

AGENDA - COUNCIL MEETING - WEDNESDAY - SEPTEMBER 4, 2013 - 9:00 A. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

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

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Adams

9:00 A. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

9:30 A. M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

NOTE: If a translator is required, please advise when reserving time to speak

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 28

MISCELLANEOUS - NUMBERS 1 through 6

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON COMMISSION ON DISABILITIES**:
 - Position One - **KAREN BAYS PETTY**, appointment, for a term to expire July 26, 2015
 - Position Three - **ALAN "A.J." MORTON**, appointment, for a term to expire July 26, 2015
 - Position Five - **TISHA SHANEL GOINGS-FOWLER**, appointment, for a term to expire July 26, 2015
 - Position Six - **CORNELIUS K. BOOKER**, appointment, for an unexpired term ending July 26, 2014, and to serve as Chair
 - Position Seven - **JO ANN FORMBY**, reappointment, for a term to expire July 26, 2015
 - Position Nine - **ROLAND G. BIENVENU**, appointment, for a term to expire July 26, 2015
 - Position Ten - **MONTE OSBURN**, appointment, for a term to expire July 26, 2014
 - Position Eleven - **EDDIE R. JESSIE**, appointment, for a term to expire July 26, 2015
 - Alternate Position One - **MATTHEW P. DICKENS**, appointment, for a term to expire July 26, 2015
 - Alternate Position Three - **TAMIRA ANTWIONETTE COLE**, appointment, for a term to expire July 26, 2015
 - Alternate Position Four - **BETHANNE ROLLINS FRANCO**, appointment, for an unexpired term ending July 26, 2014
2. REQUEST from Mayor for confirmation of the appointment of **JESSE A. RODRIGUEZ** for Position Ten to the **HOUSTON MEDIA SOURCE BOARD OF DIRECTORS**, for an unexpired term ending December 31, 2014
3. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **INDEPENDENT POLICE OVERSIGHT BOARD**:
 - Panel A1 - **MARGARET A. NOSEK**, for an unexpired term ending October 26, 2014
 - Panel B2 - **DON HARRIS**, for an unexpired term ending October 26, 2013
 - Panel D2 - **GWENDOLYN J. SAMPLES**, for an unexpired term ending October 26, 2013
4. RECOMMENDATION from the Director of Finance to place the proposed 2013 tax rate of \$.63875/\$100 of value on the October 16, 2013 Council Agenda, or such other date that meets the requirements of the Texas Property Tax Code, call three public hearings at which interested persons will be given the opportunity to be heard on the proposed tax rate and provide for the publication of the notice of such hearings and other related information
SUGGESTED HEARING DATES:
 - 6:00 P.M. - Tuesday - September 17, 2013;
 - 6:00 P.M. - Tuesday - September 24, 2013; and
 - 9:00 A.M. - Wednesday - October 2, 2013
5. RECOMMENDATION from the Director of Finance for approval of supplementary budgets submitted by the **HOUSTON ARTS ALLIANCE, MILLER THEATRE ADVISORY BOARD, INC, THE HOUSTON MUSEUM DISTRICT ASSOCIATION, and THEATER DISTRICT IMPROVEMENT, INC** pertaining to a true-up of additional Hotel Occupancy Tax funds received during FY2013
6. RECOMMENDATION from Director Department of Public Works & Engineering for payment of Annual Fees for **WATER ENVIRONMENT RESEARCH FOUNDATION** for Subscription Year 2013 - \$86,735.00 - Enterprise Fund

ACCEPT WORK - NUMBERS 7 through 11

7. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$273,698.00 and acceptance of work on contract with **GULF COAST LANDSCAPE SERVICES, INC** for Miller Outdoor Theatre Irrigation Improvements - 5% over the original contract amount and within the 5% contingency - **DISTRICT D - ADAMS**
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,432,581.55 and acceptance of work on contract with **TOTAL CONTRACTING LIMITED** for West Bellfort Paving and Drainage from South Wilcrest to South Kirkwood - 1.15% over the original contract amount and under the 5% contingency amount **DISTRICT F - HOANG**
9. ORDINANCE appropriating \$5,755.15 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to contract between the City of Houston and **GIN-SPEN, INC** for Legend Lane Lift Station Replacement (Approved by Ordinance No. 2011-0851); providing funding for construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - PENNINGTON**
- a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$863,610.40 and acceptance of work on contract with **GIN-SPEN, INC** for Legend Lane Lift Station Replacement - 5.70% over the original contract amount - **DISTRICT G - PENNINGTON**
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,498,718.45 and acceptance of work on contract with **RESICOM, INC** for FY11 Water Distribution System Rehabilitation and Renewal (10873-06) - 1.8% over the original contract amount and under the 5% contingency amount
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,675,355.37 and acceptance of work on contract with **BLASTCO TEXAS, INC** for Rehabilitation of Water Storage Tanks - 2.85% under the original contract amount - **DISTRICTS A - BROWN; C - COHEN and G - PENNINGTON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 15

12. ORDINANCE appropriating \$349,435.08 out of Fire Consolidated Construction Fund to Purchase Construction Services for Installation of Standing-Seam Metal Roof Systems at Fire Station Nos. 29 & 42 for the General Services Department on behalf of the Houston Fire Department **DISTRICTS B - DAVIS and I - RODRIGUEZ**
- a. **BASELINE PAVING AND CONSTRUCTION, INC** for purchase of Construction Services for Installation of Standing-Seam Metal Roof Systems at Fire Station Nos. 29 & 42 through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the General Services Department on behalf of the Houston Fire Department - \$527,622.00 and contingencies for a total amount not to exceed \$569,831.76 - \$220,396.68 Fire Consolidated Construction Fund previously appropriated - **DISTRICTS B - DAVIS and I - RODRIGUEZ**
13. **AMEND MOTION #2009-275, 05/13/09, TO INCREASE** award amount of \$736,400.00 to \$920,500.00 for purchase of Learning Management System Software and Installation Services from General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program under Section 211 of the Government Act of 2002 for the Human Resources Department, awarded to **PCM GOV., INC** - \$184,100.00 - Central Service Revolving Fund

PURCHASING AND TABULATION OF BIDS - continued

14. **ALL TIRE SUPPLY COMPANY** for Automotive Tire and Tube Materials and Repair Services for Various Departments - \$248,830.00 - 3 years with two one-year options - Fleet Management and General Funds
15. **KEY MAPS, INC** for Directories, Street Guides for Various Departments - \$318,863.00 - 3 years with two one-year options - General, Fleet Management, Enterprise and other Funds

ORDINANCES - NUMBERS 16 through 28

16. ORDINANCE relating to the Rescheduling or Postponement of certain City Council Meetings
17. ORDINANCE approving and authorizing Third Amendment to the Hermann Park Pedal Boat and Other Concessions Agreement between the City of Houston and **HERMANN PARK CONSERVANCY** - **DISTRICT D - ADAMS**
18. ORDINANCE approving and authorizing Second Amendment to the Hermann Park Development Agreement between the City of Houston and **HERMANN PARK CONSERVANCY** - **DISTRICT D - ADAMS**
19. ORDINANCE approving and authorizing contract between the City of Houston and **TASER INTERNATIONAL INC** for purchase of Taser Devices, Accessories, Supplies and Repair Services for the Houston Police Department; providing a maximum contract amount \$9,500,000.00 - 5 years - \$2,800,953.50 - Asset Forfeiture Fund - Initial Allocation
20. ORDINANCE approving and authorizing First Amendment to contract (Approved by Ordinance No. 2008-0892) between the City of Houston and **THE FIERRO GROUP LTD. CO. d/b/a FENCEMASTER OF HOUSTON** for Metal and Wood Fence Installation and Repair Services for Various Departments
21. ORDINANCE appropriating \$8,000,000.00 out of Equipment Acquisition Consolidated Fund for the Municipal Courts Case Management System (C-SMART) originally approved by Ordinance No. 2011-176
22. ORDINANCE approving and authorizing Compromise & Settlement Agreement between the City and **VERIZON WIRELESS** to settle a disputed claim and making an appropriation out of Limited Use Roadway & Mobility Capital Fund in the amount of \$73,413.56
23. ORDINANCE approving and authorizing Amendment No. 1 to Toll Road/Airport Connector Agreement between the City of Houston and **HARRIS COUNTY, TEXAS** - Revenue - **DISTRICT B - DAVIS**
24. ORDINANCE authorizing the Mayor to accept funding in an amount not exceeding \$11,005,966.00 by executing an Other Transaction Agreement by and between the City of Houston and the Department of Homeland Security Transportation Security Administration for the Checked Baggage Recapitalization Screening Construction Project at William P. Hobby Airport (Project No. 690B) - **DISTRICT I - RODRIGUEZ**
25. ORDINANCE approving and authorizing the Second Amendment to Lease Agreement between **HARTMAN 601 SAWYER, LLC., SUCCESSOR-IN-INTEREST TO R. M. CROWE HOUSTON PORTFOLIO III, L.P.**, as landlord, and the City of Houston, Texas, as tenant, for the leased space at 601 Sawyer Street, Houston, Texas for use by the Housing & Community Development Department - **DISTRICT H - GONZALEZ**

ORDINANCES - continued

26. ORDINANCE appropriating \$155,881.00 out of Fire Consolidated Construction Fund and awarding Design/Build Contract between the City of Houston and **BARTLETT COCKE GENERAL CONTRACTORS, LLC** for Fire Station No. 67 Expansion and Renovation; providing funding for the Civic Art Program and for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT B - DAVIS**
27. ORDINANCE appropriating \$2,941,209.00 out of Street & Traffic Control and Storm Drainage DDSRF as an additional appropriation for an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of Clinton Drive from the Port of Houston Authority Gate 8 Entrance to IH-610 (Approved by Ordinance No. 2011-0541) and approving and authorizing an amendment to the contract; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF - **DISTRICTS B - DAVIS and H - GONZALEZ**
28. ORDINANCE approving and authorizing an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Rehabilitation or Replacement of Westerland Drive Bridge at HCFCD Ditch - **DISTRICT F - HOANG**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 29 through 31

MISCELLANEOUS

29. RECEIVE nominations for Position 3 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY**, for a two year term
30. RECEIVE nominations for Position 4 of **WASTEWATER CAPACITY RESERVATION REVIEW BOARD**, for the remainder of the designated two year term
31. REVIEW on the record and make determination relative to the appeal from the decision of the General Appeals Board, filed by Richard L. Rothfelder, Attorney at Law, on behalf of Bright Light Sign Service, Inc. regarding sign located at 10410 Westheimer

MATTERS HELD - NUMBERS 32 and 33

32. ORDINANCE approving and authorizing an agreement between the City of Houston and the Metropolitan Transit Authority of Harris County, Texas for the use of 4 city owned parcels of land located on Griggs Road at the Palm Center and authorizing the Houston Business Development, Inc. ("HBDI") to sell to Metro 2 HBDI owned parcels of land located on Griggs Road at the Palm Center, for the purpose of a public right of way to improve access to public transportation, specifically in connection with Metro's Southeast Corridor Light Rail Line - **DISTRICT D - ADAMS**
TAGGED BY COUNCIL MEMBER BRADFORD
This was Item 12 on Agenda of August 28, 2013

MATTERS HELD - continued

33. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to certain improved single-family residential lots within **A&K CUSTOM HOMES ON ARBOR COURT, ABST 212 J CHRISTY, ALMEDA PLACE, ALMEDA PLACE ANNEX, ARBOR SQUARE AMEND, AUSTIN COURT, AUSTIN GREEN, AUSTIN STREET T/H AMEND, BALCOR, BLODGETT PARK T/H, BLODGETT PARK TOWNHOMES SEC 2, CALUMET PARK, CAROLINE MANOR, CAROLINE OAKS, CATCO CRAWFORD PARK, CRAWFORD STREET MANORS, DAYBREAK HOMES ON WICHITA STREET, FIVE THOUSAND ONE HUNDRED AND SIX CRAWFORD STREET T/H, FORTY NINE HUNDRED CAROLINE BOULEVARD, GALWAN T/H, GRAYWOOD PLACE, HAMPTON T/H, HERMANN PARK, JACKSON STREET, JACKSON STREET T/H SEC 2, JACKSON T/H, LA BRANCH PALMS, LABRANCH PLACE, MACGREGOR & DEMERITTS SOUTHMORE SEC 2 R/P, MACGREGOR BLODGETT PARK SEC 1, MACGREGORS BLODGETT PARK SEC 2, MACGREGORS BLODGETT PARK SEC 2 PAR R/P 3, MACGREGORS BLODGETT PARK SEC 3, MANORS OF AUSTIN GREEN, MAREDA HOMES AT PROSPECT STREET, METRO LOFTS AT CHENEVERT, METRO LOFTS AT PROSPECT STREET, MUSEUM GALLERIE AMEND, MUSEUM WALK R/P, NEC SOUTHMORE AND JACKSON, OAKDALE AVENUE, OAKDALE PLACE, OAKDALE TERRACE, OAKS AT CAROLINE, OAKS OF SOUTHMORE, PALM AVENUE T/H, PALM PLACE AMEND, PAWL TERRACE, PROSPECT STREET T/H, PROSPECT TOWNHOMES SEC 1, REGENTS GREEN, ROSEDALE AVENUE PLACE, ROSEDALE AVENUE PLACE SEC 2, ROSEDALE PARK, ROSEWOOD, ROSEWOOD GREEN, ROSEWOOD LOFTS, ROSEWOOD MIDTOWN, ROSEWOOD TERRACE, ROSEWOOD TOWNHOMES, ROSEWOOD VILLAS, RUTH STREET MANOR, RUTH STREET T/H, SOUTHMORE 106, SOUTHMORE 107, SOUTHMORE 108, SOUTHMORE 116, SOUTHMORE 117, SOUTHMORE 118, SOUTHMORE GARDENS AMEND, SOUTHMORE OUTLOT 109, SOUTHMORE SEC 2 PAR R/P, SOUTHMORE T/H U/R SOUTHMORE 118, SOUTHMORE TERRACE AMEND, SOUTHMORE TWO VILLAS, STOECKLI PLACE ANNEX, SUTTON PLACE PATIO HOMES SOUTHMORE 108 R/P, THURMAN MANORS, TRACT 11, HOLMAN OUTLOT 68, TRACT 4, BLOCK 24, EMPIRE, TRINITY AT CHENEVERT, TUSCAN ONE, VILLAS AT ROSEDALE, W D SIMPSON NO. 1, WENTWORTH HOMES, WHEELER PLACE, WHEELER PLACE R/P, WICHITA JACKSON T/H, AND WICHITA RIDGE to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT D - ADAMS**
TAGGED BY COUNCIL MEMBER BRADFORD
This was Item 21 on Agenda of August 28, 2013**

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Christie 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



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

1
SEP 04 2013

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 8-16-13
date

COUNCIL MEMBER: _____

August 13, 2013

The Honorable City Council
Houston, Texas

Dear Council Members:

Pursuant to Sections 2-381 and 2-382 of the City of Houston Code of Ordinances, I am appointing the following individuals to the Houston Commission on Disabilities, subject to confirmation by City Council:

Karen Bays Petty, appointment to Position One, for a term to expire July 26, 2015;
Alan "A.J." Morton, appointment to Position Three, for a term to expire July 26, 2015;
Tisha Shanel Goings, ^{FOULER} appointment to Position Five, for a term to expire July 26, 2015;
Cornelius K. Booker, appointment to Position Six, for an unexpired term ending July 26, 2014, and to serve as Chair;
Jo Ann Formby, reappointment to Position Seven, for a term to expire July 26, 2015;
Roland G. Bienvenu, appointment to Position Nine, for a term to expire July 26, 2015;
Monte Osburn, appointment to Position Ten, for a term to expire July 26, 2014;
Eddie R. Jessie, appointment to Position Eleven, for a term to expire July 26, 2015;
Matthew P. Dickens, appointment to Alternate Position One, for a term to expire July 26, 2015;
Tamira Antwionette Cole, appointment to Alternate Position Three, for a term to expire July 26, 2015;
and
Bethanne Rollins Franco, appointment to Alternate Position Four, for an unexpired term ending July 26, 2014.

Résumés are attached for your review.

Sincerely,

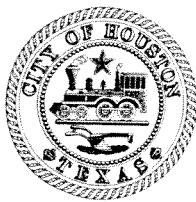
Annise D. Parker
Mayor

AP:JC:jsk

Attachments

cc: Ms. Katherine Tipton, Director of Department of Neighbourhoods





ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

2
SEP 04 2013

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 8-15-13
date

COUNCIL MEMBER: _____

August 15, 2013

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to the authority conferred on this office by Article V, Sec. 6 of the bylaws of Houston Media Source, Inc. (formerly known as Houston Cable Corporation), approved by Ordinance No. 86-1733, I hereby appoint the following individual to the Houston Media Source Board of Directors, subject to confirmation by the City Council:

Jesse A. Rodriguez, appointment to Position Ten, for an unexpired term ending December 31, 2014.

The résumé is attached for your review.

Sincerely,

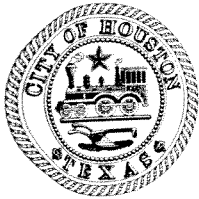
Annise D. Parker
Mayor

AP:JC:jsk

Attachment

cc: Mr. Tom Richards, Executive Director, Houston Media Source, Inc.

RECEIVED
AUG 15 2013
CITY SECRETARY



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

3
SEP 04 2013

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 8-16-13
date

COUNCIL MEMBER: _____

August 6, 2013

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to City of Houston Revised Executive Order 1-5, I am appointing the following individuals to the Independent Police Oversight Board (IPOB), subject to City Council confirmation:

Name	District	Panel	For an unexpired term ending
Margaret A. Nosek	K	A1	10/26/2014
Don Harris	C	B2	10/26/2013
Gwendolyn J. Samples	I	D2	10/26/2013

Résumés are attached for your review.

Sincerely,

Annise D. Parker

Annise D. Parker
Mayor

AP:JC:jsk

Attachment

cc: Mr. C.A. McClelland, Chief of Police, Houston Police Department
Mr. David M. Feldman, City Attorney, City of Houston
Mr. Marvin Hamilton, Chair, Independent Police Oversight Board (IPOB)



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Place the proposed tax rate of \$.63875/\$100 of value, which is the same as last year's tax rate, on the October 16th Agenda. Set dates for three public hearings on the proposed tax rate and publish analysis of anticipated increased revenues pursuant to Sec. 44-27 of the Houston Code of Ordinances.

Category #

Page 1 of 2

Agenda Item#

4

FROM: (Department or other point of origin):

Kelly Dowe

Finance Department

Origination Date

September 4, 2013

Agenda Date

SEP 4 2013

DIRECTOR'S SIGNATURE:

Kelly Dowe

Council Districts affected:

All

For additional information contact:

Jennifer Olenick, Assistant Director

Phone: 832-393-9112

Thy-Huyen Ruiz, Division Manager

Phone: 832-393-9075

Date and identification of prior authorizing Council Action:

September 25, 2012; Motion No. 2012 0687

RECOMMENDATION: (Summary) That the City Council approve a motion placing the proposed tax rate of \$.63875/\$100 of value on the Agenda of City Council for October 16, 2013. Set the public hearing dates on the proposed tax rate and publish analysis of anticipated increased revenues pursuant to Sec. 44-27 of the Houston Code of Ordinances.

Amount of Funding:

Not Applicable

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

SPECIFIC EXPLANATION:

State law sets forth detailed requirements for the process of setting ad valorem tax rates, including public hearings, newspaper publications, and actions of the governing body. A city ordinance sets additional requirements for this process. These requirements include minimum and maximum time periods for each step in the process.

Effective Tax Rate and Rollback Tax Rate

Section 26.04 (e) of the Tax Code requires that the Effective Tax Rate and the Rollback Tax Rate be reported to the governing body of each taxing unit. The Effective Tax Rate for Tax Year 2013 is \$.613728/\$100 of assessed value and the Rollback Tax Rate is \$.641297/\$100 of assessed value.

Public Hearings

Section 26.05(d) of the Tax Code requires the City of Houston to hold two public hearings before adopting a tax rate that exceeds the rollback rate or the effective tax rate, whichever rate is lower. In addition, the Houston Code of Ordinances, Sec. 44-27 requires the City of Houston to hold at least three public hearings before adopting a tax rate expected to increase the City of Houston's ad valorem property tax revenues for the current fiscal year in an amount greater than five percent more than the ad valorem property tax revenues collected during the immediately preceding fiscal year. The three hearings required under the Code of Ordinances may be combined with any hearings required by the Tax Code. The Code of Ordinances requires that two of the public hearings be held in the evening and one during the day. The Director of Finance must recommend dates and time for the required public hearings. It is recommended that City Council set the following dates and times for the hearings: September 17, 2013 at 6 PM; September 24, 2013 at 6 PM; and October 2, 2013 at 9 AM.

Newspaper Publications

Section 26.05(d) of the Tax Code requires the City of Houston to publish newspaper ads before adopting a tax rate, including notices of the dates and times of the public hearings and the Council action to set the tax rate. In addition, Section 44-27 of the Houston Code of Ordinances requires that an analysis of anticipated increased revenues be published in the major Houston newspaper, when the ad valorem tax rate proposed is expected to produce ad valorem property tax revenue collections during the current fiscal year of more than five percent the ad valorem property tax revenues collected in the immediately preceding fiscal year.

REQUIRED AUTHORIZATION

Other Authorization:

Other Authorization:

Other Authorization:

Date:	Subject : Place the proposed tax rate of \$.63875/\$100 of value, which is the same as last year's tax rate, on the October 16th Agenda. Set dates for three public hearings on the proposed tax rate and publish analysis of anticipated increased revenues pursuant to Sec. 44-27 of the Houston Code of Ordinances.	Originator's Initials	Page 2 of 2
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Summary

City Council must pass a motion to place a specific proposed tax rate on a future City Council Agenda, set the dates and time for the public hearings and publish an analysis of anticipated increased revenues. The City Council meeting to vote on the proposed tax rate may not be earlier than the 10th day or later than the 14th day after the date of the last public hearing.

The proposed tax rate of \$.638750/\$100 of assessed value must be apportioned between Maintenance and Operations (M&O) and Interest and Sinking Fund (I&S). The M&O rate is \$.477085/\$100 of assessed value and the I&S rate is \$.161665/\$100 of assessed value which, when combined, equal the total tax rate of \$.63875/\$100 of assessed value.

It is therefore recommended that City Council pass a motion to place the proposed tax rate of \$.63875/\$100 of value for tax year 2013 on the Agenda of City Council for October 16, 2013, scheduling three public hearings on the proposed tax rate in City Council Chambers on September 17, 2013 at 6 PM; September 24, 2013 at 6 PM; and October 2, 2013 at 9 AM and publish analysis of anticipated increased revenues pursuant to Sec. 44-27 of the Houston Code of Ordinances.

cc: David M Feldman, City Attorney
Sameera Mahendru, Senior Assistant City Attorney
Marta Crinejo, Agenda Director

REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**SUBJECT:** Approve Motion authorizing Supplementary Budgets submitted by the Houston Arts Alliance, Miller Theatre Advisory Board, Inc, the Houston Museum District Association & the Theater District Improvement, Inc., pertaining to a true-up of additional hotel occupancy tax funds received during FY2013.**Category #****Page 1 of 1****Agenda Item#**
5**FROM: (Department or other point of origin):**

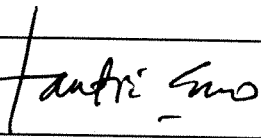
Kelly Dowe, Director of Finance

Origination Date

8/30/13

Agenda Date

SEP 4 2013

DIRECTOR'S SIGNATURE:On Behalf of Kelly Dowe: **Council Districts affected:**

All

For additional information contact:

LaToya Jasper, Deputy Assistant Director, Finance Department

Phone: (832) 393-9049

Minnette Boesel, Mayor's Assistant for Cultural Affairs

Phone: (832) 393-1097

Date and identification of prior authorizing Council Action:

2010-0741, Sept 22, 2010

RECOMMENDATION: (Summary)

Approve Motion authorizing Supplementary Budgets submitted by Houston Arts Alliance, Miller Theatre Advisory Board, Inc., The Houston Museum District Association & the Theater District Improvement, Inc., pertaining to a true-up of additional hotel occupancy tax funds received during FY2013.

Amount of Funding: \$ 1,335,871 of FY 2013 Hotel Occupancy Tax Revenue**CED Enterprise Fund: 8601****Finance Department Budget:****SPECIFIC EXPLANATION:**

The City of Houston has entered into a three year contract for FY 2011 thru FY 2013 with the Houston Arts Alliance ("HAA"), Miller Theatre Advisory Board, Inc. (MTAB), Theater District Improvement, Inc. and Houston Museum District Association to promote the arts. During FY 2013 the City made quarterly payments to each contractor in a total amount equal to 19.3 percent of the City's gross hotel occupancy tax ("HOT") receipts. HOT estimates at the time of the FY 2013 contract projected the Arts Contractors would receive approximately \$12,600,000 total in FY 2013. Based on actual year-end figures, the Arts Contractors' share of the HOT revenues is \$13,935,871, which is \$1,335,871 over the amount projected in the FY 2013 budget in year three of the three year contract with the City. Pursuant to the terms of the contract, the Arts Contractors have each submitted a supplementary budget outlining how it will utilize the funds over and above the original projected amount and to obtain City Council approval before the additional funds are received.

Proposed supplementary budgets are attached.

The Finance Department recommends approval of the Arts Contractors' supplementary budgets for FY 2013.

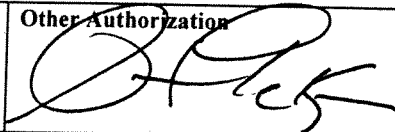
REQUIRED AUTHORIZATION**Finance Department****Other Authorization****Other Authorization**

Exhibit A
Houston Museum District Association
Gross Receipts Budget for
Hotel Occupancy Tax Funds
FY 2012-13, Supplementary Budget

FY 2012-2013 Supplementary Budget Hotel Occupancy Tax funds are allocated to the Houston Museum District Association and 11 member museums for the following purposes:

<u>Purposes</u>	Supplementary Budget(*): \$240,388.81
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To support tourism marketing efforts that include an information brochure, web site, and quarterly Museum Experience events. Funds also to be utilized to support improvement and installation of district signage.

<u>Museum tourism marketing/PR programs:</u>	<u>\$14,423.33</u>
Museum of Fine Arts, Houston	\$71,405.10
Houston Museum of Natural Science	\$46,548.89
The Menil Collection	\$34,572.72
Contemporary Arts Museum Houston	\$16,043.55
Children's Museum of Houston	\$16,043.55
Houston Zoo	\$ 9,264.58
Health Museum	\$ 9,264.58
Holocaust Museum Houston	\$ 9,264.58
Rice University Art Gallery	\$ 4,519.31
Lawndale Art Center	\$ 4,519.31
Jung Center	\$ 4,519.31
 <u>Total</u>	 <u>\$ 240,388.81</u>

(*) Subject to adjustment for City of Houston final amount.



FY 2013 Supplementary HOT Funds Proposal

HOT revenue for the arts for fiscal year 2013 was \$13,935,871, which exceeds the contracted amount of \$12,600,000 by \$1,335, 871. HAA's share of the overage is \$527,704 of the supplementary budget payment, which will be allocated as follows:

HAA SUPPLEMENTARY HOT FUNDS	\$527,704
HAA ADMIN-10.5%	\$55,409
HAA GRANTS -29%	\$100,000
HAA BUILD-OUT OF NEW SPACE - 60.5%	\$372,295
CITY'S INITIATIVE GRANTS-2.5%	\$33,395

The Executive Committee for Houston Arts Alliance has approved using the supplementary budget payment for the Arts Marketing grants and the build-out of the anticipated new HAA offices and gallery.

The Arts Marketing grants provides funding to not-for-profit organizations in the City of Houston who are recipients of General Operating Support (GOS) and General Operating Support Expansion (GOSE) grants from HAA in fiscal year 2013. Grants will be reviewed on a peer review process which mirrors national standards with a priority placed on tourism initiatives.

The building that HAA is leasing space in is being sold and HAA is anticipating a need to move; therefore, we may need to direct the remaining supplementary budget to the cost of building out a new space once a space is confirmed. If funding is not used for this purpose, remaining funds may be directed toward arts project grants for Houston artists and arts organizations as has been the practice in the past.

HAA administers the City's Initiative Grants on behalf of the City of Houston. The \$33,395 shown for City's Initiatives Grants above is separate and apart from the \$527, 704 and represents 2.5% of the total Supplementary HOT funds for arts in Houston.

Theater District Improvement, Inc.
Gross Receipts Budget for
Hotel Occupancy Tax Funds
Supplementary Budget FY 2012-2013

FY 2012-2013 Supplementary budget Hotel Occupancy Tax Funds are allocated to the Theater District Improvement, Inc. and 7 member arts organizations for the following purposes (see attached expenditure outline):

Theater District Organizations

Houston Symphony	\$77,560.18
Theatre Under The Stars	\$47,260.73
Houston Grand Opera	\$69,031.45
Houston Ballet	\$61,881.42
Da Camera of Houston	\$4,841.49
Society For The Performing Arts	\$12,985.48
Alley Theatre	\$47,068.35
Total	\$320,629.10

2012-2013 Supplementary Budget Usage

Houston Symphony

The overage funds were used to offset a special Houston Symphony free day of music. For 13 hours, Jones Hall was open to the public who were able to enjoy almost 30 different musical ensembles on five stages. These ensembles ranged from mariachi ensembles, jazz groups, brass bands, percussion ensembles and more. The Houston Symphony performed twice – a family concert in the morning to kick off the event and a classical concert in the evening to cap off the day. The final concert featured clarinetist Moran Katz, winner of the 2013 Ima Hogg Young Artist competition. Almost 10,000 adults and children passed through the doors of Jones Hall to listen to all the music and just enjoy the day. The event took over all of Jones Hall, included the outside patio area and spread across the street at Jones Plaza. It was an amazing environment and the people that came represented all of the diverse communities of Houston.

Houston Grand Opera

Houston Grand Opera (HGO) proposes that the overage the Houston Downtown Alliance projects for 2013 be applied to ongoing costs associated with its main stage productions for the 2012-13 subscription season.

Main stage activities are the foundation of everything HGO does, and our greatest need is support of those activities. The resources – artistic, technical and financial – required to mount our artistically excellent productions also provide HGO's ability to generate revenue, and build our capacity to create innovative education and community-engagement programs.

More than half of HGO's 2012-13 subscription season consisted of new productions: *La bohème*, *The Italian Girl in Algiers*, *Show Boat*, and *Tristan and Isolde*. New productions like these, besides being valuable working assets for the company through revivals and rentals, are a key component in establishing HGO's international reputation. They signify to the opera world the HGO identity, and raise the profile of the city of Houston internationally.

HGO's main stage works are also a significant draw for cultural tourism to Houston. In 2012-13, of the 7,836 households that purchased tickets to HGO for the first time, 1,422, or 18% of them, were more than 50 miles from downtown Houston. This total includes 1,193 households elsewhere in the state of Texas, 185 from other states, and 44 from other countries.

The overage amount projected for the Downtown Alliance's distribution to HGO would be invaluable support in helping the company to pay for ongoing costs for 2012-13 main stage productions, including set cartage, rental costs, and artist fees.

Alley Theatre

The HOT overage will help fund our summer advertising campaign to drive business to the Alley and the Theatre District. We are spending \$43,000 on TV spots and production on KHOU-11, KTRK-13 and KPRC-2, and have allocated an additional \$7500 for social media advertising targeted at those who have visited our website but haven't yet purchased tickets. Part of this social media buy will also be used to fund a broader promotional push aimed at prospective patrons throughout the Greater Houston area.

Theatre Under the Stars

Theatre Under The Stars utilized our HOT funds overage to offset costs associated with our planning and implementation of TUTS Underground, our new show series at Zilkha Hall. The overage funds were crucial in helping to launch this new program.

Society for the Performing Arts

Overage funds helped to offset the costs of bring the hugely popular Blue Man Group to Houston. Blue man Group draws audiences from the 5 county region and is an extremely popular production we are pleased to make happen for audiences.

Houston Ballet

HOT Overage helped create national awareness for Houston Ballet's performances in the Joyce Theatre in NY City. This creates a national awareness of Houston Ballet that has directly contributed to ballet patrons traveling to Houston to see productions of Houston Ballet.

Da Camera of Houston

HOT Overage funds gave a much needed lift to marketing for the 2013-2014 season. Da camera is bringing internationally renowned jazz and classical artists to Houston as part of the new season and the challenge to market this to audiences outside of Houston is always an issue of money. The overage funds helped us with several marketing initiatives.



Miller Theatre Advisory Board, Inc.

FY 2013 Supplemental Budget (Proposed) Hotel Occupancy Tax Revenues

The Miller Theatre Advisory Board (MTAB) will use supplementary Hotel Occupancy Tax funds for enhancing the 2014 season of always-free performances at Miller Outdoor Theatre and for marketing all of the season's performances as tourist destinations. HOT Grants Programming expenses also include a contingency to engage HPD Special Operations Traffic Detail for performances that historically draw or are anticipated to draw large audiences. With a limited number of parking spaces available in Hermann Park, MTAB is aware of the need to keep traffic moving and reduce gridlock on Hermann Park Drive and in the Museum District/Medical Center area.

These free performances are a vital cultural asset to the City of Houston and Houstonians and visitors are responding in record numbers to the high quality, diverse programming. In the past four years more than 1.75 million Houstonians and visitors attended 400+ performances and films, making Miller the most attended amphitheatre in the country.

The 2014 Season will include performances from:

- Houston Grand Opera
- Theatre Under The Stars
- Houston Ballet
- The Houston Symphony's series of symphonic performances culminating with the July 4th spectacular
- U of H's annual Houston Shakespeare Festival
- BACE Entertainment's annual "Dancin' in the Street-Motown & More Revue"
- Dance of Asian America's "East Meets West" and "Splendid China" with award-winning guest artists from China
- Musical performances celebrating Cinco de Mayo, El Grito and Juneteenth
- Indian Performing Arts- Samskriti's "Incredible India!" and "Bollywood Blast"
- 35th Annual Festival Chicano
- 25th Annual Accordion Kings & Queens
- Houston Metropolitan Dance Company
- Mercury

240,000 brochures will be printed and distributed to promote the 2014 season, including distribution at area-hotels and visitors' centers. Texas visitors will be reached through advertisements in Texas Highways and the GHCVB's Official Visitors Guide, and extensive online marketing efforts via Tour Texas, Facebook, Twitter, Yelp, and ReachLocal. Trip Advisor awarded Miller Theatre a 2013 Certificate of Excellence for its superior ratings and reviews from travelers, signifying an impressive ranking in the top 10% worldwide for traveler feedback.

The Miller Theatre Advisory Board and the many performing arts organizations that make Miller Outdoor Theatre a popular tourist destination thank City Council for its ongoing financial support. Miller Outdoor Theatre is our city's totally unique cultural treasure. The only always-free outdoor proscenium theatre in the country, Miller annually entertains nearly half a million Houstonians and visitors, many of whom might otherwise never be exposed to professional, artistically excellent entertainment.

We sincerely appreciate your consideration.

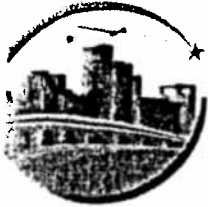
Miller Theatre Advisory Board, Inc.
FY 2013 Supplemental Budget (Proposed)
Hotel Occupancy Tax Revenues

Revenue

Hotel Occupancy Tax	\$ 213,754.41
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Expenses

HOT Grants/Performances & Programming Expenses	\$ 141,566.00
Miller Presents Production Expenses	\$ 47,188.41
Outreach/Education/Marketing	\$ 25,000.00
<i>Total Expenses</i>	<u>\$ 213,754.41</u>



CITY OF HOUSTON
OFFICE
of
BUSINESS OPPORTUNITY

Interoffice
CORRESPONDENCE

To: Richard A. Vella, Chief of Design &
Construction, General Services
Department

From: Marsha E. Murray,
Assistant Director

Date: August 22, 2013

cc: Richard Odlozil

Subject: Closeout Evaluation for: 4600011621:
Miller Outdoor Theatre Irrigation

The above project was awarded to Gulf Coast Landscape Services. The work was completed February 10, 2013 and the clearance request was received on July 15, 2013.

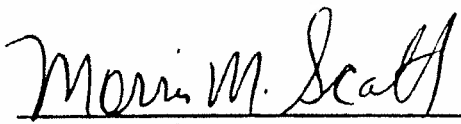
Final Audit and Evaluation by the Contract Compliance Section indicate the following:

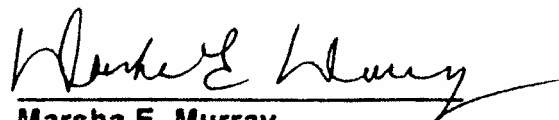
	Yes	No
Contractor submitted weekly payrolls, CC documents, etc.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SMWDBE participation goal met. NO GOAL	<input type="checkbox"/>	<input type="checkbox"/>
SMWDBE Goal met by "Good Faith Effort"	<input type="checkbox"/>	<input type="checkbox"/>

Here are our ratings for this project regarding SMWDBE goal and contract compliance:

	<u>Outstanding</u>	<u>Satisfactory</u>	<u>Unsatisfactory</u>
Contract Compliance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SMWBE Compliance NO GOAL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SMWDBE "GFE"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED:


Morris M. Scott
Division Manager


Marsha E. Murray



Document 00653

CONTRACTOR PERFORMANCE EVALUATION

1. Project Name: Miller Outdoor Theatre Irrigation Improvements
2. Project No.: WBS No. D-000125-0008-4 3. Contract No.: 4600011621
4. Contractor: Gulf Coast Landscape Services, Inc.
5. Contract Price Analysis:
- | | | |
|-------------------------------|----------------------|----------------------|
| A. Original Contract Price: | \$ <u>260,665.00</u> | (From Agreement) |
| B. Approved Additional Costs: | \$ <u>13,033.00</u> | (From Change Orders) |
| C. Final Contract Price: | \$ <u>273,698.00</u> | (5A + 5B) |
6. Contract Time Analysis:
- | | | |
|---|--------------------------|--------------------------|
| A. Date of Commencement of the Work: | <u>November 13, 2012</u> | (From NTP) |
| B. Days Allowed by Contract: | <u>90</u> | (From Agreement) |
| C. Original Date of Substantial Completion: | <u>February 11, 2013</u> | (From NTP or 6A + 6B) |
| D. Approved Additional Days: | <u>0</u> | (From Change Orders) |
| E. Total Days Allowed: | <u>90</u> | (6B + 6D) |
| F. Revised Completion Date: | <u>February 10, 2013</u> | (6A + 6E) |
| G. Total Days Used: | <u>89</u> | (From Daily Reports) |
| H. Actual Completion Date: | <u>February 10, 2013</u> | (6A + 6G) |
| I. Overruns/(underruns) in Days: | <u>(1)</u> | (6H - 6F) |
| J. Liquidated Damages Per Day: | \$ <u>800.00</u> | (From Suppl. Conditions) |
| K. Amount Assessed: | \$ <u>0</u> | (6I x 6J or 0, if < 0) |
7. Program Monitoring / Contract Compliance Evaluation and Rating:
- | | <u>Per Contract</u> | <u>Actual</u> | <u>Outstanding</u> | <u>Satisfactory</u> | <u>Unsatisfactory</u> |
|--|---------------------|---------------|--------------------|---------------------|-----------------------|
| A. MWBE Goal: | <u>NO GOAL</u> | | Grade: _____ | _____ | _____ |
| B. PDBE Goal: | _____ | _____ | Grade: _____ | _____ | _____ |
| C. DBE Goal: | _____ | _____ | Grade: _____ | _____ | _____ |
| D. Prevailing Wage Rates: | | | Grade: _____ | <u>X</u> | _____ |
| E. Reasons for any Outstanding or Unsatisfactory Grades: | _____ | | | | |

Charles L. Byrd
Contract Compliance Officer
Office of Business Opportunity

Mari M. Scott
Director
Office of Business Opportunity

**SUBJECT: Water Environment Research Foundation (WERF)
Annual Fees for Subscription Year 2013**

Page
1 of 1

Agenda Item

6

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

8/29/13

Agenda Date

SEP 04 2013

DIRECTOR'S SIGNATURE

David W. Klieger, P.E.
Director, Public Works and
Engineering Department

Council District affected: ALL

For additional information contact:

Jason A. Iken
Senior Assistant Director

Phone: (832) 395-4989

**Date and identification of prior authorizing
Council action:**

Motion No. 2012-0658, dated August 29, 2012

RECOMMENDATION: Adopt a Motion approving spending authority in the amount of \$86,735.00 to pay the Water Environment Research Foundation annual fees for Subscription Year 2013 (09/01/2013 to 08/31/2014).

Amount and Source of Funding: \$ 86,735.00 - from Water and Sewer System Operating Fund 8300

JS 8.20.13

SPECIFIC EXPLANATION:

The amount assessed is a function of the average annual wastewater flow for the City of Houston, which is 209 MGD.

WERF supports leading edge research projects on matters related to water quality, wastewater treatment, residuals handling, and asset management. WERF also receives substantial funding from EPA. WERF funds research in the following areas: wastewater collection and treatment, watersheds and ecosystems, and human health. Of particular interest to the Wastewater Operations Branch are projects that focus on inspection and maintenance of gravity sewers and force mains, wet weather issues, biosolids, and asset management. As a subscriber to WERF, the City of Houston is entitled to access proprietary information such as: research publications, interim research findings from ongoing projects, online tools, and conference proceedings.

WERF is currently in various stages of valuable research in the following subject areas:

- The design, evaluation, rehabilitation and optimization of centralized and decentralized water, wastewater and storm water systems.
- Facility and asset management at plants and collection systems including security strategies and tactics, early warning systems and energy management.
- Technologies for the removal of nutrients, pathogens, micro-pollutants, air pollutants and odors from centralized and decentralized treatment technologies.
- Solids treatment and reuse including land application, odor and pathogens control.
- Storm water system monitoring, compliance, optimization and sustainability.
- Watershed management and water quality including human and ecological risks from contaminants.

REQUIRED AUTHORIZATION

CUIC 20JAI498

Finance Department

Other Authorization:

Other Authorization:

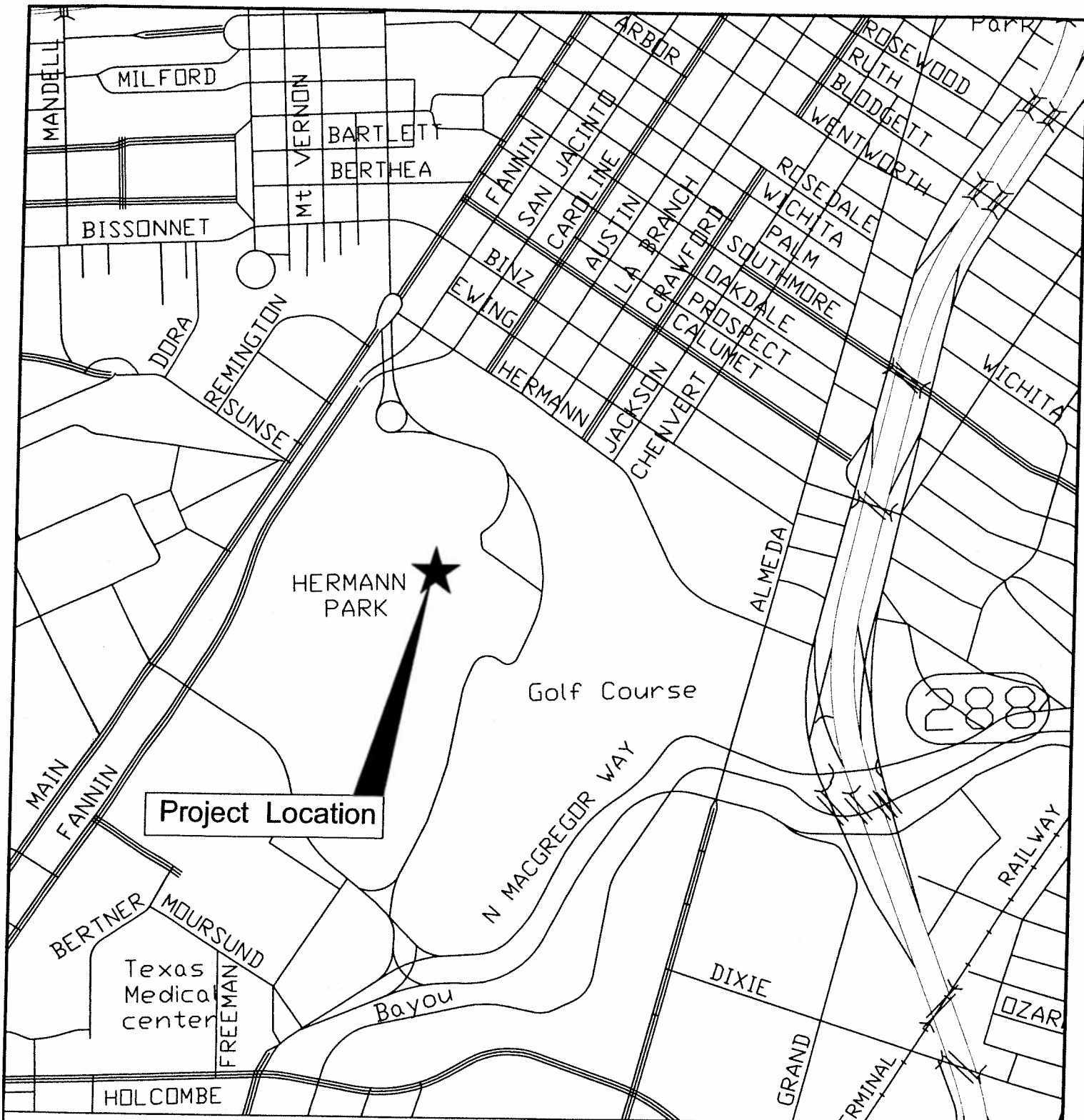
Jun Chang
Jun Chang, P.E., D.WRE
Deputy Director
Public Utilities Division

6

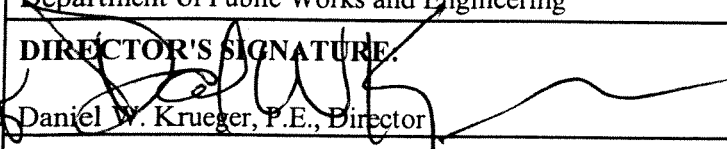
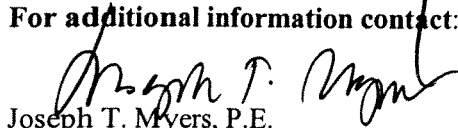
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work Gulf Coast Landscape Services, Inc. Miller Outdoor Theatre Irrigation Improvements WBS No. D-000125-0008-4		Page 1 of 1	Agenda Item 7
FROM (Department or other point of origin): General Services Department		Origination Date 8/28/13	Agenda Date SEP 04 2013
DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott Minnix</i> 8/13/13		Council District affected: D	
For additional information contact: Jacquelyn L. Nisby <i>JN</i> Phone: 832-393-8023		Date and identification of prior authorizing Council action: Ordinance No. 2012-586, Dated June 20, 2012	
RECOMMENDATION: The General Services Department recommends approval of final contract amount of \$273,698.00 and acceptance of work on contract with Gulf Coast Landscape Services, Inc. for Miller Outdoor Theatre Irrigation Improvements – 5% over the original contract amount and within the 5% contingency.			
Amount and Source of Funding: No Additional Funding Required		Finance Budget:	
Previous Funding: \$ 297,479.00 – General Improvement Consolidated Construction Fund (4509)			
SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$273,698.00 or 5% over the original contract amount, accept the work and authorize final payment to Gulf Coast Landscape Services, Inc. for construction services in connection with Miller Outdoor Theatre Irrigation Improvements for the Houston First Corporation and Houston Parks and Recreation Department.			
PROJECT LOCATION: 6000 Hermann Park Dr. (533 A)			
PROJECT DESCRIPTION: The scope of work consisted of irrigation installation at the open seating area and surrounding areas, underground water tank and pump to support the irrigation system, sod and turf aeration, decomposed granite top dressing, and grading and drainage modifications. James Patterson, Inc. dba White Oak Studio was the design consultant and construction manager for the project.			
CONTRACT COMPLETION AND COST: The contractor completed the project within the original contract duration of 90 days. The final cost of the project including Change Orders is \$273,698.00, an increase of \$13,033.00 over the original contract amount.			
PREVIOUS CHANGE ORDERS: Change Orders 1-2 provided for the installation of eight additional irrigation sleeves under roadways and sidewalks, and a separate water meter tap and backflow preventer for the irrigation system with security enclosure.			
SM:RAV:JLN:AJ:RJO:po			
c: Marta Crinejo, Jacquelyn L. Nisby, Calvin Curtis, Mark Ross, Luci Correa, Carlecia D. Wright, Morris Scott, Gabriel Mussio, Lisa Johnson, Martha Leyva, Christopher Gonzales, File 1108			
REQUIRED AUTHORIZATION CUIC ID # 25PARK206			
General Services Department: <i>[Signature]</i> Richard A. Vella Chief of Design & Construction Division	Houston First Corporation: <i>[Signature]</i> Dawn R. Ullrich President	Houston Parks and Recreation Department: <i>[Signature]</i> Joe Turner Director	



**Miller Outdoor Theatre:
Irrigation Improvements**
6000 Hermann Park Drive
Houston, TX 77030

SUBJECT: Accept Work for West Bellfort Paving and Drainage from South Wilcrest to South Kirkwood; WBS No. N-000764-0001-4, R-000500-0105-4 and S-000500-0105-4.	Page 1 of 1	Agenda Item # 8
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 8/29/13	Agenda Date SEP 04 2013
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: F (F)m	
For additional information contact:  Joseph T. Myers, P.E. Sr. Assistant Director Phone: (832) 395-2355	Date and identification of prior authorizing Council action: Ord. # 2011-0455 dated: 06/08/2011	

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$3,432,581.55 or 1.15% over the original Contract Amount and under the 5% contingency amount, accept the work, and authorize final payment.

Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$3,930,900.00 with \$3,625,974.00 from METRO Projects Construction Fund No. 4040 and \$304,926.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.

PROJECT NOTICE/JUSTIFICATION: This project was part of the Street and Traffic Capital Improvement project (CIP) and was necessary to meet City of Houston standards and improve traffic.

DESCRIPTION/SCOPE: This project consisted of the rehabilitation of approximately 4,200 linear feet of existing divided roadway per Major Thoroughfare Freeway Plan (MTFP) standards. The project improvements included four lane divided concrete roadway with curb, an underground storm sewer system, sidewalks, street lights and necessary utilities. Pate Engineers designed the project with 400 calendar days allowed for the construction. The Contract was awarded to Total Contracting Limited with an original Contract Amount of \$3,393,644.89.

LOCATION: This section of the Rehabilitation of West Bellfort is generally located between South Wilcrest on the east and South Kirkwood on the west. The project is located in the Key Map Grids 529X and 569B.

CONTRACT COMPLETION AND COST: The Contractor, Total Contracting Limited has completed the work under the subject Contract. The project was completed with an additional 15 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Orders No. 1 and 2 is \$3,432,581.55, an increase of \$38,936.66 or 1.15% over the original Contract Amount.

The increased cost is a result of the difference between planned and measured quantities. This increase is primarily the result of overrun in General Items, Water Items, Paving Items, Stormwater Items, Wastewater Items and Traffic Items, which were necessary to complete the project.

MBE/SBE PARTICIPATION: The MBE/SBE goal established for this project was 17%. According to Mayor's Office of Business Opportunity, the participation was 16.24%. Contractor's MBE/SBE performance evaluation was rated Satisfactory.

DWK:DRM:JTM:JAK:JMC:ha

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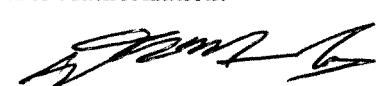
REQUIRED AUTHORIZATION

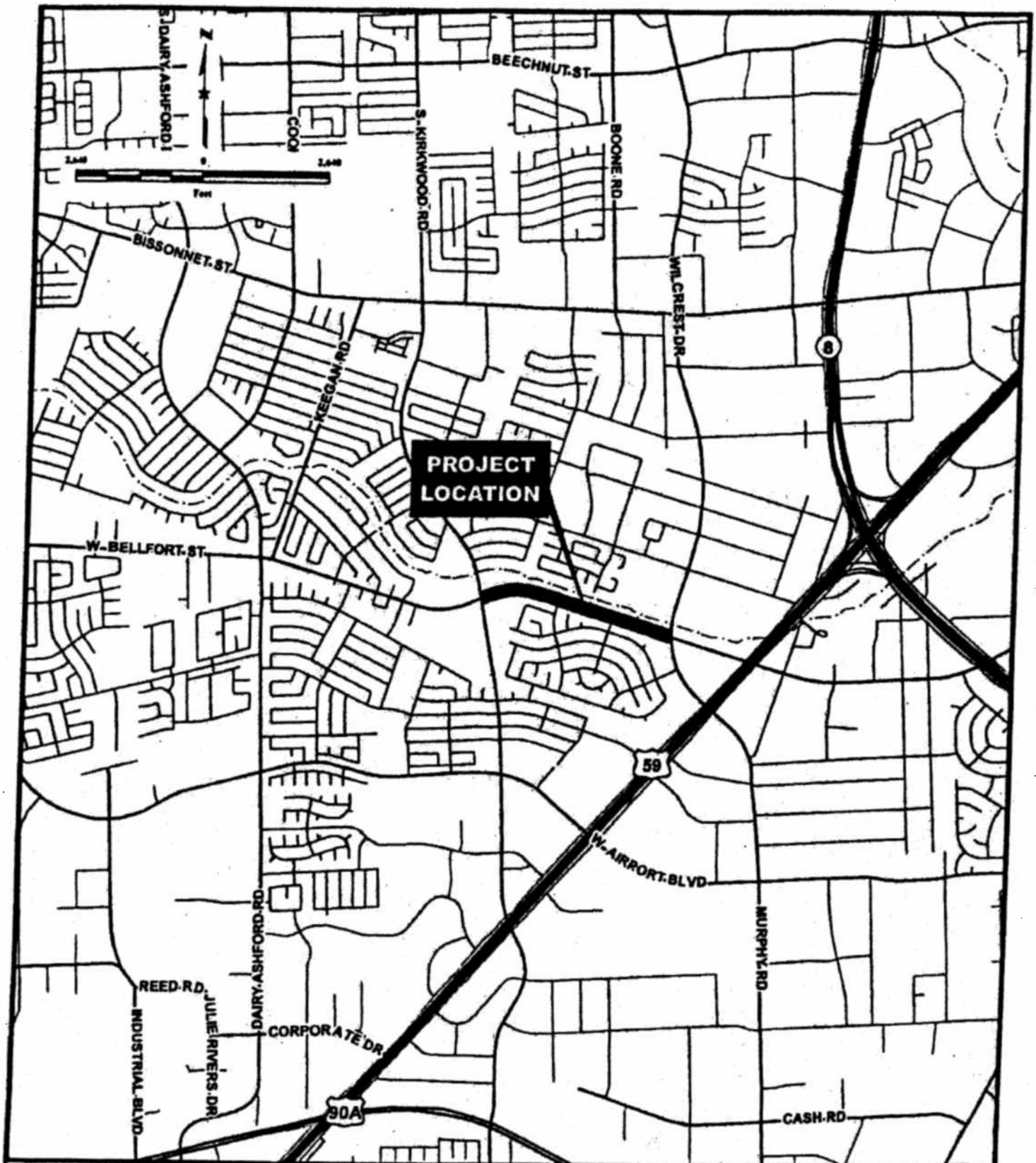
20HA240 NDT

Finance Department:

Other Authorization:

Other Authorization:


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



WEST BELFORT RECONSTRUCTION; FROM WILCREST TO KIRKWOOD
WBS No. N-000764-0001-3
VICINITY MAP

KEY MAP Nos. 529W, 529X, 569B, & 569C

COUNCIL DISTRICT "F"

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Additional Appropriation and Accept Work for Legend Lane Lift Station Replacement; WBS No. R-000267-00D5-4.Page
1 of 1Agenda Item
#9+9A**FROM (Department or other point of origin):**

Department of Public Works and Engineering

Origination Date

8/29/13

Agenda Date

SEP 04 2013

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E., Director

Council District affected:G
(G)

41-

For additional information contact:Joseph T. Myers, P.E.
Senior Assistant Director

Phone: (832) 395-2355

Date and identification of prior authorizing Council action:

Ord. # 2011-0851 dated: 10/05/2011

RECOMMENDATION: (Summary) Approve an ordinance appropriating \$5,755.15, adopt a motion to approve the final Contract Amount of \$863,610.40 or 5.70% over the original Contract Amount, accept the Work, and authorize final payment.**Amount and Source of Funding:** Additional appropriation of \$5,755.15 from Water and Sewer System Consolidated Construction Fund No. 8500. Previous (original) appropriation of \$947,100.00 from Water and Sewer System Consolidated Construction Fund No. 8500.**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's ongoing program to upgrade its wastewater facilities.**DESCRIPTION/SCOPE:** This project consisted of the replacement of the existing lift station with a new submersible lift station. ARCADIS U.S., Inc. designed the project with 260 calendar days allowed for construction. The project was awarded to Gin-Spen, Inc. with an original Contract Amount of \$817,005.00.**LOCATION:** The project area is located at 20 Legend Lane. This project is located in Key Map Grid 489M.**CONTRACT COMPLETION AND COST:** The Contractor, Gin-Spen, Inc., has completed the work under the subject Contract. The project was completed with an additional 22 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1 is \$863,610.40, an increase of \$46,605.40 or 5.70% over the original Contract Amount.

The increased cost is a result of an overrun in unit price items and additional work added to the original Contract. This increase cost is primarily due to an overrun in unit price items; change in the planned quantities estimated from the construction plans versus actual quantities installed and measured from the field. These items include Base Unit Price Item No. 19 – Removing and Disposing of Concrete Pavement, and Base Unit Price Item No.43 – Hot Mix Asphaltic Concrete Surfacing 2-inch Thick. The increased cost due to additional work was necessary to mitigate extreme elevation of the constructed structure, to provide sufficient erosion protection to the lift station, and to improve the eastern half of the road condition and appearance in the neighborhood. The work was listed in the previously approved Change Order No. 1.

The requested appropriation of \$5,755.15 and the current contingency balance will cover the overrun cost of Bid Items, which were necessary to complete the project.

M/SBE PARTICIPATION: The Contract was not a goal-oriented per Art. V, Chapter 15.

DWK:DRM:JTM:SKF:AHH:ha

H:\E&C Construction\Facilities\Projects\R-000267-00D5-4 Legend Lane Lift Station\21.0 Close-Out Documentation\RCA\RCA - Closeout.doc

LTS #6519

REQUIRED AUTHORIZATION

20HA247

NOT

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

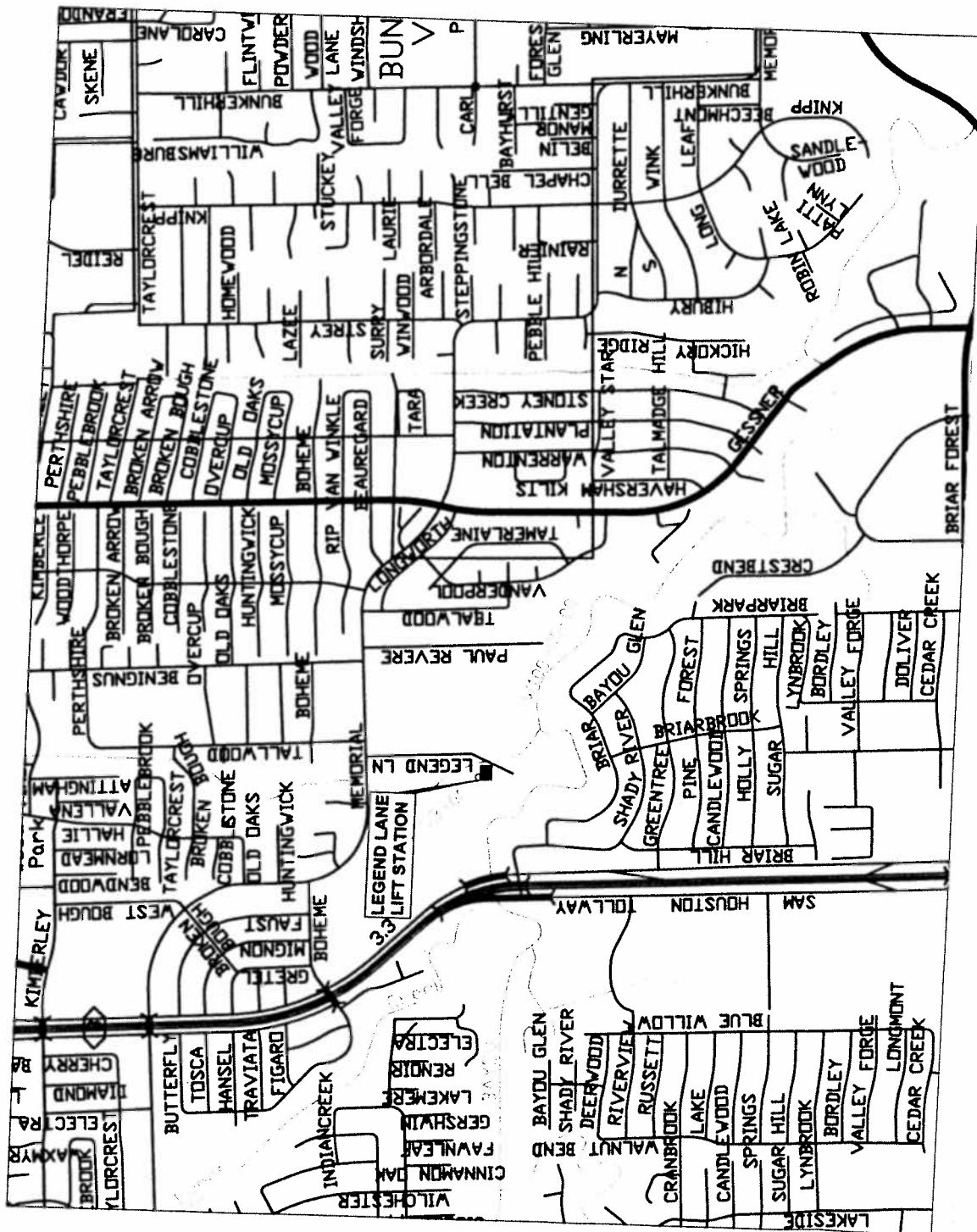
91A

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING
ENGINEERING & CONSTRUCTION DIVISION



KEY MAP

LEGEND LANE: 489M



FACILITY NO. 121 LEGEND LANE LIFT STATION

ARCADIS
2625 Bayport Dr
Houston, TX 77058
Tel: 713-463-4400 Fax: 713-477-4800
www.arcadis-usa.com



CITY OF HOUSTON

LIFT STATION RENEWAL & REPLACEMENT
LEGEND LANE LIFT STATION
WBS No. R-000267-0005-4

VICINITY MAP

CITY OF HOUSTON
STANDARD DOCUMENT

CHANGE ORDER

Document 00941
CHANGE ORDER No. 1

PROJECT: Lift Station Renewal - Legend Lane

CONTRACT No.: 4600011179 PROJECT No.: R-000267-00D5-4 (WW4885-04)

TO: Gin-Spen, Inc.
780 W. Kennedale Parkway
Contractor and
Address for Written Notice Kennedale, TX 76060

1.01 DESCRIPTION OF CHANGES

ITEM 1 SCOPE: Modification of various items around the lift station to
mitigate extreme elevation of the constructed structure.
(RFP Nos. 1 and 1a)

CONTRACT CHANGE	
Amount	Time
\$49,570.04	0 Days

1/17/2013

**CITY OF HOUSTON
STANDARD DOCUMENT**

CHANGE ORDER

PROJECT No.: R-000267-00D5-4 (WW4885-04)

CHANGE ORDER No. 1

JUSTIFICATION: Due to the lift station being located in the floodplain, the electrical platform structure were constructed at a higher elevation and is higher than most platforms located within the city of Houston. In addition to being extremely high, it's located directly in an entrance of a subdivision and is substantially imposing. The height of the structure is significantly higher than the proposed fence. Besides this, the amount of landscape originally proposed is inadequate to help shield the platform from view of the surrounding neighborhoods. As a result, modification to the original Work is necessary to mitigate extreme elevation of the constructed structure.

Fence Modification: The original contract included an 8-foot high fence with a sliding gate. The proposed change includes a new 10- to 12-foot high fence with a swing gate to help obscure the view of the structure. (Item Nos. 47, 49, 90, & 91)

Additional Landscaping: The original contract included placement of bamboo trees along the street perimeter outside of the fence. To help obscure the platform, the proposed change includes additional placement of bamboo trees at selected locations inside the fence and along the retaining wall backside of the fence. Since the original contract proposed placement of concrete pavement inside the fence, the contractor had to partially remove what was installed and prepared for planting at this site (Item Nos. 44, 45, 46, & 92)

Contractor Utilization: While decisions to the modification were being discussed, the Contractor was asked to stop work on September 17, 2012 and demobilize. On October 24, 2012, the Contractor was instructed to complete all work under the original contract (excluding the changes listed under this proposed change order). Modification to the contract is requested to compensate for the additional cost incurred. (Item Nos. 93, 94, & 95)

Unit Item	Unit Item Description	Unit	Add/Deduct Qty	Unit Price	Add/Deduct Amount
44	Reinforced Concrete Pavement, 7-Inch	SY	(97.95)	\$90.00	\$(8,815.50)
45	6-Inch Curb & Gutter (Monolithic)	LF	21.17	\$35.00	\$740.95
46	4-1/2 Inch Concrete Sidewalk	SF	46.00	\$9.00	\$414.00
47	8-Foot High Painted Wood Fence (Treated Pine) With Galvanized Steel Wire Mesh Panels	LF	(84.84)	\$10.00	\$(848.40)
49	Double-Wide Wooden Sliding Gate On Rollers (20 Ft Wide) with Support Track	EA	(1.00)	\$3,000.00	\$(3,000.00)
90	10 to 12-Foot High Wood Fence (Treated Pine) With Galvanized Steel Wire Mesh Panels	LS	1.00	\$19,021.53	\$19,021.53

00941-2

Print Date: 01/15/2013

1/17/2013 (R)

**CITY OF HOUSTON
STANDARD DOCUMENT**

CHANGE ORDER

PROJECT No.: R-000267-00D5-4 (WW4885-04)

CHANGE ORDER No. 1

91	Swing Gate (20 Ft Wide)	EA	1.00	\$18,500.90	\$18,500.90
92	Additional Landscaping	LS	1.00	\$9,132.86	\$9,132.86
93	Demob/Remob	LS	2.00	\$3,049.85	\$6,099.70
94	Additional Traffic Control & Regulations	WEE K	18.00	\$418.00	\$7,524.00
95	Storage Yard Rental	WEE K	8.00	\$100.00	\$800.00

ITEM 2 SCOPE: Adjust quantities for bid items listed below \$(43,615.85) 0 Days

JUSTIFICATION: Adjustment in the quantities are necessary, as allowed under Article 9.1.4 of Document 00700.

Unit Item	Unit Item Description	Unit	Add/Deduct Qty	Unit Price	Add/Deduct Amount
4	Inlet Protection Barrier	LF	(16.00)	\$40.00	\$(640.00)
6	Filter Fabric Fence (Reinf. & Non-Reinf.)	LF	39.00	\$3.00	\$117.00
13	Extra Depth, 4-Foot Diameter Precast Concrete Manhole	VF	(1.00)	\$450.00	\$(450.00)
14	Extra Depth, 6-Foot Diameter Precast Concrete Manhole	VF	(1.00)	\$550.00	\$(550.00)
26	Lime/Fly Ash Stabilized Subgrade 8-Inch	SY	(240.00)	\$7.00	\$(1,680.00)
27	10-Inch Diameter Sanitary Sewer by Open-Cut	LF	8.00	\$400.00	\$3,200.00
28	15-Inch Diameter Sanitary Sewer by Open-Cut	LF	5.00	\$400.00	\$2,000.00
29	8-Inch Diameter Dip Water Line by Trenchless Construction with Restrained Joints	LF	3.17	\$300.00	\$951.00
30	8-Inch Diameter Dip Water Line by Open-Cut with Restrained Joints	LF	5.00	\$100.00	\$500.00
38	12-Inch Perforated Drainage Pipe W/Sock	LF	(25.00)	\$50.00	\$(1,250.00)
41	Hot Mix Asphaltic Base Course, 7-Inch	TON	(61.50)	\$120.00	\$(7,380.00)
42	Recycled Crushed Conc. Base Course, 9-Inch	TON	1.45	\$37.00	\$53.65
50	Sodding	SY	10.00	\$10.00	\$100.00
74	Extra Ductile Iron Compact Fittings in Place	LB	(2000.00)	\$1.25	\$(2,500.00)
75	8-Inch Diameter Wet Connection and Gate Valve with Box	EA	(2.00)	\$7,500.00	\$(15,000.00)
76	Cement Stabilized Sand Backfill	CY	(50.00)	\$45.00	\$(2,250.00)
77	Extra Excavations Around Obstructions	CY	(80.00)	\$30.00	\$(2,400.00)
78	Extra Machine Excavation	CY	(30.00)	\$20.00	\$(600.00)
79	Extra Replacement of Backfill Material	CY	(30.00)	\$9.00	\$(270.00)
80	Extra Hand Excavation Around Obstructions	CY	(40.00)	\$40.00	\$(1,600.00)
81	Cement Stabilized Sand in Lieu of Lime	SY	(350.00)	\$7.00	\$(2,450.00)
82	Extra 2-Inch Diameter Copper Service Line with Meter Box, Short Side	EA	(1.00)	\$2,500.00	\$(2,500.00)
83	Extra 2-Inch Diameter Copper Service Line with Meter Box, Long Side	EA	(1.00)	\$3,500.00	\$(3,500.00)
84	Extra Class "A" Concrete Installed in Place for Structures	CY	(5.00)	\$400.00	\$(2,000.00)

00941-3

Print Date: 01/15/2013

1/13/2013

**CITY OF HOUSTON
STANDARD DOCUMENT**

CHANGE ORDER

PROJECT No.: R-000267-00D5-4 (VV4885-04)

CHANGE ORDER No. 1

85	Extra Grade 60 Reinforcing Steel in Place	LB	(2000.00)	\$1.00	\$(2,000.00)
86	Building Permit Allowance	EA	(.30)	\$5,000.00	\$(1,517.50)

ITEM 3 SCOPE: Furnish and install concrete retaining wall (RFI No. 23, 23a) \$10,753.18 22 Days

JUSTIFICATION: The original contract proposed a retaining wall to protect the backside of the lift station. However, the length of the wall was not sufficient to provide erosion protection in this area. An additional retaining wall is required for the southern side of the lift station site.

Unit Item	Unit Item Description	Unit	Add/Deduct Qty	Unit Price	Add/Deduct Amount
96	Concrete Retaining Wall (3 to 4 Ft High)	LS	1.00	\$10,753.18	\$10,753.18

ITEM 4 SCOPE: Remove and replace asphalt surfacing on eastern half of cul-de-sac \$23,940.00 0 Days

JUSTIFICATION: The intent of the original contract proposed removal and replacement of asphalt surfacing on the western half of the cul-de-sac. If construction is done according to the original contract, it will leave one side of the cul-de-sac with a fresh surface and the other side with a deteriorated and degraded surface. The proposed change is to increase the quantity of asphalt overlay work under the contract. This work is required, as pre-existing condition and is not the result of the construction activities, to improve the road condition and appearance in the neighborhood.

Unit Item	Unit Item Description	Unit	Add/Deduct Qty	Unit Price	Add/Deduct Amount
19	Removing and Disposing of Concrete Pavements (Including All Thickness, W/O Asphalt Including Base & Subgrade, W/ Orw/O Curb, All Depths)	SY	380.00	\$18.00	\$6,840.00
43	Hot-Mix Asphaltic Concrete Surfacing 2-Inch Thick	SY	380.00	\$45.00	\$17,100.00

TOTALS: \$40,647.37 22 Days

00941-4

Print Date: 01/15/2013

1/17/2013 (R)

CITY OF HOUSTON
STANDARD DOCUMENT

CHANGE ORDER

PROJECT No.: R-000267-00D5-4 (WW4885-04)

CHANGE ORDER No. 1

1.02 ACCEPTANCE BY CONTRACTOR

Contractor agrees to perform change(s) included in this Change Order for the price and time indicated. The prices for changes include all costs associated with this Change Order.

B.W. PEACOCK

B.W. Peacock VICE PRESIDENT
Contractor Signature and Title

JANUARY 17, 2013

Date

1.03 ACCEPTANCE BY THE CITY

AT 01/17/13
Project Manager Date

[Signature] 1/17/13
Chief Engineer Date

[Signature] 1/17/13
Assistant Director Date

[Signature] 1/17/13
Deputy Director Date

[Signature] 1/17/13
City Engineer Date

Annise D. Parker
Mayor - City of Houston
[Signature] 1-17-13
Date

cc:

File No. (WW4885-04)

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for FY11 Water Distribution System Rehabilitation and Renewal, WBS No. S-000MAO-0006-4, File No. WA 10873-06

Category

Page
1 of 1

Agenda Item
10

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

8/29/13

Agenda Date

SEP 04 2013

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E.

Council District affected:

All

For additional information contact:

Yvonne Forrest

Senior Assistant Director

Phone: (832) 395-2847

Date and identification of prior authorizing Council action:

06/01/11, Ordinance No. 2011-416

RECOMMENDATION: (Summary)

Pass a motion to approve the final contract amount of \$1,498,718.45 or 1.8% over the original contract amount, and under the 5 % contingency amount, accept the work, and authorize final payment.

Amount and Source of Funding: No additional funding is required. (Original appropriation of \$1,590,103.00 from the Water and Sewer System Operating Fund No. 8300).

PROJECT NOTICE/JUSTIFICATION: This project consisted of the replacement of water mains and ancillary work.

DESCRIPTION/SCOPE: This project provided for the replacement, improvement and/or new installations on existing service lines and City Water Mains. The main lines range in diameter up to 16 inches and the water service lines range in size from 3/4-inch to 2-inches in diameter. The project was awarded to Resicom, Inc, with an original contract amount of \$1,471,526.67. The Notice to Proceed date was 06/25/11 and the project had 365 calendar days for completion.

LOCATION: The project is located in Council Districts A, B, C, D, E, F, G, H, I, J, K

CONTRACT COMPLETION AND COST: The Contractor, Resicom, Inc., has completed the work under the contract within the contract time. The final cost of the project, including overrun and underrun of estimated bid quantities, will be \$1,498,718.45 an increase of \$27,191.78 or 1.8% over the original contract amount.

The increased cost is a result of the difference between planned and measured quantities of a few final issued work orders. This increase is primarily the result of an overrun in various Unit Price Items, which were necessary to complete the project.

M/WSBE PARTICIPATION: The M/WSBE goal for this project was 20%. According to Office of Business Opportunity, the actual participation was 51.24%. The contractor was awarded an "Outstanding" rating.

DWK:JC:YF:MN:SA:SM:TC:tc

Attachments

cc: Sam Lathrum

File No. 10873-06

REQUIRED AUTHORIZATION

CUIC ID# 20YWF33

Finance Department:

Other Authorization:

Other Authorization:

Yvonne Forrest

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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Rehabilitation of Water Storage Tanks;
WBS No. S-000600-0041-4.Page
1 of 2Agenda Item
11**FROM (Department or other point of origin):**

Department of Public Works and Engineering

Origination Date

8/29/13

Agenda Date

SEP 04 2013

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E., Director

Council District affected:A, C, G
(A, C, G)**For additional information contact:**Joseph T. Myers, P.E.
Sr. Assistant Director

Phone: (832) 395-2355

**Date and identification of prior authorizing
Council action:**

Ord. # 2012-0564 dated: 06/13/2012

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,675,355.37 or 2.85% under the original Contract Amount, accept the work, and authorize final payment.**Amount and Source of Funding:** No additional funding required. Total (original) appropriation of \$1,967,000.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's Water Storage Tanks Rehabilitation and Replacement Program and was required to ensure compliance with the Texas Commission on Environmental Quality regulations.**DESCRIPTION/SCOPE:** This project consisted of rehabilitation of three (3) ground storage tanks. The work in general consisted of but was not limited to the following tasks:

- Remove and replace the internal cathodic protection system with impressed current system.
- Prepare interior and exterior areas of the tank and apply the protective coating as specified.
- Remove existing welded cone roof and replace it with an aluminum dome roof at Jersey Village.

Brown and Gay Engineers, Inc. designed the project with 320 calendar days allowed for construction. The project was awarded to Blastco Texas, Inc. with an original Contract Amount of \$1,724,418.00.

LOCATION: The project areas are located as follows:

<u>S. No.</u>	<u>Facility & Tank No.</u>	<u>Address</u>	<u>Key Map Grid</u>	<u>Council District</u>
1.	Jersey Village-GST No. 2	7807 Fairview	409N	A
2.	Meyerland-GST No. 1	9020 South Rice	531Q	C
3.	District 223-GST No.1	13301 Sandbridge Dr.	488L	G

CONTRACT COMPLETION AND COST: The Contractor, Blastco Texas, Inc., has completed the work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities is \$1,675,355.37 a decrease of \$49,062.63 or 2.85% under the original Contract Amount.

REQUIRED AUTHORIZATION

20HA249

Finance Department:

Other Authorization:

Other Authorization:

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

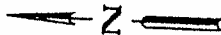
Date	SUBJECT: Accept Work for Rehabilitation of Water Storage Tanks; WBS No. S-000600-0041-4.	Originator's Initials	Page 2 of 2
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The decreased cost is a result of the difference between planned and measured quantities of Extra Unit Price Items, which were not necessary to complete the project.

MBE/SBE PARTICIPATION: The MBE/SBE goal established for this project was 11%. According to Mayor's Office of Business Opportunity, the participation was 11.59%. Contractor's MBE/SBE performance evaluation was rated Satisfactory.

DWK:DRM:JTM:SKF:JP:ha

H:\E&C Construction\Facilities\Projects\S-000600-0041-4-Rehabilitation of GST tanks\RCA\RCA - Closeout.doc



CITY OF HOUSTON

BROWN & GAY
Brown & Gay Engineers, Inc.
10000 Katy Road, Suite 100, Houston, TX 77054
713-961-1000
Fax: 713-961-1001
www.browngay.com

VICINITY MAP

REHABILITATION OF WATER STORAGE TANKS
FOR JERSEY VILLAGE GST-2, MEYERLAND
GST-1, AND DISTRICT 223 GST-1
PROJECT NO. 3-00000-8841-4
CITY MAP SHEET: 1000, 1010, 1020

DATE: FEB. 2012
PROJECT: C00126-02
SHEET: 1.0

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9794

Subject: Approve the Purchase of Construction Services for Installation of Standing-Seam Metal Roof Systems at Fire Station Nos. 29 & 42 for the General General Services Department on behalf of the Houston Fire Department
S50-C24693E

Category #
4

Page 1 of 2

Agenda Item

12-12A

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance Department

Origination Date

August 16, 2013

Agenda Date

SEP 04 2013

DIRECTOR'S SIGNATURE

For additional information contact:
Jacquelyn L. Nisby
Ray DuRousseau

Phone: (832) 393-8023

Phone: (832) 393-8726

Council District(s) affected
B, I

Date and Identification of prior authorizing Council Action:

Ord. No. 2013-0640, 7/10/13

RECOMMENDATION: (Summary)

Approve an ordinance appropriating \$349,435.08 out of the Fire Consolidated Construction Fund (Fund 4500) and approve the purchase of construction services for installation of standing-seam metal roof systems at Fire Station Nos. 29 & 42 in the total amount of \$527,622.00 and contingencies (8% for unforeseen changes within the scope of work) in the amount of \$42,209.76 for a total amount not to exceed \$569,831.76 through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the General Services Department on behalf of the Houston Fire Department.

Award Amount: \$569,831.76

Finance Budget

\$349,435.08 - Fire Consolidated Construction Fund (4500)

\$220,396.68 - Fire Consolidated Construction Fund (4500) - Appr. Ord. No. 2013-0640, Passed 7/10/13

SPECIFIC EXPLANATION:

The Director of General Services and the City Purchasing Agent recommend that City Council approve an ordinance appropriating \$349,435.08 out of the Fire Consolidated Construction Fund (Fund 4500) and approve the purchase of construction services for installation of standing-seam metal roof systems at Fire Station Nos. 29 & 42 in the total amount of \$527,622.00 and contingencies (8% for unforeseen changes within the scope of work) in the amount of \$42,209.76 for a total amount not to exceed \$569,831.76 through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the General Services Department on behalf of the Houston Fire Department, and that authorization be given to issue purchase orders, as required, to the Harris County Department of Education contractor, Baseline Paving and Construction, Inc.

Fire Station Nos. 29 & 42 have roofs that are over 20 years old and have a history of leaks over the apparatus and living quarter areas, requiring numerous costly repairs. The standing seam metal roof system is one of the most durable, long lasting and leak resistant roofing systems available.

The scope of work requires the construction contractor to provide all equipment, labor, materials, tools, supervision and transportation necessary to furnish and install new standing-seam metal roof systems at Fire Station Nos. 29 & 42, located 4831 Old Galveston Road and 8675 Clinton Drive, respectively. The contractor shall also be required to install 3" faced batt insulation under the new roofs, flashing, extend all exhaust ducts and plumbing vents above the new roofs and provide all ancillary items and services necessary to provide a turnkey project. This standing-seam metal roof system comes with a twenty-year warranty and the workmanship one-year. The contractor shall have 120 calendar days to complete the work on this project upon receipt of the notice to proceed.

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

12+AD

Date: 8/16/2013	Subject: Approve the Purchase of Construction Services for Installation of Standing-Seam Metal Roof Systems at Fire Station Nos. 29 & 42 for the General General Services Department on behalf of the Houston Fire Department S50-C24693E	Originator's Initials AL	Page 2 of 2
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Hire Houston First:

The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, this procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing an Interlocal Purchasing Agreement for this purchase.

Buyer: Art Lopez

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9744

Subject: Approve an Amending Motion to Increase the Award Amount for the Purchase of Learning Management System Software and Installation Services from the GSA Schedule 70 Contract through the Cooperative Purchasing Program for the H.R. Dept./S33-H23212-A1

Category #
4

Page 1 of 2

Agenda Item

13

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance Department

Origination Date

July 15, 2013

Agenda Date

SEP 04 2013

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

Omar C. Reid Phone: (832) 393-6056
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing

Council Action:

C.M. 2009-275; passed 5/13/09

RECOMMENDATION: (Summary)

Approve an amending motion to increase the award amount from \$736,400.00 to \$920,500.00 for the purchase of learning management system software and installation services from the General Services Administration Schedule 70 contract for the Human Resources Department.

Award Amount Increased by: \$184,100.00

Finance Budget

\$184,100.00 - Central Service Revolving Fund (1002)

SPECIFIC EXPLANATION:

The Director of the Human Resources Department and the City Purchasing Agent recommend that City Council approve an amending motion to increase the award amount from \$736,400.00 to \$920,500.00 for the purchase of learning management system (LMS) software and installation services from the General Services Administration (GSA) Schedule 70 contract through the Cooperative Purchasing Program under Section 211 of the Government Act of 2002 for the Human Resources Department (HRD) and that authorization be given to issue purchase orders, as necessary, to the GSA contractor, PCM Gov., Inc.

This purchase was awarded on May 13, 2009, by Council Motion No. 2009-275 in the original amount of \$736,400.00. Expenditures as of May 31, 2013 totaled \$732,469.73. The increase to the award amount is necessary to allow the contractor to continue to provide software maintenance and support services to the LMS, which is used to provide HRD with the necessary tools to centralize and track training data, streamline course registration and approvals, as well as continue to deliver web-based, online learning to the desktop or to the classroom. Overall, this LMS will continue to enable training and education activities to operate more effectively and efficiently, while providing better service to all City personnel.

The initial scope of work required the contractor to implement an LMS for all City employees. The system was implemented to allow the City to improve on its overall operational and employee developmental needs via the following four modules:

- **Learning** – Online learning, registration, tracking, management, communication, and record keeping for all City employees. Creates a central database for managing compliance, certification, training and development for COH personnel.
- **Performance** – Personnel evaluation and development, 360-degree assessment, training recommendations. Provides a more effective and robust personnel evaluation system eliminating costs of current system. Provides the City with the ability to perform 360-degree assessments of managers and supervisors without the need to use outside vendors. Provides the ability to link the evaluation tools to training programs automatically to support development of City leaders.

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

13

Date: 7/15/2013	Subject: Approve an Amending Motion to Increase the Award Amount for the Purchase of Learning Management System Software and Installation Services from the GSA Schedule 70 Contract through the Cooperative Purchasing Program for the H.R. Dept./S33-H23212-A1	Originator's Initials CJ	Page 2 of 2
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- **Collaboration** –Webinars, remote classrooms, online meeting capability and knowledge bank. Allows online information exchanges, live meetings, knowledge and reference banks.
- **Publishing** – Online courseware development tools. Provides the COH with the tools to develop and distribute online learning, reducing travel time and expense and providing training and information to the desktop.

Buyer: Conley Jackson

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9769

Subject: Formal Bid Received for Automotive Tire and Tube Materials & Repair Services for Various Departments
S21-S24566

Category #
4

Page 1 of 2

Agenda Item

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance Department

Origination Date

July 31, 2013

Agenda Date

SEP 04 2013

DIRECTOR'S SIGNATURE

Calvin D. Wells
For additional information contact:

David Guernsey
Desiree Heath

Phone: (832) 395-3640
Phone: (832) 393-8742

Council District(s) affected
All

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to (ATS) All Tire Supply Company on its sole bid in an amount not to exceed \$248,830.00 for automotive tire and tube materials & repair services for various departments.

Estimated Spending Authority: \$248,830.00

Finance Budget

\$232,830.00 - Fleet Management Fund (1005)
\$ 16,000.00 - General Fund (1000)

\$248,830.00 - Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to (ATS) All Tire Supply Company on its sole bid in an amount not to exceed \$248,830.00 for automotive tire and tube materials & repair services for various departments. It is further requested that authorization be given to make purchases, as needed, for a 36-month period with two one-year options. This award consists of two price lists for various tire and tube materials which includes; but is not limited to, various sized impact wrenches, tire changers, wheel balancers, hydraulic jacks, and two-post symmetrical lifts to be used by the Fleet Management, Solid Waste Management and Public Works & Engineering Departments' fleet sections for tire repairs on vehicles city wide. This award also includes an \$18,330.00 labor component for those repair services that cannot be performed by City maintenance personnel.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Four prospective bidders downloaded the solicitation document from SPD's e-bidding website, and one bid was received. Subsequent to receipt of the bid, prospective bidders were contacted to determine the reason for the limited response to the solicitation. The potential respondents advised their online bid was submitted at the SPD's e-bidding website but failed to route their originals to the City Secretary by the bid opening date.

- Due to the sole bid received, the Strategic Purchasing Division spoke with the potential supplier to discuss the scope of work for this procurement. During these discussions it was revealed by (ATS) All Tire Supply Company representative that its bid includes all costs associated with supplying the items requested in the bid specifications. Based on the aforementioned, Strategic Purchasing is confident that the recommended company can provide the specified items and repair services for the price bid.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

14
Daw

Date: 7/31/2013	Subject: Formal Bid Received for Automotive Tire and Tube Materials & Repair Services for Various Departments S21-S24566	Originator's Initials LG	Page 2 of 2
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M/WBE Subcontracting:

This bid was issued with a 3% goal for M/WBE participation. (ATS) All Tire Supply Company has designated the below-named company as its certified M/WBE subcontractor:

<u>NAME</u>	<u>TYPE OF WORK</u>	<u>AMOUNT</u>
D. H. Tire, Inc.	Tires and Materials	\$7,464.90

The Office of Business Opportunity will monitor this award.

Hire Houston First:

The proposed award requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston business and supports job creation. In this case, the proposed supplier does not meet the requirements of Hire Houston First; no Hire Houston First firms were within three percent.

Buyer: L. Guthrie

ESTIMATED SPENDING AUTHORITY

DEPARTMENT	FY2014	OUT YEARS	TOTAL
Public Works & Engineering	\$27,000.00	\$110,430.00	\$137,430.00
Fleet Management	\$19,080.00	\$ 76,320.00	\$ 95,400.00
Solid Waste Management	\$ 2,933.00	\$ 13,067.00	\$ 16,000.00
TOTAL	\$49,013.00	\$199,817.00	\$248,830.00

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9665

Subject: Sole Bid Received for Directories, Street Guides for Various Departments S36-S24405	Category # 4	Page 1 of 2	Agenda Item 15
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FROM (Department or other point of origin): Calvin D. Wells City Purchasing Agent Finance Department	Origination Date July 23, 2013	Agenda Date SEP 04 2013
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DIRECTOR'S SIGNATURE 	Council District(s) affected All
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For additional information contact: David Guernsey Phone: (832) 395-3640 Desiree Heath Phone: (832) 393-8742	Date and Identification of prior authorizing Council Action:
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RECOMMENDATION: (Summary)
Approve an award to Key Maps, Inc. on its sole bid in an amount not to exceed \$318,863.00 for street guide directories for various departments

Estimated Spending Authority: \$318,863.00	Finance Budget 
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- \$151,073.00 General Fund (1000)
 - \$ 1,307.00 Fleet Management Fund (1005)
 - \$ 28,821.00 Building Inspection Fund (2301)
 - \$ 5,941.24 Stormwater Fund (2302)
 - \$ 34,161.26 Dedicated Drainage & Street Removal Fund (2310)
 - \$ 13,948.75 Greater Houston Trans & Emer Center Fund (2402)
 - \$ 4,473.00 BARC Special Revenue Fund (2427)
 - \$ 71,172.00 PWE-W & S System Operating Fund (8300)
 - \$ 7,965.75 Parking Management Operating Fund (8700)
- \$318,863.00 TOTAL**

SPECIFIC EXPLANATION:
The City Purchasing Agent recommends that City Council approve an award to Key Maps, Inc. on its sole bid in an amount not to exceed \$318,863.00 for street guide directories for various departments. It is further requested that authorization be given to make purchases, as needed, for a thirty-six (36) month period, with two one-year options to extend. This award consists of street guide directories which includes, but is not limited to, Houston-Harris, Montgomery, and Fort Bend counties spiral wire bound laminated pages key map refills and various size wall maps to be used by the Health and Human Services, Public Works and Engineering, Parks and Recreation, Planning and Development, Solid Waste Management, Fire and Police Departments, and the Houston Airport System to aid employees in locating streets, neighborhoods and buildings while conducting business throughout the City, Harris County and surrounding Montgomery and Fort Bend counties.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Four (4) prospective bidders downloaded the solicitation from SPD's e-bidding website, and one (1) bid was received.

Due to the specialized nature of this commodity, the Strategic Purchasing Division's research found that there were only two potential suppliers that could provide this commodity. Subsequent to receipt of the bid, the suppliers that visited and viewed the website for this solicitation but did not download the document were contacted to determine the reason why they did not submit a bid. The suppliers advised that their company

REQUIRED AUTHORIZATION		
Finance Department:	Other Authorization:	Other Authorization:

Date: 7/23/2013	Subject: Sole Bid Received for Directories, Street Guides for Various Departments S36-S24405	Originator's Initials VK	Page 2 of 2
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either purchased the items from the supplier being recommended for award or they could not provide the commodity.

Hire Houston First:

The proposed award requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, Key Maps, Inc. meets the requirements of Hire Houston First.

M/WBE Subcontracting:

This bid was issued with a 3% goal for M/WBE participation. Key Maps, Inc. has designated the below-named company as its certified M/WBE subcontractor.

<u>Name</u>	<u>Type Of Work</u>	<u>Dollar Amount</u>
Tejas Office Products, Inc.	Provide Publishing Supplies	\$9,565.89

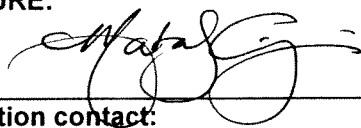
The Office of Business Opportunity will monitor this award.

Buyer: Valerie Player-Kaufman

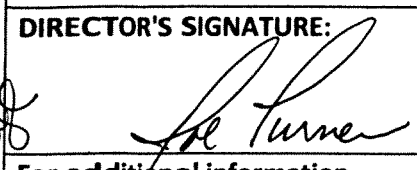
Estimated Spending Authority

Departments	FY14	Out Years	Total
Administration & Regulatory Affairs	\$ 5,009.40	\$ 13,501.35	\$ 18,510.75
General Services	\$ 679.00	\$ 2,716.00	\$ 3,395.00
Fire	\$ 500.00	\$ 28,796.15	\$ 29,296.15
Police	\$ 5,000.00	\$ 89,655.85	\$ 94,655.85
Public Works & Engineering	\$ 9,022.08	\$146,329.17	\$155,351.25
Solid Waste Management	\$ 2,037.00	\$ 8,148.00	\$ 10,185.00
Parks & Recreation	\$ 1,493.80	\$ 5,975.20	\$ 7,469.00
TOTAL	\$23,741.28	\$295,121.72	\$318,863.00

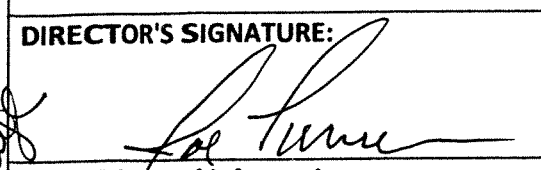
TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Adopt an Ordinance amending Ordinance 2012-1051 relating to the Rescheduling of the City Council Meeting for the week of October 27 th through the November 2 nd , 2013		Agenda Item # 16
FROM (Department or other point of origin): Mayor's Office	Origination Date 8/30/13	Agenda Date SEP 4 2013
DIRECTOR'S SIGNATURE: 	Council District affected: All	
For additional information contact: Marta Crinejo, Agenda Director Phone: 832.393.1091	Date and identification of prior authorizing Council action: Ordinance 2012-661 7/25/12	
<u>RECOMMENDATION:</u> (Summary) Adopt an Ordinance amending Ordinance 2012-1051 to reschedule the City Council Meeting for the week of October 27 th through November 2 nd , 2013.		
Amount and Source of Funding: N/A	Finance Budget:	
<u>SPECIFIC EXPLANATION:</u> In order to allow City Council Members to prepare for the upcoming election, Council is asked to approve an ordinance adding a new Section 6a of ordinance 2012-1051 to reschedule the regular Council meeting for the week prior to the election, beginning October 27, 2013 to be held November 6 th , 2013. Council approval of this amendment is requested.		
Other Authorization		Other Authorization

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary			
SUBJECT: Ordinance approving Third Amendment to the Hermann Park Pedal Boat and Other Concessions Agreement with the Hermann Park Conservancy		Category #	Page 1 of 1
			Agenda Item 17
FROM (Department or other point of origin): Houston Parks and Recreation Department		Origination Date: August 27, 2013	Agenda Date SEP 04 2013
DIRECTOR'S SIGNATURE:  Joe Turner, Director		Council District(s) affected: D	
For additional information contact: Luci Correa, 832-395-7057		Date and Identification of prior authorizing Council Action: May 5, 2002 Ordinance 2002-418 June 13, 2007 Ordinance 2007-661 December 16, 2009 Ordinance 2009-1309	
RECOMMENDATION (Summary): Approve an Ordinance authorizing a third amendment to the Hermann Park Pedal Boat and Other Concessions Agreement between the City of Houston and the Hermann Park Conservancy for the use and rental of the new Centennial Gardens and Garden Pavilion.			
Amount and Source of Funding: REVENUE			Finance Budget:
SPECIFIC EXPLANATION: <p>The Houston Parks and Recreation Department (HPARD) requests approval of the third amendment to the agreement with the Hermann Park Conservancy (HPC) for Hermann Park Pedal Boat and Other Concessions ("Concessions Agreement"). City Council approved the original Concessions Agreement on May 5, 2002, the first amendment on June 13, 2007, and the second amendment on December 16, 2009.</p> <p>This amendment deals specifically with the rental concessions of the new Centennial Gardens and Garden Pavilion ("the Gardens"). HPC is funding the \$30 million cost of construction of the Gardens, which will replace the old Garden Center facility. The Gardens consist of approximately eight (8) acres of garden areas and a pavilion, display gardens, meeting and event space, office space, and public areas. The project was presented in detail to the Quality of Life Committee in August 2012. The aspects of the proposed third amendment were presented to the Quality of Life Committee on August 26, 2013.</p> <p>The proposed third amendment to the Concessions Agreement assigns scheduling and managing of new facility rentals to HPC, assigns responsibility for collecting rental fees to HPC, establishes maximum rental fees, and requires all fees to go toward operation of the facility. HPC's estimated annual rental revenue for the new Centennial Gardens is \$250,000. HPC will pay the City 3% of rental fees. The Director of HPARD may approve rate increases not to exceed the then-current Consumer Price Index for All Urban Consumers Houston-Galveston-Brazoria on January 1 of each calendar year. The City may, with reasonable notice to HPC and provided the space is available, reserve the Gardens at no charge for up to 5 meetings per month Monday through Friday at noon and up to 2 events per year Friday through Sunday. The terms of the agreement shall continue until October 1, 2029.</p> <p>Council approval is recommended.</p>			
Finance Director:		Other Authorization:	Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary			
SUBJECT: Ordinance approving Second Amendment to the Hermann Park Development Agreement with the Hermann Park Conservancy		Category #	Page 1 of 1
		Agenda Item 18	
FROM (Department or other point of origin): Houston Parks and Recreation Department		Origination Date: August 27, 2013	Agenda Date SEP 04 2013
DIRECTOR'S SIGNATURE:  Joe Turner, Director		Council District(s) affected: D	
For additional information contact: Luci Correa, 832-395-7057		Date and Identification of prior authorizing Council Action: July 17, 1997 Ordinance 97-563 May 10, 2006 Ordinance 2006-448	
RECOMMENDATION (Summary): An Ordinance approving and authorizing a second amendment to the Hermann Park Development Agreement between the City of Houston and the Hermann Park Conservancy to develop and operate the Centennial Gardens and Garden Pavilion.			
Amount and Source of Funding: \$470,000 per year FY2015 to FY2029 plus \$120,000 one-time in FY2015 General Fund (1000)			Finance Budget:
<p>SPECIFIC EXPLANATION:</p> <p>The Houston Parks and Recreation Department (HPARD) requests approval of the second amendment to the Development Agreement between the City of Houston and the Hermann Park Conservancy (HPC). City Council approved the original Development Agreement on July 17, 1997 and the first amendment on May 10, 2006. Since the commencement of the original agreement, HPC has funded nearly \$40 million in improvements including the renovation of the Jones Reflection Pool, expansion of McGovern Lake, construction of Kinder Station and the expanded and improved Hermann Park railroad, restoration of the Japanese Garden, and the expansion and renovation of Miller Outdoor Theatre.</p> <p>This amendment deals specifically with the operation of the new Centennial Gardens and Garden Pavilion ("the Gardens"). HPC is funding the \$30 million cost of construction of the Gardens, which is part of Phase II development approved in the first amendment to the Development Agreement. The Gardens will replace the old Garden Center facility and consists of approximately eight (8) acres of garden areas and a pavilion, display gardens, meeting and event space, office space, and public areas. The project was presented in detail to the Quality of Life Committee in August 2012. The aspects of the proposed second amendment were presented to the Quality of Life Committee on August 26, 2013.</p> <p>The proposed second amendment to the Development Agreement assigns responsibility for operating, managing and maintaining the facility to HPC, provides office space for HPC, and commits HPC to a portion of the operation and maintenance costs. HPARD will continue to be responsible for maintenance of the parking lot, public art collection and Chinese Pavilion, hazard tree and limb removals, pole lights, dumpster service and trash removal. HPARD will pay for utilities and provide trades services for the facility including but not limited to electrical, plumbing, HVAC, and graffiti removal.</p> <p>The estimated annual cost to operate and maintain the Gardens is \$1 million. HPC will fund \$280,000 and use \$250,000 from facility rental revenue. The City will contribute \$470,000 annually beginning FY2015 subject to Council Approval of the proposed budget. The amendment also includes a proposed one-time payment of \$120,000 to HPC for start-up maintenance supplies and equipment.</p>			
Finance Director:		Other Authorization:	Other Authorization:

REQUEST FOR COUNCIL ACTION

RCA #

Category #

Page 1 of 2

Agenda
Item

19

TO: Mayor via City Secretary

Subject:
An Ordinance awarding a Contract for the Purchase of Conducted Energy
Devices, Accessories, Supplies and Repair Services for the Houston Police
DepartmentOrigination Date
August 23, 2013

Agenda Date

SEP 04 2013

FROM (Department or other point of origin)

Charles A. McClelland, Jr.

Chief of Police

Houston Police Department

DIRECTOR'S SIGNATURE**For additional information contact:**

Joseph A. Fenninger

CFO & Deputy Director Phone: (713) 308-1708

Council District(s) affected
All**Date and Identification of prior
authorizing Council Action****RECOMMENDATION: Summary**

Approve an ordinance awarding a five-year contract to Taser International Inc. in an amount not to exceed \$9,500,000 for the purchase of conducted energy devices, accessories, supplies and repair services for the Houston Police Department.

AMOUNT AND SOURCE OF FUNDING:

\$2,800,953.50 - Asset Forfeiture Fund (2204) (Initial allocation)

\$6,699,046.50 - Equipment Acquisition Fund (1800) (Out years - to be appropriated at a later date)

\$9,500,000 TOTAL**SPECIFIC EXPLANATION:**

The Chief of the Houston Police Department recommends that City Council approve an ordinance awarding a five-year contract to TASER International, Inc. in an amount not to exceed \$9,500,000 for the purchase of TASER® model X2 conducted energy devices (CEDs), accessories, supplies, warranties, training and repair services for the Houston Police Department. The Chief of Police may terminate this agreement at any time upon 30-days written notice to the contractor.

The police model TASER® X2 CED is a newly engineered model that includes a number of enhancements including dual shot capability and an automatic shut-down feature that will stop a continual trigger discharge at 5 seconds, even if the user continues to hold back the trigger. Further technology advancements include greater deployment accountability, ability to display pre-deployment arcs for compliance prior to use, improvements to external casing and battery life, and technology to compensate for strong and weak contact by deployed Taser barbs. The currently used TASER® X26 CED was originally released in 2003 and has been in use by the Houston Police Department since 2004. This purchase will enable HPD to replace the TASER® X26 CEDs that are out of the warranty period or are reaching the end of their useful life.

HPD has budgeted \$2,800,953.50 in FY14 for the initial purchase in August, 2013 of 2,188 TASER® X2 CED units and associated cartridges, dataport download kits, battery packs, and four year warranties for all units. This purchase also includes the trade-in of TASER® X26 CEDs (2,188 units). The negotiated pricing, including the trade-in value, is considered fair and reasonable based on market research conducted by HPD staff.

CEDs are vital devices available to police officers to provide protection of citizens and themselves from assailants and must be a product that is able to perform without fail in emergency circumstances. TASER International, Inc. is the inventor and provider of TASER® devices for law enforcement agencies throughout the world. TASER® brand products are widely respected and routinely selected by law enforcement agencies due to their quality, dependability in service and contractor support.

REQUIRED AUTHORIZATION

Finance Department:

Office of the City Controller:

Other Authorization:

NDT

Date:
August 23, 2013

Subject: An Ordinance awarding a Contract for the Purchase of
Conducted Energy Devices, Accessories, Supplies and Repair Services for
the Houston Police Department

Page 2 of 2

Pay or Play:

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

Hire Houston First:

The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, this procurement is exempt from the City's Hire Houston First Ordinance pursuant to Section 252.022(a)(2) of the Texas Local Government Code. Bids were not solicited because the department is making this procurement as it is necessary to preserve and protect the public health and safety of the City's residents.

Attachment: M/WBE Zero Percentage Goal Document approved by the Office of Business Opportunity.

Estimated Spending Authority

DEPARTMENT	FY14	OUT YEARS	TOTAL
Houston Police Department	\$2,800,953.50	\$6,699,046.50	\$9,500,000.00

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9793

Subject: Approve an Ordinance Authorizing a First Amendment to Contract No. 4600008873 for Metal and Wood Fence Installation and Repair Services for Various Departments
S30-L22758-A1

Category #
4

Page 1 of 1

Agenda Item

20

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance Department

Origination Date

August 06, 2013

Agenda Date

SEP 04 2013

DIRECTOR'S SIGNATURE**For additional information contact:**

Jacquelyn L. Nisby
Douglas Moore

Phone: (832) 393-8023

Phone: (832) 393-8724

Council District(s) affected

All

Date and Identification of prior authorizing Council Action:

Ordinance No. 2008-892; passed 10-08-08

RECOMMENDATION: (Summary)

Approve an amending ordinance authorizing a first amendment to the contract between the City of Houston and The Fierro Group LTD. Co. dba Fencemaster of Houston to extend the contract term from October 21, 2013 to October 20, 2015 for metal and wood fence installation and repair services for various departments.

No Additional Funding Required.

Finance Budget**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance authorizing a first amendment to the contract between the City of Houston and The Fierro Group LTD. Co. dba Fencemaster of Houston to extend the current contract term from October 21, 2013 to October 20, 2015 for metal and wood fence installation and repair services for various departments (General Services, Public Works and Engineering, Parks and Recreation and Solid Waste Management Departments). The City Purchasing Agent may terminate this contract any time upon 30-days written notice to the contractor.

This contract was awarded on October 8, 2008 by Ordinance 2008-892 for a three-year term, with two one-year options in the original amount of \$6,849,744.50. Expenditures as of August 6, 2013 totaled \$3,567,514.00. In consideration for this contract extension, the contractor has agreed to honor its year-five pricing and all other contract terms and conditions through October 20, 2015.

The scope of work requires the contractor to provide all supervision, labor, materials, equipment and transportation necessary to install and/or repair existing fencing and gates citywide.

This contract was awarded with an 11% M/WBE participation goal and The Fierro Group LTD. Co. dba Fencemaster of Houston is currently achieving 13.10% of the required goal. The Office of Business Opportunity will continue to monitor this contract to ensure maximum M/WBE participation.

Buyer: Richard Morris

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

20

REQUEST FOR COUNCIL ACTION

RCA# 9809

TO: Mayor via City Secretary

Subject: Approve an Ordinance to Appropriate Funds for the Municipal Court Department's Case Management System (CSMART)

Category #
1

Page 1 of 2

Agenda Item
21

FROM (Department or other point of origin):

Barbara E. Hartle – Presiding Judge and Director, MCD
Charles T. Thompson – Chief Information Officer, HITS

Origination Date

August 23, 2013

Agenda Date

SEP 04 2013

DIRECTOR'S SIGNATURE

Charles T. Thompson
Barbara E. Hartle

Council District(s) affected
All

For additional information contact:

Daniel Adeyemo
Somayya Scott

Phone: (832) 393-0028
Phone: (832) 393-0082

Date and Identification of prior authorizing Council Action:

Ord: 2011-176: 03/02/11; 2011-530: 06/22/11;
2011-824: 09/21/11; 2012-466: 05/16/12; 2012-887: 10/10/12; 2013-11: 01/02/13; 2013-132: 02/13/13

RECOMMENDATION: (Summary)

Approve an ordinance to appropriate \$8,000,000.00 from the FY14 Equipment Acquisition Consolidated Fund (1800) for the Municipal Court Department's Case Court System Management and Resource Technology (CSMART) Project for various products and services.

Amount & Source of Funding:

\$8,000,000.00 - FY14 Equipment Acquisition Consolidated Fund (1800)

Finance Budget

SPECIFIC EXPLANATION:

The Director and Presiding Judge of the Municipal Courts Department and the Chief Information Officer recommends that City Council approve an ordinance to appropriate \$8,000,000 from the Equipment Acquisition Consolidated Fund (1800) for the Court System Management and Resource Technology (CSMART) Project for various products and services through various vendors.

The requested appropriation of \$8,000,000 will fund annual City of Houston staffing costs (professional services, temporary services and salary recovery), 3rd party products and services (hardware, software and associated services), and other project costs (Houston Community College office space and software maintenance), as well as some contingency costs. At the current staffing level, this appropriation should carry CSMART through development, implementation, stabilization and transition to a permanent support team.

BACKGROUND:

Since late 2008, the Municipal Court Department and Houston Information Technology Services have been developing a new case management system. The system, CSMART, will automate many of the manual activities required by judges, clerks & prosecutors to process approximately 1M cases annually. A conceptual design was completed during July 2010 with software development beginning shortly thereafter.

During June 2012, several changes were made in the way the project was managed. A new governance structure consisting of a Project Sponsor Team and an Executive Steering Committee was implemented to provide tactical guidance and strategic oversight. Since then, the project plan was assessed, a new baseline was established, a Release Map that defined the priority & timing of all remaining work was developed, and a new comprehensive management reporting method was implemented.

On February 21, 2013, City officials signed a fixed price contract with Sogeti. Under the new contract Release 26 became Release 1, and the remaining development effort was divided into 2 Phases and 9

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date: 07/10/2013	Subject: Ordinance Appropriating Funds for the Municipal Courts Case Management System (CSMART)	Originator's Initials LS	Page 2 of 2
<p>Releases. Phase 1 (Release 1 – 6) are required for Go-Live. The codes needed for Go-Live (Releases 1 through 6) are planned to be completed by December 31, 2013, and the completion of Go-Live is currently planned for May 31, 2014. Phase 2 (Releases 7, 8 and 9) are scheduled to be put into Production on December 31, 2014.</p> <p>As of August 2, 2013, Release 1 has been accepted and Release 2 has been developed and is being tested for acceptance by mid-September 2013. Release 3 is in development, and is expected to be completed and accepted by the end of September 2013. To date, 82% of all go-live functionality had been developed and 77% has been accepted. The CSMART Team is currently working on system interfaces (especially RMS interfaces), Court Clerk Checkout Procedures, Document & Image Management, Payment Adjustments, and Accounting Entries.</p> <p>The original contract was awarded on September 17, 2009 by Ordinance No. 2009-863. Since then, the maximum amount appropriated for the project has been \$30,474,583. Expenditures as of August 26, 2013 totaled \$28,287,649.54, with encumbrances of \$1,710,745.40.</p> <p><u>PROJECTED COSTS:</u> Once the system is completely developed, the projected cost to run and maintain the system will range between \$1,800,000 and \$2,400,000 annually.</p> <p><u>M/WBE PARTICIPATION:</u> The contract was awarded with a 15% M/WBE participation goal, and Sogeti is currently achieving 18.44%. The Office of Business Opportunity will continue to monitor this contract to ensure maximum M/WBE participation.</p> <p>This item was previously presented before the Transportation, Technology and Infrastructure (TTI) Committee on a specially called TTI meeting on July 31, 2013.</p> <p>WBS # X-160017</p>			

REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**Subject:** Ordinance approving and authorizing a Compromise & Settlement Agreement ("CSA") with Verizon Wireless ("Verizon") to settle a disputed claim and appropriating funds.Category #
6

Page 1 of 1

Agenda Item

22**FROM (Department or other point of origin):**
Legal Department**Origination Date:**

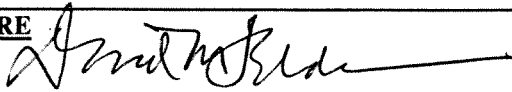
8/29/13

Agenda Date

SEP 04 2013

DIRECTOR'S SIGNATURE

David M. Feldman

**Council District(s) affected:**
All**For additional information contact:** John M. Helms, Sr. Asst. City Attorney
Phone: (832) 393-6485**Date and Identification of prior authorizing Council Action:** 2007-226**RECOMMENDATION: (Summary)**

Authorize an Ordinance approving and authorizing the execution of a Compromise & Settlement Agreement ("CSA") with Verizon to settle a disputed claim and appropriating funds to pay the claim.

Amount of Funding: \$73,413.56**Finance Budget:****SOURCE OF FUNDING:**

\$73,413.56 Limited Use Roadway Fund; Fund No. 4034

☒ **Other (Specify)****SPECIFIC EXPLANATION:**

Houston issued Verizon its "GSA-FSS Federal Supply Schedule Purchase Order" dated June 19, 2007 based on GSA Federal Supply Schedule Contract Number GS-35F-0119P for modems and data services ("PO"). The PO was authorized by Ordinance No. 2007-226 which appropriated \$2,147,283.37. Verizon accepted the PO and created Account No.420921790-00001 in connection therewith ("Account"). Disputes have arisen between Houston and Verizon with regard to the sums due under the PO and Account. Verizon claims that \$183,024.28 is due and owing. The services provided by Verizon were largely used by the City of Houston. Funding was an issue. Verizon has offered to settle its claim for \$73,413.56.

After a thorough consideration of all the relevant facts and circumstances, the Legal Department recommends that Council accept the settlement offer and approve an Ordinance authorizing the execution of the attached CSA to settle the claim. PWE concurs with this recommendation.

The total cost of the settlement is \$73,413.56 to be appropriated as follows: \$73,413.56 to pay the settlement.

REQUIRED AUTHORIZATIONOther Authorization:
Public Works & Engineering

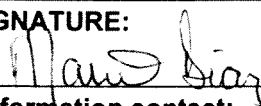
By: Daniel W. Krueger, P.E., Director

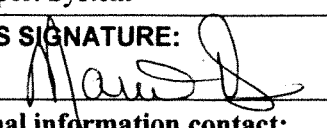
Other Authorization:

20DWK11

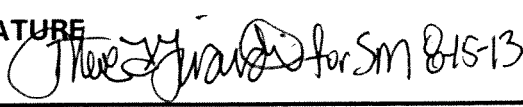



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amendment No. 1 to Toll Road/Airport Connector Agreement between Harris County and the City of Houston		Category #	Page 1 of 1	Agenda Item # 23
FROM (Department or other point of origin): Houston Airport System		Origination Date August 20, 2013	Agenda Date SEP 04 2013	
DIRECTOR'S SIGNATURE: 		Council District affected: B		
For additional information contact: Kathy Elek <i>Kae</i> Phone: 281-233-1826 Ian Wadsworth 281-233-1682		Date and identification of prior authorizing Council action: 11/12/1997 (O) 97-1421		
AMOUNT & SOURCE OF FUNDING: Revenue – Approximately \$1,000,000/year		Prior appropriations: 11/12/1997.....\$13,000,000 HAS Aprt Improvement (8011)		
RECOMMENDATION: (Summary) Approve and authorize Amendment No. 1 to the Toll Road/Airport Connector Agreement between Harris County and the City of Houston.				
<p>SPECIFIC EXPLANATION: On November 12, 1997, City Council approved an agreement with Harris County (County) to jointly design, fund and construct an "Airport Connector" from the Hardy Toll Road to JFK Blvd. at George Bush Intercontinental Airport/Houston (IAH). The County constructed the segment of the connector from the Hardy Toll Road to the boundary of IAH at a cost of approximately \$19 million, and the Houston Airport System (HAS) constructed the remaining segment to JFK Blvd. at a cost of approximately \$13 million.</p> <p>The Agreement outlined future plans for HAS to erect an airport toll collection plaza where the Airport Connector joins with JFK Blvd., and it provided procedures for HAS to set toll rates and share such toll collections with the County. However, when the Airport Connector was constructed in 1999, the parties deviated from these plans. HAS did not erect the airport toll collection plaza as originally envisioned, but the County did on its segment.</p> <p>Both parties now agree that it does not make sense for HAS to construct a new toll plaza that would duplicate or cause the dismantling of the County's toll plaza. Accordingly, the parties wish to amend the Agreement to share the toll revenue in the same spirit and manner that construction costs were shared and maintenance responsibilities continue.</p> <p>Amendment No. 1 revises the Agreement to retain the County's toll plaza, grant authority to the County to set and collect the tolls, and share 24.5% of the toll revenue with HAS beginning October 1, 2013. This amount reflects HAS's share of the original investment adjusted for toll collection costs borne by the County. It is estimated that this revenue share will be approximately \$1 million annually to HAS.</p> <p>In addition, Amendment No. 1 authorizes the County to withhold \$18,546.48 from HAS's revenue share to pay and settle all amounts owed by the City of Houston for toll violations by City vehicles through June 30, 2013. The Finance Department will assure the proper allocation and accounting of this payment between funds and City departments. Going forward, the County shall submit all invoices for the payment of unpaid tolls by City vehicles to the City's Director of Fleet Management for payment.</p>				
REQUIRED AUTHORIZATION				
Finance Department:		Other Authorization:		Other Authorization:

SUBJECT: Ordinance approving an Other Transaction Agreement (OTA) between the Transportation Security Administration (TSA) and the Houston Airport System (HAS) authorizing the Mayor to accept OTA funding for William P. Hobby Airport (HOU), Project No. 690 B		Category #2	Page 1 of 1	Agenda Item # 24
FROM (Department or other point of origin): Houston Airport System		Origination Date August 29, 2013	Agenda Date SEP 04 2013	
DIRECTOR'S SIGNATURE: 		Council District affected: I		
For additional information contact: Kathy Elek <i>Kae</i> Phone: 281-233-1826 Perry Miller 713-641-7701		Date and identification of prior authorizing Council action: N/A		
AMOUNT & SOURCE OF FUNDING: \$11,005,966 - Transportation Security Administration (TSA) Other Transaction Agreement (OTA) Funds <i>Hand</i>		Prior appropriations: N/A		
RECOMMENDATION: (Summary) Enact an Ordinance approving an Other Transaction Agreement (OTA) between the Transportation Security Administration (TSA) and the Houston Airport System (HAS) authorizing the Mayor to accept OTA funding in an amount not to exceed \$11,005,966 for Project No. 690 B at William P. Hobby Airport (HOU).				
SPECIFIC EXPLANATION: <p>The Transportation Security Administration (TSA) has approved an Other Transaction Agreement (OTA) for the Checked Baggage Recapitalization Screening Construction Services Project at William P. Hobby Airport (HOU). The Houston Airport System (HAS) is now requesting approval of the OTA and authorization for the Mayor to accept end of Federal Fiscal Year OTA funds in an amount not to exceed \$11,005,966.</p> <p>This funding will be used for the replacement of Explosive Detection System (EDS) equipment within Southwest Airlines current Checked Baggage Resolution Area (CBRA). Replacement of these three (3) machines with upgraded technology will require modification to the current baggage handling system in order to install the new equipment.</p>				
REQUIRED AUTHORIZATION				
Finance Department:		Other Authorization:		Other Authorization:

SUBJECT: Second Amendment to Lease Agreement with Hartman 601 Sawyer LLC, successor-in-interest to R.M. Crowe Houston Portfolio III, LP at 601 Sawyer Street, for the Housing and Community Development Department		Page 1 of 1	Agenda Item <div style="font-size: 2em; margin-top: 5px;">25</div>																		
FROM (Department or other point of origin): General Services Department		Origination Date 8/22/13	Agenda Date SEP 04 2013																		
DIRECTOR'S SIGNATURE: <div style="display: flex; align-items: center;"> <div> Scott Minnix <div style="font-size: 1.5em; margin-top: -20px;">7/6/13</div> </div> </div>		Council District affected: H																			
For additional information contact: Jacquelyn L. Nisby <div style="text-align: right; margin-top: 10px;">Phone: 832-393-8023</div>		Date and identification of prior authorizing Council action: Ordinance No. 2006-1162; 11/29/06 Ordinance No. 2007-0781; 06/27/07																			
RECOMMENDATION: Approve and authorize Second Amendment to Lease Agreement between Hartman 601 Sawyer LLC, successor-in-interest to R.M. Crowe Houston Portfolio III, LP (Landlord) and City of Houston (Tenant) for the lease space at 601 Sawyer Street for the Housing and Community Development Department (HCDD).																					
Amount and Source of Funding: \$4,330,859.94 Initial Base Term - Federal Government- Grant Funded (5000) - CDBG			Finance Budget:																		
<p>SPECIFIC EXPLANATION: The General Services Department recommends approval of a Second Amendment to Lease Agreement with Hartman 601 Sawyer LLC (Landlord) for 41,729 square feet of space at 601 Sawyer Street, Houston, Texas for HCDD. The HCDD utilizes this lease space for its operations and personnel.</p> <p>During the current term of the First Amendment which commenced on February 1, 2008 and will expire on January 31, 2014, a dispute arose between the parties regarding the disruption of certain building services by the Landlord and the City's abatement of rent as a result of the disruption. The parties have resolved all issues and have agreed to settle the dispute for the amount of \$104,842.23, which represents a portion of the lease payments previously abated by the City. The settlement amount was previously allocated as rent under the existing First Amendment; therefore no additional funding is required for the payment.</p> <p>HCDD also desires to amend the lease to extend the amended term and add 1,209 sf of space for a total of 41,729 sf. The monthly rent for the additional space is \$1,984.77 through January 31, 2014. Therefore, the Second Amendment is necessary to document the settlement agreement; increase the lease space to 41,729 sf from 40,520 sf; and extend the amended lease term by five years with two one-year renewal options at the then-prevailing market rate. The amended lease term will commence on February 1, 2014 and expire on January 31, 2019.</p> <p>The monthly payment for the entire lease space is as follows:</p> <table border="1" style="margin: 10px auto; width: 80%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="padding: 5px;">Year</th> <th style="padding: 5px;">Monthly Payment</th> <th style="padding: 5px;">Annual Payment</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">2/1/2014 thru 1/31/2015</td> <td style="padding: 5px;">\$68,505.10</td> <td style="padding: 5px;">\$822,061.20</td> </tr> <tr> <td style="padding: 5px;">2/1/2015 thru 1/31/2016</td> <td style="padding: 5px;">\$70,243.82</td> <td style="padding: 5px;">\$842,925.84</td> </tr> <tr> <td style="padding: 5px;">2/1/2016 thru 1/31/2017</td> <td style="padding: 5px;">\$71,982.52</td> <td style="padding: 5px;">\$863,790.24</td> </tr> <tr> <td style="padding: 5px;">2/1/2017 thru 1/31/2018</td> <td style="padding: 5px;">\$73,721.23</td> <td style="padding: 5px;">\$884,654.76</td> </tr> <tr> <td style="padding: 5px;">2/1/2018 thru 1/31/2019</td> <td style="padding: 5px;">\$75,459.94</td> <td style="padding: 5px;">\$905,519.28</td> </tr> </tbody> </table> <p>The City may terminate the lease with six months written notice to the Landlord in the second or third year of the lease.</p> <p>All other terms and conditions of the original amended lease remain the same.</p> <p>SM:HB:JLN:RB:npb xc: Marta Crinejo, Jacquelyn L. Nisby, Anna Russell and Neal Rackleff</p>				Year	Monthly Payment	Annual Payment	2/1/2014 thru 1/31/2015	\$68,505.10	\$822,061.20	2/1/2015 thru 1/31/2016	\$70,243.82	\$842,925.84	2/1/2016 thru 1/31/2017	\$71,982.52	\$863,790.24	2/1/2017 thru 1/31/2018	\$73,721.23	\$884,654.76	2/1/2018 thru 1/31/2019	\$75,459.94	\$905,519.28
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2/1/2018 thru 1/31/2019	\$75,459.94	\$905,519.28																			
REQUIRED AUTHORIZATION CUIC ID# 25 RB 152																					
General Services Department: Humberto Bautista, P.E. Assistant Director		Housing and Community Development Department: Neal Rackleff Director																			

SUBJECT: Award Design/Build Contract Bartlett Cocke General Contractors, LLC Fire Station No. 67 Expansion and Renovation WBS No. C-000180-0001-4		Page 1 of 2	Agenda Item 26
FROM (Department or other point of origin): General Services Department	Origination Date 8-28-13	Agenda Date SEP 04 2013	
DIRECTOR'S SIGNATURE Scott Minnix 		Council District(s) affected: B	
For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023		Date and identification of prior authorizing Council action:	
RECOMMENDATION: Award Design/Build Contract and appropriate funds for the project.			
Amount and Source Of Funding: \$155,881.00 Fire Consolidated Construction Fund (4500)		Finance Budget:	
SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a Design/Build Contract to Bartlett Cocke General Contractors, LLC to provide pre-construction and construction phase services for the Fire Station No. 67 Expansion and Renovation. Fire Station No. 67 serves the Acres Homes community which is continuously growing in population and emergency call volume. Acres Homes is ranked in the top five emergency call volume areas for the Houston Fire Department (HFD). The four-bay station, built in 1970 and refurbished in 1996, is in need of repairs and expansion to adequately serve the needs of the community. The Design/Build contractor will perform pre-design and schematic design services to include reviewing the site and existing facility to identify functional requirements and providing a schematic design to determine the scope, budget and schedule of the project. The project will add an apparatus bay and related support spaces, bring the facility into current code compliance and ADA compliance, add a women's restroom and address deteriorating conditions at the station. On October 5 and October 12, 2012, GSD advertised a Request for Qualifications (RFQ) containing selection criteria that ranked the respondents on experience, technical approach, and quality assurance program. The Statements of Qualifications (SOQ) were due on October 25, 2012 and four teams responded. A selection committee comprised of representatives from GSD and HFD scored all four submissions and interviewed all four teams. Bartlett Cocke General Contractors, LLC received the most points and offers the best value for the City based on the advertised criteria. PROJECT LOCATION: 1616 West Little York (Key Map 412X)			
REQUIRED AUTHORIZATION		CUIC ID# 25CONS226	
General Services Department:  Richard A. Vella Chief of Design & Construction Division	Houston Fire Department:  Terry A. Garrison Fire Chief		

Date	SUBJECT: Award Design/Build Contract Bartlett Cocke General Contractors, LLC Fire Station No. 67 Expansion and Renovation WBS No. C-000180-0001-4	Originator's Initials JW	Page 2 of 2
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AWARD: It is recommended that City Council award a Design/Build contract to Bartlett Cocke General Contractors, LLC and appropriate funds for pre-design services and schematic design services.

FUNDING SUMMARY:

\$ 24,000.00	Pre-Design Phase Services
\$ 67,200.00	Schematic Design Phase Services
\$ 34,000.00	Estimating, Scheduling and Constructability
\$ 20,000.00	Additional Services
\$ 8,000.00	Reimbursable Expenses
\$ 2,681.00	Civic Art
\$ 155,881.00	Total Pre-Design Funding

M/WBE PARTICIPATION: A combined M/WBE/SBE goal of 24% has been established for pre-construction and construction phase services. Upon completion of the pre-construction phase (design), the contractor will submit the list of proposed certified firms with the issuance of the GMP proposal.

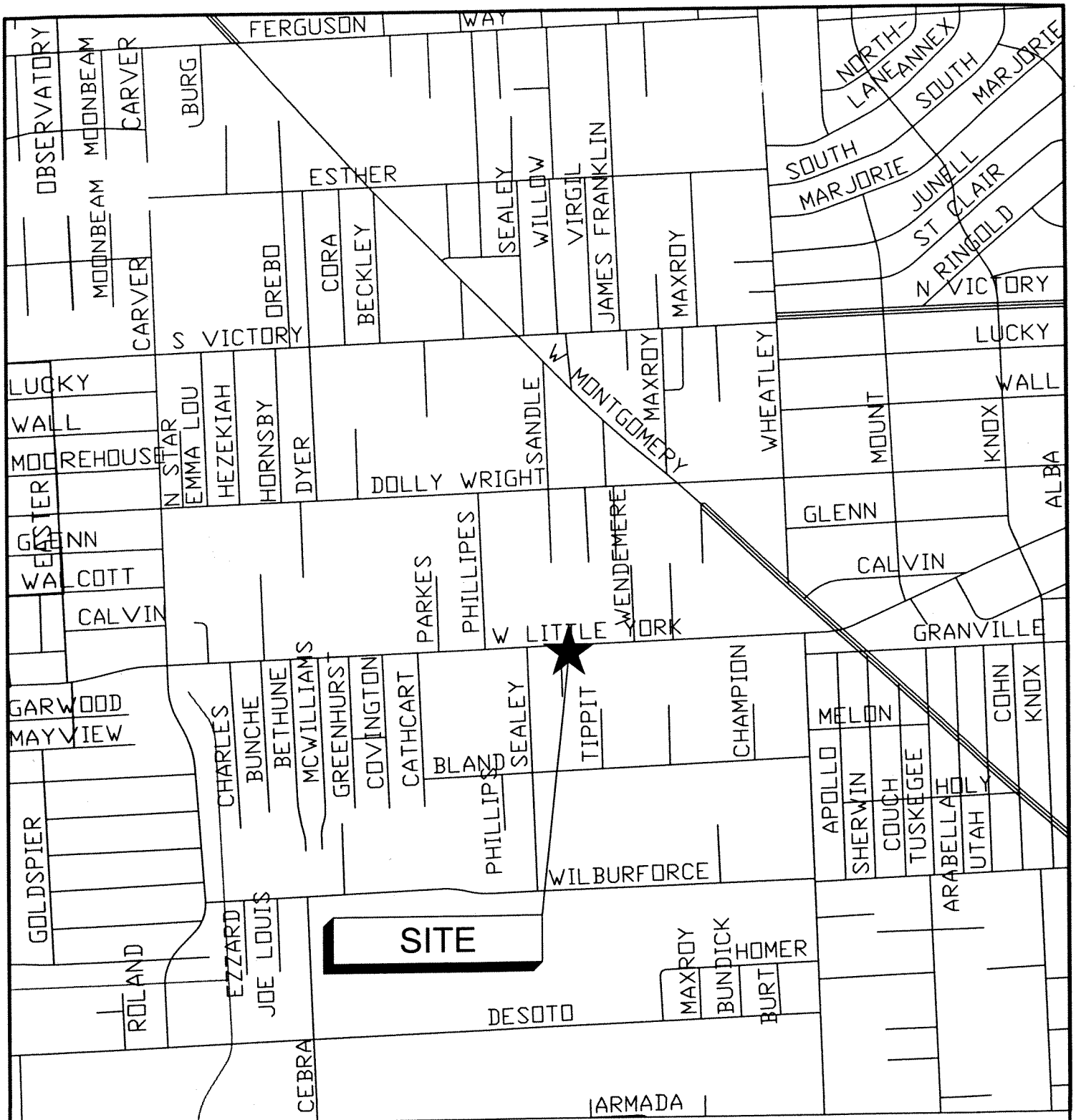
PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

HIRE HOUSTON FIRST: The proposed contract requires compliance with the City's 'Hire Houston First' Ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed contractor meets the requirements of Hire Houston First.

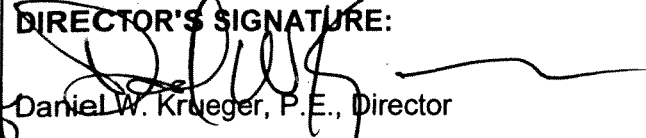
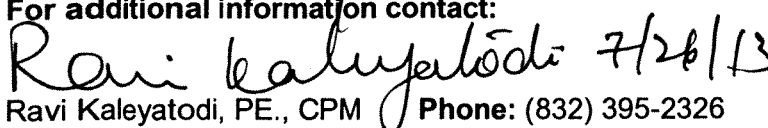



SM:JLN:RAV:CRC:JW:jw

c: Marta Crinejo, Jacquelyn L. Nisby, Herbert Griffin, Minnette Boesel, Morris Scott, Martha Leyva, File



Expansion & Renovation:
Fire Station 67
1616 W. Little York
Houston, TX 77091

SUBJECT: An Amendment to the Advance Funding Agreement between the City of Houston, Texas Department of Transportation and Harris County for the Construction of Clinton Drive from the Port of Houston Authority Gate 8 Entrance to IH 610; WBS. No. N-000787-0001-4.		Page 1 of 2	Agenda Item # 27
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 8/29/13	Agenda Date SEP 04 2013
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director		Council District affected: B,H 700	
For additional information contact:  Ravi Kaleyatodi, PE., CPM Phone: (832) 395-2326 Senior Assistant Director		Date and identification of prior authorizing Council action: Ordinance No. 2011-0541, dated June 22, 2011	
RECOMMENDATION: (Summary) Approve an amendment to the Advance Funding Agreement with Texas Department of Transportation and Harris County and appropriate additional funds.			
Amount and Source of Funding: \$2,941,209.00 from Fund 4042- Street & Traffic Control & Storm Drainage DDSRF. <i>M.P. 8/2/2013</i> (Original appropriation of \$1,536,009.00 from Street and Bridge Consolidated Construction Funds No. 4506).			
PROJECT NOTICE/JUSTIFICATION: This project was authorized by the State under Texas Transportation Commission Minute Order 110266 which awarded funding for projects in the 2006 Statewide Mobility Program. The project is currently listed in the 2006-2009 Transportation Improvement Program. Completing these improvements on Clinton Drive will improve existing drainage, traffic circulation and reduce congestion.			
DESCRIPTION/SCOPE: This project provides for right-of-way acquisition, engineering and construction of new 4-lane concrete roadway with storm sewers, water & sanitary sewer improvement, sidewalks, pavement markings, street lighting and necessary underground utilities.			
LOCATION: This project is located on Clinton Drive from the Port of Houston Authority Gate 8 to IH 610, and is located on Key Map grids 495 N, P, T and U.			
SCOPE OF THIS AGREEMENT: On the 28 th day of April 2006, the Metropolitan Planning Organization passed Amendment 82 to the 2006-2008 Transportation Improvement Program which authorizes the State to undertake and complete a highway improvement generally described as the reconstruction of Clinton Drive. Under this program, the project is eligible for construction funds from the Federal Highway Administration. Funding will generally consist of 80% Federal participation and 20% local government participation on eligible construction costs.			
LTS No. 6253		CUIC ID #20TAA110	
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division	

Date	SUBJECT: An Amendment to the Advance Funding Agreement between the City of Houston, Texas Department of Transportation and Harris County for the Construction of Clinton Drive from the Port of Houston Authority Gate 8 Entrance to IH 610; WBS. No. N-000787-0001-4.	Originator's Initials TAA	Page 2 of 2
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Under the terms of the Advance Funding Agreement, Harris County and the City will each be responsible for 50% of the engineering design and plans development costs and 10% each for the plan review costs. On June 22, 2011, by Ordinance No. 2011-0541, City Council approved and authorized an Advance Funding Agreement and appropriated funds in the amount of \$1,536,009.00 to cover the City's share of the project engineering design as well as plan development and review.

Subsequent to its approval by City Council, TxDOT informed the City and the County that the format used in producing the executed agreement is no longer valid. TxDOT requested the executed Agreement be replaced by a newly formatted and updated agreement. The new agreement does not reflect the cost of relocating the City utilities. The City and TxDOT agreed to enter into a separate utility relocation agreement to achieve the utilities adjustments and relocations.

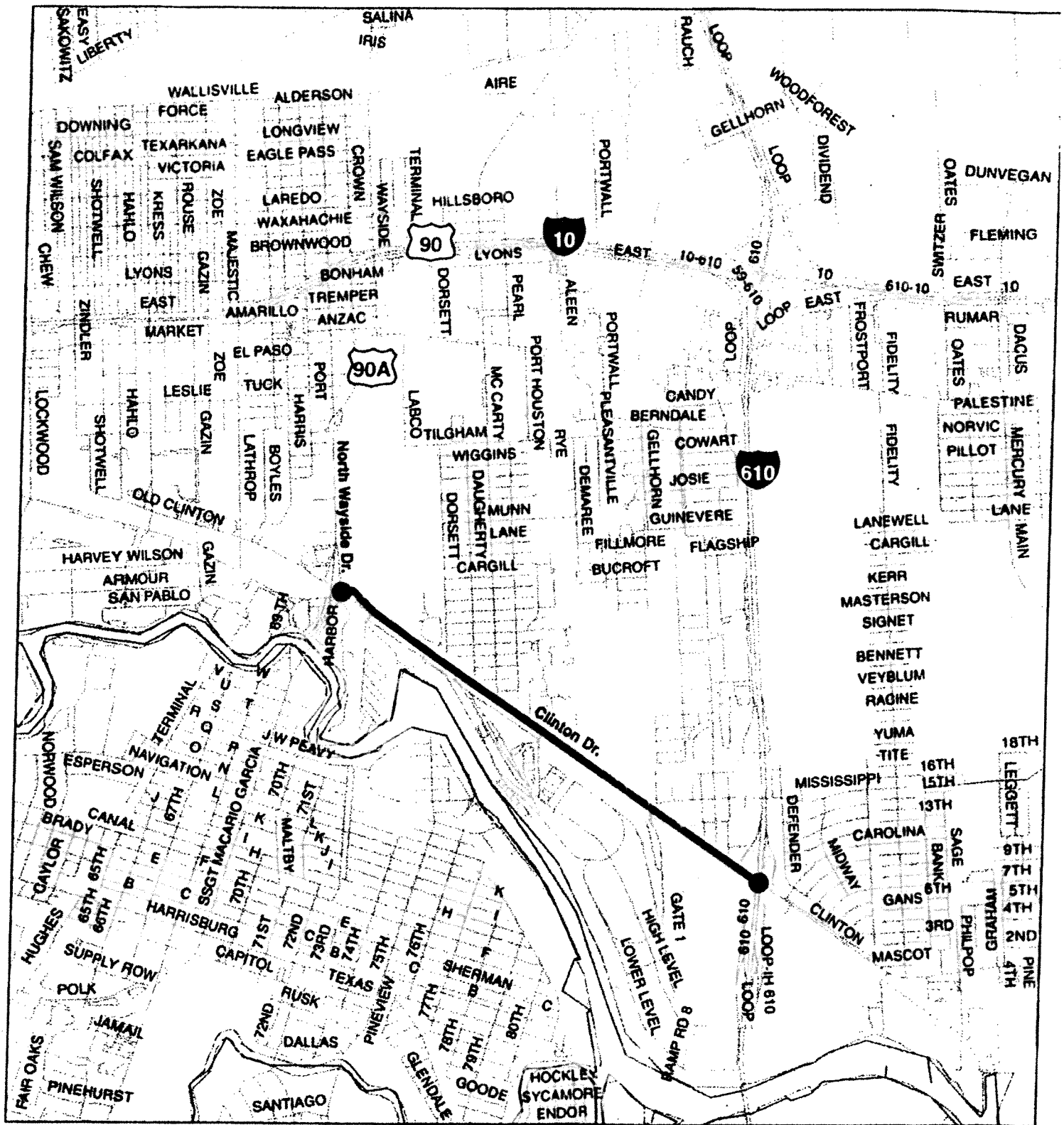
TxDOT requested that the City and the County pay their share in full for all cost associated with project's engineering design, plan development and review as well as all cost associated with the construction of the project. The City's total estimated cost participation is \$3,906,087.55. Therefore, it is necessary to appropriate additional funds in the amount \$2,941,209.00 which includes \$131,303.99 for contingency and \$183,825.09 for CIP Cost Recovery.

ACTION RECOMMENDED: It is recommended that City Council adopt an amendment approving and authorizing a newly formatted Advance Funding Agreement between the City of Houston, Harris County and Texas Department of Transportation and appropriate \$2,941,209.00 in additional funds for the City's total estimated cost participation.


DWK:DRM:RK:TAA:ma

H:\constr\A-SB-DIV\Interagency\TxDOT Projects\0912-72-075 Clinton Dr - Port of Houston Gate 8 Entrance to IH 610\Agreement-RCA\working Folder\20TAA110 New Agreement.docx

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Attachment "C"

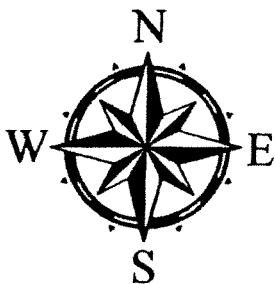
CSJ: 0912-72-075

Reconstruct Clinton Drive

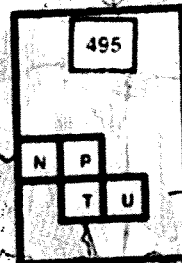
Location:

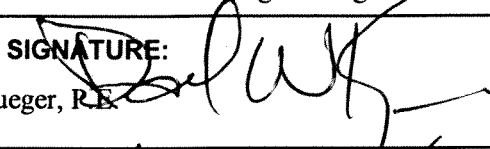

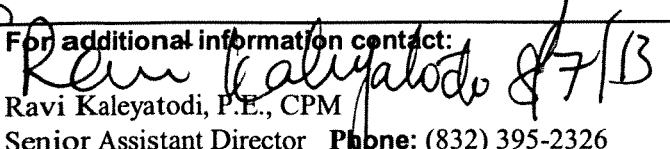

Clinton Drive from North
Wayside to IH 610

Harris County



Key Map Location

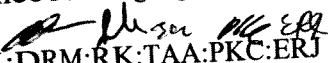


SUBJECT: Advance Funding Agreement between the City of Houston and Texas Department of Transportation (TxDOT) for the Rehabilitation or Replacement of Westerland Drive Bridge at HCFCD Ditch; WBS No. N-001320-0015-3.		Page 1 of 2	Agenda Item # 28
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 8/29/13	Agenda Date SEP 04 2013
DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E. 		Council District affected: F 	
For additional information contact: Ravi Kaleyatodi, P.E., CPM Senior Assistant Director Phone: (832) 395-2326 		Date and identification of prior authorizing Council action: Resolution 2012-0030, 10/17/2012	
RECOMMENDATION: (Summary) Adopt an Ordinance approving and authorizing an Advance Funding Agreement between the City of Houston and Texas Department of Transportation.			
Amount and Source of Funding: N/A			
PROJECT NOTICE/JUSTIFICATION: The Federal Off-System Bridge Program is administered by the Texas Department of Transportation (TxDOT) to replace or rehabilitate bridges located on public roads and streets not located on the designated state highway system.			
DESCRIPTION/SCOPE: This project consists of rehabilitating or replacing the Westerland Drive Bridge at HCFCD Ditch.			
LOCATION: The project is Westerland Drive Bridge at HCFCD Ditch. It is located in Key Map Grid 490T.			
PREVIOUS HISTORY AND SCOPE: The Texas Transportation Commission updated Minute Order No. 113526, dated March 28, 2013 for the reconstruction of Westerland Drive Bridge at HCFCD Ditch under the Off-System Bridge Replacement Program, hereinafter, referred to as "Participation Waived" Project.			
Under this Program, the usual fund participation ratio for projects is 80 percent federal, 10 percent state and 10 percent local government. The Texas Administrative Code, Title 43, Section 15.55 provides that under specified conditions, the 10 percent local government match requirement may be waived on this project if the local government performs an equivalent dollar amount of structural improvement work on another bridge within its jurisdiction (Equivalent-Match Projects).			
City Council approved Resolution No. 2012-0030, on October 17, 2012, which requested TxDOT to waive the local match requirements in the Federal Off-System Bridge Program.			
Due to the City's performance of improvements of sufficient value on designated Equivalent-Match Projects, TxDOT has agreed to waive the local match and is prepared to begin on the project.			
LTS No. 5756		CUIC ID # 20TAA109	
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

Date	SUBJECT: Advance Funding Agreement between the City of Houston and Texas Department of Transportation (TxDOT) for the Rehabilitation or Replacement of Westerland Drive Bridge at HCFCD Ditch; WBS No. N-001320-0015-3.	Originator's Initials TAA	Page <u>2</u> of <u>2</u>
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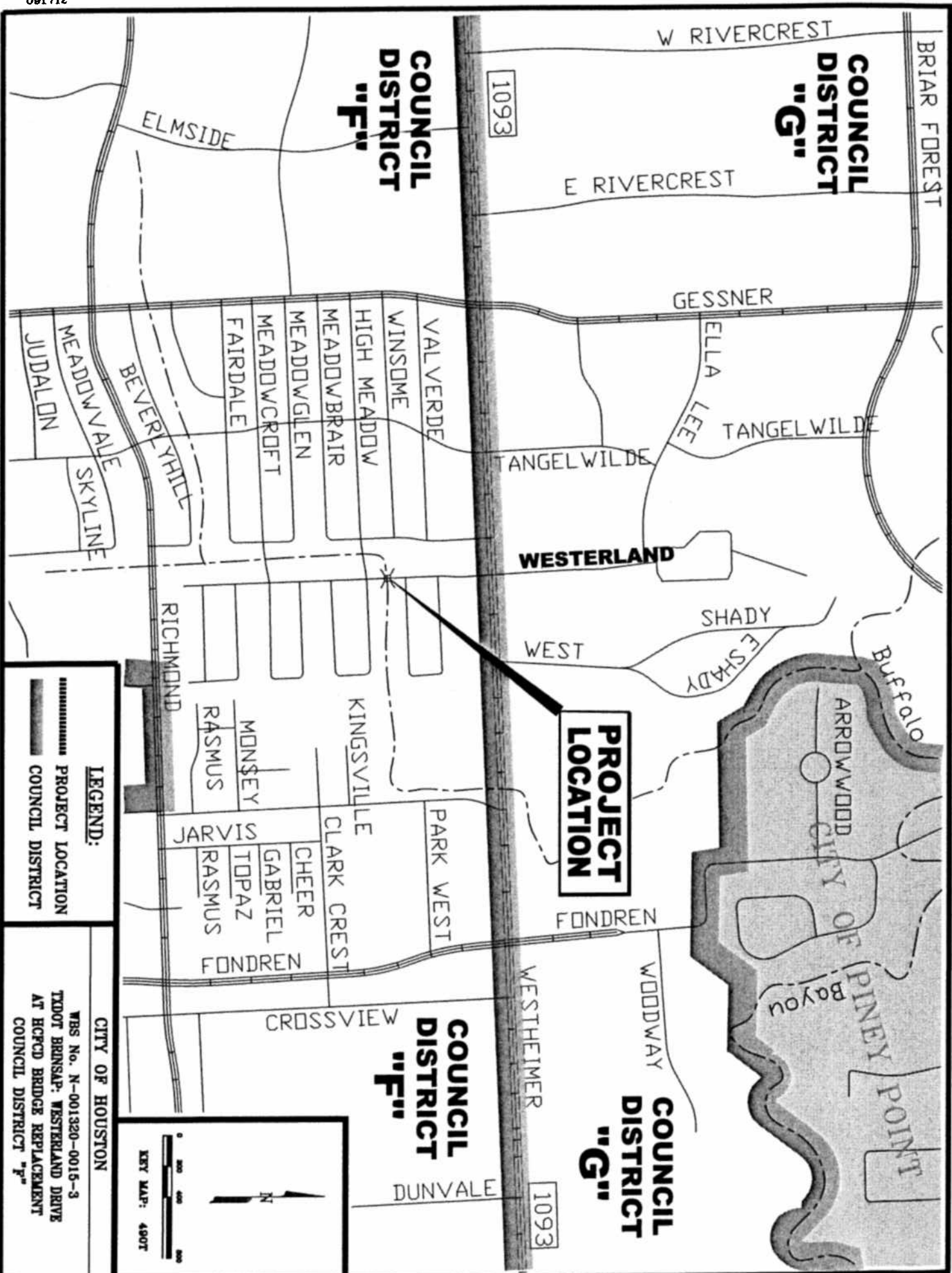
Under the terms of this agreement, TxDOT will design and construct the project. The City will be responsible for the provision and acquisition of all necessary right-of-way for the project and the relocation of utilities before the scheduled beginning of construction. The City will maintain the facilities upon the completion of construction.

ACTION RECOMMENDED: It is recommended that the City Council adopt an ordinance approving and authorizing an Advance Funding Agreement between the City of Houston and TxDOT.


DWK:DRM:RK:TAA:PKC:ERJ

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c: File – TxDOT – Westerland Drive Bridge at HCFCD Ditch



29

SEP 04 2013

MOTION NO. 2013 0595

MOTION by Council Member Gonzalez that an item be placed on the Agenda of September 4, 2013, to receive nominations for Position 3 on the Port of Houston Authority of Harris County, for a two year term.

Seconded by Council Member Bradford and carried.

Mayor Parker, Council Members Brown, Davis, Cohen,
Adams, Martin, Hoang, Gonzalez, Rodriguez, Laster,
Green, Costello, Burks, Noriega, Bradford and Christie
voting aye
Nays none

Council Member Pennington absent on personal business

PASSED AND ADOPTED this 28th day of August 2013.

Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is September 3, 2013.

City Secretary



CITY OF HOUSTON

Office of the Mayor

Interoffice

Correspondence

To: Anna Russell
City Secretary

From: Jenn Chat
Director of External Affairs

Date: August 22, 2013

Subject: Nominations for Position 3 on
the Port of Houston Authority of
Harris County

NON-CONSENT AGENDA

MISCELLANEOUS

Motion to set a date not less than seven (7) days from August 28, 2013, to receive nominations for Position 3 on the Port of Houston Authority of Harris County for a two-year term. The two-year term of the current member expires September 14, 2013.

Position 3 Kase L. Lawal nominated by Council Member Rodriguez

JC/jsk

cc: Ms. Marta Crinejo



30
SEP 04 2013

MOTION NO. 2013 0596

MOTION by Council Member Gonzalez that an item be placed on the Agenda of September 4, 2013, to receive nominations for Position 4 of Wastewater Capacity Reservation Review Board, for the remainder of the designated two year term.

Seconded by Council Member Bradford and carried.

Mayor Parker, Council Members Brown, Davis, Cohen,
Adams, Martin, Hoang, Gonzalez, Rodriguez, Laster,
Green, Costello, Burks, Noriega, Bradford and Christie
voting aye
Nays none

Council Member Pennington absent on personal business

PASSED AND ADOPTED this 28th day of August, 2013.

Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is September 3, 2013.

City Secretary



CITY OF HOUSTON

Office of the Mayor

Interoffice

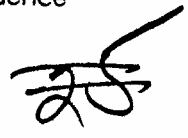
Correspondence

To: Anna Russell
City Secretary

From: Jenn Char 
Director of External Affairs

Date: August 22, 2013

Subject: Wastewater Capacity
Reservation Review Board
Council Appointment


~~AUG 20 2013~~

NON-CONSENT AGENDA MISCELLANEOUS

Motion to set a date not less than seven (7) days from August 28, 2013, to receive nominations for Positions 4 of Wastewater Capacity Reservation Review Board for the remainder of the designated two year term. Listed below is the current member:

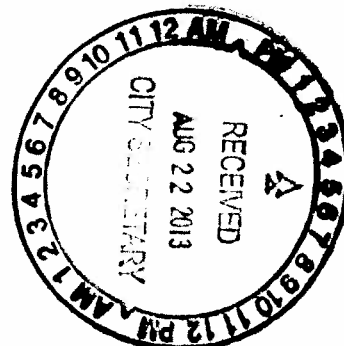
Position 4

Robert Schwartz

Council Member Green

jc/jsk

cc: Ms. Marta Crinejo, Agenda Director





CITY OF HOUSTON

Legal Department

Interoffice Memorandum

31

SEP 4 2013

cmg

To: Anna Russell, City Secretary

From: Candice M. Gambrell, Assistant City Attorney

Date: August 27, 2013

Subject: Notice of Appeal of Brite Lite Sign Service, Inc.
regarding denial of sign permit at 10410 Westheimer

By the attached memorandum and handwritten note, dated July 5, 2013 and August 22, 2013 respectively, you have requested advice as to whether the legal counsel for Brite Lite Sign Service, Inc. ("Brite Lite") has timely filed, and therefore may be granted, an appeal to the City Council of the General Appeals Board's (the "Board") decision regarding the denial of Brite Lite's sign permit at 10410 Westheimer, Houston, Texas.

Brite Lite, not represented by legal counsel at the time, appeared before the Board on June 27, 2013 to appeal the decision of the Public Works & Engineering Department/ Sign Administration's determination to deny a sign permit. The Board denied the appeal and provided Brite Lite a copy of the Board's ruling on June 27, 2013.

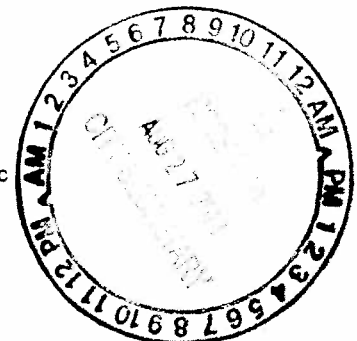
Subsection 4604(e)(1) of the City of Houston Building Code provides that any person wishing to appeal a decision of the Board may appeal to City Council by giving notice of appeal in writing to the City Secretary within ten days following the decision of the Board. Further, subsection 4604(e)(2) provides that an appellant who has complied with section 2-2 of the Code of Ordinances, Rule 12 of the City Council's Rules of Procedure, must file with the City Secretary within 60 days following the Board's decision a record consisting of the written transcript of the hearing before the Board, along with written exceptions, if any, of each party to the proceedings to the facts and administrative rulings and decisions made by the Board.

As you noted in your attached memorandum, Mr. Richard Rothfelder, legal counsel for Brite Lite, filed his notice of appeal regarding the Board's decision in writing to your office on July 3, 2013; this notice of appeal falls within ten days of the Board's ruling on Brite Lite's sign permit. Additionally, as you noted in your handwritten note, Mr. Rothfelder filed a transcript of the Board's hearing with your office on August 22, 2013. On August 23, 2013, Hope Hammill-Reh of the City Legal Department, with the consent of Mr. Rothfelder, filed a transcript you're your office complete with all of the exhibits considered by the Board at its hearing. The filing of the complete transcript and exhibits falls within 60 days of the Board's decision. Accordingly, the appeal of Brite Lite to the City Council is timely and may be granted.

Attachment

cc: Maria Vrana, PWE-Code Enforcement
Hope Hammill-Reh, Legal

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ROTHFELDER & FALICK, L.L.P.
ATTORNEYS AT LAW

RICHARD L. ROTHFELDER
rrothfelder@swbell.net
BOARD CERTIFIED - CIVIL TRIAL LAW

1201 LOUISIANA
SUITE 550
HOUSTON, TEXAS 77002

TELEPHONE: 713-220-2288
FACSIMILE: 713-658-8211
WWW.ROTHFELDERFALICK.COM

July 3, 2013

Ms. Anna Russell
City Secretary
City of Houston
P.O. Box 1562
Houston, TX 77251

Via Messenger Delivery

RE: Notice of Appeal of Brite Lite Sign Service, Inc. of June 27, 2013 Decision of General Appeals Board regarding Sign located at 10410 Westheimer, Houston, TX 77077; Our File No. 1972-1.

Dear Ms. Russell:

Pursuant to Section 4604(e)(1), on behalf of my client, Brite Lite Sign Service, Inc., I am hereby serving notice of appeal of the decision rendered by the General Appeals Board on June 27, 2013 upholding the Houston Sign Administration's ruling on the sign located at 10410 Westheimer, Houston, Texas, 77077. Attached is my client's presentation to the General Appeals Board appealing the Sign Administration's decision; however, I will be timely submitting additional arguments, evidence, and authorities for the City Council's consideration. The transcript of the General Appeals Board hearing, as well as the administrative rulings of the General Appeals Board and Brite Lite Sign Service, Inc.'s exceptions thereto, will be provided within sixty days of the June 27, 2013 decision, pursuant to Section 4604(e)(2) of the Houston Sign Code.

Thank you for your attention to this matter, and please let me know if you have any questions.

Very truly yours,

Richard L. Rothfelder

RLR:mr
Enclosures



Brite Lite Sign Service, Inc.

9901 Regal Row

Houston, Texas 77040

22 May 2013

City of Houston

General Appeals Board

1002 Washington Avenue

Houston, Texas 77002

Section 4611 (1) (6) A Page 57

The code referenced above is written as an "all inclusive" definition of Changeable message signs. The changeable message sign restriction was designed for the LED message center and not LED price signs. Given this premise the rule to allow only one LED sign per business is riddled with error as most gas stations are on the corners and they are allowed two ground signs but only one LED price sign. Therefore they have a manual sign and one LED price sign. I believe this was an oversight in the writing of the code and should be amended immediately.

Harris County, who adopted the City of Houston code, allows two LED price signs. The city of Houston pointed out to them that they overlooked the issue and recommended the change in the county code.

It makes sense in every aspect:

1. Safety
2. Accuracy
3. Aesthetics
4. Convenience

LED Price signs do not change more than once a day. Normally the price is changed in the mornings when Gas futures are updated by Wall Street. LED pricer's are safer to operate. No one has to go to the sign with an extension pole to change digits. The signs are located near roads and near drive ways and

have proven to be a hazard for the employee to change. In unusual weather patterns, the digits can fly out and have hit vehicles and store patrons.

Prices do not change more than once a day, they are not changeable message signs in the sense that the definition was written.

Operators that have more than one store can change the price from a remote location when using LED price signs. The signs are programmable from the inside of the store or from a remote office where the signs can be changed from a manager who is watching the entire market.

It is illegal to display multiple prices at a store and having one LED and one manual price sign causes the station at times to display two different prices. If the weather is bad or the store has only one manager then they cannot go and change the price while leaving the store unattended. This is also a safety issue as they walk in and out of the store they are opening themselves up for someone to take advantage of them.

Summary:

The location is on Westheimer and the beltway 8, both streets are very dangerous. The risk of employees going to the manual font sign and running the risk of being hurt is much higher due to the high volume of traffic.

Houston is constantly talking about improving the look of the city and needs business to contribute; removing the manual font sign and installing an LED sign will improve the store's appearance dramatically.

Landmark Industries operates 200+ "C" stores and they change the price on a daily basis. They do not change the price more than one time daily. The code is written incorrectly and should not have incorporated LED price signs. Landmark is responsible for the safety of their employee's and wants to allow them to change the price from the store. It is a hardship to employee's and the employer.

The LED price signs are very attractive and improve the look and appeal of the store. The manual font signs are very unattractive and do not appeal to the residents of Houston.

ROTHFELDER & FALICK, L.L.P.

ATTORNEYS AT LAW

RICHARD L. ROTHFELDER
rrothfelder@swbell.net
BOARD CERTIFIED - CIVIL TRIAL LAW

1201 LOUISIANA
SUITE 550
HOUSTON, TEXAS 77002

TELEPHONE: 713-220-2288
FACSIMILE: 713-658-8211
WWW.ROTHFELDERFALICK.COM

August 22, 2013

Ms. Anna Russell
City Hall Annex
901 Bagby, Rm P101
Houston, TX 77002

Via Messenger Delivery

RE: Notice of Appeal of Brite Lite Sign Service, Inc. of June 27, 2013 Decision of General Appeals Board regarding Sign located at 10410 Westheimer, Houston, TX 77077; Our File No. 1972-1.

Dear Ms. Russell:

On behalf of my client, Brite Lite Sign Service, Inc. ("Brite Lite"), I am following up my July 3, 2013 letter, by providing the transcript of the General Appeals Board ("Board") hearing of June 27, 2013. At that hearing, the Board upheld the decision of the Houston Sign Administration to deny a sign permit for Brite Lite's customer, the Timewise Exxon gas station located at 1041 Westheimer Road, Houston, Texas 77042. I am also sending a copy of this letter and the Board hearing transcript to City Attorney David Feldman, Mayor Parker, and the Councilpersons.

The Timewise Exxon, like most gas stations, is located on a corner, specifically at Westheimer and Beltway 8, with more than 350 feet of frontage. As such, Houston Sign Code Section 4611(b)(1)a affords Timewise Exxon two on-premise ground signs, including those that display the daily changing gas prices. However, the current Code allows only one of the two gas price reader signs to be changed automatically through digital illumination, since Section 4611(i)(6)a states "only one changeable message sign shall be permitted per business." Thus, the second sign displaying the gas station's daily prices for fuel must be changed manually, by an employee climbing a ladder, who removes and replaces plastic numbers, which often blow off of the sign.

The Sign Administration denied Brite Lite's request for digital illumination of the second gas price reader sign, which is currently changed manually. While upholding this decision, the Board agreed the aesthetics, safety, traffic, and other concerns with digitally illuminated automatic changing signs should not prohibit the maintenance of two digital gas price readers for corner gas stations. Specifically, the Board unanimously made a motion to "recommend to the

Mayor that they look into gas stations having the ability to have more than one LED sign.” (Board transcript, page 45, line 18 – page 46, line 1).

The unanimously passed motion followed the advice of Assistant City Attorney Candice Gambrell, who explained “under the authority that you guys have as the General Appeals Board as laid out in the building code in Section 112.2, the board may also make recommendations to the mayor for amendments to this Code. So you as a body have the power yourselves to make a recommendation.” (Board transcript, page 42, line 22 – page 43, line 3) Even the Sign Administration, through its Manager Lisa Lorton, explained at the hearing that its hands were basically tied in prohibiting the second digital gas price reader under the current Code:

MR. MACK: Okay. Well, does somebody want to put that recommendation into motion?

MS. DAVIDSON: wait. Let me ask a question. This is just so I can know. Is this sign - - I know that if we can't make any decision it doesn't do any good, but for my own self I want to know. Is this new sign going to be any bigger than the old sign?

MR. HALTOM: No.

MS. DAVIDSON: No?

MR. HALTOM: It's just identical to that sign. It's just the difference is that they're able to change the prices remotely and not have to have somebody walk across the driveway and manually change it. The monument sign is not nearly as difficult as the one that is 20 feet or 30 feet in the air.

MR. MACK: All right.

MR. HALTOM: I mean, by the time we change the sign code there will be another technology besides LEDs out there.

MS. LORTON: That's right.

MR. MACK: You have to get the record from our court reporter and you can make a decision to pass it onto Council. We will make comments based on our motion that's upcoming.

MR. GROSS: When you do go to City Council your case will be stronger if you go with more than yourself. You know, two business owners are better than one and three are better than two and so on.

MS. LORTON: I mean, it's just not this location that is in a hardship. I mean, it puts a lot of locations in a hardship because there's some locations that you can't have a ground sign. They have a canopy over their gas pumps. Well, this is telling me that they can put their price on one side of the canopy but not on the other side of the canopy.

MR. SILVA: The other point is technology changes so rapidly. This thing has to be almost - -

MS. LORTON: It has to fluid.

MR. GROSS: I don't think you're looking at anybody that is arguing.

MS> LORTON: No. We just can't change it.

(Board transcript page 43, line 4 – page 44, line 19)

Brite Lite and Timewise Exxon agree with the Board's recommendation to the Mayor and Council. Two on-premise ground signs for businesses with more than 350 feet of frontage are already permitted by Section 4611(b)(1)a. The second sign is already in place, and it will not be increased in height or size for the Timewise Exxon located at the corner of Westheimer and Beltway 8. Instead, the only difference is that the gas prices will be changed once a day through computer operated digital illumination, rather than by an employee climbing a ladder in the parking lot to manually remove and place plastic numbers that often blow off the sign. Thus, the Board's recommendation and Brite Lite's request promotes the aesthetic and safety concerns advanced by the Code, as well as embraces technology and efficiency in operation of the signage.

The request could be achieved by a very simple change to one sentence of the Houston Sign Code. Specifically, Section 4611(i)(6)a would be revised as follows:

Only one changeable message sign shall be permitted per business; provided, however, gas stations with more than 350 feet of frontage may be permitted two changeable message signs, each of which display the price of fuel to be changed no more frequently than once per day.

For these reasons, Brite Lite requests the Board's recommendations be honored by the Mayor and Council and that the Houston Sign Code be amended accordingly to permit two digital gas price readers for the Timewise Exxon corner gas station.

Very truly yours,


Richard L. Rothfelder

Enclosure
RLR:mr

cc: Mr. David M. Feldman
City Attorney
City of Houston
P.O. Box 368
Houston, TX 77001-0368

The Honorable Annise D. Parker
Mayor, City of Houston
P.O. Box 1562
Houston, TX 77251

Via Certified Mail, RRR
#7010 1870 0001 3739 8043

Via Certified Mail, RRR
#7010 1870 0001 3739 8036



cc: Council Member Helena Brown
(cont.) City Hall Annex
900 Bagby, 1st Floor
Houston, TX 77002

**Via Certified Mail, RRR
#7010 1870 0001 3739 8029**

Council Member Jerry Davis
City Hall Annex
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Houston, TX 77002

**Via Certified Mail, RRR
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Council Member Ellen Cohen
City Hall Annex
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Houston, TX 77002

**Via Certified Mail, RRR
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City Hall Annex
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Council Member Dave Martin
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Houston, TX 77002

**Via Certified Mail, RRR
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Council Member Al Hoang
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Houston, TX 77002

**Via Certified Mail, RRR
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Council Member Oliver Pennington
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Houston, TX 77002

**Via Certified Mail, RRR
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Council Member Ed Gonzalez
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Houston, TX 77002

**Via Certified Mail, RRR
#7010 1870 0001 3739 7954**

Council Member James G. Rodriguez
City Hall Annex
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Houston, TX 77002

**Via Certified Mail, RRR
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cc: Council Member Mike Laster
(cont.) City Hall Annex
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Houston, TX 77002

Via Certified Mail, RRR
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Council Member Larry Green
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Council Member Stephen C. Costello
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Via Certified Mail, RRR
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Council Member Andrew C. Burks, Jr.
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Via Certified Mail, RRR
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Council Member Melissa Noriega
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Council Member C.O. "Brad" Bradford
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Via Certified Mail, RRR
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Council Member Jack Christie
City Hall Annex
900 Bagby, 1st Floor
Houston, TX 77002

Via Certified Mail, RRR
#7010 1870 0001 3739 7879



CITY OF HOUSTON

City Secretary

Interoffice

Correspondence

To: Mr. David Feldman
City Attorney

From: Anna Russell
City Secretary

Date: July 5, 2013

Subject: APPEAL FOR BRIGHT LIGHT SIGN
SERVICE, INC.

The attached copy of letter dated July 3, 2013, from Mr. Richard L. Rothfelder, Attorney at Law, giving notice of appeal of Bright Light Sign Service, Inc. June 27, 2013 decision of the General Appeals Board, regarding sign located at 10410 Westheimer, is sent to you to advise if the appeal is timely and subject to appeal.

Yours Truly,

A handwritten signature in cursive script, appearing to read "Anna Russell".

Anna Russell
City Secretary

AR/bg

Attachment: Letter

cc: Mr. Richard L. Rothfelder,
1201 Louisiana, Suite 550
Houston, Texas 77002

Mr. Dan Krueger, Director
Public Works and Engineering Department

8/22/13
TRANSCRIPT
Received
See ATTACHED
Copy of Letter
ARussell

1
2
3
4
5
6 CITY OF HOUSTON
7 GENERAL APPEALS REVIEW BOARD
8 JUNE 27, 2013
9
10
11
12
13

14 BE IT REMEMBERED that on the 27th day of June, 2013,
15 commencing at 5:10 p.m. the following proceedings were
16 had at 1002 Washington Avenue, Basement level,
17 Houston, Texas.
18
19
20
21
22
23
24
25

COPY



CITY OF HOUSTON

Public Works and Engineering Department

Annise D. Parker

Mayor

Daniel W. Krueger, P.E.
Director
P.O. Box 2688
Houston, Texas 77252-2688
1002 Washington Avenue
Houston, Texas 77002
T – 832-394-9000

www.houstontx.gov

NOTICE

Meeting of the General Appeals Board
Thursday, June 27, 2013
5:00 P.M.

1002 Washington Ave., Basement Level, Training Room B2

Consideration of Manufactured Home Hardships

1.	Leonard Maxwell	4314 Maggie St. Exp: 03-06-13 / 04 yrs.	77051	Recommended 61001337 / Illness
2.	Wayne Castleberry/ Humble MFG Co.	8712 Fringewood Dr. Exp: 3-12-13 / 21 yrs.	77028	Not Recommended 61001447 / Security
3.	Bill York	5819 1/2 Victory Dr. Exp: 03-14-13 / 23 yrs.	77088	Not Recommended 61001455 / Security

Consideration of Sign Appeal

Brite Lite Sign requesting an appeal regarding the decision of Sign Administration and the Interpretation of the Houston Sign Code for the denial of a sign permit at 10410 Westheimer, Houston Texas.

1 APPEARANCES

2

3

BOARD MEMBERS:

4

Reginald L. Mack

Leslie B. Davidson

5

Solomon B. Silva

Michael Dishberger

6

Shawn A.J. Gross (Chairman)

Earl Greer (for Bldg. Official)

7

Richard Galvan (for Fire Marshal)

Edward E. Campbell

8

9

LEGAL REPRESENTATIVE FOR THE GENERAL APPEALS REVIEW BOARD:

10

Candice Gambrell

11

MANUFACTURED HOME:

12

Byron King

13

14

SIGN APPEAL:

15

Brad Everett

Bernie Narvadz

16

Todd Haltom

Stephen Maddox

17

18

SIGN ADMINISTRATION:

19

Lisa Lorton

Misael Benitez

20

Robert McClennon

21

LEGAL REPRESENTATIVE FOR SIGN ADMINISTRATION:

22

Hope Hammill-Reh

23

24

25

1 MR. MACK: Okay. We'll call the meeting
2 to order. And as usual, the first order of business
3 will be the minutes from the last meeting. I take it
4 y'all have had a chance to review them.

5 MR. SILVA: I move they be approved as
6 they are.

7 MS. DAVIDSON: I second it.

8 MR. MACK: Okay. It's been moved and
9 seconded that we approve the last meeting minutes. All
10 those in favor? Those opposed? Okay. The ayes have
11 it.

12 The next order of business is the
13 manufactured homes. We have three applicants. First,
14 the only one that's recommended is from Leonard Maxwell.
15 Mr. Byron, do you have any comments?

16 MR. KING: On Maggie, no. The only
17 comment I have is that, yes, they have replied. They've
18 been there four years. They meet all qualifications for
19 recommendation.

20 MR. MACK: All right. Any questions from
21 the Board? It's their motion.

22 MR. CAMPBELL: I move that this
23 application for manufactured home be approved as
24 recommended by the city.

25 MR. SILVA: I second it.

1 MR. MACK: It's been moved and seconded to
2 approve Applicant No. 1. All those in favor? Those
3 opposed? Okay. The ayes have it.

4 Application No. 2 is Wayne Castleberry,
5 Humble Manufacturing Company. Is there a representative
6 here?

7 MS. VRANA: No.

8 MR. MACK: Okay. Mr. King?

9 MR. KING: You said there's no
10 representative?

11 MS. VRANA: No.

12 MR. MACK: No representative.

13 MR. KING: 8712 Fringewood. This
14 manufactured home has been there for 21 years. It has
15 been recommended throughout the years, but this previous
16 year the manufactured home has gone into disarray. The
17 handrails, the windows and smoke detectors are
18 in violation of the ordinance. We sent out certified
19 mail to them. We do have a received card certified mail
20 return from them so somebody has received it and it was
21 done in due you time. That's why I was double-checking
22 to see if there was anybody here for that. At this time
23 the city is not recommending that the manufactured home
24 stay.

25 MR. MACK: Okay. Any questions from the

1 Board.

2 MR. GROSS: The certified mail just makes
3 them aware of the meeting or things that needed to be
4 corrected?

5 MR. KING: We went out and did an initial
6 inspection of it before it expires. We also did a
7 followup to see if they had corrected the problems,
8 which they had not. And then the letter that was sent
9 out states to them that the city will be not
10 recommending before the General Appeals Board. Once
11 that is done, it also gives them in writing the appeal
12 process as far as if they want to come before the
13 General Appeals Board, which they have ten days to do
14 that once the receipt of the certified letter.

15 MR. GROSS: Thank you.

16 MR. KING: Uh-huh.

17 MR. CAMPBELL: Is the basis of you not
18 recommending them the conditions, the violations, or is
19 it a -- this is a security application, I guess.

20 MR. KING: That is correct.

21 MR. CAMPBELL: It's still being used in
22 that fashion?

23 MR. KING: At this time, yes, it is. Yes,
24 it is.

25 MR. CAMPBELL: Okay.

1 MR. KING: And at that time my inspector
2 said steps not maintained, smoke detectors don't work,
3 windows are -- it's a broken home but in good condition
4 and getting delapidated.

5 MR. CAMPBELL: Okay.

6 MR. MACK: And you say it is being used?

7 MR. KING: Yes.

8 MR. MACK: Okay. Any other questions from
9 the Board?

10 MS. DAVIDSON: What happens then at this
11 point?

12 MR. KING: At this particular point we
13 will get with them to see how we can work with him in
14 getting the manufactured home removed.

15 MS. DAVIDSON: Okay.

16 MR. KING: We try to give them "X" amount
17 of time to get it removed.

18 MS. DAVIDSON: I see. Okay.

19 MR. MACK: Any other questions? Is there
20 a motion?

21 MR. SILVA: I move that we deny the
22 application.

23 MR. CAMPBELL: Second.

24 MR. MACK: It's been moved and seconded to
25 deny the application. Is there any comments?

1 Okay. Then let's vote. All those in
2 favor? Those opposed? The ayes have it. The appeal
3 has been denied.

4 Next is Item No. 3. Bill York. Anybody
5 they're here representing?

6 MR. YORK: Yes, sir.

7 MR. MACK: Are you Mr. York?

8 MR. YORK: Yes, sir.

9 MR. MACK: Let's see. Mr. King, if you
10 will, please.

11 MR. KING: Okay. There's two pictures.
12 What you're receiving is -- well, let me back up a
13 second.

14 MR. MACK: Give the applicant one, please.

15 MR. KING: Okay. 5819 1/2 Victory Drive.
16 This is also a security hardship. It has been there for
17 23 years. In this particular case it's been there for
18 23 years. What I passed out to you is two pictures.
19 One is a sky view or a satellite view of the overall
20 property. The other is a ground view, more toward the
21 east side of it looking onto the property. Again, it
22 was 23 years ago. They have -- it's mini storage
23 buildings. It's eight buildings or nine buildings and
24 then you have an office building that is right at the
25 front. Where you see the arrow by 5819 is an office

1 building right there. The manufactured home is right
2 next to the office building that is on the property. As
3 you can also see you have numerous boats that are not in
4 the storage room, but they are on the property. This
5 particular property from the time when it first started
6 up until now they do have a barbwire fence completely
7 around the property and they also have lights throughout
8 the particular property.

9 Based on the inspections that we've done
10 and the years that it's been there, it's been there on a
11 manufactured home hardship. As we all know that is only
12 good for a year and it's supposed to be renewed every
13 year on the basis that this is a temporary basis until a
14 permanent basis has been done. In this particular case
15 the security hardship has been there for 23 years and at
16 some point nothing has been done as far as making it a
17 permanent situation.

18 With all the buildings that they have, the
19 barbwire fence and also with the lights that are out
20 there, which are on all four sides, and you have a
21 neighborhood that's on the left side of that picture
22 right there, in those particular conditions and the
23 years that it has been, the city at this time is not
24 recommending hardship based on a permanent solution has
25 not been done in the 23 years that it has been there.

1 MR. MACK: Okay. Any questions from the
2 Board?

3 MR. SILVA: Is the manufactured home right
4 behind that arrow?

5 MR. KING: Right here, the arrow that you
6 are pointing to, is the office itself. The manufactured
7 home is right there to the left of it.

8 MR. DISHBERGER: You don't have a picture
9 of the building itself?

10 MR. KING: No.

11 MR. DISHBERGER: I see a downward view,
12 but you don't have a -- they couldn't move the camera
13 over a little bit --

14 MR. KING: Yeah.

15 MR. DISHBERGER: -- to show it to us.

16 MR. YORK: I have a few.

17 MR. DISHBERGER: Do you have some?

18 MR. YORK: Yes, sir.

19 MR. DISHBERGER: Okay.

20 MR. YORK: Here's some more pictures.

21 MR. SILVA: We'll pass them together.

22 MR. KING: Right.

23 MR. MACK: Any other questions while the
24 pictures are going around?

25 MR. SILVA: Yeah. So what you're saying

1 is -- well, the manufactured home is in good shape, but
2 it's been there too long and they haven't decided --
3 they haven't seemed to have wanted to do something other
4 than that?

5 MR. KING: That is correct. It's been
6 there for 23 years. Based on the way the ordinance is
7 written, it's supposed to be on a temporary basis. It's
8 been there 23 years and the city is not recommending
9 this manufactured home hardship.

10 MR. CAMPBELL: The previous case was
11 denied based on the condition even though it had been
12 there 21 years. What's the difference between those
13 two?

14 MR. KING: Well, after the first year the
15 Board has to approve it every year. So it is the city's
16 position that based on the ordinance we either have to
17 recommend to or not to. The one previous was a
18 security. And in this particular case, the one
19 previous, the condition of the hardship with the steps,
20 the smokes, the windows and --

21 MR. CAMPBELL: Right.

22 MR. KING: It was just totally --

23 MR. CAMPBELL: I'm just saying that the
24 application would have passed had it been in good
25 condition and it would have been there 21 years. That's

1 the point I'm making.

2 MR. KING: Not necessarily. Because on
3 this particular one, I went on the conditions of the
4 manufactured home not as far as the condition as far as
5 what could have been done.

6 MR. GROSS: What you're saying, if I
7 understand, is that you got the first impediment and
8 based on that you denied it. So you didn't go beyond
9 that. There may have been other reason you would have
10 denied it, but you didn't go to them.

11 MR. KING: Based on the condition that I
12 see, it wouldn't have warranted it based on the
13 corrections that needed to be done.

14 MR. DISHBERGER: It looks like the
15 building is in pretty good shape. So it's just not
16 because of security, because it looks like they have
17 lots of security there, fence and lights and all of
18 that. The condition of the steps looks like they're in
19 code and they have smoke detectors and whatever they
20 need to have in building. So it's more -- it's only
21 about the time. 23 years is enough.

22 The question then is, is there a city
23 policy saying that at a certain point, this year, we're
24 going to say -- at 20 years or 23 years or whatever,
25 we're going to start not recommending any of these?

1 MR. KING: There is nothing written, per
2 se. Legal can correct me. But in the ordinance it does
3 not state how many years it can be there because it has
4 to be brought before the Board each and every year based
5 on the date of approval.

6 MR. DISHBERGER: I'm just trying to get
7 the timeline. Probably at 22 years, last year, it
8 wasn't recommended approval. Do you know if y'all
9 recommended approval last year or recommended
10 disapproval and it still got approved anyway? I'm just
11 trying to figure out why one place is getting picked.
12 Unless you just decided that, hey, there's a timeline.
13 Even if it's not written down or it's not an ordinance,
14 the inspection department said, you know, at a certain
15 point temporary is not temporary any more and the
16 hardship is not a hardship any more, and it's going to
17 be 20 years, 15 years, 23 years.

18 MR. KING: Well, you said two or three
19 questions there.

20 MR. DISHBERGER: I'm sorry.

21 MR. KING: Your first question is last
22 year it was recommended.

23 MR. DISHBERGER: Okay.

24 MR. KING: Last year it was recommended to
25 answer your first question.

1 MR. DISHBERGER: Okay.

2 MR. KING: The second question, which I've
3 already answered, was that there is not, per se, a
4 timeline, whether it be one, two, five or ten. Per the
5 ordinance, we have to present it every year. Is this
6 the only case where we've done something like this? No,
7 it is not. We've brought before the Board before on the
8 basis that it's been there "X" amount of years and no
9 permanent solution has been done. The only thing we can
10 do is present it before the Board and it's up to the
11 Board to decide.

12 MR. GROSS: I know there's nothing
13 specifically written, but is there some sort of -- just
14 using institutional knowledge, is there some sort of
15 internal institutional custom or something that -- is
16 there internally to the city a spot where hitting this
17 20 years -- I guess what I would say -- and I'm not
18 asking you to do this. I'm just providing an example.
19 If you were to start to go back and look at this on a
20 chart and start inputting all the data as to when we're
21 actually to the point where the city says at this point
22 we've got to do something about it. Are we hitting that
23 point? Is that what's happening or -- I mean, I guess
24 to some degree isn't that what you're trying to figure
25 out?

1 MR. DISHBERGER: I'm trying to figure
2 out --

3 MR. GROSS: Is it just at this time or is
4 this in general that y'all --

5 MR. KING: No, this is not just this
6 particular time. When we have hardships for renewal
7 that is one of the things that we look at.

8 MR. GROSS: Right. But, I mean, is the 20
9 year mark or the 22 year mark bring a more critical eye
10 towards this? That's what I'm trying to -- I know
11 there's no written rule.

12 MR. KING: Yes, there is no written
13 specific time frame.

14 MR. MACK: Okay. Mr. Greer.

15 MR. GREER: Last year when it was
16 recommended was there any precautionary measures defined
17 to the applicant that this could be the last year? You
18 know where I'm going with this. I just want to try to
19 make sure if there was any kind of cautions or warnings
20 to the applicant last year.

21 MR. GROSS: A heads-up.

22 MR. KING: Yeah, a heads-up.

23 Whenever it is renewed or it's time for
24 renewal we send letters out. One of the things that is
25 informed to them is that it has to be renewed every year

1 and there is no guarantee that it will be renewed. But
2 at some point what we have been doing is informing them
3 that at some point some kind of solution needs to be
4 done because it's not supposed to be a permanent
5 solution. The only problem that we have is that there's
6 not a concrete date in the ordinance which I can go to
7 and say, "Hey, this is your drop dead date." So when we
8 present before the Board it's pretty much, as far as the
9 city is concerned, we're going to say this is what we
10 have out here and we are not recommending because there
11 is no permanent solution, which as per the ordinance
12 it's supposed to have some kind of solution to the
13 temporary situation.

14 MR. MACK: Mr. King, in the past I know
15 that neighbors have played a part in some of the
16 complaints. Have there been any complaints from
17 neighbors or anything along that line?

18 MR. KING: To my knowledge, no, not this
19 past year.

20 MR. CAMPBELL: Even though there is no
21 written time in the ordinance so that we can be
22 consistent, we need to come up with a time when the
23 Board says after ten years, or whatever the time is,
24 then we send them a warning first. That's all I'm
25 saying. If 22 or 23 did not set a precedent for that,

1 my recommendation would be to give them a warning first
2 and give them a year, or whatever, to come up with a
3 permanent solution.

4 MR. MACK: Before you make that a motion
5 let's give me Mr. York the opportunity to say something
6 for himself.

7 MR. YORK: Thank you, sir.

8 Every year we've owned this thing we've
9 filed an application to the city. It's like a deed
10 report. We would supply that every year. We would
11 supply a Statement of Truth of what we're doing, an
12 inventory report and Certificate of Occupancy. And the
13 reason we say it's the security deal is because last
14 year there was 3,337 crimes in that one area. The two
15 other areas were severe crimes too. The fence --
16 obviously you can get to it from the gate side and
17 there's also a shopping center where the kids can just
18 pop over and get in there and break into the boats
19 and -- there are RVs stored in there and other stuff.
20 We are really doing this for security reasons. Two or
21 three people broke right through the gate. My manager
22 had to stop them and call the police. They've been
23 busting into other storage units.

24 So it's really -- the reason for this
25 hardship permit is because of the security reason. She

1 needs to be on duty to -- more than the lights and the
2 gate. It's pretty much the crime area. We've got to
3 have someone watch it. Like I said, after 23 years --
4 we've been following this every year. This is the first
5 time I've heard of it. It seemed like it would be
6 grandfathered in there. And I've also got a couple of
7 pictures showing from the road you can't see this mobile
8 home. It's not an eyesore. I'm not sure exactly what
9 the city ordinance is, but it's not an eyesore to
10 anybody. It's covered by a big gate. If you blink your
11 eyes, you're past it.

12 MR. MACK: Any question from the Board?

13 MS. GAMBRELL: I'd just like to state for
14 the record and for perhaps the Board and anyone else in
15 Information, the question is originally about why these
16 permits have come up so many years, in 20-something
17 years. Obviously, as the city stated previously, they
18 do have to come before the Board every year. These
19 permits or extensions can only be granted by ordinance
20 for a period of up to one year. So that's why they're
21 continuously coming before the Board. Now, the burden
22 of proof as stated in the ordinance -- and I'm reading
23 from Section 29-23, Subsection 2 -- the burden of proof
24 shall be upon the applicant to show by clear, cogent and
25 convincing evidence that his circumstances meet one or

1 more of the grounds specified in Section 29-20 of this
2 code and thereby qualify him to continue maintaining a
3 manufactured home on this premises under the authority
4 of a hardship permit. That reference to Section 29-20
5 lists the three different hardship permits, one of them
6 being security. The definition or the provision
7 contained in the security hardship merely states that
8 the manufactured home will be located near the
9 applicant's place of business where there is a serious
10 need for security. So for all the previous times this
11 has come before the Board for the Board to have approved
12 it what must have happened is that the applicant showed
13 by clear, cogent and convincing evidence that his
14 circumstances met the burden of having to have the
15 manufactured home placed near their place of business
16 where there is a serious need for security. I just
17 wanted to --

18 MR. MACK: So the word temporary really
19 means until death do you part, or something along those
20 lines, right?

21 MS. GAMBRELL: I don't see the prase or
22 the word temporary here, at least not -- I don't see it
23 in relation to the security hardship. Obviously the
24 other two hardships are illness and economic hardship.
25 Those can intuitively have a temporary nature to them.

1 But nowhere in the security hardship does that contain
2 the word temporary in this ordinance. Correct me if I'm
3 wrong, but I don't see it.

4 MR. CAMPBELL: Just for clarity is the
5 word temporary with the other hardships there? You said
6 intuitively.

7 MS. GAMBRELL: It's not, no. That's why I
8 said it could be inferred.

9 MR. CAMPBELL: So it's not there with any
10 of them?

11 MS. GAMBRELL: Oh, I'm sorry. I misspoke.
12 Economic does have -- it's temporary economic hardship
13 that can only be relieved by a temporary use of the
14 manufactured home outside of a manufactured home, park
15 or subdivision.

16 MR. CAMPBELL: Okay.

17 MS. GAMBRELL: The other hardship,
18 illness, does not have a temporary term in the
19 definition.

20 MR. MACK: Okay. Any questions from the
21 Board?

22 Okay. Is there a motion?

23 MR. CAMPBELL: I make a motion that the
24 applicant be allowed to extend his hardship.

25 MR. DISHBERGER: I second that.

1 MR. MACK: Okay. It's been moved and
2 seconded to extend the hardship. All of those in favor?
3 Those opposed? Okay. You get another year.

4 MR. YORK: Thank you, sir.

5 MR. MACK: We don't know what's going to
6 happen in a year.

7 MR. YORK: Thank y'all.

8 MR. MACK: Mr. King, I guess we will
9 probably have to talk to the department about what
10 temporary means and how we -- I'm not sure about that
11 one, but it sounds like it just may only apply to the
12 economic.

13 MR. GROSS: One comment I would make is
14 that apart from the word temporary is I think when you
15 get to the point where somebody has had this approved --
16 even though it's approved on a yearly basis, when it's
17 been approved multiple years, there's going to be a
18 natural assumption at some point and the person may just
19 think as long as they demonstrate that things haven't
20 changed they're going to be able to get it approved.
21 And I don't think that that means that you shouldn't at
22 some point say, well, we feel things have changed and
23 therefore we recommend something different. But I think
24 in those circumstances it would probably be helpful to
25 give somebody the adequate time to make adjustments,

1 whether, you know, it's in essence we're approving it
2 for this year, but just so you know our bias is changing
3 and we're no longer inclined to approve it next year.
4 Something to give them some sort of a heads-up.

5 MR. MACK: All right. The next item is
6 Consideration of Sign Appeal. I think the individuals
7 have to be sworn in, if I remember correctly.

8 MS. HAMMIL-REH: Yes.

9 MR. MACK: Is that correct?

10 MS. HAMMILL-REH: Yes.

11 MR. MACK: Everybody who is going to
12 testify in the matter of Brite Lite Sign, if you would,
13 so be sworn in, please.

14 THE REPORTER: Can I swear them at one
15 time?

16 MR. MACK: Yes, you can.

17 THE REPORTER: All at one time?

18 MR. MACK: Yes, ma'am.

19 BRAD EVERETT, BERNIE NARVADZ, TODD HALTOM, STEPHEN
20 MADDOX, LISA LORTON, MISAEAL BENITEZ, ROBERT MCCLENNON,
21 having been first duly sworn, testified as follows:

22 MR. MACK: Okay. Sign Administration, go
23 right ahead.

24 MS. HAMMILL-REH: Well, I'm Hope
25 Hammill-Reh with the City Legal Department. I have a

1 presentation. It's a written presentation, which I
2 think makes it a little bit easier to keep track of
3 exhibits. It's not as long as it looks.

4 Okay. The facts are as stated on the
5 first page, the cover page. There's a Timewise Exxon
6 gas station located on Westheimer Road. It has two
7 signs that are at issue in this appeal. The first sign
8 is Exhibit 1. This is an LED changeable message sign.
9 The second sign is called a message board sign. This
10 would be a manually changed sign. That's Tab 2. So you
11 can see the difference between the two.

12 Mr. Benitez, did you take that's
13 photographs that are Exhibit 1 and Exhibit 2?

14 MR. BENITEZ: I did.

15 MS. HAMMILL-REH: Are they true and
16 accurate copies of the signs that are located at the
17 Timewise Exxon gas station on Westheimer Road at 10410?

18 MR. BENITEZ: They are.

19 MS. HAMMILL-REH: When did you take those
20 photographs?

21 MR. BENITEZ: Last week.

22 MS. HAMMILL-REH: So these are the two
23 signs that are located at the gas station right now. On
24 April 11th, 2003, Houston Sign Administration received
25 an application from Bright Lite Sign Company to convert

1 the second sign, that's the manual sign, to LED. And
2 that application is Exhibit 3.

3 Lisa, can you identify Exhibit 3 as a true
4 and accurate copy --

5 MS. LORTON: Yes, it is.

6 MS. HAMMILL-REH: -- of the Brite Lite
7 application?

8 MS. LORTON: Yes.

9 MS. HAMMILL-REH: Okay. On May 9th, 2003
10 the Sign Administration denied the permit because
11 Houston's sign code, which is the December 12th, 2012
12 sign code, does not allow a business to have more than
13 one changeable message sign. That's what the sign code
14 says. If you look on page -- well, I'll go through the
15 argument in just a minute. I want to get through the
16 exhibits.

17 On June 7th, 2003 -- well, I'm sorry. On
18 May 9th the Sign Administration issued a letter telling
19 Brite Lite that they were turning down or rejecting the
20 sign application to change Sign 2 to an LED sign.

21 MR. GROSS: I'm sorry. Do you mean 2003
22 or 2013?

23 MS. HAMMILL-REH: I'm sorry. 2013. Thank
24 you.

25 MR. GROSS: I was going to say this has

1 been going on a while.

2 MS. HAMMILL-REH: May 9th, 2013. No, it's
3 all this year. Sorry. And that is Tab 4.

4 Woody, can you identify Tab 4 as -- can
5 you explain what that is?

6 MR. MCCLENNON: Yes, ma'am. That is the
7 e-mail transmittal that I sent to Brad at Brite Lite
8 indicating that the project was being rejected and the
9 basis for it, yes, ma'am.

10 MS. HAMMILL-REH: Okay. Thank you.

11 On June 7th, the Sign Administration
12 received this appeal which brings us here today.

13 And, Lisa, can you identify Tab 3?

14 MS. LORTON: Yes. That is the appeal that
15 we received.

16 MS. HAMMILL-REH: Okay. So the reason why
17 the Sign Administration rejected this request to
18 convert -- to have two LED signs is listed on Page 2.
19 At the bottom of Page 2, if you see, it says Section
20 4611(I) of the 2012 sign code prohibits a business from
21 having more than one changeable message sign. So what
22 "I" says is beginning September 1st, 2009, and save
23 except for signs erected pursuant to the provisions of
24 Section 4620, the following additional provisions shall
25 apply to new on-premise signs for which an initial

1 permit is requested after said date; provided, however,
2 that in the event of a conflict between these provisions
3 and other provisions of this chapter (except for Section
4 4620), the more stringent provisions shall control.
5 Section (I) (6) (a) says that only one changeable
6 message sign shall be permitted per business.

7 And that was the reason why it was
8 rejected, because the sign code prohibits more than one
9 changeable message sign which is defined to include an
10 LED sign. The city's argument on this -- the Sign
11 Administration's argument is that this is an on-premise
12 sign because it advertises goods and services that are
13 located on the same premises as the business. It is a
14 ground sign. Both of these signs, Sign 1 and Sign 2,
15 are both ground signs.

16 And the changeable message sign is what
17 Sign 1 is, and that is defined in Section 4602 of the
18 sign code. And it means any on-premise sign that is
19 capable of changing its message, copy or appearance by
20 electronic processes and shall include but not be
21 limited to those on-premise signs employing changeable
22 message light emitting diode technology commonly
23 referred to as LED signs.

24 So Sign 1 is a changeable message sign.
25 It's an LED sign, as you can see from the tab. Sign 2

1 is the message board sign, which is defined to me as any
2 sign or portion of a sign containing a sign base
3 designed to allow the removal or replacement of
4 individual letters, words or symbols on the sign base
5 for the purpose of changing an advertising display.
6 This is a manual display where you go out and flip it.

7 MR. MACK: Okay.

8 MS. HAMMILL-REH: And last, which is
9 Page 3 of our presentation, section 4608 (j) of this
10 sign code, the December 2012 sign code, states that you
11 cannot convert existing sign to an electronic or high
12 technology sign. So this is not just a change of the
13 electrical component of the sign into electrical
14 ornamental features. This is a -- conversion to LED is
15 not a change of ornamental features. So they don't fall
16 under this particular exception in 4608.

17 MR. MACK: Okay. Questions from the
18 Board?

19 MR. DISHBERGER: One question. On the LED
20 signs, I know they can change them manually, and I think
21 there is something in the sign ordinance because I read
22 part of it before about how often it can change. Isn't
23 there like so many seconds between --

24 MS. LORTON: Yeah, that's for a
25 spectacular sign.

1 MR. DISHBERGER: That's not for this?

2 MR. HALTOM: It is. It is.

3 MS. HAMMILL-REH: Well, it is for this.

4 Let me let Lisa answer that for you. She's with the
5 Sign Administration.

6 Go ahead. Explain.

7 MS. LORTON: In 4611 it lays out what a
8 changeable message sign can do. It has a time
9 restriction. It has the brightness. It has all of the
10 things that qualify it into that category. I don't know
11 if y'all made a copy of that.

12 MS. HAMMILL-REH: I don't think so. Tab 6
13 are excerpts from the sign code. It's Exhibit 6.

14 MS. LORTON: H.

15 MS. HAMMILL-REH: It's Page 55 of Tab 6.

16 MR. MACK: Is it a set time of every five
17 minutes or something along that line?

18 MS. LORTON: No. 3 under H gives you
19 the --

20 MR. MACK: How often?

21 MS. LORTON: Five minutes.

22 It can't blink. It can't like scroll off
23 and scroll on. There's different restrictions.

24 MR. DISHBERGER: Got it. Thank you.

25 MS. LORTON: Uh-huh.

1 MR. MACK: Okay. Any more questions from
2 the Board for the city?

3 MR. GROSS: And I understand the
4 distinction, but I just want to -- so there actually
5 is -- the sign they have, Exhibit 1, the way it operates
6 is it's changeable in the sense that --

7 MS. LORTON: It's --

8 MR. GROSS: I'm sorry.

9 MS. LORTON: It's an electronic process.

10 MR. GROSS: Yeah, in the sense that it is
11 an electronic process, but it's not an active moveable
12 sign in the sense that you were talking about it
13 scrolling.

14 MS. LORTON: Well, if they chose --

15 MR. GROSS: In essence, it's static when
16 it's not being changed.

17 MS. LORTON: If they choose to make it
18 change or blink every five minutes, they could do that.

19 MR. HALTOM: No.

20 MS. LORTON: It's just that this piece of
21 it restricts -- I mean, if it went up a penny, they
22 could change it. And then if it went up a penny more
23 within the five minutes, they couldn't change it until
24 that five minutes passed.

25 MR. DISHBERGER: Or it could just blink

1 every five minutes also. It could keep the same price
2 and just blink on and off real fast.

3 MS. LORTON: Yeah.

4 MR. GROSS: Yeah, but I was just making a
5 distinction that for the most part it's a static sign
6 versus something that -- you were talking about a
7 scrolling sign that's -- that's --

8 MS. LORTON: Well, there's a --

9 MR. GROSS: Is that called spectacular?

10 MS. LORTON: That's a spectacular.

11 Spectaculars were done away with in sign code. They
12 were prohibited, period, the end.

13 MR. GROSS: Yeah, I'm just trying to catch
14 up on --

15 MS. LORTON: In order for it to move into
16 the new technology, because that's what is coming in is
17 the new technology, they -- when they took spectaculars
18 out they put changeable messages in. That was because
19 at the time -- at one point you had LEDs that were just
20 individual light bulbs and you could only do a word or
21 an arrow or something like that and now you're into
22 where it can actually look like a television screen.
23 They keep advancing and advancing. One technology is --
24 you know, it's kind of like a car. Once you drive it
25 off the lot, tomorrow there is a bigger and better one.

1 MR. MACK: All right. A couple of
2 questions on the end?

3 MS. DAVIDSON: Yeah. I just want to
4 understand. Is one sign going to be replaced by another
5 sign?

6 MS. LORTON: What they want to do is --

7 MS. DAVIDSON: Is 1 going to replace 2?

8 MS. LORTON: They want two No. 1s.

9 MS. DAVIDSON: So right now they have
10 legitimate sign permits for one 1 and one 2?

11 MS. LORTON: Yes.

12 MS. DAVIDSON: And what they would like to
13 have is two 2s?

14 MS. LORTON: Two 1s.

15 MS. DAVIDSON: Okay. I just wanted to
16 make sure.

17 MR. GREER: I have a question for Lisa.
18 What you're describing is you're basically describing
19 all the components and characteristics of a changeable
20 message sign; is that right?

21 MS. LORTON: Well, yes, because by
22 definition --

23 MR. GREER: By the definition, right.

24 MS. LORTON: By the definition, it says
25 shall meet any on-premise sign that is capable of

1 changing its message, copy or appearance by electronic
2 process.

3 MR. GREER: Okay.

4 MS. LORTON: It shall include any -- it
5 shall include but limited to those on-premise signs
6 employing changeable message light emitting diode
7 technology commonly referred to as LED. So if you can
8 change the message on any part of that board by
9 electronics, it's considered a changeable message.

10 MR. GREER: Okay.

11 MS. LORTON: Whether it's the whole sign
12 or it's just those little price pieces.

13 MS. DAVIDSON: And whether it's once a day
14 or it's -- well, it would be however many -- every five
15 minutes times 21.

16 MS. LORTON: Right here across the street
17 is a church sign. The bottom half of their sign is a
18 changeable message and they have on it their Sunday
19 School classes. Well, they may want to have on there
20 that they are having Vacation Bible School the next five
21 minutes.

22 MS. DAVIDSON: I see.

23 MS. LORTON: Unfortunately, these signs
24 don't change their message because they're going on
25 market values and all of that. But because it uses that

1 process, that electronic process, I have to push it over
2 into that area.

3 MR. MACK: Okay. Any other questions for
4 the city?

5 Okay. Representative for Brite Lite. And
6 you would give your name, please, so --

7 MR. HALTOM: My name is Todd Haltom. I'm
8 the General Manager of Brite Lite.

9 MR. MACK: Okay.

10 MR. HALTOM: We installed these signs.
11 This is a changeable message sign. In almost every
12 other city this is a changeable message sign. And if
13 you read my letter, I'm not disputing what the code
14 says. The code is antiquated and wrong. This is not a
15 changeable message sign. They change this gas price
16 once a day, usually in the morning. And when you have
17 multiple gas stations, what you're trying to do is -- I
18 mean, if you're a business owner, someone has to
19 manually walk out here and pull these numbers off and
20 put other numbers on. For this sign they can stand in
21 the convenience store or from a remote location if you
22 have multiple stores and you can change the point of
23 sale pricing from a computer. So right now what they
24 have to do is they change this one from a computer and
25 then they send the manager out at some point to change

1 this manually, okay?

2 MR. MACK: Okay.

3 MR. HALTOM: And so there is room for
4 error. One problem is there is room for error. If you
5 don't get your price changed here at the same time you
6 get it here you have a problem.

7 And as far as being a changeable message
8 sign, this is a changeable message sign. This is
9 something that you change, pictures and words and
10 scrolling it and put Big Macs on there and whatever.
11 I'm talking about the bottom one here, okay?

12 MR. MACK: Uh-huh.

13 MR. HALTOM: That's a changeable message
14 sign. This is an LED price sign. It is changed by
15 remote. It is changed electronically. That's the whole
16 advantage of it. It is certainly a lot more attractive
17 than this sign. And one of the reasons they say they
18 don't allow changeable message signs is because they're
19 not attractive. Well, I can tell you that that sign is
20 not near as attractive as this sign. And the city, the
21 people, like to see digital number for pricing. They
22 don't like to see -- some of these signs lose a 9 or a 5
23 or a 4. They like to see something that is easy to
24 read.

25 MR. MACK: Okay.

1 MR. HALTOM: Say you're on a corner lot
2 and you have a big piece of property and you have a sign
3 on one street that's an LED and you have a sign on the
4 other street that's a manual font and let's say it's
5 raining. They change the price here from the office.
6 Nobody is going out to that manual font sign until it
7 stops raining. Half of the time the stuff blows off in
8 windstorms and they have to go get new numbers and put
9 them up.

10 This sign is actually a monument sign. A
11 monument sign means it's probably 3 or 4 feet off the
12 ground. At most gas stations this sign is up in the air
13 20 feet. It's not a matter of just walking out there
14 and changing numbers. It's a matter of walking out
15 there with an arm and changing the numbers. And it is a
16 hardship and it is a safety issue because they're
17 walking across the entire parking lot to the sign on the
18 other side of the property versus sitting in their
19 office and changing the price. And unfortunately oil
20 and gas prices move quite frequently. It's not like
21 they stay the same for a week. Every day or every two
22 days they change the prices. They have to to be
23 competitive.

24 MR. MACK: Okay. Any questions from the
25 Board?

1 MR. SILVA: I have a question. Where is
2 the definition for a changeable sign in the ordinance?

3 MR. GREER: Tab 3.

4 MS. HAMMILL-REH: It's on Page 12, Tab 6.
5 Yeah, it's on Page 3 of the argument, but it's Tab 6.

6 MR. HALTOM: Could I ask a question?

7 MR. MACK: Just a second. Let him finish
8 that.

9 MR. GREER: Okay.

10 MR. MACK: That's it?

11 Okay. Go right ahead.

12 MR. HALTOM: Lisa, do you think that LED
13 price sign is a changeable message sign?

14 MS. LORTON: I don't have any other way to
15 look at it.

16 MR. HALTOM: As the definition of the code
17 in 2009 --

18 MS. LORTON: As per the code --

19 MR. HALTOM: -- do you think --

20 MS. LORTON: As per the code, I have to --
21 I have to make my opinion, my basis, based on code.

22 Unfortunately, there's no place in the code that
23 specifies what a price sign is or to single out this
24 sign but not this sign and this sign but not this sign
25 and you can have it a Walgreens, but you can't have it

1 at Mac Haik Chevrolet or you can do this, but you can't
2 do that. I have to look at them all the same.

3 MR. HALTOM: County just updated their
4 code and they allow two LED price signs at gas stations,
5 not one manual and one LED. They updated it after the
6 Houston code, and they normally adopt the Houston code
7 verbatim.

8 MR. DISHBERGER: Are you trying to say
9 that in actuality since it doesn't change very often,
10 maybe once a day, that it acts like a message board
11 sign?

12 MR. HALTOM: It does not act like a
13 message board sign. It acts like a static sign. The
14 code says this is -- and if you read my letter it
15 starts --

16 MR. DISHBERGER: I read your letter.

17 MR. HALTOM: -- off saying the code was
18 written to include this as a changeable message sign.
19 It's not. No other city defines it as a changeable
20 message sign. The LED price sign is LED technology.
21 It's where everything is going. It's easy to change.
22 It's bright. It lasts a long time. The maintenance is
23 one-tenth. There's no reason not to use an LED sign.

24 MR. MACK: If I heard you correctly, are
25 you saying your argument is not really the Sign

1 Administration, but it's really with the code itself?

2 MR. HALTOM: It's a hardship for the
3 businesses. The way the code is written is a hardship
4 for the business, and especially this business because
5 of where it's located.

6 MR. GREER: I have a question for Lisa.
7 Is there a process -- well, how often is the sign code
8 readopted or reevaluated?

9 MS. LORTON: When I came on in Sign
10 Administration in '94, it had just been revamped. It
11 stayed stagnant until 2009. It took four years for a
12 group with the mayor's task force to come to an
13 agreement of what to change. And it had a task force of
14 scenic Houston of a sign person -- not a group just a --
15 and car lots and some retail people. Those people came
16 up with the concepts that are now in place.

17 MR. GREER: Okay. And the next part of
18 that question is are you familiar with the CIC process
19 for other codes and how they work?

20 MS. LORTON: (Shaking head.)

21 MR. GREER: Where stakeholders have a
22 chance to come in and, you know, offer their opinions.

23 MS. LORTON: We have told them the only
24 way that there is going to be a change in the sign code
25 is if they go to Council and --

1 MR. GREER: And I guess that's my
2 question. You mentioned a task force. Is that task
3 force made up of individuals with the city and including
4 some stakeholders --

5 MS. LORTON: That's what it was.

6 MR. GREER: -- of the business operations.

7 MS. LORTON: That's what it was. They had
8 the car auto dealer representative there, they had an
9 apartment complex, one of the hair people there and they
10 had one of the retail developers that deal with signs.

11 MR. GREER: If I may offer an opinion on
12 my part.

13 MR. MACK: Yes, sir.

14 MR. GREER: We need the definition of
15 changeable message sign. This sign that I'm looking at,
16 the No. 1 sign that we're talking about, is electronic
17 by nature. That's covered in the definition. It also
18 is changeable by nature, even if they change it once a
19 day. I feel like it meets that definition based on
20 that.

21 MR. MACK: I don't even think that he
22 actually argued that it didn't.

23 MR. GREER: And where I'm going with that
24 is -- the reason I asked these questions was because at
25 some point stakeholders may want to get together and

1 contact someone on that task force.

2 MS. LORTON: That task force is gone.
3 There's not one.

4 MR. GROSS: There was a change done in
5 '94.

6 MS. LORTON: Yes.

7 MR. GROSS: And then there was a task
8 force put together in --

9 MS. LORTON: 2005.

10 MR. GROSS: -- 2005. And the culmination
11 of their work was the change made in 2009.

12 MS. LORTON: Yes. Yes.

13 MR. GROSS: I guess one thing that we can
14 establish from the stakeholders' standpoint is it
15 doesn't change very often.

16 MS. LORTON: No. I mean, it didn't change
17 from 1980 until 19 -- it stayed stagnant until the year
18 that the sign code was adopted in 1980. There was a few
19 changes to fee structures and things like but no code
20 changes until '94. And then in '94 it went from '94 to
21 2009. And in 2009 is when we got the -- and that task
22 force was done -- that task force is -- once this was
23 completed in 2009, they're no longer a task force any
24 more.

25 MR. MACK: Okay.

1 MS. LORTON: We had a meeting with them
2 and encouraged them to go to the Council, because that's
3 where it's going to start. I mean, that's where the
4 process for us of changing this code is going to start.

5 MR. MACK: Let me let him give a comment
6 and then I will come back to y'all.

7 MR. HALTOM: The reason we came to the
8 appeal is because -- we first met with Lisa and the
9 building official and they said there is a process for
10 appeal. We came to appeal because the only way this is
11 ever going to get looked at and changed is if y'all make
12 a statement and get the City Council to look at it.
13 Otherwise this is of no interest to the City Council.
14 But it is of serious interest to the business owner who
15 has 350 gas stations that is trying to operate them and
16 advertise fairly to the consumer.

17 MR. MACK: Okay. Go ahead, Lisa.

18 MS. LORTON: And it was explained to
19 him -- I mean, that is true, they do have a right to the
20 appeals process, but it was also explained that y'all
21 cannot change the code. You can merely vote on the
22 existing code.

23 MR. MACK: Right, whether you all have the
24 correct interpretation.

25 MS. LORTON: Right. They would have to

1 start this process with bigger stakeholders than the
2 Board because the Board can't go and change.

3 MR. MACK: But I think you have the
4 opportunity from this point to take the record of this
5 meeting forward to City Council.

6 MR. GREER: Yes.

7 MR. MACK: My only question is can't the
8 code be changed by ordinance without going through and
9 changing everything?

10 MS. LORTON: Yes.

11 MR. MACK: Okay. It's just one item as
12 far as I can tell.

13 MS. HAMMILL-REH: And it has been changed.

14 MR. GREER: Is that an option for them as
15 well?

16 MS. LORTON: Do what? No, there's no
17 variances.

18 MR. HALTOM: This is the only form of
19 variance there is.

20 MR. MACK: There's no variance in the sign
21 code.

22 MR. GREER: But one point of order is if
23 this appeal is denied, he still has the right to go to
24 City Council.

25 MR. MACK: Yes.

1 MR. GREER: And that needs to be heard by
2 City Council if that's the outcome.

3 MS. LORTON: And not just by one sign
4 company.

5 MR. HALTOM: If it's approved I'm still
6 going to the City Counsel.

7 MR. MACK: It cannot be approved. I mean,
8 I need to say that out loud. Because primarily if you
9 agree that she's right that means her interpretation is
10 correct and that's the only thing we can deny her is
11 that she had incorrect interpretation and y'all
12 basically agree. So it has to go to Council because the
13 item has to be changed and the Council is the only
14 person that can change it. I mean, I know we haven't
15 voted on this, but at this particular point, based on
16 the information that y'all have given, we really have no
17 choice. They're not misinterpreting.

18 MR. DISHBERGER: And there's no variance
19 process.

20 MS. DAVIDSON: So this is a formality,
21 right?

22 MS. GAMBRELL: I would just make one
23 additional comment. Under the authority that you guys
24 have as the General Appeals Board as laid out in the
25 building code in section 112.2, the board may also make

1 recommendations to the mayor for amendments to this
2 code. So you as a body have the power yourselves to
3 make a recommendation.

4 MR. MACK: Okay. Well, does somebody want
5 to put that recommendation into motion?

6 MS. DAVIDSON: Wait. Let me ask a
7 question. This is just so I can know. Is this sign --
8 I know that if we can't make any decision it doesn't do
9 any good, but for my own self I want to know. Is this
10 new sign going to be any bigger than the old sign?

11 MR. HALTOM: No.

12 MS. DAVIDSON: No?

13 MR. HALTOM: It's just identical to that
14 sign. It's just the difference is that they're able to
15 change the prices remotely and not have to have somebody
16 walk across the driveway and manually change it. The
17 monument sign is not nearly as difficult as the one that
18 is 20 feet or 30 feet in the air.

19 MR. MACK: All right.

20 MR. HALTOM: I mean, by the time we change
21 the sign code there will be another technology besides
22 LEDs out there.

23 MS. LORTON: That's right.

24 MR. MACK: You have to get the record from
25 our court reporter and you can make a decision to pass

1 it onto Council. We will make comments based on our
2 motion that's upcoming.

3 MR. GROSS: When you do go to City Council
4 your case will be stronger if you go with more than
5 yourself. You know, two business owners are better than
6 one and three are better than two and so on.

7 MS. LORTON: I mean, it's just not this
8 location that is in a hardship. I mean, it puts a lot
9 of locations in a hardship because there's some
10 locations that you can't have a ground sign. They have
11 a canopy over their gas pumps. Well, this is telling me
12 that they can put their price on one side of the canopy
13 but not on the other side of the canopy.

14 MR. SILVA: The other point is technology
15 changes so rapidly. This thing has to be almost --

16 MS. LORTON: It has to fluid.

17 MR. GROSS: I don't think you're looking
18 at anybody that is arguing.

19 MS. LORTON: No. We just can't change it.

20 MR. HALTOM: We hoped to come here with
21 this being a step to go to Council with --

22 MS. LORTON: He wants to be heard.

23 MR. HALTOM: -- some people that can help
24 us. The problem with stakeholders, when you talk about
25 task force and things, stakeholders buy a sign when they

1 build the building. It's one time. Very few actually
2 buy multiple signs all the time. You know, the guy
3 opens a business and he buys a sign one time and he
4 operates that business. He doesn't get into the code.
5 He doesn't know the technology. He relies on somebody
6 else to recommend it to him. So most stakeholders,
7 unless you get somebody that has a lot of signs, it's
8 not of interest to them to take their time to go to
9 Council.

10 MR. GREER: It's very possible that some
11 of those stakeholders could be contractors, just as
12 yourself. I mean, I've seen stakeholders like that in
13 building codes and industrial codes. So contractors are
14 a part of that stakeholder group.

15 MR. HALTOM: The most important part.

16 MR. MACK: Okay. Mr. Dishberger is going
17 to make a motion here that's going to help us all out.

18 MR. DISHBERGER: I make a motion that we
19 deny the applicant's request for a variance and that we
20 recommend to the mayor that they look into gas stations
21 having the ability to have more than one LED sign. Is
22 that a good motion?

23 MR. GREER: Second.

24 MR. MACK: Moved and seconded. All those
25 in favor? Those opposed? We're against it today, but

1 we wish you the best.

2 This meeting is adjourned.

3 (Proceedings adjourned at 6:01 p.m.)

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1 STATE OF TEXAS
2 COUNTY OF HARRIS

3

4

CITY OF HOUSTON

5

GENERAL APPEALS REVIEW BOARD

6

JUNE 27, 2013

7

8 I, Pamela Ann Marquis, the undersigned Certified
9 Shorthand Reporter in and for the State of Texas,
10 certify that the facts stated in the foregoing pages are
11 true and correct.

12 I further certify that I am neither attorney or
13 counsel for, related to, nor employed by any parties to
14 the action in which this testimony is taken and,
15 further, that I am not a relative or employee of any
16 counsel employed by the parties hereto or financially
17 interested in the action.

18

19

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21

22

23

24

25

1 SUBSCRIBED AND SWORN TO under my hand and seal of
2 office on this the _____ day of _____,

3 _____.



Pamela Ann Marquis

Pamela Ann Marquis, CSR

7 Texas CSR 3671

8 Expiration: 12/31/2014

9 Registration No. 122

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ATTORNEY'S NOTES

[illegible]

CITY OF HOUSTON'S PRESENTATION
TO THE GENERAL APPEALS BOARD
TIMEWISE EXXON APPEAL
June 27, 2013

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CITY OF HOUSTON'S PRESENTATION
TO THE GENERAL APPEALS BOARD
BRITE LITE SIGN COMPANY
TIMEWISE EXXON - 10410 WESTHEIMER
June 27, 2013

Respectfully submitted,

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CITY OF HOUSTON'S PRESENTATION TO
THE GENERAL APPEALS BOARD

June 27, 2013

FACTS:

The Timewise Exxon gas station located at 10410 Westheimer Road, Houston, Texas 77042 has two signs that are at issue in this appeal. The first sign (Sign 1) is a light emitting diode (LED) sign, displaying gasoline prices that are changed electronically and the sign is classified as a *changeable message sign*. **Tab 1.** The second sign (Sign 2) also displays gas prices, but they are changed manually and this sign is classified as a *message board sign*. **Tab 2.** On April 11, 2013, Houston's Sign Administration (SA) received an application from Brite Lite Sign Company for a permit to convert the Timewise Exxon's Sign 2 to LED. **Tab 3.** On May 9, 2013, the SA denied the permit because Houston's December 12, 2012 Sign Code (2012 Sign Code) does not allow a business to have more than one *changeable message sign*. **Tab 4.** On June 7, 2013, the SA received Brite Lite's appeal to the General Appeals Board (GAB). **Tab 5.** Houston asks the GAB to affirm the SA's denial of the application.

ARGUMENT & AUTHORITIES:

Houston's Sign Code is chapter 46 of its Building Code. See 2012 Sign Code § 4601(a). **Tab 6,** cover page. The Sign Code applies to all signs in the "sign code application area" which means within the corporate limits of the City of Houston and certain parts of its extraterritorial jurisdiction. See 2012 Sign Code § 4602. **Tab 6,** pg 8. Signs that are visible from the Harris County Toll roads are also subject to additional regulations and permit requirements of Harris County. See 2012 Sign Code § 4601(b). **Tab 6,** pg 1.

Exxon's Sign 1 and Sign 2 are both classified as *on-premise signs* in section 4603(a) of the 2012 Sign Code. **Tab 6,** pg 11.

ON-PREMISE SIGN shall mean any sign identifying, advertising, or providing information about the business, person, activity, goods, products or services primarily sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

Section 4603(b) of the 2012 Sign Code classifies the two signs as *ground signs*, because of their design. **Tab 6, pg 11.**

GROUND SIGN shall mean a sign that is supported by uprights or braces in or upon the ground, including portable signs.

Sign 1, an LED sign that can be changed electronically, is further defined as a *changeable message sign* in section 4602 of the 2012 Sign Code. **Tab 6, pg 3.**

CHANGEABLE MESSAGE SIGN shall mean any on-premise sign that is capable of changing its message, copy or appearance by electronic processes, and shall include but not be limited to those on-premise signs employing changeable message light emitting diode technology, commonly referred to as LED signs.

Sign 2, which must be changed manually, is defined as a *message board sign* in section 4603 of the 2012 Sign Code. **Tab 6, pg 12.**

MESSAGE BOARD SIGN shall mean any sign or portion of a sign containing a sign face designed to allow the removal or replacement of individual letters, words or symbols on the sign face for the purpose of changing an advertising message.

Section 4611(I) of the 2012 Sign Code prohibits a business from having more than one *changeable message sign*. **Tab 6, pgs 55 & 57.**

(I) Additional On-Premise Sign Provisions. Beginning September 1, 2009, and save except for signs erected pursuant to the provisions of Section 4620, the following additional provisions shall apply to new on-premise signs for which an initial permit is requested after said date; provided, however, that in the event of a conflict between these provisions and other provisions of this chapter (except for Section 4620), the more stringent provisions shall control.

- (6) Additional restrictions for changeable message signs.**
 - a. Only one changeable message sign shall be permitted per business.

And section 4608(j) of the 2012 Sign Code prohibits the conversion of an existing sign (e.g. Sign 2) to LED. Tab 6, pg 33 (emphasis added).

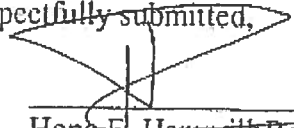
(j) Change of Ornamental Features or Advertising Display. No sign permit is required for the change of any of the ornamental features or the advertising display of a sign previously permitted. **This provision shall not apply to signs under new ownership, to spectacular signs with respect to advertising display, or to converting existing signs to electronic signs, high technology signs, or changeable message signs,** nor shall it release a person from complying with all other applicable permitting requirements of the City, including those of the Construction Code.

CONCLUSION:

The 2012 Sign Code does not allow a business to have more than one *changeable message sign*. Because Timewise Exxon already has an LED sign (Sign 1), Brite Lite is prohibited from converting Sign 2 from a *message board sign* to a *changeable message sign*. For these reasons, the GAB should sustain the May 9, 2013 decision of the SA, denying Brite Lite's permit application.


Respectfully submitted,

By:


Hope E. Hammit-Rich
Senior Assistant City Attorney

**CITY OF HOUSTON
BUILDING CODE
CHAPTER 46**

HOUSTON SIGN CODE

 **NOTE: ALTHOUGH THIS SIGN CODE
CONSTITUTES CHAPTER 46 OF THE CITY OF
HOUSTON BUILDING CODE (BASED UPON THE
2006 INTERNATIONAL BUILDING CODE), IT IS
SEPARATELY PUBLISHED.**

Current through Ordinance No. 2012-1050
Effective December 12, 2012
Compiled by the City of Houston Legal Department

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Chapter 46

HOUSTON SIGN CODE

SECTION 4601--SCOPE

* (a) General. The provisions of this Chapter 46 shall apply to all "signs," as that term is defined herein, within the "sign code application area," as that term is defined herein.

* (b) Toll Road Signs. Signs regulated under this chapter that are visible from the main-traveled way of toll roads within Harris County are subject to additional regulation under the regulations adopted by Harris County Commissioners Court at Volume 126, page 348, of the Commissioners Court records and amendments thereto. A separate permit may be required from the county engineer and the county regulations may be more restrictive. Approval of plans, issuance of a permit or approval of work by the City does not constitute the approval of Harris County.

SECTION 4602--DEFINITIONS


In this chapter, the following terms shall have the meanings herein ascribed to them, unless the context of their usage clearly indicates another meaning:

ADVERTISING shall mean to seek the attraction of or to direct the attention of the public to any goods, services or merchandise whatsoever.

BUSINESS PURPOSES shall mean the erection or use of any property, building or structure, permanent or temporary, for the primary purpose of conducting in said building or structure or on said property a legitimate commercial enterprise in compliance with all ordinances and regulations of the city governing such activity; a business purpose shall not include any property, building or structure erected or used for the primary purpose of securing a permit to erect a sign.

CABINET shall mean that portion of a sign structure containing the advertising display.

CANDELA shall mean a unit of luminous intensity equal to 1/60 of the luminous intensity per square centimeter of a blackbody radiating at the temperature of solidification of platinum (2,046°K). Also called *candle*.

 **CHANGEABLE MESSAGE SIGN** shall mean any on-premise sign that is capable of changing its message, copy or appearance by electronic processes, and shall include but not be limited to those on-premise signs employing changeable message light emitting diode technology, commonly referred to as LED signs.


CITY CODE shall mean the Code of Ordinances of the City of Houston, Texas, as amended.

CURB LINE shall mean an imaginary line drawn along the edge of the pavement on either side of a public street.

COMMERCIAL OR INDUSTRIAL ACTIVITY shall mean property that is devoted to use for commercial or industrial purposes and not for residential purposes. "Commercial or industrial activity" shall not include the following:

- (1) Signs;
- (2) Agricultural, forestry, ranching, grazing, farming and related activities, including but not limited to temporary wayside fresh produce stands;

Section 4602



SIGN CODE APPLICATION AREA shall mean the corporate limits of the City of Houston and the area of its extraterritorial jurisdiction as defined by Section 42.021 of the Local Government Code. For purposes of the regulation of on-premise signs only, the sign code application area shall not be deemed to include those portions of the City of Houston's area of extraterritorial jurisdiction that are situated in Harris County. **Note:** See the regulations adopted by the Harris County Commissioners Court on May 17, 1988, at Volume 138, page 263, of the Commissioners Court records and any amendments thereto.

SIGN STRUCTURE shall mean any structure that supports or is capable of supporting any sign, including all inter-related parts and materials designed to be used or intended to be used to support a sign face whether containing a message or not. A sign structure may be a single pole and may or may not be an integral part of a building.

SINGLE FAMILY RESIDENCE shall mean the use of a lot with one building designed for and containing not more than two separate units with facilities for living, sleeping, cooking and eating therein. A lot upon which is located a free-standing building containing one dwelling unit and a detached secondary dwelling unit of not more than 900 square feet also shall be considered a single-family residence. A building that contains one dwelling unit on one lot that is connected by a party wall to another building containing one dwelling unit on an adjacent lot shall be a single-family residence.


SPECIAL EMPLOYMENT DISTRICT shall mean one or more tracts of land containing 50 acres or more of land that have the following characteristics:

- (1) All of such tracts are located in a contiguous area less than ten square miles in area;
- (2) A majority of the tracts are restricted to predominantly nonprofit or noncommercial medical or educational purposes;
- (3) There are located on such tracts medical and/or educational entities that employ, on an annual basis, not less than 25,000 persons and that provide, on an annual basis, medical or educational services to more than 500,000 members of the public; and
- (4) A majority of the 500,000 persons receiving such services arrive at the special employment district by motor vehicle.

As used in this definition, the contiguous area shall be calculated by circumscribing the tracts proposed to be included in the special employment

SECTION 4603--CLASSIFICATIONS


(a) **On-premise Signs and Off-premise Signs.** For the purposes of this chapter and the regulations and provisions hereof, a sign shall be first classified as either an "on-premise sign" or an "off-premise sign."

 **ON-PREMISE SIGN** shall mean any sign identifying, advertising, or providing information about the business, person, activity, goods, products or services primarily sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

OFF-PREMISE SIGN shall mean any sign that advertises a business, person, activity, goods, products or services not usually located on the premises where the sign is installed and maintained, or that directs persons to any location not on the premises.

(b) **Types of Signs.** All signs shall further be classified into one of the following types of signs:

BANNER SIGN shall mean any sign constructed of cloth, canvas, light fabric or other light material, not to exceed 40 square feet in size; provided that portable signs, flag signs, and awning signs shall not be considered banner signs.

 **GROUND SIGN** shall mean a sign that is supported by uprights or braces in or upon the ground, including portable signs.

MARQUEE SIGN shall mean a sign attached to or hung from a canopy or covered structure projecting from and supported by a frame or pipe support extending beyond a building.

PROJECTING SIGN shall mean any sign that is affixed to any building wall or structure and extends beyond the building wall or structure more than 12 inches.

ROOF SIGN shall mean any sign or portion of a sign erected, constructed or maintained above the roofline of any building.

WALL SIGN shall mean any sign affixed to or painted upon the wall of any building.

(c) **Special Function Signs.** Any on-premise or off-premise sign of any type may also be included within one or more of the following additional classifications according to special functions:

Section 4603

AWNING SIGN shall mean any sign constructed of a fabric type material stretched over a rigid metal frame that is attached to the wall, roof or mansard of a building. Such signs shall be classified as wall signs.

ELECTRICAL SIGN shall mean any sign containing electrical wiring or utilizing electric current, but not including signs illuminated by an exterior light source.

FENCE SIGN shall mean any sign affixed to or painted upon a fence. A fence sign shall be classified as a ground sign, but shall not be required to comply with the structural requirements of Section 4609.

FLAG SIGN shall mean any flag except the flags of the United States, Texas or any other governmental entity, used for advertising, that contains or displays any written message, business name, pictorial representation, logo, corporate symbol, silhouette or other visual representation identifying or advertising a particular business, good, service or merchandise sold or available for sale on the premises where the flag is erected, displayed or maintained.



MESSAGE BOARD SIGN shall mean any sign or portion of a sign containing a sign face designed to allow the removal or replacement of individual letters, words or symbols on the sign face for the purpose of changing an advertising message.

MULTI-TENANT SIGN shall mean an on-premise sign displaying commercial advertising for two or more distinct commercial businesses or commercial service entities upon a single sign structure.

PORTABLE SIGN shall mean any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier or other nonmotorized mobile structure; a portable sign that has its wheels removed shall still be considered a portable sign hereunder. For the purposes of this chapter, trailer signs and signs on benches are portable signs.

PROVISIONAL SIGN shall mean a sign of light weight material to be used until permanent signage can be fabricated and erected.

SPECTACULAR SIGN shall mean a sign that has one or more of the following as elements in its physical structure:

- (1) Automatically changing message that changes more often than once every five minutes;

SECTION 4608--MISCELLANEOUS SIGN PROVISIONS

(a) Displays and Certain Banners. Seasonal-holiday displays and banners as described in Section 40-30 of the City Code, and similar temporary displays erected without advertising shall not be subject to the provisions of this chapter, but shall be subject to the Fire Code and rules and regulations for fire safety promulgated by the fire marshal.

(b) Special Event Banners. Special event banners, as defined in Section 40-31 of the City Code, shall not be subject to the provisions of this chapter, but shall be subject to the Fire Code and rules and regulations for fire safety promulgated by the fire marshal.

(c) Signs on Public Rights-of-way.

- (1)** With the exception of signs lawfully permitted or erected prior to the effective date, it shall be unlawful to place a sign upon a public street, public sidewalk, public alley, public right-of-way, public curb or other public improvement in any public street or grounds, on any public bridge or part of same, or on any public building or structure of any kind belonging to the city, or in any public place or on any public improvement unless express consent therefor shall have been first granted by the City Council. This subsection does not apply to public property leased for private business purposes.
- (2)** Any unlawful sign found within a public right-of-way of a public street, public sidewalk or public alley shall be seized, and removal thereof is hereby authorized. The employees of the Police Department, the Planning and Development Department, the Solid Waste Management Department and the Department of Public Works and Engineering are hereby authorized to impound any signs found on a public street, public sidewalk or public alley and transport or cause the same to be transported to a location to be designated by the Sign Administrator for storage. The custodian of the storage area shall maintain records of where such signs were located when they were so impounded and the date on which they were so impounded and shall hold the same in the storage area for a period of not more than 30 days. Any signs so held may be redeemed by the owner thereof upon the payment of a fee to the City through the custodian thereof, consisting of a total of \$70.00 for hauling the same to storage, plus \$10.00 per day storage fee for each day the sign is stored. Such fee shall be in addition to and not in lieu of any fine imposed upon such owner for violation of this chapter. Any sign impounded and stored and not redeemed by the owner thereof within 30 days may be transferred to the Surplus Section of the Property Management Division of the Finance and Administration Department of the City of

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Houston to be sold at public auction in the same manner as surplus property of the City.

EXCEPTION: Stake-type signs constructed of cloth, wood, paper or similar lightweight materials that are picked up in the right-of-way may be disposed of immediately, without regard to the foregoing impoundment provisions.

(d) Signs on Private Property. No person shall place a sign on private property without the written consent of the owner or agent for the owner of said private property.

(e) Signs Resembling Official Signs. No sign shall be constructed so as to resemble any official marker erected by the city, state or any governmental agency or so that by reason of position, shape or color it would conflict with the proper functioning of any traffic sign or signal, or so that its shape or color would conflict with or be confused with emergency vehicle lights, especially blinking lights. Use of words such as "stop," "look," "danger" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic is prohibited.

(f) Signs on Traffic Islands. Signs are prohibited on traffic islands, being areas of less than 5,000 square feet entirely bounded by, or located within, the curb lines of a public street or streets, or being any area having a minimum distance of less than 50 feet between the curb lines of any street or streets.

(g) Signs Not to Obstruct.

- (1)** No sign shall be erected, constructed or maintained so as to obstruct any means of egress, or any opening necessary for required light, ventilation or fire fighting or for escape from the premises, or so as to prevent free passage from one part of a roof to any other part thereof.
- (2)** No sign shall be attached to any exterior stairway, fire escape, fire tower balcony or balcony serving as a horizontal exit.
- (3)** No sign shall be erected, constructed or maintained so as to interfere with the free operation of a counterbalanced section of a fire escape, and no projecting sign shall be erected, constructed or maintained without a minimum of 7 feet of clearance over any such counterbalanced section.
- (4)** No sign shall obstruct the free use of any window above the first story.

(h) Signs Employing Motion Picture Machines. No sign shall employ a stereopticon or motion picture machine.

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(i) Signs Not to Create Easements. No permit for a sign extending beyond private property onto a public street, public sidewalk or public alley shall constitute a permanent easement, and every such permit shall be revocable at any time by action of the City Council, and the City shall not be liable for any damages to the owner by reason of such revocation.

(j) Change of Ornamental Features or Advertising Display. No sign permit is required for the change of any of the ornamental features or the advertising display of a sign previously permitted. This provision shall not apply to signs under new ownership, to spectacular signs with respect to advertising display, or to converting existing signs to electronic signs, high technology signs, or changeable message signs, nor shall it release a person from complying with all other applicable permitting requirements of the City, including those of the Construction Code.

(k) Signs Obscuring or Interfering with View. Signs may not be located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or so as to obstruct or interfere with the view of a driver of approaching, emerging or intersecting traffic, or so as to prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of 250 feet along the street.

(l) Proper Shielding of Lighted Signs—Interference with Drivers of Motor Vehicles. Signs containing lights that are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way from which the sign is primarily viewed and that are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or that otherwise interfere with any driver's operation of a motor vehicle, are prohibited.

(m) Spectacular Signs. Spectacular signs are prohibited.

(n) Visibility Triangle. Within the area of a visibility triangle, no part of the face of a sign shall be lower than a height of 8 feet above grade level of the nearest street.

(o) Flag Signs. Flag signs shall conform to the applicable requirements of Section 4609, including the height requirements of Table 4609. Flag signs shall be counted as ground signs for the purposes of Section 4611(b), notwithstanding their method of attachment, display or installation upon the building or premises where they are located. All flag signs must be permitted; however, one flag sign per frontage, with a maximum of two per business, shall be exempted from the total allowable on-premise sign limitations of Section 4611(b), and such signs shall be exempted from the requirement of operating permits only. Provided, however, all flag signs shall comply with the height requirements set forth in Table 4609 and the structural requirements set forth in Section 4609.

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(p) Limited Use Banner Sign. In addition to the on-premise signs authorized under Section 4611(b)(1) of this chapter, a permit may be issued in accordance with Section 4605 hereof and in accordance with this subsection for an on-premise, limited use banner sign. Each such sign must otherwise comply with the requirements of this chapter for on-premise banner signs, provided rope or other such lightweight support material may not be used in the construction of the sign, the sign may not exceed 40 square feet in size, and the sign must at all times be securely attached and maintained flush against an exterior wall of a building. Only one such sign may be used on any premises at anytime, and such sign may only be displayed on consecutive days, for a maximum of seven days in any 30 day period. Each such display period shall require the issuance of a separate permit and the payment of appropriate site inspection, plan exam, construction permit, and administration fees as set forth in Section 117 of this Code.

(q) Temporary Banners for Businesses Adjacent to Light Rail Construction Projects. In addition to the on-premise signs authorized under Section 4611(b)(1) of this chapter, a permit may be issued in accordance with Section 4605 hereof and in accordance with this subsection for temporary on-premise banners for businesses immediately adjacent to a light rail construction project. Each such temporary banner must otherwise comply with the requirements of this chapter for on-premise signs, provided that said banner may not exceed four feet by eight feet in size and must at all times be securely attached to and maintained flush with an exterior wall of the business. Only one such temporary banner may be authorized per business at any time during an ongoing light rail construction project immediately adjacent to the business. A temporary banner may be displayed at all times during a display period for which a permit has been issued. Each such display period shall last until the light rail construction project is accepted by the City, and shall require the issuance of a separate permit and the payment of appropriate site inspection, plan exam, construction permit, and administration fees as set forth in Section 117 of this Code. As part of the permitting process, the applicant shall provide the City a mailing address and an email address for notice that the project has been accepted by the City and the temporary banner sign must be removed. Such notice may be forwarded by the City by regular mail or email to the address provided by the applicant, and the City may presume delivery of such notice to the address provided by the applicant, such that within five (5) days following the posting or sending of such notice the temporary banner sign shall be removed. It shall be the responsibility of the applicant to maintain a current address with the City. Failure to timely remove the temporary banner sign shall be a violation of this ordinance.

SECTION 4611-ON-PREMISE SIGNS

(a) On-premise Sign Provisions. The provisions of this section shall apply only to "on-premise signs," as that term is defined in Section 4603(a), within the sign code application area.

(b) On-Premise Sign Limitations.

- (1)** No business shall have more than a total of five on-premise signs, provided, however, that each business may select any combination of the signs described below in this subsection to reach that total:
 - a.** Each business shall place no more than one on-premise ground sign or projecting sign per frontage. However, if a business has more than 350 feet of frontage, two on-premise ground signs, projecting signs, or a combination of these signs that totals two, will be allowed along the frontage; provided, however, that the two signs shall be spaced a minimum of 350 feet apart as measured parallel to the frontage. The total number of signs from all of the foregoing sign classifications shall not exceed two in number for each business.
 - b.** Each business shall place no more than four on-premise roof signs, wall signs, or combination of roof and wall signs.
 - c.** Roof signs, designed to be architecturally compatible with the building. Wall signs shall not occupy more than 50 percent of the total wall surface. Wall signs shall not extend above the roofline of the building to which they are attached.
 - d.** On-premise projecting signs shall not extend above the uppermost portion of the building to which they are attached except as provided in Section 4609(1)(5).
 - e.** Each business shall place no more than three on-premise marquee signs.
- (2)** With the exception of on-premise signs lawfully permitted or erected prior to the effective date, all on-premise signs and sign structures shall be contained wholly within the premises upon which they are located and shall not extend onto the public right-of-way, provided that on-premise projecting signs may extend up to 10 feet outward from the building to which they are attached, as long as such extension is no closer than 2 feet behind the curb line.

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- (3) Spectacular signs shall be prohibited, except as provided in Section 4608(m).

(c) Residential Rights-of-way, Scenic and Historical Rights-of-way and Districts. All on-premise signs on residential rights-of-way and scenic and historical rights-of-way and districts shall conform in all respects to the requirements set forth in Section 4611(b) for general rights-of-way and shall be subject to the following additional restrictions:

- (1) Ground signs shall comply with the height and size provisions of Table 4609.
- (2) Spectacular signs shall be prohibited.
- (3) Electrical signs shall be limited to not more than 10 bulbs of 100 watts or less, shall be limited to 120 volts in the lighting circuit and may be illuminated only indirectly.

(d) Business Purpose Required. An on-premise sign must be erected in connection with a "business purpose," as that term is defined in this chapter; any sign not connected with a business purpose shall be considered an off-premise sign.

(e) Relocation of Certain On-premise Signs. Notwithstanding the provisions of Section 4605(e)(3), any on-premise sign that has a valid operating permit and that exceeds the height and size limitations contained in Section 4609 may be relocated on the same premises without having to conform with such height and size limitations, if the sign meets the following requirements and conditions:

- (1) The sign is required to be removed from its present location because of the acquisition of the property upon which the sign is located by the city, the state, or any political subdivision of the state through eminent domain or purchase; and
- (2) The sign is relocated at the height and size indicated on the sign's current permit and without any substantial alterations in the construction materials of the sign; and
- (3) The sign otherwise conforms with all other provisions of this chapter at the time of relocation.

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(f) Special Employment Districts.

- (1) Notwithstanding any other provision or provisions of this code to the contrary, on-premise ground signs located in a special employment district shall comply with the provisions of this subsection.
- (2) A special employment district may not contain on the average more than two on-premise ground signs per acre.
- (3) An on-premise ground sign may be erected and maintained in a special employment district if each of the following requirements is met:
 - a. The sign only provides directions to or identifies sites or locations of facilities within the special employment district.
 - b. The sign identifies that the sign itself and the sites or locations are situated within the special employment district. Such identification may be by use of words or graphic representations such as logos, symbols or insignia. Graphic representations that are used on such signs shall not occupy more than 10 percent of the total area of a sign face.
 - c. The sign complies with all other provisions of this chapter relating to size, construction, safety and maintenance other than the number restriction provided in this subsection.
 - d. The City's Traffic Engineer finds that the system of on-premise ground signs within the special employment district will facilitate the movement of vehicular and pedestrian traffic in the public streets and sidewalks adjacent to the special employment district.
- (4) Designation procedures.
 - a. Any person may petition the City Council to designate an area of the City as a special employment district. The petition shall contain the following:
 1. The signatures of 90 percent of the property owners of the total area of the tracts within the proposed district.
 2. A verified statement by such property owners that the area to be included in the district has the characteristics

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contained in the definition of an area that may be designated as a special employment district.

3. A plat or map of the proposed district prepared by a registered surveyor or engineer showing the boundaries of the proposed special employment district.
 4. A plan for the removal and elimination of all existing on-premise ground signs that do not comply with the provisions of this chapter.
 5. A landscaping plan for the installation of trees, shrubs and plants in the right-of-way within the special employment district (reviewed by a landscape architect licensed by the State of Texas.)
- b. The City Council shall call a public hearing on the question of the designation of an area as a special employment district within 30 days of the filing of a petition in the Office of the City Secretary that complies with the provisions of Section 4611(f)(4)a.
- c. Any designation of a special employment district shall be conditioned on the continuing compliance of the property owners within the special employment district with the requirements that:
1. All existing on-premise ground signs not in conformance with the requirements of this chapter be removed; and
 2. That the trees, plants and shrubs are installed and maintained in the right-of-way in compliance with the landscaping plan.
- d. In the event that the property owners in the special employment district shall fail to comply with the requirements of the City Council to maintain the designation of the special employment district, the Sign Administrator shall notify the City Council of such facts in writing. Upon notice and hearing, the City Council shall revoke and cancel a special employment district designation, and the property owners shall bring all signs into compliance with the provisions of this code other than this subsection within a period of six months from the date of such revocation.

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(g) Identifying Number Required. Each business premises containing one or more on-premise ground signs shall have an identifying number posted and maintained on at least one on-premise ground sign structure. For purposes of this subsection, the term "identifying number" shall mean the address number for that business premises assigned by the building official, or where no such has been assigned by the building official, any number, letter or number and letter combination that is distinct from any other number, letter or number and letter combination used on the same premises. All numbers that are to be posted and maintained on an on-premise ground sign shall be:

- (1) Permanently affixed to the outside of the sign;
- (2) Of a color that is in contrast to the background; and
- (3) At least 3 inches in height.

(h) Changeable Message and High Technology Signs. Save and except for signs erected pursuant to the provisions of Section 4620, the following provisions shall apply to all existing and new changeable message and high technology signs:

- (1) Blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating, or spot lights are prohibited.
- (2) Lights or colored elements creating a continuously moving, shimmering, or prismatic effect, or the use of rotating or moving parts in association with such lights or colored elements, are prohibited.
- (3) A changeable message sign may not change the message more often than every five minutes and must change the message within one second or less; a high technology sign may not change the message without a new permit.
- (4) Brightness limits shall be set at a maximum of 6500 nits between sunrise and sunset, and at a maximum of 1250 nits between sunset and sunrise, and each sign shall be fitted with a qualified light sensing device to automatically adjust the brightness in accordance with these standards.

(i) Additional On-Premise Sign Provisions. Beginning September 1, 2009, and save except for signs erected pursuant to the provisions of Section 4620, the following additional provisions shall apply to new on-premise signs for which an initial permit is requested after said date; provided, however, that in the event of a conflict between these provisions and other provisions of this chapter (except for Section 4620), the more stringent provisions shall control.

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- (1) **Definitions and references.** In this subsection, the following terms shall have the meanings herein ascribed to them, unless the context of their usage clearly indicates another meaning:

- a. All references in this Code to the size and height limitations contained in Table 4609 of this Code shall be interpreted to refer to the new size and height limitations contained in Table 4611.
- b. **BUSINESS** shall mean any entity that uses an on-premise sign.
- c. **SCHOOL** shall mean a public or private elementary, secondary, or high school.

- (2) **Additional restrictions for ground signs.**

- a. For any business to which the multi-tenant standards of Category B and Category C of Table 4611 of this Code could apply that instead applies for a permit to utilize a single business ground sign, the single business ground sign shall be permitted and constructed in accordance with the size and height limitations for the next smaller category of right-of-way; that is, a single business Category C sign shall be permitted and constructed to the Category B standards of Table 4611, and a single business Category B sign shall be permitted and constructed to the Category A standards of Table 4611. This provision shall not apply to any new ground sign that is more than 350 feet from another ground sign at the same location.
- b. All permanent signs other than wall signs and marquee signs will be counted as ground signs, including flag and fence signs.

- (3) **Additional restrictions for roof signs.** Roof signs are prohibited.

- (4) **Additional restrictions for wall signs.**

- a. The area of wall signs shall not exceed in the aggregate 25 percent of the area of the wall on which they are mounted or painted, or 1000 square feet, whichever is smaller.
- b. Wall signs may be attached only to buildings devoted exclusively to business purposes; wall signs attached to buildings or other structures not used exclusively in the furtherance of the primary business purpose shall be treated

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as ground signs. For the purposes of this provision, wall signs on parking garages located on the premises of the business shall be considered for business purposes.

- c. No wall sign may extend above the supporting exterior wall unless mounted on a mansard or facade, and in any event no wall sign may extend more than ten feet above the roof line of the supporting wall.
- d. In the central business district the maximum height of a wall sign shall not exceed 42-1/2 feet.

(5) Additional restrictions for projecting signs.

- a. No projecting sign shall extend above the roof line of the supporting exterior wall.
- b. In the central business district the maximum height of a projecting sign shall not exceed 42-1/2 feet.

(6) Additional restrictions for changeable message signs.



- a. Only one changeable message sign shall be permitted per business.
- b. Save and except for a changeable message sign located at a school, no changeable message sign shall be located on a local street.
- c. Save and except for a changeable message sign located at a school, no changeable message sign located on or facing a collector street shall be permitted within 150 feet of the property line of a single family residence.
- d. For a changeable message sign located on or facing a collector street, that portion of the sign where the changeable message is located shall not exceed in height those standards for Category A signs contained in Table 4611.
- e. That portion of the face of a changeable message sign devoted to changing the message shall be limited in area to fifty percent of the area of the sign face allowable under Table 4611, not to exceed 100 square feet.

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- f. The height of a changeable message wall sign shall not exceed thirty-five feet or the roof line of the supporting exterior wall, whichever is shorter.
- g. An existing sign may only be converted into a changeable message sign in conformance with the standards for a new changeable message sign.

**TABLE 4611
ALLOWABLE ON-PREMISE GROUND SIGN HEIGHTS AND SIZES
BY SIGN TYPE AND CATEGORY OF RIGHT-OF-WAY**

SIGN TYPE	CATEGORY A		CATEGORY B		CATEGORY C		CATEGORY D	
	Height	Size	Height	Size	Height	Size	Height	Size
	(Ft.)	(Sft.)	(Ft.)	(Sft.)	(Ft.)	(Sft.)	(Ft.)	(Sft.)
SINGLE BUSINESS	14	100	20	150	42½	225	8	60
MULTI-TENANT 2 OR 3 BUSINESSES	19	200	26	300	42½	450	10	120
MULTI-TENANT 4 OR MORE BUSINESSES	24	300	31	450	42½	600	12	180
FLAG	20	—	35	—	50	—	—	—

CATEGORY A shall mean visible from and located on premises with frontage on scenic and historical rights-of-way and districts.

CATEGORY B shall mean visible from and located on premises with frontage on major thoroughfares including collector streets other than scenic and historical rights-of-way and districts.

CATEGORY C shall mean visible from and located on premises with frontage on freeways and highways other than scenic and historical rights-of-way and districts.

CATEGORY D shall mean visible from and located on premises with frontage on local streets.

B240

REQUEST FOR APPEAL OF DECISION OR INTERPRETATION

Date: 5-16-13 *Rec'd 6/7/13 MW*
2:12p

TO: CITY OF HOUSTON
GENERAL APPEALS BOARD
1002 WASHINGTON AVENUE, HOUSTON, TEXAS 77002

FROM:

NAME OF APPLICANT	BRITE LITE SIGN
ADDRESS:	9901 REGAL ROW HOUSTON TX 77040 <i>10410 Westheimer</i> (City, State, Zip) <i>Houston TX</i>
MAILING ADDRESS: (if different from above)	9901 REGAL ROW HOUSTON TX 77040 (City, State, Zip) <i>77077</i>
CONTACT NUMBER:	713-849-5545
SIGNATURE OF APPLICANT:	<i>[Signature]</i>
REPRESENTING FIRM:	LANDMARK INDUSTRIES
BUSINESS ADDRESS:	11111 WILCREST GREEN DR #100
CITY, STATE, ZIP:	HOUSTON TX 77040

REFERENCE:

SECTION	SECTION 4611 (1)(6) A.	PAGE	57
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

LIST OTHER CHAPTERS AND SECTIONS OF BUILDING CODE AFFECTED BY REQUEST:

REQUEST: (*)

INSTALL A SECOND CHANGEABLE MESSAGE GAS PRICE LED GROUND SIGN

DESCRIBE FULLY AND REASONS OF PURPOSE (*)

SEE ATTACHMENT

Brite Lite Sign Service, Inc.

9901 Regal Row

Houston, Texas 77040

22 May 2013

City of Houston

General Appeals Board

1002 Washington Avenue

Houston, Texas 77002

Section 4611 (1) (6) A Page 57

The code referenced above is written as an "all inclusive" definition of Changeable message signs. The changeable message sign restriction was designed for the LED message center and not LED price signs. Given this premise the rule to allow only one LED sign per business is riddled with error as most gas stations are on the corners and they are allowed two ground signs but only one LED price sign. Therefore they have a manual sign and one LED price sign. I believe this was an oversight in the writing of the code and should be amended immediately.

Harris County, who adopted the City of Houston code, allows two LED price signs. The city of Houston pointed out to them that they overlooked the issue and recommended the change in the county code.

It makes sense in every aspect:

1. Safety
2. Accuracy
3. Aesthetics
4. Convenience

LED Price signs do not change more than once a day. Normally the price is changed in the mornings when Gas futures are updated by Wall Street. LED price's are safer to operate. No one has to go to the sign with an extension pole to change digits. The signs are located near roads and near drive ways and

have proven to be a hazard for the employee to change. In unusual weather patterns, the digits can fly out and have hit vehicles and store patrons.

Prices do not change more than once a day, they are not changeable message signs in the sense that the definition was written.

Operators that have more than one store can change the price from a remote location when using LED price signs. The signs are programable from the inside of the store or from a remote office where the signs can be changed from a manager who is watching the entire market.

It is illegal to display multiple prices at a store and having one LED and one manual price sign causes the station at times to display two different prices. If the weather is bad or the store has only one manager then they cannot go and change the price while leaving the store unattended. This is also a safety issue as they walk in and out of the store they are opening themselves up for someone to take advantage of them.

Summary:

The location is on Westheimer and the beltway 8, both streets are very dangerous. The risk of employees going to the manual font sign and running the risk of being hurt is much higher due to the high volume of traffic.

Houston is constantly talking about improving the look of the city and needs business to contribute; removing the manual font sign and installing an LED sign will improve the store's appearance dramatically.

Landmark Industries operates 200+ "G" stores and they change the price on a daily basis. They do not change the price more than one time daily. The code is written incorrectly and should not have incorporated LED price signs. Landmark is responsible for the safety of their employee's and wants to allow them to change the price from the store. It is a hardship to employee's and the employer.

The LED price signs are very attractive and improve the look and appeal of the store. The manual font signs are very unattractive and do not appeal to the residents of Houston.

From: McClennon, Robert - HPC-PWE
Sent: Thursday, May 09, 2013 11:16 AM
To: brad@britelitesign.com
Cc: Lorton, Lisa - HPC-PWE; Benitez, Misael - HPC-PWE (Misael.Benitez@houston.tx.gov); Hight, Daniel - HPC-PWE
Subject: re:project #13038836
Importance: High

Good morning Brad,

The project that was submitted for:
Timewise/Exxon
10410 Westheimer
Houston, TX 77077
Project #13038836

The project has been reviewed and rejected based on Section 4611 (i) (6) a.

(6) Additional restrictions for changeable message signs.
a. Only one changeable message sign shall be permitted per business.

The location has one changeable message ground sign permitted.
Reference project #12007790
Construction Finish and I.D. Tag was approved on 12-12-2012.

Your plans for the proposed new changeable message ground sign has been placed at the meet and greet her at the HPC 4th floor.

Woodie McClennon
Assistant Chief Inspector
City Of Houston
Public Works and Engineering
Sign Administration

HOUSTON 
PERMITTING

Houston Permitting Center
1002 Washington Ave.

Houston, Texas 77002

My new direct phone number: 832-394-8916

To call about status of Plan Review or Code information: 832-394-8900

To call about status of Site Inspection or speak to a Sr. Inspector: 832-394-8890

Administration: 832-394-8890

If I can help in any way please e-mail me or call.

i-permits: On-Line Permits for Licensed Users

Licensed users are users that have registered their license or bond with the City of Houston or established an Advance Pay Account

website: http://www.pdinet.pd.houstontx.gov/ILMS_Online_Permits/SelectUserProfile.asp

Sign Administration website: <http://www.houstonoermittingcenter.org/code-enforcement/sign-administration-and-permits.html>

Key links:

New Sign Code - (effective September 1, 2009)

CLICK HERE for Major Thoroughfare Listing

Prerequisites Plan Review Procedures (updated: 04/27/10)

Electrical Permits Application

City of Houston website: <http://www.houstontx.gov>

*Verify Occupancy (& more) @ the On-Line Sold Permit Search

site: http://www.cohtora.houstontx.gov/ibi_html/sldpmtsi.htm

"If you would like to receive periodic emails from Mayor Annise D. Parker and the City of Houston on topics of interest to you and your neighborhood, please go to <http://www.houstontx.gov> and register with CitizensNet."

13038836

ON - PREMISE

SIGN PERMIT APPLICATION



1001 Washington Ave. - 4th Floor - Houston, TX 77002 Phone: 832-394-8030 Monday-Friday 7:30 am - 4:30 pm

Measuring: ☐ 1st flr ☐ 4th flr
Address: _____ Date: _____
Time: _____

☐ Category A ☒ Category B ☐ Category C ☐ Category D ☐ Changeable Message Sign

BRITE LITE SIGN

1. Sign: BRAD EVERETT
2. Contact: BRAD@BRITELITESIGN.COM
3. Address: 9801 REGAL ROW
4. City/State: HOUSTON, TX 77043
5. Phone: 713-849-5545

6. Owner: TIMEWISE EXXON #837
7. Name: 10470 WESTHEIMER
8. Address: HOUSTON TX 77077

9. Sign Type: ☐ New ☐ Existing ☐ Changeable
10. Sign Type N1: ☐ New ☐ Existing ☐ Changeable

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ELECTRICAL WIRING PERMIT APPLICATION

There is no point expending too much money when you can buy books at Haddon, Texas. Carefully compare all necessary information.

PROJECT NO. _____ DATE: 4-11-13

CLASS OF WORK: (Check One)
☐ Residential ☐ Commercial ☐ Industrial ☐ Other: _____

WHEN READY FOR INSPECTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR SCHEDULING INSPECTION

ELECTRICAL CONTRACTOR (Firm Name): LCIS: Bile Lite Siga Co TELEPHONE: 703 849 5579

ORDER SITE ADDRESS: 10410 Westheimer Houston, Tx 77077

PRESENT OCCUPANCY: Empty PROPOSED OCCUPANCY: Person

[illegible]

Electrical instruments used with the "approved" type are installed in accordance with the City Ordinances regarding electrical connections in the City of Houston. No alterations or additions shall be made in the electrical system without the proper permits.

RAY DWAEGER
(Please Print Surname & Forename Name)

77010000

[illegible]

1. PLOT PLAN

- ☐ Are two intergrading skirt shown?
☐ Has North arrow been provided?
☐ Show footprint(s) of building(s) on property.
☐ Provide location of air signs; existing and proposed for this address.
☐ Ground signs: include dimensions from fixed objects or structure(s).
- Sign: A (A=area taken from elevation) 16" x 24" (from back edge to bottom from fence, curb)
 - Sign: A (A=area taken from elevation) 24" x 36" (from back edge to curb, etc. driveway, easement)
- ☐ Are any ground signs being removed? If so, show by denoting To Be Removed (TBR)
2. SIGN DRAWINGS
- ☐ Does the plan/drawing match live Engineering? If needed and the description on application?
☐ Does Survey or Court House supply all required information of property?
☐ Does the plan clearly show upright support details? (i.e.: pipe thickness, wall thickness, wood...)
☐ Depth and diameter of footing?
- Sign: A (A=area taken from elevation) Diameter: 24" Depth: 6' 6"
 - Sign: A (A=area taken from elevation) Diameter: _____ Depth: _____
- ☐ Fill material?
☐ If anchor bolt foundation, are the size of anchor bolts and reinforcing rods shown?
☐ Culvert construction and attachment to pole shown?
☐ Are welding symbols, type of rod and weld materials shown?
☐ Signel structures, unusual designs and individuals installing new signs over 8 ft in height and/or over 6 ft require engineered drawings or Licensed Sign Contractors exceeding 19'.
☐ Electrical details and load shown.
6. WALL SIGNS
- ☐ Elevation of building including existing signs, proposed sign(s) and TBR's included?
☐ Are cabinet details included?
☐ Engineer Seal needed? and individuals installing new signs over 8 ft in height and/or over 6 ft require engineered drawings or Licensed Sign Contractors exceeding 42'6"
☐ Method of attachment shown? Minimum 3/16 inch X 5 inch fasteners are required.
☐ Electrical details included?
7. OTHER SIGNS
- ☐ Cabinet details provided?
☐ Method of attachment?
☐ Electrical details and load shown? Light sensor for Changeable Message/High Technology sign?
8. GENERAL
- ☐ Certificate of Occupancy must be able to be verified
☐ Other requirements could be imposed as needed through this process
☐ *4500 Plan Exam fee will be charged for all rejected Signs reviewed by a Plan Checker

History Database

Sign Company Brite-Lite Signs
 Print Checker: _____
 Date: _____
 Purchase Order Number: _____

Project Number : 13030036
Screen Printed: 4/23/2013 11:32:40 AM by 2106903

NOTE: PLANT DROPPED BY CONTACTOR

00410 WISCONSIN RD 77042

SALES TAX 1990-1991

Applicant: ERTE LITE

5001 REBEL RD
HOUSTON, TX 770

ALL PROJECTS ASSOCIATED WITH ADDRESS 12410 VESTELIA RD

Project Function	Project	Item	Status	Description-Use	App-Date	File No
	13013836	S	ACTIVE	PLANS DROPPED OFF BY CONTRACTOR	84/12/17013	
	12845235	U	ACTIVE	DUMPSTER PERMIT	45/10/17012	
	12805750	S	ACTIVE	CHI TRITULUM 2FC 1PL 10X50X EXCOR TRIMWISE WASH N RUN CHIC	41/03/17012	
	121007750	S	ACTIVE	CHI TRITULUM 2FC 10X4X16 TRIM WISE AND LOGO	41/03/17012	
	11116938	B	INACTIVE	ELECTRIC LOCK PLUMB CHECK (PUSH)	41/02/17012	
	11111611	C	INPAID	ELECTRIC LOCK STONE WITH TAPES, TCHT#940625-80	12/14/17011	111169
	05013723	C	INPAID	DUMPSTER PERMIT	12/10/17011	111169
	04093945	I	ACTIVE	VF	02/09/2005	
	04090724	U	FINALED	DUMPSTER PERMIT	11/05/2004	
	032527804	S	ACTIVE	#8 NON-ILLUM 2FC 10X4X12 CAR WASH	10/12/2004	
	032027896	S	ACTIVE	#16 NON-ILLUM 2FC 10X4X12 TIGER WASH	06/04/2003	
	032328239	S	FINALED	VOID PROJECT FINALED	06/04/2003	
	020809240	B	FINALED	CONM A/C PERMIT	06/04/2003	
	020048095	B	FINALED	CONM/PLUMB PERMIT	01/30/2002	
	011415006	B	FINALED	COMMERCIAL STONE FLOOR REMODEL	01/31/2002	
	01118111	B	FINALED	CONVULSION ELECTRICAS PERMIT	12/14/2001	114405
	009706576	S	ACTIVE	SURVAY TO 10X4X14 1F "EXCOR #800 316" CHANGCABLE" 1800	10/02/2001	
	007407020	S	ACTIVE	VOID 565 SR PER 948 12/12/12	08/28/1997	
	007385513	S	ACTIVE	ICE 30X275X14 1F "SERVICE ICE" EXCOR CIRCUL CH ON ROOV" 300	07/03/1997	
	007194931	S	ACTIVE	VOID 578 SR PER 948 12/12/12	02/15/1993	
	007044329	B	FINALED	CONM/VOID AS PER INJAKE	05/09/1993	
	0070717293	B	FINALED	NEW WALK IN CLOSET	02/26/1997	97-1907
	0070044403	B	FINALED	CONM PLUMB PERMIT	01/21/1997	
	00706119187	B	FINALED	PLUMB REVISIONS TOIL FILL # 96062580	12/12/1996	94-063X
	00706118617	S	FINALED	WALLS 565A REPAINTED TO 10X50 EXCOR 316 2712/12/97	12/12/1996	

THE UNIVERSITY OF CHICAGO

HARRIS COUNTY PUBLIC INFRASTRUCTURE DEPARTMENT
ARCHITECTURE & ENGINEERING DIVISION - PERMIT GROUP

Trans #837
Exped

REGULATIONS OF HARRIS COUNTY, TEXAS FOR THE PLACEMENT OF SIGNS VISIBLE
FROM THE MAIN-TRAVELLED WAY OF A TOLL ROAD
WITHIN HARRIS COUNTY, TEXAS

SIGN PERMIT

STATE OF TEXAS
COUNTY OF HARRIS

DATE: 04/10/13
PERMIT NUMBER: 4-002495-9

THIS PERMIT IS ISSUED TO BRITR LITE SIGNS, HARRIS COUNTY, TEXAS, FOR THE PLACEMENT OF SIGNS VISIBLE FROM THE MAIN-TRAVELLED WAY OF A TOLL ROAD WITHIN HARRIS COUNTY, TEXAS AS AUTHORIZED BY CHAPTER 395 OF THE TEXAS TRANSPORTATION CODE, ACTUALLY, TEX. S.B. 1139, 69TH LEG. (JAN. 14, 1985), AND CHAPTER 284 OF THE TRANSPORTATION CODE, FORMERLY ARTICLE 6795B-1, TEX. REV. CIV. STAT. ANN. ART. 6795B-1, VERSION 1986 AND 1989.

Harris County has not examined title to the site designated in this permit nor has Harris County determined whether the construction designated in this permit is in violation of its authority in any deed restrictions or covenants applicable to the said site. The determination that the sign to be constructed or erected is not in violation of any deed restrictions or applicable covenants shall be the responsibility of the permittee.

SUBDIVISION - CITY WEST PLACE RESERVE "B"
16410 WESTHURST
CITY OF HOUSTON
COUNTY OF HARRIS
PERMIT TYPE: SIGN VISIBLE FROM A COUNTY TOLLWAY
SIZES: 2' WIDTH: 9 FT. 11 IN. HEIGHT: 5 FT. 4 IN. MAX HEIGHT: 8 FT. 4 IN.
SIGN MESSAGE: COME TOGETHER WITH A ROLL-UP TRUCK

THIS PERMIT IS VALID FOR 180 DAYS AFTER THE DATE ABOVE HEREON. SIGNS WILL NOT BE INFLECTED FOR EXPIRED, VOIDED OR CANCELED PERMITS OR INSPECTIONS THAT HAVE BEEN CONDUCTED.

THIS PERMIT WILL BE SUBJECT TO REVOCATION BY THE COUNTY ENGINEER IF ANY SIGN IS UNLAWFUL, EXPIRED, CANCELED, VOIDED OR CANCELED, OR IF THERE IS A VIOLATION OF ANY PROVISIONS OF THE REGULATIONS PERTAINING TO WHICH THIS PERMIT WAS ISSUED.

TO SCHEDULE INSPECTIONS CALL (713) 956-3035

REPORT ALL VIOLATIONS TO THE COUNTY ENGINEER AT (713) 956-3000.

<http://hpad.org/permits/>

ATTACHMENT ATTACHED



Permit Manager

PERMITTEE USE

HARRIS COUNTY PUBLIC INFRASTRUCTURE DEPARTMENT ARCHITECTURE & ENGINEERING DIVISION - PERMIT GROUP

REGULATIONS OF HARRIS COUNTY, TEXAS FOR THE PLACEMENT OF SIGNS VISIBLE
FROM THE MAIN-TRAVELLED WAY OF A TOLL ROAD
WITHIN HARRIS COUNTY, TEXAS

STATE OF TEXAS } }
COUNTY OF HARRIS } }
SIGN PERMIT
DATE: 04/10/13
PERMIT NUMBER: 4-0326495-5

ADDRESS

SECTION 02.
SUBDIVISION - CITY WEST BLACK RESERVE "E"
10810 WESTHEIMER
HOUSTON, TEXAS 77036
CONTRACT/ORDERING
SIGNED AND SEALED THIS 5th DAY OF APRIL, 2013.
BY: [Signature] ENGINEER
FEE: \$1000.00
SIGN MESSAGE: EACH LICENSEE SHALL BE REQUIRED TO
MAX HEIGHT: 8 FT. 4 IN.

REQUIRED INSPECTIONS

FINAL SIGN INSPECTION--TOLLWAY
SIGN, RAIL, SIGN TAG

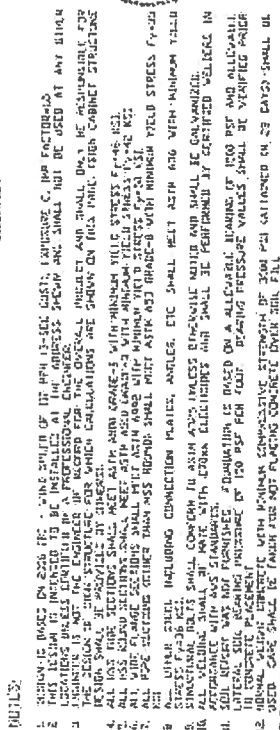
SPECIAL REQUIREMENTS

DEVELOPMENT TO BE COMPLETED IN ACCORDANCE WITH PLANS SUBMITTED
RIGHT OF WAY UTILITY WORK PERMITS ADMINISTRATION NOTICE
SCHEDULE INSPECTIONS BY CALLING 713-956-3035

[Signature]

Permit Manager

PERMITTEE COPY



SMB
ENGINEERING, LLC
 8011 CAMPWELL LANE, SUITE 207, HOUSTON, TX 77061
 TEL: 281-438-0238 FAX: 281-438-0239

[illegible][illegible]

1. Background
 2. Case History
 3. Physical Examination
 4. Investigations
 5. Diagnosis
 6. Management
 7. Prognosis
 8. Conclusion
 9. References
 10. Summary
 11. Key Words
 12. Abstract
 13. Introduction
 14. Discussion
 15. Conclusion
 16. References
 17. Summary
 18. Key Words
 19. Abstract
 20. Introduction
 21. Discussion
 22. Conclusion
 23. References
 24. Summary
 25. Key Words
 26. Abstract
 27. Introduction
 28. Discussion
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 255. Summary
 256. Key Words
 257. Abstract
 258. Introduction
 259. Discussion
 260. Conclusion

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1. The following information was obtained from the records of the Federal Bureau of Investigation, Bureau of Prisons, and the Department of Justice, Office of the Inspector General, regarding the activities of the following individuals:

2. James Earl Ray, born January 5, 1928, in Jackson, Mississippi, was arrested on December 14, 1967, in London, England, and charged with the murder of Dr. Martin Luther King, Jr. He was sentenced to death by hanging on April 8, 1969.

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10. Jimmy Carter, born September 27, 1924, in Plains, Georgia, was the President of the United States from 1977 to 1981. He was a member of the Board of Directors of the American Civil Liberties Union from 1961 to 1963.

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12. George H. W. Bush, born September 1, 1919, in Milton, Massachusetts, was the President of the United States from 1989 to 1993. He was a member of the Board of Directors of the American Civil Liberties Union from 1961 to 1963.

13. Bill Clinton, born August 14, 1946, in Hope, Arkansas, was the President of the United States from 1993 to 2001. He was a member of the Board of Directors of the American Civil Liberties Union from 1961 to 1963.

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19. Kamala Harris, born September 12, 1964, in Oakland, California, was the Vice President of the United States from 2021 to 2025. She was a member of the Board of Directors of the American Civil Liberties Union from 1961 to 1963.

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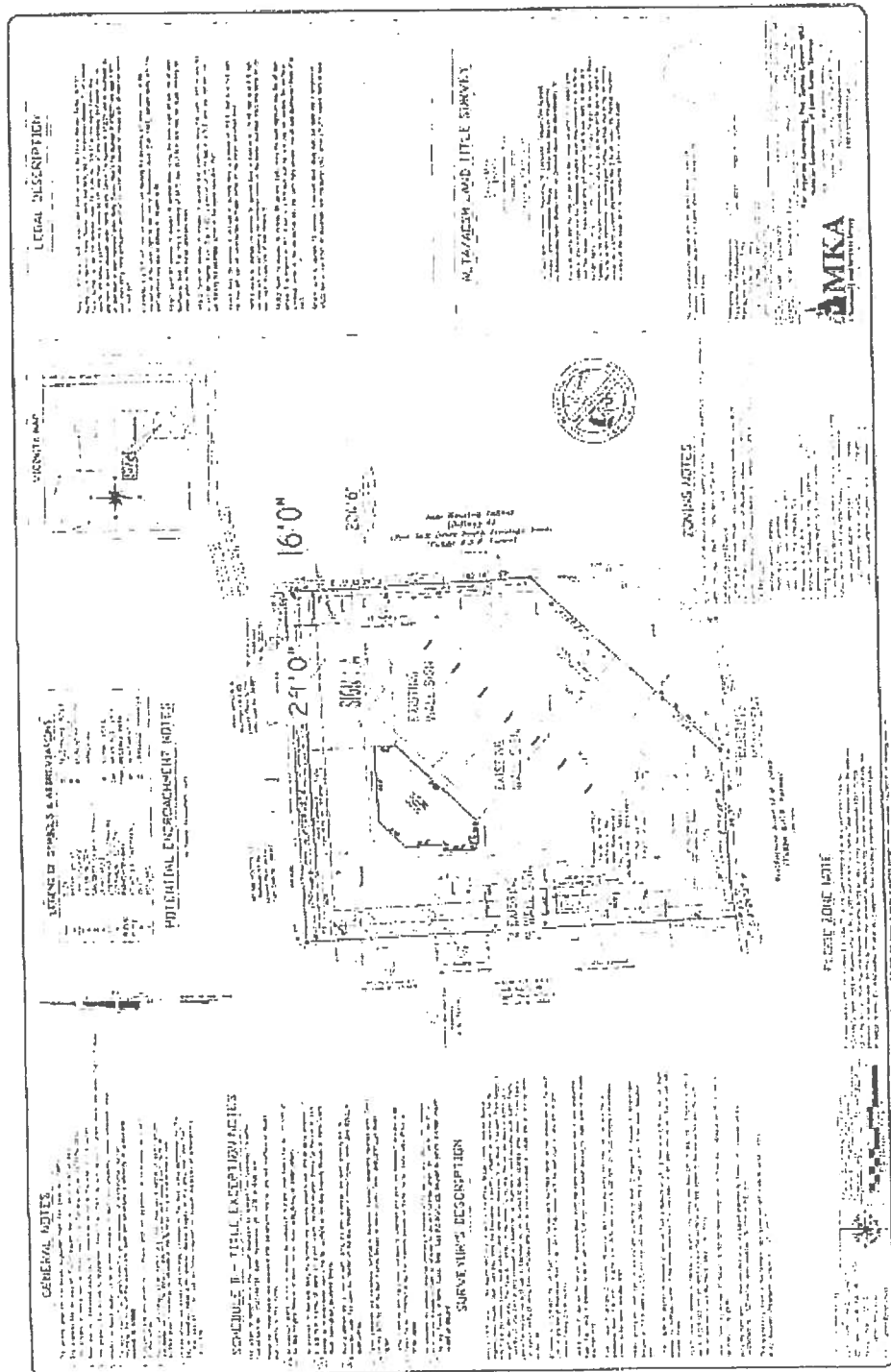
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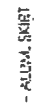
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AWARD WINNING SIGN COMPANY FROM THE TEXAS SIGN ASSOCIATION



EXXON

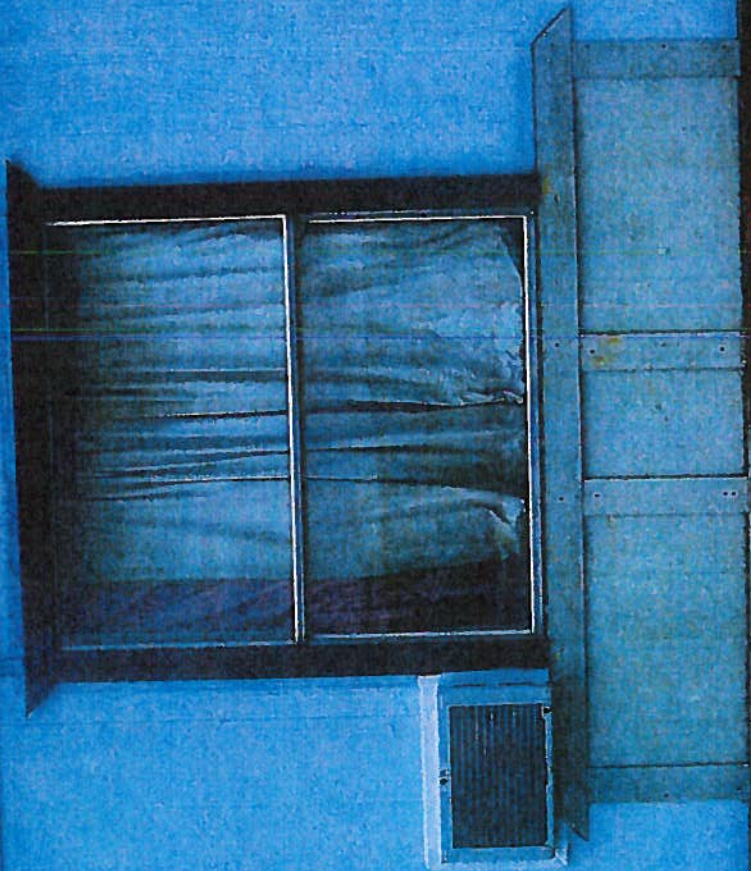
Regular	3.45	$\frac{9}{10}$
Plus	3.65	$\frac{9}{10}$
Supreme	3.86	$\frac{9}{10}$
Self		

ON





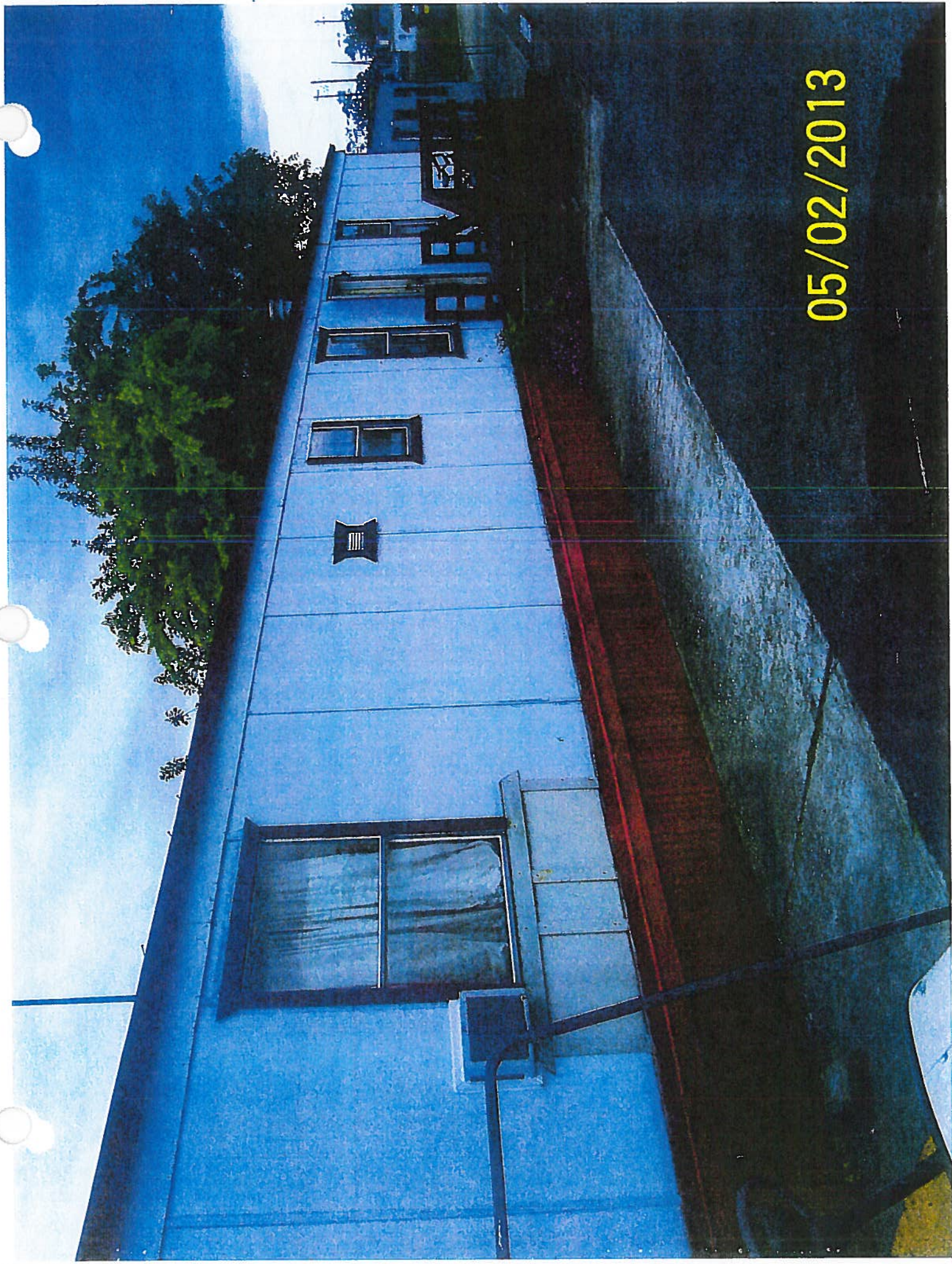
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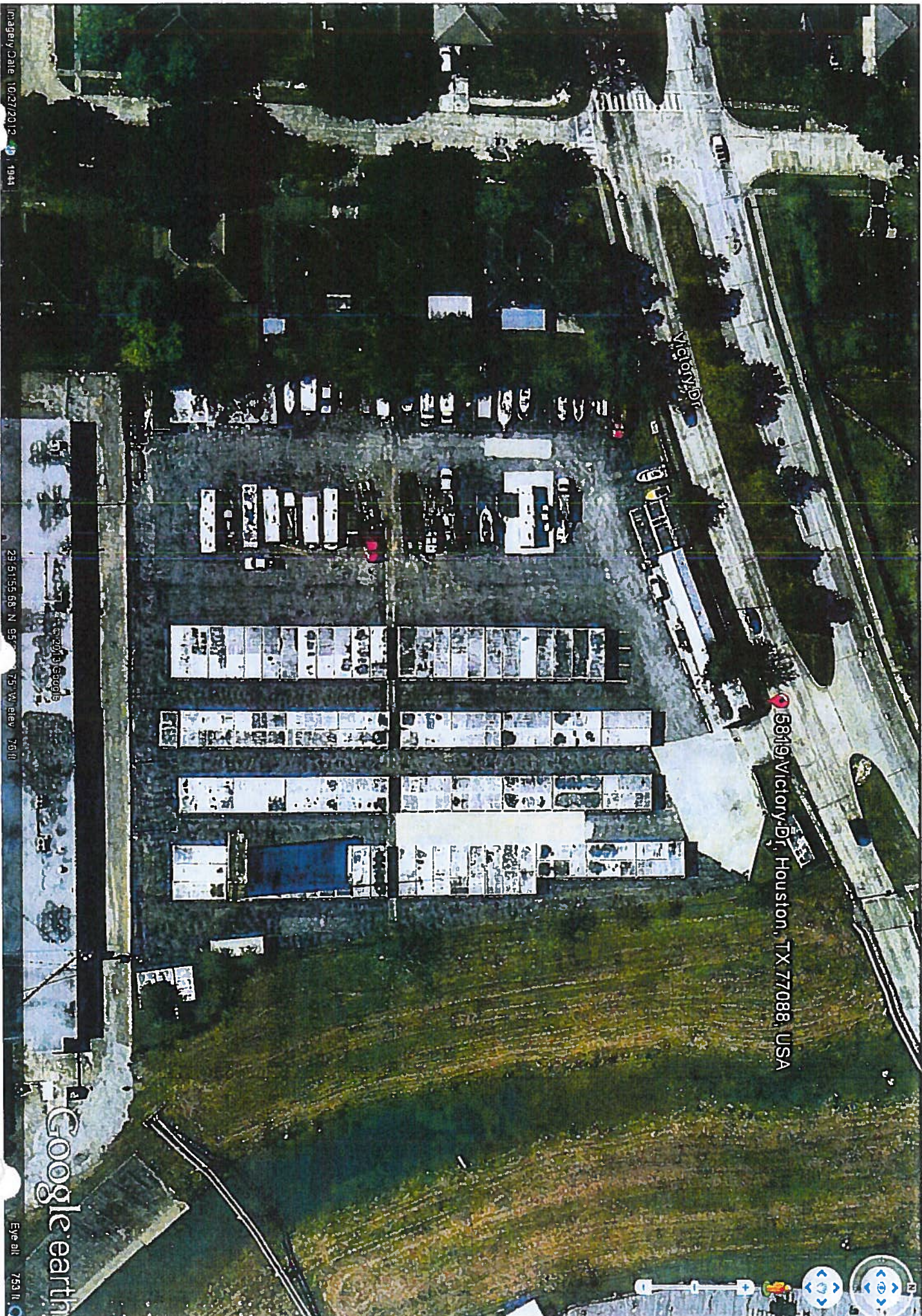
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5819 Victory Dr, Houston, TX 77088, USA

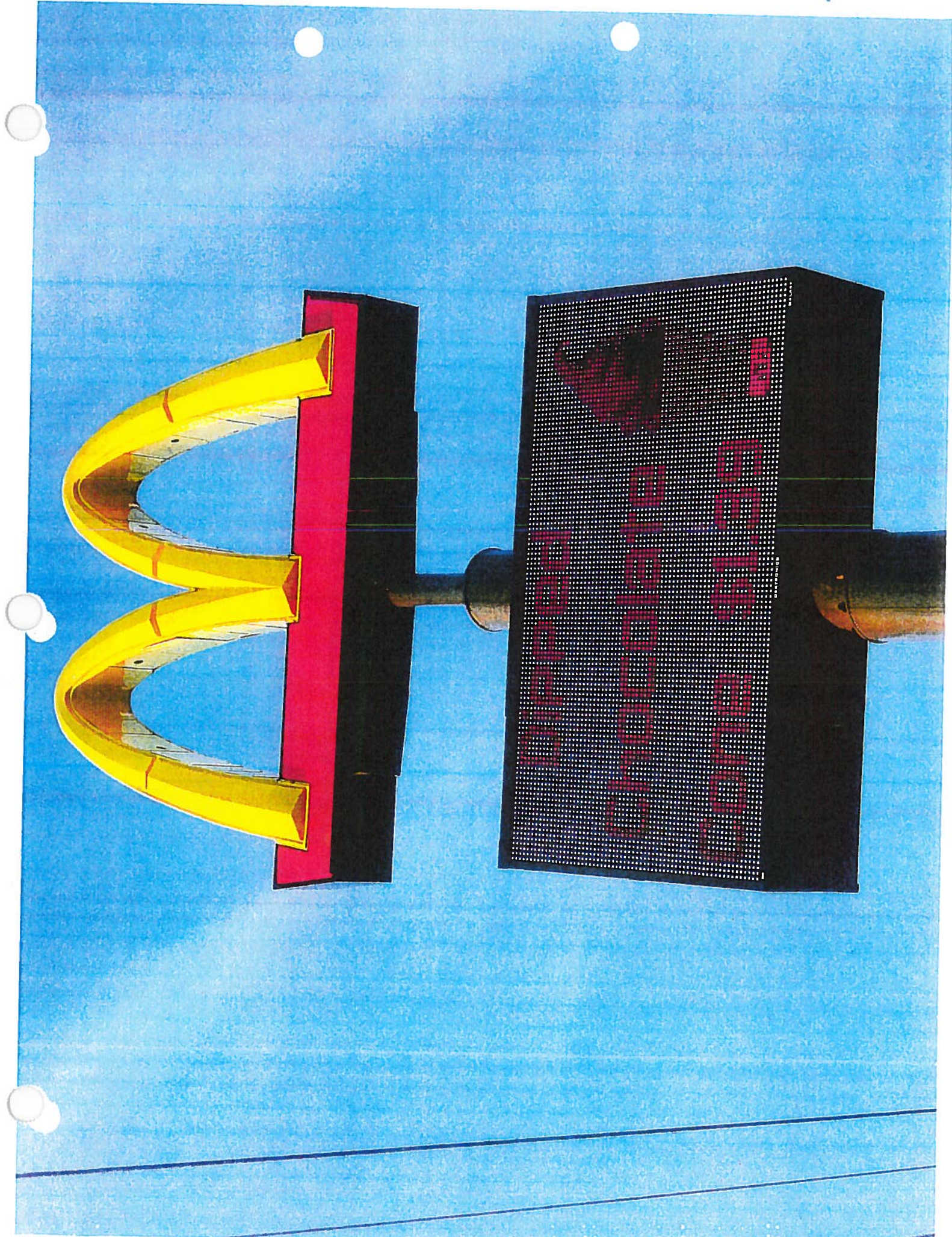
Imagery Date: 10/27/2012

29° 51' 56.68" N 95° 17' 53.11" W, elev: 7610

Eye alt: 753 ft

Google Earth





REQUEST FOR APPEAL OF DECISION OR INTERPRETATION

Date: 5-16-13 *Rec'd 6/7/13 MW 2:12p*
TO: CITY OF HOUSTON
GENERAL APPEALS BOARD
1002 WASHINGTON AVENUE, HOUSTON, TEXAS 77002

FROM:

NAME OF APPLICANT: BRITE LITE SIGN
ADDRESS: 9901 REGAL ROW HOUSTON TX 77040 *10410 Westheimer Houston TX 77077*
(City, State, Zip)
MAILING ADDRESS: 9901 REGAL ROW HOUSTON TX 77040
(If different from above) (City, State, Zip)
CONTACT NUMBER: 713-849-5545
SIGNATURE OF APPLICANT: *[Signature]*
REPRESENTING FIRM: LANDMARK INDUSTRIES
BUSINESS ADDRESS: 11111 WILCREST GREEN DR #100
CITY, STATE, ZIP: HOUSTON TX 77040

REFERENCE:

SECTION SECTION 4611 (1)(6) A. PAGE 57

LIST OTHER CHAPTERS AND SECTIONS OF BUILDING CODE AFFECTED BY REQUEST:

REQUEST: (*)

INSTALL A SECOND CHANGEABLE MESSAGE GAS PRICE LED GROUND SIGN

DESCRIBE FULLY AND REASONS OF PURPOSE (*)

SEE ATTACHMENT

Brite Lite Sign Service, Inc.

9901 Regal Row

Houston, Texas 77040

22 May 2013

City of Houston

General Appeals Board

1002 Washington Avenue

Houston, Texas 77002

Section 4611 (1) (6) A Page 57

The code referenced above is written as an "all inclusive" definition of Changeable message signs. The changeable message sign restriction was designed for the LED message center and not LED price signs. Given this premise the rule to allow only one LED sign per business is riddled with error as most gas stations are on the corners and they are allowed two ground signs but only one LED price sign. Therefore they have a manual sign and one LED price sign. I believe this was an oversight in the writing of the code and should be amended immediately.

Harris County, who adopted the City of Houston code, allows two LED price signs. The city of Houston pointed out to them that they overlooked the issue and recommended the change in the county code.

It makes sense in every aspect:

1. Safety
2. Accuracy
3. Aesthetics
4. Convenience

LED Price signs do not change more than once a day. Normally the price is changed in the mornings when Gas futures are updated by Wall Street. LED pricer's are safer to operate. No one has to go to the sign with an extension pole to change digits. The signs are located near roads and near drive ways and

have proven to be a hazard for the employee to change. In unusual weather patterns, the digits can fly out and have hit vehicles and store patrons.

Prices do not change more than once a day, they are not changeable message signs in the sense that the definition was written.

Operators that have more than one store can change the price from a remote location when using LED price signs. The signs are programmable from the inside of the store or from a remote office where the signs can be changed from a manager who is watching the entire market.

It is illegal to display multiple prices at a store and having one LED and one manual price sign causes the station at times to display two different prices. If the weather is bad or the store has only one manager then they cannot go and change the price while leaving the store unattended. This is also a safety issue as they walk in and out of the store they are opening themselves up for someone to take advantage of them.

Summary:

The location is on Westheimer and the beltway 8, both streets are very dangerous. The risk of employees going to the manual font sign and running the risk of being hurt is much higher due to the high volume of traffic.

Houston is constantly talking about improving the look of the city and needs business to contribute; removing the manual font sign and installing an LED sign will improve the store's appearance dramatically.

Landmark Industries operates 200+ "C" stores and they change the price on a daily basis. They do not change the price more than one time daily. The code is written incorrectly and should not have incorporated LED price signs. Landmark is responsible for the safety of their employee's and wants to allow them to change the price from the store. It is a hardship to employee's and the employer.

The LED price signs are very attractive and improve the look and appeal of the store. The manual font signs are very unattractive and do not appeal to the residents of Houston.

<p style="text-align: center;">A</p> <p>ability 45:21 able 20:20 43:14 accurate 22:16 23:4 act 36:12 action 47:14,17 active 28:11 acts 36:10,13 actuality 36:9 additional 24:24 42:23 adequate 20:25 adjourned 46:2,3 adjustments 20:25 Administration 2:18 2:21 21:22 22:24 23:10,18 24:11,17 27:5 37:1,10 Administration's 25:11 adopt 36:6 adopted 39:18 advancing 29:23,23 advantage 33:16 advertise 40:16 advertises 25:12 advertising 26:5 ago 7:22 agree 42:9,12 agreement 37:13 ahead 21:23 27:6 35:11 40:17 air 34:12 43:18 allow 23:12 26:3 33:18 36:4 allowed 19:24 amendments 43:1 amount 6:16 13:8 Ann 47:8 48:6 answer 12:25 27:4 answered 13:3 antiquated 32:14 anybody 4:22 7:4 17:10 44:18 anyway 12:10 apart 20:14</p>	<p>apartment 38:9 appeal 2:14 5:11 7:2 21:6 22:7 24:12,14 40:8,10,10 41:23 appeals 1:7 2:9 5:10 5:13 40:20 42:24 47:5 appearance 25:19 31:1 APPEARANCES 2:1 applicant 4:2 7:14 14:17,20 17:24 18:12 19:24 applicants 3:13 applicant's 18:9 45:19 application 3:23 4:4 5:19 6:22,25 10:24 16:9 22:25 23:2,7 23:20 apply 20:11 24:25 approval 12:5,8,9 approve 3:9 4:2 10:15 21:3 approved 3:5,23 12:10 18:11 20:15 20:16,17,20 42:5,7 approving 21:1 April 22:24 area 16:14 17:2 32:2 areas 16:15 argued 38:22 arguing 44:18 argument 23:15 25:10,11 35:5 36:25 arm 34:15 arrow 7:25 9:4,5 29:21 asked 38:24 asking 13:18 assumption 20:18 attorney 47:12 attractive 33:16,19 33:20 authority 18:3 42:23 auto 38:8</p>	<p>Avenue 1:15 aware 5:3 ayes 3:10 4:3 7:2 A.J 2:6</p> <p style="text-align: center;">B</p> <p>B 2:4,5 back 7:12 13:19 40:6 barbwire 8:6,19 base 26:2,4 based 8:9,24 10:6,11 10:16 11:8,11,12 12:4 35:21 38:19 42:15 44:1 Basement 1:15 basically 30:18 42:12 basis 5:17 8:13,13,14 10:7 13:8 20:16 24:9 35:21 beginning 24:22 Benitez 2:19 21:20 22:12,14,18,21 Bernie 2:15 21:19 best 46:1 better 29:25 44:5,6 beyond 11:8 bias 21:2 Bible 31:20 big 17:10 33:10 34:2 bigger 29:25 41:1 43:10 Bill 7:4 bit 9:13 22:2 Bldg 2:6 blink 17:10 27:22 28:18,25 29:2 blows 34:7 board 1:7 2:3,9 3:21 5:1,10,13 6:9 9:2 10:15 12:4 13:7,10 13:11 15:8,23 17:12 17:14,18,21 18:11 18:11 19:21 22:9 26:1,18 28:2 31:8 34:25 36:10,13 41:2 41:2 42:24,25 47:5</p>	<p>boats 8:3 16:18 body 43:2 bottom 24:19 31:17 33:11 Brad 2:15 21:19 24:7 break 16:18 bright 22:25 36:22 brightness 27:9 bring 14:9 brings 24:12 Brite 21:12 23:6,19 24:7 32:5,8 broke 16:21 broken 6:3 brought 12:4 13:7 build 45:1 building 7:24 8:1,2 9:9 11:15,20 40:9 42:25 45:1,13 buildings 7:23,23,23 8:18 bulbs 29:20 burden 17:21,23 18:14 business 3:2,12 18:9 18:15 23:12 24:20 25:6,13 32:18 37:4 37:4 38:6 40:14 44:5 45:3,4 businesses 37:3 busting 16:23 buy 44:25 45:2 buys 45:3 Byron 2:12 3:15</p> <p style="text-align: center;">C</p> <p>call 3:1 16:22 called 22:9 29:9 camera 9:12 Campbell 2:7 3:22 5:17,21,25 6:5,23 10:10,21,23 15:20 19:4,9,16,23 Candice 2:10 canopy 44:11,12,13 capable 25:19 30:25</p>
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Date 4/2/2013	Subject: An Ordinance approving and authorizing an agreement between the City of Houston and METRO for the purchase of parcels of land of the Palm Center parking lot and requesting the City's approval of HBDi's sale of parcels to METRO for the purpose of public right of way to improve access to public transportation.	Originator's Initials 	Page 2 of 2
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Defined Term	METRO Parcel Nos.	Area	Valuation (based on \$6.00/ft. for land)
City Griggs Road Parcels (3)	237 and 238	0.0632 acres (2,754 sq. ft.)	\$16,524
	228	0.1138 acres (4,928 sq. ft.)	\$29,568
	240	0.0218 acres (951 sq. ft.)	\$5,706
HBDi Griggs Road Parcels (2)	236	0.0617 acres (2,688 sq. ft.)	\$16,128
	239	0.0544 acres (2,371 sq. ft.)	\$14,226
TOTAL VALUATION			\$82,152

This item was presented to the Housing, Sustainable Growth and Development Committee on July 16, 2013.

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

KEY

Land Conveyed
to METRO:



Palm Center

City of
Houston

Houston Business Development, Inc.

City of
Houston

City of
Houston



FOR ILLUSTRATION PURPOSE ONLY



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating certain improved single-family residential lots in certain subdivisions of the Museum Park area as a Prohibited Yard Parking Requirement Area		Category #	Page 1 of 3	Agenda Item 21
FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department		Origination Date July 5, 2013		Agenda Date SEP 4 2013
DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i>		Council District affected: D		
For additional information contact: Kevin Calfee Phone: 713.837.7768		Date and identification of prior authorizing Council action: 2009-0059, 1-28-09		

RECOMMENDATION: (Summary) Approval of an ordinance designating certain improved single-family residential lots in the A & K Custom Homes on Arbor Court, Abst 212 J Christy, Almeda Place, Almeda Place Annex, Arbor Square Amend, Austin Court, Austin Green, Austin Street T/H Amend, Balcors, Blodgett Park T/H, Blodgett Park Townhomes Sec 2, Calumet Park, Caroline Manor, Caroline Oaks, Catco Crawford Park, Crawford Street Manors, Daybreak Homes on Wichita Street, Five Thousand One Hundred and Six Crawford Street T/H, Forty Nine Hundred Caroline Boulevard, Galwan T/H, Graywood Place, Hampton T/H, Hermann Park, Jackson Street, Jackson Street T/H Sec 2, Jackson T/H, La Branch Palms, Labranch Place, Macgregor & Demeritts Southmore Sec 2 R/P, Macgregor Blodgett Park Sec 1, Macgregors Blodgett Park Sec 2, Macgregors Blodgett Park Sec 2 PAR R/P 3, Macgregors Blodgett Park Sec 3, Manors of Austin Green, Maredia Homes at Prospect Street, Metro Lofts at Chenevert, Metro Lofts at Prospect Street, Museum Gallerie Amend, Museum Walk R/P, Nec Southmore and Jackson, Oakdale Avenue, Oakdale Place, Oakdale Terrace, Oaks at Caroline, Oaks of Southmore, Palm Avenue T/H, Palm Place Amend, Pawl Terrace, Prospect Street T/H, Prospect Townhomes Sec 1, Regents Green, Rosedale Avenue Place, Rosedale Avenue Place Sec 2, Rosedale Park, Rosewood, Rosewood Green, Rosewood Lofts, Rosewood Midtown, Rosewood Terrace, Rosewood Townhomes, Rosewood Villas, Ruth Street Manor, Ruth Street T/H, Southmore 106, Southmore 107, Southmore 108, Southmore 116, Southmore 117, Southmore 118, Southmore Gardens Amend, Southmore Outlot 109, Southmore Sec 2 Par R/P, Southmore T/H U/R Southmore 118, Southmore Terrace Amend, Southmore Two Villas, Stoeckli Place Annex, Sutton Place Patio Homes Southmore 108 R/P, Thurman Manors, Tract 11, Holman Outlot 68, Tract 4, Block 24, Empire, Trinity at Chenevert, Tuscan One, Villas at Rosedale, W D Simpson No. 1, Wentworth Homes, Wheeler Place, Wheeler Place R/P, Wichita Jackson T/H, and Wichita Ridge subdivisions as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

Amount and Source of Funding: NA	Finance Budget:
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SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Museum Park Neighborhood Association initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Museum Park Neighborhood Association. Notification was mailed to 1058 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Eight (8) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on June 11, 2013 and recommended establishing the Prohibited Yard Parking Requirement Area.

Attachments:

Decision of the Hearing Official
Prohibited Yard Parking Requirement Area Application
Letter of Support
Map of the proposed requirement area / land use

xc: Anna Russell, City Secretary
David M. Feldman, City Attorney
Don Cheatham, Senior Assistant City Attorney
Chief C. A. McClelland, HPD
Katye Tipton, Director, DON

NOTE: ORDINANCE
CORRECTED WITH
NEW EXHIBIT "A"
ADOPTED BY MOTION
ON 8-28-13

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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Prohibited Yard Parking Requirement Area No. P130202

Hearing Official's Approval

Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>PYPRA includes five contiguous block faces;</i> The application area contains at least five contiguous block faces.
X		<i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i> 73.4% of the proposed application area is developed as single-family residential.
X		<i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i> The president of the Museum Park Neighborhood Association has signed a letter of support.
X		<i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i> The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.

The Prohibited Yard Parking Requirement Area meets the criteria.

Randall Stuewer,
Hearing Official, Presiding

Date

M. G. H. for
Lynn Henson,
Hearing Official, Presiding

6/28/13
Date

P130202

Museum Park Neighborhood Association

