-way shall be enclosed by a solid fence or wall at least eight feet in height.
- (2) All sides of the yard not included in (d)(1) above shall be enclosed by a solid fence or wall at least six feet in height.

(e) *Construction, maintenance of fence or wall.* Every fence or wall herein required shall be constructed and maintained as follows:

- (1) All fences shall be constructed of wood, masonry, corrugated sheet metal, chain link, or any combination thereof; provided, however, that any one side of a used automotive parts recycler, automotive rebuilder or automotive repair facility shall be enclosed by a fence or wall constructed of only one of the above materials.
- (2) Chain link fences shall be constructed of galvanized chain link fencing with wood or metal slats or strips run through all links of the chain link fence.

(3) All fences or walls shall extend downward to within three inches of the ground and shall test plumb and square at all times.

(4) All fences or walls shall be constructed in compliance with all applicable provisions of the Construction Code.

(f) *Use of wall, door or building as part of fence or wall.* Any part of a fence or wall required by subsection (d) may consist in whole or in part of a solid wall and door, or walls and doors of any completely enclosed building on the premises, if the wall or door meets all construction requirements hereinabove set forth.

(g) *Gates at openings in enclosure.* Openings in the prescribed enclosure that are necessary to permit reasonable access to used automotive parts recyclers, automotive rebuilders, automotive repair facilities or automotive businesses dealing in used parts and used accessories shall be equipped with a solid gate or gates, constructed and maintained in accordance with the requirements for a fence or wall hereinabove set forth. Gates shall be closed and securely locked at all times, except during normal business hours.

(h) *Use of premises outside enclosure.* It shall be unlawful for any owner, operator, his agents or employees, to display, store or work on any junked or wrecked automotive vehicle, or the parts, accessories or junk therefrom outside of or above the herein required fence or wall. It is a defense to prosecution under this subsection that the actor has established and is using one unfenced rectangular area not exceeding ten feet by 100 feet in maximum dimensions on the premises to display dismantled component parts or accessories for sale, which parts and accessories are stored and arranged in compliance with all other applicable provisions of this section. The display area authorized in the foregoing affirmative defense may also be utilized for the display for sale of whole motor vehicles, whether wrecked or damaged, provided that the operator of the premises also holds an automotive dealer's license for vehicle sales at the premises. Nothing in this subsection shall be construed to authorize the use of any public street or other public property for the sale or display of any merchandise in contravention of section 40-8 of this Code.

(i) *Arrangements of vehicles, parts and materials.*

(1) All automotive vehicles, parts and other materials located in or on the premises of any used automotive parts recycler, automotive rebuilder, automotive repair facility or automotive

business dealing in used parts and used accessories in the city shall be arranged so as to allow reasonable access to, and inspection of, the premises by authorized fire, health, neighborhood protection and police officials of the city.

- (2) All automotive vehicles, parts and materials stored in any used automotive parts recycler, automotive rebuilder, automotive repair facility, or automotive business dealing in used parts and used accessories must be stored at least six inches above the surface of the yard. A motor vehicle stored in its normal upright position shall be deemed to be stored in compliance with the foregoing requirement if all portions of the body floor plan of the vehicle are situated at least six inches above the lot surface, regardless of the height of wheels, tires, brake components, axles and suspension components that are attached in their normal manner to the vehicle and regardless of the height of wheels, tires or other devices used to elevate the vehicle.

It is an affirmative defense to prosecution under this item (2) that the vehicle's parts and materials were in process of disassembly and were situated within a "disassembly area" designated a used automotive parts recycler or automotive rebuilder pursuant to item (3), below, at the time of the alleged offense.

- (3) Each duly licensed used automotive parts recycler or automotive rebuilder may file with the automotive board a plat or legal survey of its yard accurately setting forth under oath the dimensions and size of the yard, exclusive of all covered improvements and out buildings utilized as part thereof and in connection therewith. The plat or legal survey shall also accurately depict all adjoining public thoroughfares. Each yard filing a plat or legal survey may designate upon the plat or legal survey an accurately delineated open area not to exceed 20 percent of the unimproved area within the yard, or 21,780 square feet within the yard, whichever designation is smaller, as a "disassembly area." Upon approval of the plat or legal survey and designated "disassembly area" by the automotive board, the duly licensed yard operator may use the area for the active disassembly of wrecked vehicles in the usual course of yard business. A true copy of the approved plat or legal survey and designated "disassembly area" shall be displayed at all times upon the premises of

business for review by any peace officer of the State of Texas or the neighborhood protection official of the city.

(j) *Control of vegetation.* It shall be unlawful for the owner or operator of a used automotive parts recycler, automotive rebuilder, automotive repair facility or automotive business dealing in used parts and used accessories to allow grass or other vegetation to grow to a height of more than nine inches above the ground

(k) *Watershed.* No used automotive parts recycler, automotive rebuilder, automotive repair facility or automotive business dealing in used parts and used accessories shall be located on top of a watershed.

(l) *Compliance with regulations and ordinances.* All used automotive parts recyclers, automotive rebuilders, automotive repair facilities and automotive businesses dealing in used parts and used accessories must at all times be in full compliance with all city ordinances regarding health and safety, including specifically without limitation, all requirements of the Fire Code, and with all state regulations regarding hazardous waste disposal, including specifically without limitation, all requirements promulgated by the Texas Commission on Environmental Quality.

(m) *Improved surface.* All portions of lots or tracts of land used in the operation of a used automotive parts recycler, an automotive rebuilder, an automotive repair facility or an automotive business dealing in used parts and used accessories must have an all-weather surface of concrete, asphalt, blacktop, stone, macadam, limestone, iron ore, brick pavers, gravel or shell of the composition and drainage as to enable the safe and effective movement of motor vehicles upon all portions of the lot, both under their own power and under tow, at all times regardless of prevailing weather conditions.

(n) *Violations and penalties.* Failure by any person to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of the owner or operator of a used automotive parts recycler, an automotive rebuilder, automotive repair facility or an automotive business dealing in used parts and used accessories under this Code. It shall be unlawful for any person to fail to comply with any applicable provision of this section.

(o) *Vehicles stored less than 30 days for repairs.* For automotive repair facilities, it is an affirmative defense to prosecution under subsections (c) and (d), above, that a wrecked or disabled vehicle stored thereupon is owned by a person other than the owner of the automotive

repair facility and is being stored at the automotive repair facility for the purpose of its repair at the automotive repair facility and that the vehicle has been stored upon the automotive repair facility for 30 days or less at the time of the alleged offense.”

Section 9. That Section 8-31 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 8-31. Penalty.

Unless otherwise provided, any person who violates any provision of this article, regardless of whether the person holds a license issued pursuant to this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$200.00 nor more than \$500.00; provided, however, if the person is convicted of an offense under this article that is also a violation of the penal laws of the state, the person shall be subject to the penalties set out in the penal laws for the offense.

A used parts and accessories seller commits a separate offense for each sale of used parts or used accessories made without a valid salesman's license. The offense shall be punishable by a fine of not less than \$200.00 nor more than \$500.00 than for each transaction.”

Section 10. That Division 1 of Article II of Chapter 8 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 8-32 that reads as follows:

“Sec. 8-32. Administrative fees and teardown fees.

(a) It shall be unlawful for any owner, operator, his agents or employees to charge any vehicle owner an administrative fee in excess of \$50.00. For purposes of this subsection, “administrative fee” means a fee assessed for the processing of paperwork on a motor vehicle being repaired.

(b) It shall be unlawful for any owner, operator, his agents or employees to charge any vehicle owner a teardown fee in excess of the manufacturer standards established in the most recent version of an estimating guide for motor vehicle components and labor hours, including a guide published or otherwise maintained by CCC Pathways, Mitchell, Audatex, or AllData. For purposes of this subsection, “teardown fee”

means a fee assessed for the removal of a motor vehicle component to determine the extent of damage associated with that motor vehicle component.

(c) Any person alleging a violation of this section shall file a sworn complaint in the municipal court."

Section 11. That Subsection (a) of Section 8-58 of the Code of Ordinances, Houston, Texas, is hereby amended by replacing existing Items (1), (2), (3), (4), (5) and (7) with the following new Items (1), (2), (3), (4), (5) and (7) to read as follows:

"(1) Dealer in motor vehicles	\$330.00	\$310.00"
"(2) Wholesale automotive jobber and supply dealer	\$220.00	\$200.00"
"(3) Retail supply dealer	\$170.00	\$150.00"
"(4) Automotive rebuilder	\$610.00	\$590.00"
"(5) Used automotive parts recycler	\$610.00	\$590.00"
"(7) Consent storage lot facility	\$330.00	\$310.00"

Section 12. That Subsections (c) and (d) of Section 8-58 of the Code of Ordinances, Houston, Texas, are hereby amended by deleting the word "such" where it appears and replacing it in each instance with the word "the."

Section 13. That Subsection (f) of Section 8-58 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting the word "such."

Section 14. That Section 8-58 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Subsection (g) that reads as follows:

"(g) It shall be unlawful for any person to operate a business for which a license under this division is required without first obtaining a license therefor."

Section 15. That Section 8-61 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 8-61. Display.

(a) A license issued under this division shall be displayed in a conspicuous place in the office of each place of business maintained by the licensee.

(b) The license number of an automotive repair facility license issued under this division shall be included in print or internet advertisements for the automotive repair facility and printed on work order authorization, repair estimate and final invoice forms utilized by the automotive repair facility.

(c) The city shall maintain a list of all licensed automotive repair facilities on its website and shall update that information on a quarterly basis.”

Section 16. That Subsection (a) of Section 8-91 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(a) Pursuant to the provisions of this division, an automotive repair facility that primarily functions as a body shop may qualify to obtain a license as a body shop facility with storage privileges. A holder of that license shall, subject to compliance with this division, be entitled to function as both an automotive repair facility and a consent storage lot facility under this article so that a storage fee may be imposed for vehicles that are stored with the owner's consent pending their repair at the body shop or other disposition. The holder of a body shop facility with storage privileges license shall not be required to also hold an automotive repair facility license or a consent storage lot facility's license for operations at the covered premises in compliance with this division.”

Section 17. That Item (4) of Section 8-92 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(4) That the premises abuts a major thoroughfare and will take access to the premises for all purposes relating to the operation of the body shop and the storage of vehicles from the major thoroughfare, provided, however, that any body shop facility with storage privileges that commenced

operations on or after December 27, 1999, in compliance with this subsection may continue to operate at its premises notwithstanding a subsequent reclassification of the abutting major thoroughfare to a lower classification of public street.”

Section 18. That the caption of Section 28-34 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 28-34. Location of automobile storage lots, used automotive parts recyclers or lots used for open storage by automotive rebuilders and lots used for open storage by metal recyclers/secondhand metal dealers.”

Section 19. That Subsections (a), (b), (c), and (d) of Section 28-34 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

“(a) *Prohibition.* It shall be unlawful for any person to operate or cause to be operated within 300 feet of an existing church, school, or residence:

- (1) An automobile storage lot, whether licensed as an automotive storage lot pursuant to chapter 8 of this Code or as a vehicle storage facility pursuant to the Vehicle Storage Facility Act (Chapter 2303 of the Texas Occupations Code);
- (2) A used automotive parts recycler as defined in chapter 8 of this Code;
- (3) A lot used for open storage by an automotive rebuilder as defined in chapter 8 of this Code;
- (4) A lot used for open storage by a metal recycler/secondhand metal dealer as defined in chapter 7 of this Code; or
- (5) A lot used for open storage by a used parts and used accessories dealer as defined in chapter 8 of this Code.

The 300 foot measurement required under this section shall be made on the basis of land uses in existence at the time that the original permit or license application for the facility is filed and at the time of any expansion of the size of the property used for the facility. A facility that is lawfully in operation shall not become unlawful because a church, school, or residence is subsequently established within 300 feet of the facility and,

provided that the facility remains continuously in operation without cessation for a period of 180 or more consecutive days, the permit or license for the facility may, subject to compliance with other applicable laws, nevertheless be renewed or transferred.

(b) *Definitions and standards:*

Boundary of operations. The fence line limiting the portion of a larger lot or tract to be used as the business operation area for the business requiring licensure under this Code. The boundary of operations and the fence shall be shown on a legal (or official) survey filed with the application for license and must be fenced according to the applicable standards of this Code. The survey shall additionally show each route that will be used for vehicular ingress or egress to the business operation area. If the ingress or egress will not be exclusively taken from one or more public streets that abut the business operation area, then each route of vehicular ingress or egress must be included within the surveyed and fenced boundary of operations. This definition is applicable to automobile storage lots, used automotive parts recyclers, lots used for open storage by automotive rebuilders, and lots used for open storage by metal recyclers/secondhand metal dealers only and has no effect on any other person or business required to be licensed by the city.

Church. A structure where a society of persons who profess a religious belief regularly assemble for religious worship or religious instruction and which is exempt from ad valorem taxes.

Measurement of 300 feet. The straight line from the property line or (at the applicant's request) from the boundary of operations of the automobile storage lot, used automotive parts recycler, a lot used for open storage by an automotive rebuilder, or lot used by a metal recycler/secondhand metal dealer to the property line of the church, school or residence.

Open storage. Materials stored upon a lot not within an enclosed structure.

Residence. Any structure which, at the time that the application for a license is filed, is being used as a dwelling place for residential purposes, whether single-family or multifamily. A structure located on a lot or tract of land used as an automobile storage lot, used automotive parts recycler, lot used for open storage by an automotive rebuilder, or lot used for open storage by

a metal recycler/secondhand metal dealer shall not be considered a residence within the terms of this definition.

School. A public or private elementary, junior high or high school.

(c) *Existing structure.*

- (1) The terms of this section apply to all existing licensed automobile storage lots, used automotive parts recyclers, lots used for open storage by automotive rebuilders, and lots used for open storage by metal recyclers/secondhand metal dealers, from and after December 22, 1982, and to all lots used for open storage by a used parts and used accessories dealer, from and after December 22, 1993. Any owner or operator of an automobile storage lot, used automotive parts recycler, a lot used for open storage by an automotive rebuilder, or lot used for open storage by a metal recycler/secondhand metal dealer, which as of December 22, 1982, and any owner or operator of a lot used for open storage by a used parts and used accessories dealer, which as of December 22, 1993, is located within 300 feet of a church, school or residence shall, within 30 days of the date specified above, as applicable, make application with the appropriate licensing department for a special permit that indicates that the holder of the permit is located within 300 feet of a church, school or residence. It shall be unlawful to own or operate an automobile storage lot, used automotive parts recycler, a lot used for open storage by an automotive rebuilder, a lot used for open storage by a metal recycler/secondhand metal dealer or a lot used for open storage by a used parts and used accessories dealer within 300 feet of a church, school or residence without first procuring the special permit required by this subsection.
- (2) Subject to compliance with other applicable laws, including chapters 7 and 8 of this Code as applicable, a special permit may be transferred to another owner. Application shall be made to the department responsible for issuing the permit, and the permit shall be executed by both the transferor and the transferee. If use of the premises is suspended at any time for a period of 90 or more consecutive days, then the special permit shall expire. This provision shall not be construed to allow the transfer of a special permit that has so expired. A special permit may be revoked for failure to

comply with any applicable law, regulation, or statute relating to the licensing or other regulation of the business.

- (3) If improvements upon any lot covered by this subsection are destroyed or damaged as a result of fire, explosion, weather or other Act of God in excess of 50 percent of the value of the then-current market value of the improvement based on the current city tax rolls, the improvement shall not be rebuilt or otherwise reconstructed. Nothing in this subsection shall be construed to prohibit the minor repair or routine maintenance of any existing improvements.
- (4) No holder of a special permit shall be entitled to expand or otherwise enlarge the business by adding additional improvements or land or to make a new investment thereto; provided, however, that this restriction on the addition of improvements shall not apply to improvements made in order to comply with any state or local ordinance, statute or regulations.
- (5) If a licensed automobile storage lot, used automotive parts recycler, a lot used for open storage by an automotive rebuilder, or a lot used for open storage by a metal recycler/secondhand metal dealer or a used auto parts and used accessories dealer holds a valid special permit under this subsection, then it shall not be placed in violation of this section, or become ineligible for a renewal of a permit or license, or be required to obtain a special permit, due to the subsequent construction or placement of a church, school or residence within 300 feet of the location of the licensed business.

(d) *Newly annexed areas.* Persons owning or operating automobile storage lots, used automotive parts recyclers, lots used for open storage by automotive rebuilders, lots used for open storage by metal recyclers/secondhand metal dealers, and used parts and used accessories dealers situated in areas that are newly annexed into the corporate limits of the city after the dates specified in subsection (c) above, as applicable, may apply for and be granted special permits in the same manner provided for existing owners or operators under subsection (c), above. The application for the special permit must be filed within 30 days following the effective date of the annexation of the area where the lot or yard is situated. Special permits issued under this subsection and holders thereof shall be subject to all of the same restrictions imposed under subsection (c) with regard to other special permits and holders

thereof, provided that the effective date of the annexation of the area where the lot or yard is situated shall apply in lieu of the applicable date specified in subsection (c) above, in any determination made with regard to the special permit or business operated thereunder. The provisions of this subsection shall not be available to the operator of any premises unless the premises was open for a business subject to regulation under this section on the date of first publication in a newspaper of general circulation of the notice of annexation hearings under Section 43.052 of the Local Government Code or unless the operator had, on or before that date, leased or purchased the property and had actually commenced improving it for the express purpose of establishing the regulated business.”

Section 20. That Item (1) of Subsection (f) of Section 28-34 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(f) *Improvement of specially permitted facilities.*

- (1) Notwithstanding the provisions of item (4) of subsection (c), above, the planning commission may authorize the improvement of a specially permitted facility that is regulated under this section in accordance with this subsection. An application for improvement of a specially permitted facility shall be made to the planning official in a form prescribed by the director of planning and development and shall include:
 - a. A nonrefundable fee of \$200.00; and
 - b. A statement of the specific facts and reasons that the applicant believes warrant the authorization, which shall address each of the criteria of item (4) of this subsection.

The director shall review each application and provide a staff report regarding the application to the commission prior to the meeting at which the application will be considered. The commission shall schedule the consideration of each application for a meeting of the commission and shall instruct the applicant and the director to give notice as provided in items (2) and (3) of this subsection.”

Section 21. That the provisions of Division 2 of Article II of Chapter 8 as amended by this Ordinance with respect to the issuance and term of the licenses listed

in Section 8-58 shall apply prospectively from and after the effective date of this Ordinance. ~~Licenses listed in Section 8-58 as it read before its amendment by this Ordinance issued before the effective date of this Ordinance shall remain effective for their previously designated one-year term, and no provision of this Ordinance shall be construed to extend their terms.~~

Section 22. That the Police Chief may promulgate regulations and forms for the orderly implementation of this Ordinance. A copy of any such regulations shall be maintained for public inspection in her offices, and copies shall be made available at the fees prescribed by law.

Section 23. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 24. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on February 1, 2012.

PASSED AND APPROVED this ___ day of _____, 2011.

Mayor of the City of Houston

Prepared by Legal Dept. 

MFC:mfc 11/29/11

Assistant City Attorney

Requested by Charles A. McClelland, Jr., Chief of Police

L.D. File No. 0621000248001

44

DEC 21 2011

MOTION NO. 2011 0895

MOTION by Council Member Adams that the following item be postponed for two weeks:

Item 93 - Ordinance Amending Chapters 8 and 28 of the Code of Ordinances of Houston, Texas, relating to the regulation of automotive businesses; containing findings and other provisions relating to the foregoing subject; providing for severability

Seconded by Council Member Bradford

ROLL CALL VOTE:

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

MOTION CARRIED

PASSED AND ADOPTED this 7th day of December 2011.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is December 13, 2011.


City Secretary

93

DEC - 7 2011

MOTION NO. 2011 0872

MOTION by Council Member Lovell that a revised Ordinance be substituted for the ordinance listed as Item 30A, ordinance amending Chapter 8 and 28 of the Code of Ordinances relating to the regulation of automotive businesses, etc.

Seconded by Council Member Gonzalez and carried.

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

PASSED AND ADOPTED this 30th day of November 2011.

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

City Secretary

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FEB 15 2012

MOTION NO. 2012

MOTION by Council Member Gonzalez that the recommendation of the Director of the Department of Public Works and Engineering, for acceptance of the January 2012 Semiannual Report of the Capital Improvements Advisory Committee, relating to the implementation of the water and wastewater impact fees program, be adopted, and the January 2012 semiannual report and recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, are hereby accepted by the City Council and authority is hereby given for the transfer of revenues and interest generated by water and wastewater impact fees program, in the amount of \$9,995,462.74, to the Combined Utility System Operating Fund (Fund #8301) for revenue bond debt service as recommended in the Report.

Seconded by Council Member Bradford

Council Member Pennington absent

On 2/8/12 the above motion was tagged by Council Member Sullivan.

cr

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

SUBJECT: Acceptance of the Semiannual Report of the Capital Improvements Advisory Committee relating to the implementation of the water and wastewater impact fees program and transfer of revenues and interest generated by water and wastewater impact fees in the amount of \$9,995,462.74 to the Combined Utilities System Operating Fund (Fund #8301) for revenue bond debt service.

Page
1 of 1

Agenda Item #

36 ~~3~~

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

~~FEB 08 2012~~

DIRECTOR'S SIGNATURE

Council District affected:

FEB 15 2012

Daniel W. Krueger, P.E., Director

All

For additional information contact:

Rudy Moreno, Jr., E.I.T., Deputy Assistant Director (832) 394-8986

Date and identification of prior authorizing Council action: CM 2011-0646 / 08-17-2011

RECOMMENDATION: (Summary)

Approval of a motion accepting the January 2012 semiannual report of the Capital Improvements Advisory Committee relating to the implementation of the water and wastewater impact fees program and transferring impact fee revenues and interest generated by the program to the Combined Utilities System Operating Fund (Fund #8301) for revenue bond debt service as recommended in the report.

Amount and Source of Funding: \$9,995,462.74 (revenue)

SPECIFIC EXPLANATION:

Pursuant to Chapter 395 of the Local Government Code and the rules of procedures adopted by City Council, the Capital Improvement Advisory Committee (CIAC) must file semiannual reports on the implementation of the impact fee program and its supporting components. The Planning Commission, acting as the CIAC, approved the January 2012 semiannual report at its meeting on January 19, 2012. The Committee hereby now conveys the report to Council for consideration. This report contains documentation of impact fee administration from May 1, 2011 through October 31, 2011. The Committee recommends that City Council accept the report and authorize the transfer of revenues and interest generated by water and wastewater impact fees, **\$9,995,462.74**, to revenue bond debt service.

Attachment:

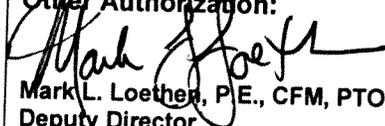
- cc: David M. Feldman, City Attorney
 Marta Crinejo, Agenda Director
 Daniel W. Krueger, P.E., Director, Public Works and Engineering
 Mark L. Loethen, P.E., CFM, PTOE, Deputy Director, Public Works and Engineering

REQUIRED AUTHORIZATION

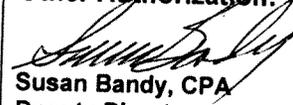
20UPA135

Finance Department

Other Authorization:


 Mark L. Loethen, P.E., CFM, PTOE,
 Deputy Director
 Planning and Development Services
 Division

Other Authorization:


 Susan Bandy, CPA
 Deputy Director
 Resource Management Division

January 2012

**Semiannual Report of the
Capital Improvements Advisory
Committee
On Impact Fees**

**Planning Commission
Acting as the
Capital Improvements Advisory Committee**

Mark A. Kilkenney, Chair

**City of Houston
Planning and Development Department
Planning Services Division**

**JANUARY 2012 SEMIANNUAL REPORT OF THE
CAPITAL IMPROVEMENTS ADVISORY COMMITTEE
ON IMPACT FEES**

A. Purpose of this Review

Cities imposing impact fees on new development must comply with Chapter 395 of the Texas Local Government Code. In accordance with Chapter 395, City Council adopted Ordinances 90-675 and 90-676 to establish procedures to administer the City's water and wastewater impact fees programs, respectively. Approval of Motion 90-0614 by the City Council appointed the Planning Commission as the Capital Improvements Advisory Committee. Under State law, the Committee is charged with the following responsibilities:

- Assisting and advising the City in adopting land-use assumptions;
- Reviewing the IFCIP and filing written comments;
- Monitoring and evaluating the implementation of the IFCIP;
- Filing semiannual reports on the progress of the plan;
- Reporting actual or perceived inequities in plan implementation or the application of impact fees; and
- Recommending updates or revisions to the plan or any impact fees

This documentation fulfills the State requirement of the semiannual report on the progress of the plan. Preparation and conveyance of this report complies with City Council Motion 90-0614 to file a report by January and July of each year. This report documents changes that occurred between the period of **May 1, 2011 and October 31, 2011**, of the 2010-2020 Impact Fees Program.

I. FINDINGS AND RECOMMENDATIONS

The Planning Commission, acting in its capacity as the Capital Improvements Advisory Committee, finds the following for this period:

- A total of **207** single-family residence (SFR) building permit application exemptions (from paying impact fees) were granted to single-family residences below the median housing price for the City of Houston between **May 1, 2011 and October 31, 2011**. The unit cost range for considering residences below the median housing price was from **\$151,966 - \$152,250**. The range is published by **the Real Estate Center at Texas A & M University**. A total of **21,042** exemptions have been applied for since the ordinance was adopted in 1997.
- A total of **\$9,995,462.74** generated from revenues and interest for water and wastewater impact fees accrued in the impact fees accounts between **May 1, 2011 and October 31, 2011**, the second half of the first year of the 2010-2020 Impact Fees Program. The program has an all-time total income of **\$247,219,257.31**.

Based on these findings, the CIAC recommends the following actions:

- The total amount of the revenues and interest generated from water and wastewater impact fees during the reporting period in the sum of ~~\$9,995,462.74~~ should be authorized for appropriation to debt retirement.

B. Background

The City of Houston established an impact fees program in June 1990, and adopted updates beginning in July of 2010 in compliance with State legislative requirements. The Planning Commission, acting in the capacity of the Capital Improvements Advisory Committee, oversees the program. The program institutes a method to collect fees for new development applications for water and/or sanitary sewer service. The fees offset a portion of costs associated with capital improvements for providing water and wastewater facilities to meet the new demand.

According to State legislation, estimates of new demand and needed facilities must be based on approved land-use assumptions. Maximum chargeable impact fees, the maximum fees the City can charge, are calculated from the estimated cost of the facilities and the capacity of the system. City Council determines the impact fees collection rates, which cannot exceed the maximum chargeable fees. These are the actual rates paid by the developer upon request for service. The City applies collected fees to the cost of the capacity needed by new development for designated water and wastewater capital improvements. These capital improvements are identified in the IFCIP. (Note that the IFCIP is not the City's five year Capital Improvement Plan.)

II. EVALUATION OF IMPACT FEE PROGRAM COMPONENTS

A. Land Use Assumptions

Review of the Land Use Assumptions (LUA) consists of monitoring the following components: population and employment, and water and wastewater service units. Population and employment projections were distributed among census tracts, followed by calculation of water demand and wastewater generation for the projected growth within each census tract.

1. Population and Employment

Population and employment projections provide the foundation to develop forecasts of future land use. The 2010-2020 Impact Fee Program is based on population and employment projections using Traffic Analysis Zone (TAZ) data from the Houston-Galveston Area Council.

2. Service Units

The second method of analysis involves a comparison of service units projected in IFCIP to service units generated by actual development. Service units provide a method for converting demand from different land uses to a common unit of measure. Adopted units of measure are based on the average daily demands for a single-family residence, which are 250 gallons for water and 250 gallons for sewer in the current 2010-2020 Impact Fee Program. Service unit analysis compares prorated ten-year growth projections in service units with service units generated by actual development. The number of projected service units was calculated for each ten-year planning period.

The maximum impact fee for each service unit calculated in the IFCIP is based on the prorated cost of projects divided by the capacity of the system. For both water and wastewater, the maximum rate is not time sensitive since it was calculated as the average cost per gallon for the entire system. Without a change to project costs or capacities in that IFCIP, maximum fees per service unit will not change.

Growth projections anticipate citywide demands will increase to 217,461 service units for water and 108,384 service units for wastewater between 2010 and 2020. Using an interpolation of proportionate service unit consumption, **28,995** service units for water and **14,451** service units for wastewater were projected to be consumed through this period of the updated program (**May 1, 2011 and October 31, 2011**). Service unit data was compiled from actual permit applications and totaled for the entire service area. Actual service units generated during this 6-month period totaled **10,014** water service units and **4,570** wastewater service units for a cumulative total of **17,025** water service units and **10,037** wastewater service units (See Table 1).

Table 1 shows the percentage of actual growth slower than projected through this reporting period. With current consumption of service units only **59%** for water and **69%** for wastewater, significant capacity remains in these systems for new development. While actual service units are below projected levels, adjustment of projected service units for the ten-year period will have no affect on the maximum impact fees.

TABLE 1
May 1, 2011 and October 31, 2011
Percent of Actual to Prorated Projected Service Units (s.u.)

Semiannual Report	Duration (months)	Water			Wastewater		
		Prorated s.u.	Actual s.u.	%*	Prorated s.u.	Actual s.u.	%*
January 2011	4	7,255	1,471	20	3,613	1,516	42
July 2011	10	18,137	7,011	39	9,032	5,467	61
January 2012	16	28,995	17,025	59	14,451	10,037	69

3. Impact Fees Capital Improvement Plan (IFCIP)

An update of the Impact Fees Capital Improvement Plan (IFCIP) has been performed in the 2010-2020 Impact Fee Program. The combined Water and Wastewater impact fee of \$1,643.21 per service unit has been effective since July 1, 2011 under the program. Examination of data regarding service unit consumption from **May 1, 2011 and October 31, 2011**, indicates significant capacity remains in the water and wastewater systems to support future demand.

4. Maximum Chargeable Impact Fees

The maximum fees are derived by using the formula given in Chapter 395 of the Texas Local Government Code. The City of Houston has evaluated the changes in the 2010-2020 Impact Fee Program and determined that the maximum allowable fees have increased, and that the fees the City has adopted are sufficiently below the maximum as proscribed by Chapter 395.

5. Findings:

- The 2010-2010 Impact Fee Program has been implemented and is acceptable for continued administration through the next reporting period.
- Review of service unit data indicates excess capacity in both the water and wastewater systems sufficient to accommodate new development through the next scheduled report in July of 2012.
- Water and wastewater facilities identified in the IFCIP are adequate to meet anticipated demand through **April 30, 2012**, the end of the next reporting period.

III. SUMMARY OF IMPACT FEE ACCOUNTS

A. Impact Fees Rates:

Impact Fee rates are set by City Council in accordance with Chapter 395 of the Texas Local Government Code. A summary of the maximum allowable Impact Fees collectable and the rates adopted for the 2010-2020 Impact Fee Program is provided in Table 2. The current Water/Wastewater impact fee has been effective since July 1, 2011 with the implementation of the 2010-2010 Impact Fee Program. The current Water/Wastewater impact fee of \$1,643.21 per service unit for water and wastewater is 22.63% of the maximum fees allowed by current law.

TABLE 2
Maximum and Adopted Impact Fees

2010-2020 Program	<u>Wastewater</u>	<u>Water</u>	<u>Total</u>
Maximum Impact Fee/Residential Equivalent	\$3,427.07	\$3,835.44	\$7,262.51
Adopted Fee since July 1, 2011	\$1,199.11	\$444.10	\$1,643.21

B. Current Status of Fees:

The City maintains separate accounts for recording revenues received from water and wastewater impact fees. The funds may be expended for design and construction services, and/or retiring debt service. As of **October 31, 2011**, the City has accrued **\$247,219,257.31** since implementing the impact fees ordinances in 1990. A total of **\$237,223,794.57** has been transferred to the revenue bond debt service fund. The amount of **\$9,995,462.74** is available for transfer to the debt service fund from impact fees accounts. Table 3 provides a summary of impact fee revenues and account balances.

TABLE 3
Status of Impact Fees Accounts

	<u>Wastewater</u>	<u>Water</u>	<u>Totals</u>
<i>1990-2000 Program</i>			
<i>Total Income</i>	\$44,115,871.05	\$19,557,816.07	\$63,673,687.12
<i>Transfers to Debt Service:</i>	\$44,115,871.05	\$19,557,816.07	\$63,673,687.12
<i>2000-2010 Program</i>			
<i>Total Income</i>	\$121,439,622.12	\$43,094,284.12	\$164,533,906.24
<i>Transfers to Debt Service</i>	\$121,439,622.12	\$43,094,284.12	\$164,533,906.24
<i>2010-2020 Program</i>			
Collections Income (7-1-2010 - 10/31/2011)	\$12,035,166.29	\$6,817,473.41	\$18,852,639.70
Interest Income (7-1-2010 - 10/31/2011)	\$106,122.64	\$52,901.61	\$159,024.25
<i>Total Income</i>	\$12,141,288.93	\$6,870,375.02	\$19,011,663.95
<i>Transfers to Debt Service:</i>	\$6,621,993.05	\$2,394,208.16	\$9,016,201.21
<i>Not Transferred to Debt Service:</i>	\$5,519,295.88	\$4,476,166.86	\$9,995,462.74
 All-Time Total Income (6/1/1990-10/31/2011)	 \$177,696,782.11	 \$69,522,475.20	 \$247,219,257.31
 TOTAL AVAILABLE FOR TRANSFER	 \$5,519,295.88	 \$4,476,166.86	 \$9,995,462.74

C. Finding:

- A total of **\$9,995,462.74** in the impact fee requires authorization for transfer to the revenue bond debt service fund.

IV. REVIEW OF PROGRAM IMPLEMENTATION

A. Analysis of Inequities

- Implementation: The Committee finds no inequitable implementation of the plan during this reporting period.

- Application of Fees: Impact fees for water and wastewater are based on a uniform usage standard calculated in single-family residential equivalents, i.e. 250 gallons per day (gpd) for water and 250 gpd for wastewater. City Council adopted the current single-family residential equivalent unit, and a standard conversion table (Impact Fee Service Unit Equivalent Table) which applies to the types of land uses, with the implementation of the 2010-2020 Impact Fee Program on July 1, 2010.

B. Reporting Period Activity

Provided by Ordinance 97-442, applicants qualify for a single-family residence (SFR) impact fee exemption as approved by the Department of Public Works and Engineering if the purchase price of the house does not exceed the latest available average of median prices for the past twelve months for single-family housing in the city as published by the Real Estate Center at Texas A&M University. The Maximum Exempt Unit Cost for the reporting period ranged from **\$151,966 - \$152,250**.

C. Findings:

- The Impact Fees Program continues to be implemented in an equitable manner.
- For this reporting period, **207** exemptions from impact fees have been applied for, and **21,042** impact fee exemptions for SFR building permits have been applied for since Ordinance 97-442 was enacted in April 1997.