

AGENDA - COUNCIL MEETING - TUESDAY - DECEMBER 3, 2013 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Martin

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

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

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

5:00 P. M. – RECESS

RECONVENE

WEDNESDAY - DECEMBER 4, 2013 - 9:00 A. M.

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

HEARINGS

MAYOR'S REPORT - Payday Lending

CONSENT AGENDA NUMBERS 1 through 39

AGENDA – DECEMBER 4, 2013 - PAGE 2

MISCELLANEOUS - NUMBERS 1 through 4

1. RECOMMENDATION from Director Planning & Development Department to designate an Honorary Street Marker for **REVEREND CALVIN J. ABRAHAM** to be located at 803 East 36th Street and Cornell - **DISTRICT H - GONZALEZ**
2. RECOMMENDATION from the Mayor's Office of Intergovernmental Relations for renewal of membership in the **TEXAS MUNICIPAL LEAGUE** - 1 Year - \$80,275.00 - General Fund
3. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice from **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** Annual Consolidated Water Quality Fee for FY14 - \$1,565,698.27 - Enterprise Fund
4. RECOMMENDATION from Director Department of Public Works & Engineering for payment to **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for Water System Fees for calendar year 2014 - \$1,964,742.05 - Enterprise Fund

ACCEPT WORK - NUMBERS 5 through 8

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,892,381.35 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Neighborhood Street Reconstruction Project 451 - 1.78% over the original contract amount and under 5% contingency amount - **DISTRICT K - GREEN**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$953,121.22 and acceptance of work on contract with **SCR CONSTRUCTION CO., INC** for Bridge Rehabilitation Broadway Blvd at Brays Bayou 4.56% under the original contract amount - **DISTRICT I - RODRIGUEZ**
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,506,919.08 and acceptance of work on contract with **SER CONSTRUCTION PARTNERS, LLC** for Bellaire West Drainage Improvements Projects 2% under the original contract amount - **DISTRICT F - HOANG**
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,512,026.00 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Multiple Satellite Wastewater Treatment Plant Improvements - 4.45% under the original contract amount - **DISTRICTS A - BROWN; B - DAVIS; I - RODRIGUEZ and K - GREEN**

PROPERTY - NUMBER 9

9. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court incurred in connection with eminent domain proceeding styled City of Houston v. Houston Inwood Professional, Ltd., et al., Cause No. 1032141; for acquisition of Parcel AY12-164; for the **WEST LITTLE YORK PAVING & DRAINAGE PROJECT, (T. C. Jester - Alabonson/Deep Forest)** - **DISTRICT A - BROWN**

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 16

10. **CONSTRUCTION MASTERS OF HOUSTON, INC** for purchase of Construction Services for Ipswich Road Remediation at Hobby Airport through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the Houston Airport System \$143,905.32 and contingencies for a total amount not to exceed \$158,295.85 - **DISTRICT I - RODRIGUEZ**

PURCHASING AND TABULATION OF BIDS - continued

11. **TEKSYS, INC** - \$175,895.87; **NEOS CONSULTING GROUP LLC** - \$982,199.00; **PREFERRED TECHNOLOGIES, INC** - \$507,326.40 for purchase of Wireless Camera Equipment and Services for the Public Safety Video Initiative through the City's Master Agreement with the Texas Department of Information Resources for the Mayor's Office of Public Safety and Homeland Security - \$1,665,421.27 and contingencies for a total project amount not to exceed \$1,831,963.40 - Grant Fund
12. ORDINANCE appropriating \$198,945.22 out of Equipment Acquisition Consolidated Fund for the purchase of Grounds Maintenance Equipment for the Parks & Recreation Department
 - a. **PROFESSIONAL TURF PRODUCTS, L.P.** - \$142,629.73; **JOHN DEERE COMPANY** - \$56,315.49 for purchase of Grounds Maintenance Equipment through the Interlocal Agreements for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative (BuyBoard) and the Houston-Galveston Area Council for the Parks & Recreation Department \$198,945.55 - Equipment Acquisition Consolidated Fund
13. **SCHNEIDER ELECTRIC USA, INC** for purchase of Electrical Circuit Breakers from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Department of Public Works & Engineering Department - \$69,772.80 Enterprise Fund
14. **AMERICAN MATERIAL HANDLING, INC** for Truck-Mounted Boom Crane for the Department of Public Works & Engineering - \$128,170.00 - Enterprise Fund
15. **ALSTOM POWER, INC** for purchase of Cage Mill Flash Dryer Replacement Parts for the Department of Public Works & Engineering Department - \$650,000.00 - 3 years with two one-year options - Enterprise Fund - **DISTRICT H - GONZALEZ**
16. **RUSH TRUCK CENTERS OF TEXAS LP DBA RUSH TRUCK CENTER HOUSTON** for Automotive Peterbilt Truck Repair Service & Replacement Parts for Various Departments \$1,536,704.00 - 3 years with two one-year options - Fleet Management Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 17 through 39

17. RESOLUTION approving the creation of the **LAKE HOUSTON REDEVELOPMENT AUTHORITY**; approving the certificate of formation and the bylaws thereof; confirming the appointment of the Initial Directors and Chairperson
18. ORDINANCE **AMENDING CHAPTERS 1 AND 8 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to Wrecker Drivers; containing findings other provisions relating to the foregoing subject; providing for severability
19. ORDINANCE **AMENDING CHAPTERS 8 AND 28 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to Automotive Dealers; containing findings other provisions relating to the foregoing subject; providing for severability
20. ORDINANCE approving and authorizing an agreement between the City of Houston and **SOUTH CENTRAL HOUSTON ACTION COUNCIL, INC, dba CENTRAL CARE COMMUNITY HEALTH CENTER**, to provide a \$1,100,000.00 Grant of Federal Community Development Block Grant Funds for costs associated with the construction/build out of 13,000 square feet of space in a facility located at 14065 South Main Street, Houston, Texas, to be used as a health and wellness center for underserved Houstonians - **DISTRICT K - GREEN**

RESOLUTIONS AND ORDINANCES - continued

21. ORDINANCE approving and authorizing a contract between the City of Houston and the **HOUSTON INDEPENDENT SCHOOL DISTRICT** for the administration of an After School Achievement Program \$200,000.00 - Grant Funds - **DISTRICTS C - COHEN; D - ADAMS; E - MARTIN; H - GONZALEZ; I - RODRIGUEZ; J - LASTER and K - GREEN**
22. ORDINANCE appropriating \$300,000.00 out of Parks Special Fund; approving and authorizing an Interlocal Agreement between the City and the **HOUSTON PARKS BOARD LGC, INC** for the Restoration of Woodland Park - **DISTRICT H - GONZALEZ**
23. ORDINANCE approving and authorizing the acceptance of a grant award from the U.S. Department of Housing and Urban Development for the 2014 Lead-Based Paint Hazard Reduction Demonstration Grant Program; declaring the City's eligibility for such grant; authorizing the Director of Health and Human Services Department to accept the grant and expend the grant funds, as awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant
24. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **PHILLIPS 66 COMPANY** for certain premises at George Bush Intercontinental Airport \$214,755.00 - Revenue - **DISTRICT B - DAVIS**
25. ORDINANCE approving and authorizing Amendment No. 1 to the contract for professional consulting services between the City of Houston and **RESEARCH HORIZONS, LLC, D/B/A PHOENIX MARKETING INTERNATIONAL** for Customer Satisfaction Surveys for the Houston Airport System; amending Ordinance No. 2011-661 to increase the maximum contract amount
26. ORDINANCE approving and authorizing an Interlocal Agreement between the City of Houston and **TEXAS A&M ENGINEERING EXPERIMENT STATION** for Energy Services for the Houston Airport System; providing a maximum contract amount - \$1,500,000.00 - 3 years with one two year option - Enterprise Fund - **DISTRICTS B - DAVIS; E - MARTIN and I - RODRIGUEZ**
27. ORDINANCE approving and authorizing a Reimbursable Fee Agreement between the City of Houston and **UNITED STATES DEPARTMENT OF HOMELAND SECURITY, U. S. CUSTOMS AND BORDER PROTECTION** for the Houston Airport System; providing a maximum contract amount - \$1,000,000.00 - **DISTRICTS B - DAVIS; E - MARTIN and I - RODRIGUEZ**
28. ORDINANCE approving and authorizing task order contracts between the City of Houston and **BUILDING ENVELOPE CONSULTANTS, LLC** and **ZERO/SIX CONSULTING, LLC** for Professional Roofing Consultant Services; providing a maximum contract amount - 3 years
29. ORDINANCE approving and authorizing contract between the City of Houston and **JACKSON, SJOBERG, MCCARTHY & TOWNSEND, LLP** for Legal Services - \$900,000.00 - 5 years Enterprise Fund
30. ORDINANCE approving and authorizing Memorandum of Understanding No. 2 between the City and **HOUSTON FORENSIC SCIENCE LGC, INC** - \$1,567,110.00 - General Fund
31. ORDINANCE awarding, approving and authorizing contract between the City and **DRESSER, INC** for Blower Replacement Parts and Services for the Public Works and Engineering Department; providing a maximum contract amount - \$8,000,000.00 - 3 years with two one-year options Enterprise Fund

RESOLUTIONS AND ORDINANCES - continued

32. ORDINANCE approving and authorizing contract between the City of Houston and **FULL SPECTRUM ANALYTICS, INC** for Preventative Maintenance & Repair Services on Varian/Agilent Analytical Instruments for Various Departments; providing a maximum contract amount - \$662,930.00 - 3 years with two one-year options - General and Enterprise Funds
33. ORDINANCE awarding contract to **SCR CONSTRUCTION CO., INC** for Cleaning and Sealing Cracks in Pavement Citywide for the Public Works and Engineering Department; providing a maximum amount - \$567,050.00 - 3 years with two one-year options - Enterprise Fund
34. ORDINANCE approving and authorizing a Professional Architectural Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for the Houston Emergency Center Training Facility, contingent on contractor's submission of all required contract documents - \$116,209.00 - Houston Emergency Center Fund - **DISTRICT H - GONZALEZ**
35. ORDINANCE approving and authorizing Professional Engineering Services Contract between the City of Houston and **INTEGRATED MANAGEMENT SERVICES, PA D/B/A IMS ENGINEERS, INC** for Victory Preparatory Academy Roof and Parking Lot Repairs, contingent on contractor's submission of all required contact documents - \$57,700.00 - Grant Fund - **DISTRICT B - DAVIS**
36. ORDINANCES providing for an ad valorem tax exemption on the following historical sites listed A through F in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ**
 - A. **1005 Oxford Street**
 - B. **832 Columbia Street**
 - C. **1150 Cortlandt Street**
 - D. **919 Oxford Street**
 - E. **118 Payne Street**
 - F. **1401 Tulane Street**
37. ORDINANCES providing for an ad valorem tax exemption on the following historical sites listed A through H in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICTS G - PENNINGTON and H - GONZALEZ**
 - A. **1810 Summer Street**
 - B. **15 North Chenevert Street**
 - C. **2455 Pine Valley Court**
 - D. **2155 Chilton Road**
 - E. **2417 Pelham Drive**
 - F. **2023 Claremont Lane**
 - G. **3449 Overbrook Lane**
 - H. **2245 Dryden Road**
38. ORDINANCES granting to the following listed as A through E, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions and making certain findings related thereto **FIRST READING**
 - A. **GRACE DISPOSAL SYSTEM, LLC DBA ROYAL DISPOSAL & RECYCLE**, a Texas Limited Liability Company
 - B. **TUCO BROTHERS WASTE, INC**, a Texas Corporation
 - C. **BFI WASTE SERVICES OF TEXAS, LP**, a Delaware Limited Partnership
 - D. **DANIEL HOLDEN DBA MR. PUMPER SEWER SERVICE**, a Texas Sole Proprietorship
 - E. **JANUARY TRANSPORT, INC**, a Texas Corporation

RESOLUTIONS AND ORDINANCES - continued

39. ORDINANCES Nos. 2013-1045 to 2013-1052, passed first reading November 13, 2013 for Ordinances granting to the following listed as A through H, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions and making certain findings related thereto

THIRD AND FINAL READING

- A. **MIDSTATE ENVIRONMENTAL SERVICES**, a Texas Limited Partnership - **(2013-1045)**
- B. **GLOBAL WASTE SERVICES, LLC**, a Texas Limited Liability Company - **(2013-1046)**
- C. **TWISTER WASTE, INC**, a Texas Corporation - **(2013-1047)**
- D. **NORTHSIDE GARBAGE SERVICE, INC**, a Texas Corporation - **(2013-1048)**
- E. **REPIPE CONSTRUCTION DBA IPR SOUTH CENTRAL, LLC**, a Texas Limited Liability Company - **(2013-1049)**
- F. **ASTRO WASTE, INC**, a Texas Corporation - **(2013-1050)**
- G. **AZTEC PORTACANS AND CONTAINERS LTD**, a Texas Limited Partnership - **(2013-1051)**
- H. **NATIONAL WORKS, INC**, a Texas Corporation - **(2013-1052)**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 40

MISCELLANEOUS

40. RECEIVE nominations for the City of Houston representative of the **HARRIS COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS**, for a two year term

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

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

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

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

**CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - TUESDAY
DECEMBER 3, 2013 – 2:00 PM**

AGENDA

2MIN

2MIN

2MIN

NON-AGENDA

3MIN

3MIN

3MIN

MR. ROBERT EDNESS – 6221 Main St. – 77030 – no phone – Passengers riding Metro buses with animal cages

MR. ANTHONY ARCHER – 12626 Cannonwood Ln. – 77070 – 713-985-9151 – Concerns about HPD

MS. SHERRY BROWNING – 2616 S. Loop, Ste. 110 – 77054 – 832-287-5909 – Hair and Health Festival and Toy Drive

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

PREVIOUS

1MIN

1MIN

1MIN

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – C/Government w/Parker – McClelland, D Feldman w/RC Green m/Lynch Mobs – Assassinate US JC

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

SUBJECT: Request the designation of an Honorary Marker for Reverend C.J. Abraham	Category #	Page 1 of	Agenda Item # /
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date 11/14/2013	Agenda Date DEC 04 2013
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DIRECTOR'S SIGNATURE: <i>MLG</i> <i>Marlene L. Gafrick</i>	Council District affected: H
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For additional information contact: Jennifer Ostlind Phone: 713-837-7-7871	Date and identification of prior authorizing Council action: NA
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RECOMMENDATION: (Summary)
Approval of a motion designating an Honorary Street Marker: "Abraham Est. 2013"

Amount and Source of Funding:	Finance Budget:
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SPECIFIC EXPLANATION:

The Planning and Development Department received a request for an Honorary Street Marker recognizing the Reverend Calvin J. Abraham, Pastor Emeritus of the Bella Vista Missionary Baptist Church, located at 803 East 36th Street, Houston, Texas 77022. Reverend Abraham has dedicated his life to serving the Houston community civically and spiritually for more than 50 years. We have attached a summary of Reverend Abraham's contributions.

The City's Honorary Marker policy does not allow the use of proper names for living persons so the proposed marker will read "Abraham Est. 2013". It will be located at the northeast corner of East 36th Street and Cornell Street, Houston, Texas 77022 (see map). The proposed marker is in compliance with the City's Honorary Marker Policy.

MLG:JO

Attachments: Letter of request, Biography, map

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Daniel W. Krueger, Director, Public Works and Engineering
David M. Feldman, City Attorney
Bill Hlavacek, Public Works and Engineering
Edward Gonzalez, Mayor Pro Tem, Council District H

REQUIRED AUTHORIZATION

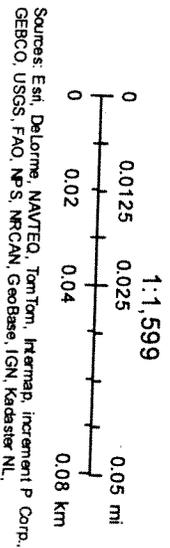
Finance Director:	Other Authorization:	Other Authorization:
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Honorary Street Marker Location



November 13, 2013

X Location of Honorary Street Marker: Abraham Est. 2013



Reverend Calvin J. Abraham, Pastor Emeritus
Pastor, Teacher, Community Leader, Author, Counselor, and True Friend

On June 15, 1969, Reverend Calvin J. Abraham was installed as the fourth Pastor in the history of the Bella Vista Missionary Baptist Church, located in Houston's now Historical Independence Heights, Studewood Community. Forty-Four years later, and deeply embedded in the life of the community, Reverend Abraham now serves as Pastor Emeritus of the Bella Vista Missionary Baptist Church. January 2014 will mark his 58th year of Gospel Preaching and 44 years of Pastoral Leadership at the Bella Vista Church where he retired as Pastor in December 2012. Reverend Abraham's footprints have significantly impacted the community and been a guiding light in developing the ultimate "Church That Cares".

Reverend C.J. Abraham was born on August 3, 1938 in Houston, Texas to Mr. & Mrs. Calvin Abraham. He attended Ryan Elementary School, E.O. Smith Junior High, and graduated from Phillis Wheatley Senior High School in 1957. He attended Texas Southern University for his first year of college and during that year, his life was deeply inspired by one of TSU's finest Professors, Dr. Thomas Freeman. He later moved to New York, where he attended Nassau College in Garden City, before receiving his formal education in Bible Doctrine & Church History from the renowned Manhattan Bible Institute. His most memorable religious educational experience was studying Bible Doctrine under the late Dr. E.V. Hill.

In December of 1955, Reverend Abraham accepted the Lord Jesus Christ as his personal Savior, and on January 18, 1956 he announced his calling to the Ministry. He was subsequently licensed and ordained at the Galilee Missionary Baptist Church, in Houston, Texas by Pastor Robert Shepherd. Reverend Abraham served faithfully, labored in the word and doctrine. During his 43 years as Pastor of Bella Vista he baptized and married hundreds and fellowshiped over 3,000 plus members. Through his Ministry many have deepened their faith and relationship with God, however while serving as Pastor, Reverend Abraham has had a special affect on developing men spiritually in so much that over 40 Baptized believing men have accepted their calling into the Gospel Ministry. Thirteen of his spiritual sons in the ministry are currently serving as Pastors across the country and others sons serve in Street Ministries to the United Nations Religious Council.

- **Upon being installed as Pastor in 1969**, Reverend Abraham's first goals for Bella Vista were to purchase Church vans in order to transport members without transportation to the Church. He then began implementing his beautiful vision for Bella Vista, and in doing so he stated that by faith the Church would build in phases, so that Bella Vista really could be called "The Church That Cares."
- **During Phase I-** In 1977 Reverend Abraham recommended the Church build a new sanctuary to accommodate the growing congregational needs. Construction was completed in 1978 and a "Mortgage Burning" Ceremony was held in 1993.
- **During Phase II-** In 1986 Reverend Abraham recommended the Church build a multi-purpose building to accommodate Church auxiliaries, and to greater serve the community, Bella Vista Christian Academy was started the same year serving grades K-8. Today this building is also debt-free.
- **In 1994** Reverend Abraham would launch the Bella Vista Christian Youth Summer Camp in which is still proudly serving the community today.

Reverend Calvin J. Abraham, Pastor Emeritus

Pastor, Teacher, Community Leader, Author, Counselor, and True Friend

- **In 1996** Under Reverend Abraham's leadership and for the first time Bella Vista hired a full-time Youth Minister
- **In 1999** Reverend Abraham launched Bella Vista's Resources for Christian Living. He wanted the Preached Word out in the community, thus giving birth to the Radio, CD & DVD Ministry. He aired his first Radio broadcast on KYOK 1590 in 1999 and continued until they were sold. Presently Reverend Abraham can be heard on KWWJ/1360 AM Radio.
- **In 2000's**, Reverend Abraham implemented and authorized many other notable activities and ministries. Including; A citywide Health & Wellness Ministry, The 100 Club Bible Study, Men's Ministry, "Brother to Brother", Women's Ministry, "Sister to Sister", Promise Keepers, Marriage Ministry, Radio Broadcast, Support the Homeless & Hunger Ministry in collaboration with the Houston Food Bank, The Babes of Praise, God's Anointed and Appointed Praise Dancers, Hands of Praise, College Scholarship Ministry, and Video & Sound Ministry to name a few.
- **In Phase III-** During January 2011, Reverend Abraham implemented new visions for the Church, which included a Historical Church Gallery, a Neighborhood Welcome Walk (English Spanish Touch), and the release of a new Church website. He also launched a new vision, for future Church property acquisition and a new Church Facility expanding westward, also deemed as "The Journey West"
- **In December 2011-Present**, Reverend Abraham released his first Autobiography "Somewhere To Lay My Head" followed by the awesome honor of being inducted into the Phillis Wheatley High School, Hall of Fame during a Black History Month Celebration in February 2012. He was featured on Debra Duncan's "Great Day Houston" in January 2013 as one of Houston's inspiring Men of Faith. He has been a feature story in the Houston Chronicle on numerous occasions and interviewed by various newspapers and magazines across the state of Texas.
- **Pastor Emeritus Abraham's Community and National Organizational Affiliations Include:**
 - The Lincoln Southern District Association
 - The Missionary Baptist General Convention of Texas
 - The National Baptist Convention of America, Inc.
 - The Independence Heights Baptist Pastors & Ministers Alliance
 - The Houston Metropolitan Ministers Alliance
 - NAACP

Reverend Abraham was married to the late Alice M. Hancock-Abraham and to that union are two sons, Michael and his wife Shicresia, with three grandchildren; Kameron, Kaylum and Chase and son Timothy with his wife Vernicia Nicole, with grandsons; Timothy Calvin and Nicholas.

Pastor Emeritus Abraham's favorite Bible scripture is found in Psalms 119:130 where it says, "The entrance of Thy word giveth light; it giveth understanding unto the simple." He has made the study of Scripture the pillar of his ministry, stability for the community and growth in the daily lives of the Church.

SUBJECT: Texas Commission on Environmental Quality (TCEQ)'s Annual Consolidated Water Quality (CWQ) fee for FY14

Page 1 of 1

Agenda Item #

3

FROM (Department or other point of origin):

Public Works and Engineering Department

Origination Date

11/21/13

Agenda Date

DEC 04 2013

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E., Director

Council District affected:

All

For additional information contact:

Jason A. Iken, P.E. Phone: 832-395-4989
Senior Assistant Director

Date and identification of prior authorizing Council action:

October 26, 2011 CM 2011-0802;
November 07, 2012 CM 2012-0777

RECOMMENDATION: Authorize payment of the TCEQ invoice for \$1,565,698.27 for the annual Consolidated Water Quality (CWQ) fee for the City's wastewater treatment plants.

Award Amount: \$1,565,698.27 Water and Sewer System Operating Fund No. 8300

SPECIFIC EXPLANATION: This is a request to authorize payment of an invoice received from the Texas Commission on Environmental Quality (TCEQ) for the annual Consolidated Water Quality (CWQ) fee that applies to the City of Houston's wastewater treatment plants.

The current invoice covers the period from *September 1, 2013 to August 31, 2014 corresponding to TCEQ's fiscal year 2014*. The annual assessment is based on the discharge permits for each wastewater treatment plant. The fee rate schedule is found in TCEQ's regulations, - Title 30, Texas Administrative Code (TAC), Chapter 21: Water Quality Fees, Section 21.3 Fee Assessment. This became effective July 30, 2009 and is adjusted annually based on the consumer price index.

The revenue resulting from the Consolidated Water Quality Fee pays TCEQ's expenses to inspect wastewater treatment facilities and to enforce the provisions of the Texas Water Code. It also funds comprehensive monitoring of water quality for each river basin, conducted under the Texas Clean Rivers Program.

The TCEQ fee increased from \$1,413,410.89 in FY13 to \$1,565,698.27 in FY14 due to the consumer price index.

Recommend that Council approve the Department of Public Works and Engineering's request to pay TCEQ the invoiced amount of \$1,565,698.27.

DWK:JC:JAI:WS:cil

cc: Howard Hilliard Susan Bandy, CPA Gary Norman Marta Crinejo

LTS No.

CUIC# 20JAI506

Finance Department

Other Authorization:

Other Authorization:

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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT:

Payment approval for the sum of \$1,964,742.05 to the Texas Commission on Environmental Quality for water system fees for calendar year 2014

Apr

Page 1 of 1

Agenda Item #

4

FROM (Department or other point of origin)

Department of Public Works and Engineering:

Origination Date

11/22/13

Agenda Date

DEC 04 2013

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E., Director

Council District affected:
All

For additional information contact:

Yvonne W. Forrest Phone: 832-395-2847
Senior Assistant Director

Date and identification of prior authorizing Council action:

- 1-3-08 - Motion No. 2008-0005
- 12-17-08 - Motion No. 2008-0901
- 11-18-09 - Motion No. 2009-0836
- 12-8-10 - Motion No. 2010-0863
- 11-16-11 - Motion No. 2011-0857
- 12-5-12 - Motion No. 2012-0827

RECOMMENDATION: (Summary)

That City Council approve payment of \$1,964,742.05 to the Texas Commission on Environmental Quality for the 2014 Water System Fees.

Amount of Funding: \$1,964,742.05

Finance Department:

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund
 Other (Specify) Water & Sewer System Operating Fund No. 8300

SPECIFIC EXPLANATION:

The Department of Public Works and Engineering Drinking Water Operations Branch requests Council to approve payment of the Annual Water System Fees for the period of January 1, 2014 to December 31, 2014. These fees are paid every year to the Texas Commission on Environmental Quality (TCEQ) for regulatory activities required for this agency under the Federal Safe Drinking Water Act. These activities include coordination of chemical sample collection, system inspections, plan reviews, and other technical assistance.

The TCEQ fee schedule for service to drinking water systems set forth in 30 TAC 290.51 is based on the number of service connections. The City of Houston operated 7 separate drinking water systems in 2013. The fees for 2014 are based on data collected during the last inspection in 2013. For more information, see the attached sheet.

In 2013, the Drinking Water Operations Branch paid \$2,298,356.25 for Water System Fees.

YWF:dt

- cc: Daniel W. Krueger, P.E.
- Jun Chang, P.E., D.WRE
- Susan Bandy, CPA
- Marta Crinejo
- Yvonne W. Forrest

REQUIRED AUTHORIZATION

20YWF36

Finance Department:

Other Authorization:

Yvonne W. Forrest
Senior Assistant Director
Drinking Water Operations

Other Authorization:

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

**TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY SYSTEM FEES**

<u>SYSTEM ID No.</u>	<u>NAME OF SYSTEM</u>	<u>2013 FEES</u>	<u>2014 FEES</u>
1010013	MAIN SYSTEM	\$ 2,231,297.95	\$ 1,898,888.60
1010348	HC MUD 5 (KINGWOOD)	\$ 53,702.70	\$ 52,202.00
1011585	DISTRICT #73	\$ 2,924.00	\$ 2,990.65
1011594	BELLEAU WOODS	\$ 569.75	\$ 578.35
1011593	DISTRICT #82	\$ 175.00	\$ 397.75
1011902	WILLOWCHASE MUD	\$ 9,586.85	\$ 9,584.70
1011587	LAKE HOUSTON	\$ 100.00	\$ 100.00
	TOTAL	\$2,298,356.25	\$1,964,742.05

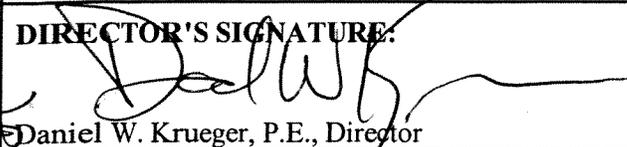
Funds Reservation 300003135

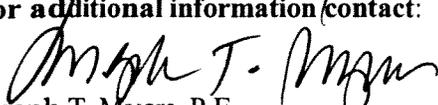
General Data			
Document type	11	Document type	030
Company code	COH1	Document date	11/18/2013
FM area	COH1	Posting date	11/18/2013
Controlling area	COH1	Currency	USD/ 1.00000
Statistics			
Entered by	E117552	Created on	11/18/2013
Last changed by		Last changed	
More Data			
Text	RCA # 20YWF36 TCEQ Water System Fees for CY14		
Reference			
Overall Amount	1,964,742.05 USD		

Document item 001			
Text	RCA # 20YWF36 TCEQ Water System Fees for CY14		
Commitment item	520710	Funds center	2000040012
Fund	8300	G/L account	520710
Cost center	2000040012	Due on	11/18/2013
Vendor		Customer	
Amount	1,964,742.05 USD		
Original amount	1,964,742.05 USD		

SUBJECT: Accept Work for Neighborhood Street Reconstruction Project 451; WBS No. N-000383-0001-4; R-000500-0121-4 and S-000500-0121-4.	Page 1 of 2	Agenda Item # 5
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 11/22/13	Agenda Date DEC 04 2013
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: K (K) 
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For additional information contact:  11/15/13 Joseph T. Myers, P.E. Sr. Assistant Director Phone: (832) 395-2355	Date and identification of prior authorizing Council action: Ord. # 2012-0494 dated: 05/30/2012 
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RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$4,892,381.35 or 1.78% over the original Contract Amount and under 5% contingency amount, accept the Work, and authorize final payment.

Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$5,543,585.58 with \$4,591,933.85 from Street and Traffic Control and Storm Drainage DDSRF Fund No. 4042 and \$951,651.73 from Water and Sewer System Consolidated Construction Fund No. 8500.

PROJECT NOTICE/JUSTIFICATION: This project was part of the Neighborhood Street Reconstruction Program and was required to improve the condition of residential streets and drainage in addition to enhancing the quality of life in the neighborhood.

DESCRIPTION/SCOPE: This project consisted of the complete reconstruction of numerous neighborhood streets. The proposed improvements consisted of concrete roadways with curb and gutter, sidewalks, drainage improvements along with underground utilities. HR Green, Inc. designed the project with 320 calendar days allowed for construction. The project was awarded to JFT Construction, Inc. with an original Contract Amount of \$4,806,772.58.

LOCATION: The proposed streets, limits and Key Map Grid locations are as follow:

<u>Street</u>	<u>Limit</u>	<u>Key Map</u>
Broadmead	Ilona to Timberside	532P
Castlewood	South Braeswood to Greenbush	532P
Conway	South Braeswood to Greenbush	532K
Deal	Ilona to Timberside	532P
Faithope	South Braeswood to Greenbush	532P
Ilona Lane	Norris to South Braeswood	532N
Lookout Court	South Braeswood to Dead-end	532K, P
Prescott	Buffalo Speedway to Greenbush	532 1K
Stanton	Buffalo Speedway to Greenbush	532K
Tilden	South Braeswood to Winslow	532K
Timberside	Linkwood to South Braeswood	532P
Winslow	Buffalo Speedway to Greenbush	532 1K

REQUIRED AUTHORIZATION 20HA259 NDT

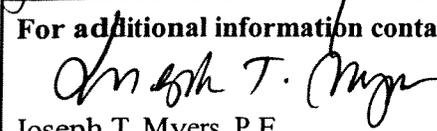
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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CONTRACT COMPLETION AND COST: The Contractor, JFT Construction, Inc., has completed the work under the subject Contract. The project was completed on time with additional 21 days approved by Change Order No.1. The final cost of the project, including overrun and underrun of estimated unit price quantities and previously approved Change Order No. 1 is \$4,892,381.35, an increase of \$85,608.77 or 1.78% over the original Contract Amount.

The increased cost is a result of previously approved Change Order No. 1 and the difference between planned and measured quantities. This increase is primarily the result of an overrun in Base Unit Price – General Item No. 21 – Restore existing Sprinkler System Pipe (all sizes), Base Unit Price – General Item No. 22 – Restore Sprinkler Heads (all type), which were necessary to complete the project.

MBE/SBE PARTICIPATION: The MBE/SBE goal established for this project was 16%. According to Mayor's Office of Business Opportunity, the participation was 15.92%. Contractor's MBE/SBE performance evaluation was rated Satisfactory.

[Handwritten signature]
DWK:DRM:JTM/JAK:JEC:ha

SUBJECT: Accept Work for Bridge Rehabilitation Broadway Blvd at Brays Bayou; WBS No. N-00445N-0029-4.	Page 1 of 1	Agenda Item # 6
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 11/22/13	Agenda Date DEC 04 2013
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: I (1) CS	
For additional information contact:  11/14/13 Joseph T. Myers, P.E. Sr. Assistant Director Phone: (832) 395-2355	Date and identification of prior authorizing Council action: Ord. # 2012-0562 dated: 06/13/2012	

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$953,121.22 or 4.56% 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 \$1,131,000.00 from Metro Projects Construction DDSRF – Fund No.4040.

PROJECT NOTICE/JUSTIFICATION: This project was part of the Work Order Bridge Rehabilitation Program of Capital Improvement Plan (CIP) to repair and rehabilitate bridge piers caissons.

DESCRIPTION/SCOPE: This project consisted of the rehabilitation bridge piers protection system at Broadway Boulevard in Brays Bayou by placing new steel metal casing around existing damaged sheet piling including concrete grouting, filing sand, sealing with concrete cap and necessary protection system with timber fenders. Entech Civil Engineers, Inc. designed the project with 160 calendar days allowed for construction. The project was awarded to SCR Construction Co., Inc., with original Contract amount of \$998,625.00.

LOCATION: This project area is generally bounded by Navigation on the north, Lawndale on the south, IH 610 East Loop on the east and South 75th Street on the west. The project is located in Key Map Grid 495X.

CONTRACT COMPLETION AND COST: The Contractor, SCR Construction Co., Inc., has completed the work under the subject Contract. The project was completed on time with additional 34 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated unit price quantities and previously approved Change Order No. 1 is \$953,121.22 a decrease of \$45,503.78 or 4.56% under the original Contract Amount.

The decreased cost is a result of previously approved Change Order No. 1 and the difference between planned and measured quantities. This decrease is primarily the result of underrun in Base Unit Price Items, which were not necessary to complete the project.

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

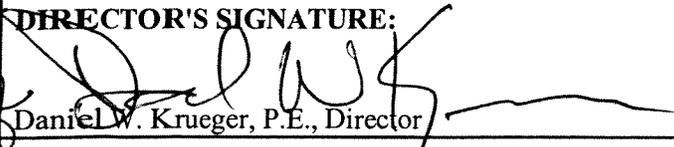
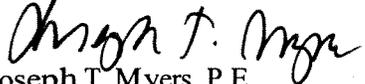

 DWK:DRM:JTM:PK:CJ:ha

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REQUIRED AUTHORIZATION

20HA261 NDT

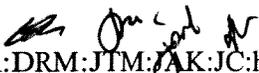
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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SUBJECT: Accept Work for Bellaire West Drainage Improvements Project; WBS No. M-000283-0001-4; S-000500-0100-4 and R-000500-0100-4.		Page 1 of 2	Agenda Item # 7
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 11/22/13	Agenda Date DEC 04 2013
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director		Council District affected: F  (F)	
For additional information contact:  11/18/13 Joseph T. Myers, P.E. Sr. Assistant Director Phone: (832) 395-2355		Date and identification of prior authorizing Council action: Ord. # 2011-0346 dated: 05/11/2011	
RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$4,506,919.08 or 2% under the original Contract Amount, accept the Work, and authorize final payment.			
Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$5,316,000.00 with \$4,763,000.00 from Drainage Improvement Commercial Paper Series F Fund No. 4030 and \$553,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500.			
PROJECT NOTICE/JUSTIFICATION: This project was part of the Storm Drainage Capital Improvement Plan (CIP) program and was required to provide drainage improvements to reduce the risk of structural flooding caused by insufficient storm water drainage system capacity including modification of street conveyance and addressing storm water flow mitigation. The project was to serve the Bellaire West area within the Comprehensive Drainage Plan (CDP) outfall D0736.			
DESCRIPTION/SCOPE: This project consisted of the construction of approximately 23,959 square yards of 7-inch reinforced concrete pavement with 6-inch curb and gutter, approximately 5,206 linear feet of storm sewer and reinforced concrete box culvert of various sizes including inlet leads and three (3) 48-inch outfalls, approximately 1,000 linear feet of water line of 6 to 8-inch, approximately 2,000 linear feet of 8 to 15-inch sanitary sewer line, including all appurtenances. The project also included driveway, sidewalk and wheelchair ramp construction and approximately 500-linear feet of ditch from Cook Road to a detention pond site, complete with concrete pilot channel, back-slope interceptor structures and extreme event overflow. CivilTech Engineering, Inc. designed the project with 365 calendar days allowed for construction. The project was awarded to SER Construction Partners, LLC. with an original Contract Amount of \$4,598,803.76.			
LOCATION: The project area is generally bounded by Stroud Drive on the north, Carvel Lane on the south, Kirkwood Road on the east, and Cook Road on the west. The project is located in Key Map Grid 529J.			
CONTRACT COMPLETION AND COST: The Contractor, SER Construction Partners, LLC., 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 and previously approved Change Orders No. 1 and 2 is \$4,506,919.08, a decrease of \$91,884.68 or 2.00% under the original Contract Amount.			
REQUIRED AUTHORIZATION			20HA229 NDT
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

Date	SUBJECT: Accept Work for Bellaire West Drainage Improvements Project; WBS No. M-000283-0001-4; S-000500-0100-4 and R-000500-0100-4.	Originator's Initials	Page 2 of 2
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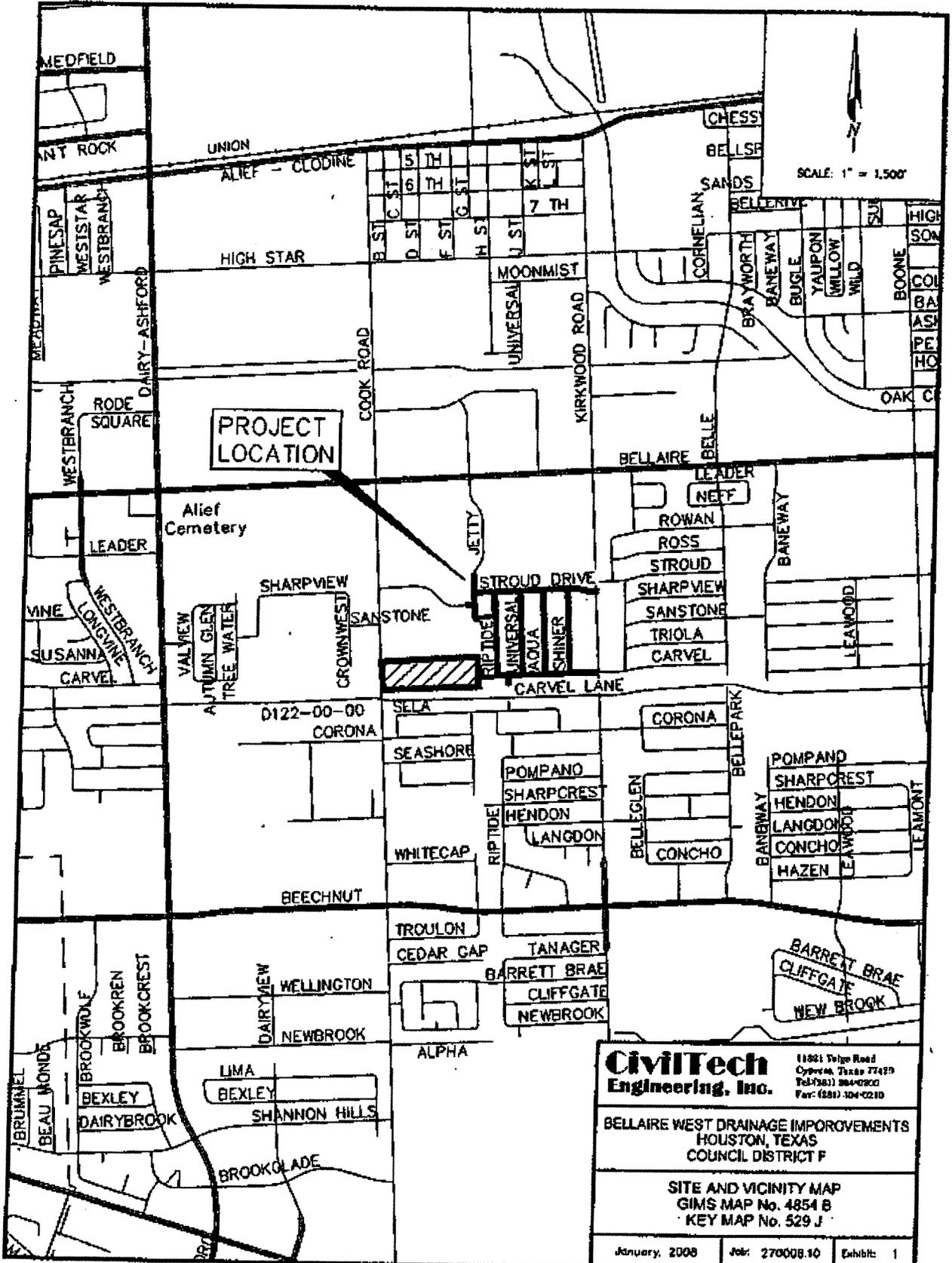
The decreased cost is a result of the difference between planned and measured quantities. This decrease is primarily the result of underrun in Unit Prices-General Items, Unit Prices-Water Items, and Extra Unit Price Items, which were not necessary to complete the project.

M/SBE PARTICIPATION: The M/SBE goal established for this project was 16%. According to Mayor's Office of Business Opportunity, the participation was 23.29%. Contractor's M/SBE performance evaluation was rated Outstanding.



DWK:DRM:JTM:AK:JC:ha

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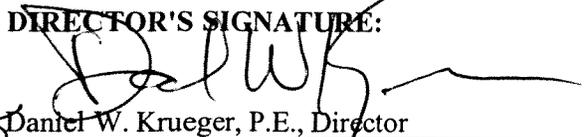
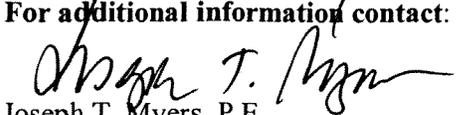
CivilTech
Engineering, Inc.

11801 Telge Road
 Cypress, Texas 77429
 Tel: (281) 264-0200
 Fax: (281) 304-0210

BELLAIRE WEST DRAINAGE IMPROVEMENTS
 HOUSTON, TEXAS
 COUNCIL DISTRICT F

SITE AND VICINITY MAP
 GIMS MAP No. 4854 B
 KEY MAP No. 529 J

January, 2008 Job: 270008.10 Exhibit: 1

SUBJECT: Accept Work for Multiple Satellite Wastewater Treatment Plant Improvements; WBS No. R-000265-0061-4.	Page 1 of 1	Agenda Item # 8
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 11/22/13	Agenda Date DEC 04 2013
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: MA (B, D, I) A, B, I, K	
For additional information contact:  11/15/13 Joseph T. Myers, P.E. Sr. Assistant Director Phone: (832) 395-2355	Date and identification of prior authorizing Council action: Ord. # 2011-0849 dated: 10/05/2011	

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$3,512,026.00 or 4.45% 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 \$4,178,500.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.

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

DESCRIPTION/SCOPE: This project consisted of constructing various civil, electrical and mechanical improvements at Northwest, Intercontinental Airport Houston, Greenridge, Easthaven, and Northeast, Wastewater Treatment Plants. Freese and Nichols, Inc. designed the project with 540 calendar days allowed for construction. The project was awarded to Industrial TX Corp. with an original Contract Amount of \$3,675,440.00.

LOCATION: The facilities are located at:

S. No.	Facility	Address	Key Map Grid	Council District
1.	Northwest WWTP	5423 Mangum Road	451C	A
2.	Intercontinental Airport Houston WWTP	2450 Rankin Road	373M	B
3.	Greenridge WWTP	6301 #1 W. Fuqua	571X	K
4.	Easthaven WWTP	8545 Scranton	575G	I
5.	Northeast WWTP	655 Maxey Road	496G	I

CONTRACT COMPLETION AND COST: The Contractor, Industrial TX Corp., 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 unit price quantities is \$3,512,026.00 a decrease of \$163,414.00 or 4.45% under the original Contract Amount.

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.

M/SBE PARTICIPATION: The M/SBE goal established for this project was 18%. According to Mayor's Office of Business Opportunity, the participation was 24.73%. Contractor's M/SBE performance evaluation was rated Outstanding.

MA
JWK:DRM:JTM:SKF:MA:ha

\\E&C Construction\Facilities\Projects\R-000265-0061-4 Multiple Satellite Projects\21.0 Close-Out Documentation\RCA\RCA - Closeout.doc

REQUIRED AUTHORIZATION

20HA264 NDT

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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REQUEST FOR COUNCIL ACTION

SUBJECT: Parcel AY12-164; City of Houston v. Houston Inwood Professional, Ltd., et al., Cause No. 1032141; West Little York Paving & Drainage Project (T.C. Jester - Alabonson/Deep Forest) WBS/CIP No. N-000687-0003-2-01; Legal Department File No. 052-1300006-006.	Page 1 of 2	Agenda Item # 9
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FROM (Department or other point of origin): Legal Department - Real Estate Section David Feldman, City Attorney	Origination Date 10/29/13	Agenda Date DEC 04 2013
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DIRECTOR'S SIGNATURE: 	Council District affected: "A" Helena Brown; Key Map# 411Y
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For additional information contact: Ondrea U. Taylor Phone: 832.393.6280 (alternatively Joseph N. Quintal 832.393.6286)	Date and identification of prior authorizing Council action: 2013-0171, psd. 2/27/13; 2012-0521, psd 5/30/12;
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RECOMMENDATION: (Summary)
 Authorize the City Attorney, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay the costs of court incurred in this matter and settle the case for the amount of the Award. Funding will be provided by a previously approved blanket Appropriation Ordinance.

Amount and Source of Funding:
 \$53,672.00; No additional funding required. (Funds previously appropriated under Blanket Appropriation Ordinance No. 2012-0521).
M.P. 11/12/2013

SPECIFIC EXPLANATION:

The West Little York Paving & Drainage Project, Sub-Project III, (T.C. Jester - Alabonson/Deep Forest) provides for right-of-way acquisition, design, and construction of a four-lane divided concrete roadway with storm drainage, curbs, sidewalks, driveways, street lighting, traffic control, and necessary underground utilities. The project will replace and widen a street that has deteriorated beyond economical repair and normal maintenance. The project will improve traffic circulation, mobility, and drainage in the service area. These improvements will upgrade the existing roadway to MTFP standards.

The City is acquiring, from Houston Inwood Professional, Ltd, a 1,000 square foot permanent easement from property located at 5668 West Little York Road for street right-of-way. Concrete drives and curbing, ornamental fencing, a sliding gate, sign, shrubs and a backflow preventer are within the taking.

The landowner rejected the City's final offer, but did not submit a formal counter-offer. Therefore, the City initiated condemnation proceedings. During the course of preparing for the Special Commissioners' Hearing, the parties were able to arrive at a proposed settlement of all issues and matters in controversy. The hearing was convened, and the Special Commissioners were asked to return an agreed Award for \$46,760.00. The fees associated with this matter resulted in a total amount of \$53,672.00. The City filed objections to preserve the City's legal and procedural options pending City Council's consideration of this matter.

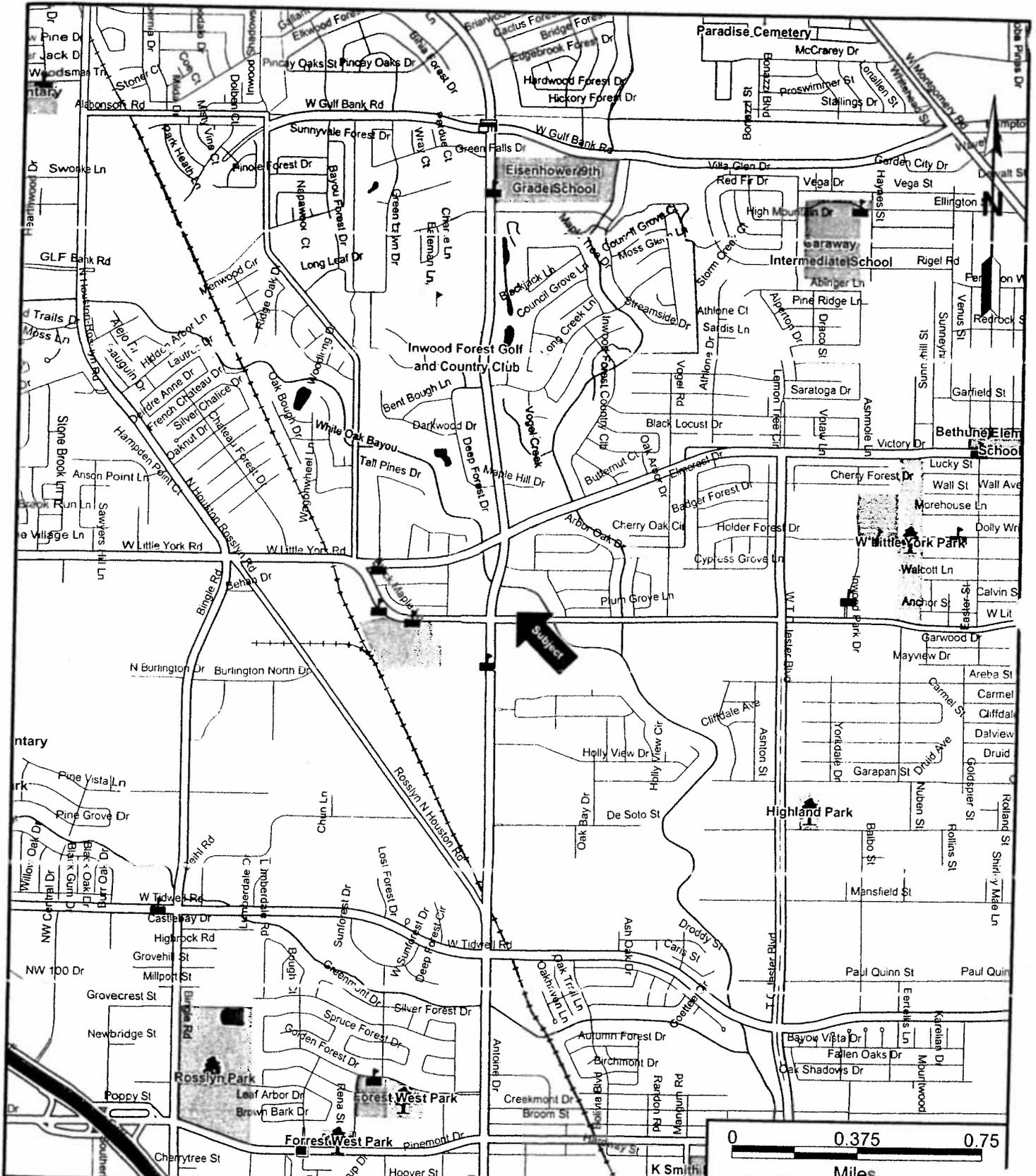
The "**Costs of Court**" are: \$187.00 filing fee; \$400.00 Service of process fee; \$1,350.00 Special Commissioners' fees (i.e. \$450.00 x 3); \$4,975.00 Appraiser's fee; **Total: \$6,912.00.** These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed herein.

h:\mark\houstoninwoodrca.wpd 90AH279		
Other Authorization:	Other Authorization:	Other Authorization: Mark L. Loeffer, P.E. CFM, PTOE, Deputy Director Planning and Development Services Division, PWE

Date 10/29/13	SUBJECT: Parcel AY12-164; City v. Houston Inwood Professional, Ltd., et al; West Little York Paving & Drainage Project; LD File No. 052-1300006-006;	Originator's Initials OUT/JNQ	Page 2 of 2
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We recommend that the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay the costs of court incurred in this matter and settle this case for amount of the Award of Special Commissioners. Funding will be provided by a previously approved blanket Appropriation Ordinance.

Location Map - AY12-164



CAUTION:

The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

Prepared by T.N. Edmonds using MapPro Service. MapPro Inc., PO Box 37427, Houston, TX 77237 1-866-3MAPPRO.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9875

Subject: Approve the Purchase of Construction Services for Ipswich Road Remediation at Hobby Airport through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the Houston Airport System S50-C24772E

Category #
4

Page 1 of 2

Agenda Item

10

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance Department

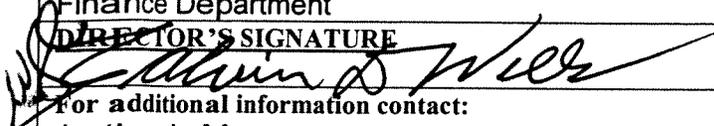
Origination Date

November 01, 2013

Agenda Date

DEC 04 2013

DIRECTOR'S SIGNATURE



Council District(s) affected

1

For additional information contact:

Justina J. Mann Phone: (281) 230-8086
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of construction services for Ipswich Road remediation at Hobby Airport in the total amount of \$143,905.32 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$14,390.53 for a total amount not to exceed \$158,295.85 through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the Houston Airport System.

Award Amount: \$158,295.85

Finance Budget

\$158,295.85 - HAS Revenue Fund (Fund 8001)

SPECIFIC EXPLANATION:

The Director of the Houston Airport System and the City Purchasing Agent recommend that City Council approve the purchase of construction services for Ipswich Road remediation at Hobby Airport in the total amount of \$143,905.32 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$14,390.53 for a total amount not to exceed \$158,295.85 through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the Houston Airport System and that authorization be given to issue purchase orders, as required, to the Harris County Department of Education contractor, Construction Masters of Houston, Inc.

The purpose of this project is to improve the condition of the entry roadway for tenants along Ipswich Road. The current roadway pavement, sidewalk and gutters are in need of immediate repair and are being addressed as part of the Houston Airport System's focus on making all facilities "Opening Day Fresh".

The scope of work requires the construction contractor to provide all labor, materials, equipment, supervision and transportation necessary to remove the deteriorated bituminous/asphalt and concrete pavement, including the subgrade concrete curb and gutter, concrete sidewalk and the base and replace with a 6-in thick lime stabilized subgrade; construct a new 7-inch thick reinforced concrete pavement, a 4-inch thick concrete sidewalk and wheelchair ramps in strict compliance with the Americans with Disabilities Act, drawings and specifications. Also, the contractor shall be required to coordinate all construction activities and schedules related to this project with the ongoing construction activities at the new Fixed Based Operator's facility in the vicinity. Materials and workmanship shall be warranted for one-year and the contractor shall have 45 calendar days to complete the work on this project upon receipt of the notice to proceed.

Hire Houston First:

This procurement is exempt from the City's Hire Houston First Ordinance. The department is utilizing an Interlocal Agreement or Cooperative Purchasing Agreement for this purchase.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

10 

Date: 11/1/2013	Subject: Approve the Purchase of Construction Services for Ipswich Road Remediation at Hobby Airport through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the Houston Airport System S50-C24772E	Originator's Initials AL	Page 2 of 2
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Pay or Play Program:

This procurement is exempt from the City's 'Pay or Play' Program. The department is utilizing an Interlocal Agreement or Cooperative Purchasing Agreement or this purchase.

Buyer: Art Lopez

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9907

Subject: Approve the Purchase of Wireless Camera Equipment and Services for the Public Safety Video Initiative through the City's Master Agreement with the Texas Department of Information Resources\S17- H24824

Category #
4

Page 1 of 2

Agenda Item

11

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance Department

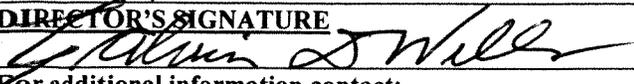
Origination Date

November 20, 2013

Agenda Date

DEC 04 2013

DIRECTOR'S SIGNATURE

CWS


Council District(s) affected

For additional information contact:

Joseph A. Fenninger *JAF 11/20/13* Phone: (713) 308-1708
- CFO & Dep. Director, HPD
Joyce Hays Phone: (832) 393-8723

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of wireless camera equipment and installation services for the Public Safety Video Initiative in the amount of \$1,665,421.27 through the Texas Department of Information Resources and authorize 10% contingencies for unforeseen changes within the project's scope of work in the amount of \$166,542.13 for a total project amount not to exceed \$1,831,963.40 for the Mayor's Office of Public Safety and Homeland Security.

Award Amount: \$1,831,963.40

Finance Budget

\$1,831,963.40 - Homeland Security Grant Pass-Through Fund (5030)

SPECIFIC EXPLANATION:

The Chief of the Houston Police Department and the City Purchasing Agent recommend that City Council approve the purchase of wireless camera equipment and installation services for the Public Safety Video Initiative in the amount of \$1,665,421.27 through the Texas Department of Information Resources and authorize 10% contingencies for unforeseen changes within the project's scope of work in the amount of \$166,542.13 for a total project amount not to exceed \$1,831,963.40 for the Mayor's Office of Public Safety and Homeland Security. Additionally, it is recommended that City Council authorize purchase orders to be issued, as needed, to the DIR Go-Direct vendors **Teksys, Inc., Neos Consulting Group, LLC and Preferred Technologies, Inc.**

The Public Safety Video Initiative is a project of the Mayor's Office of Public Safety and Homeland Security funded by grants from the U.S. Department of Homeland Security. The previous phase of this project provided comprehensive coverage of the public spaces in Downtown Houston, as well as linking to other agency's video systems to allow video sharing between their cameras and equipment and the City's public safety personnel.

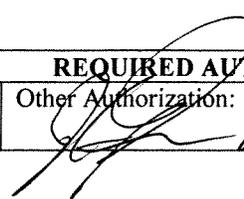
The current phase of this successful effort is focused on completing the comprehensive coverage of the public spaces in Downtown Houston, with this phase of installations focused on the east and southeast areas. This procurement will secure the equipment and services needed to complete the installation of public safety cameras and wireless devices at intersections and on rooftops, as well as providing connectivity to the video network for the South Central Police Station. Specifically, this purchase consists of video-related equipment (to include digital cameras, wireless and network equipment, and mounting hardware and materials) and installation services.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

 11/20/13

11

Date: 11/20/2013	Subject: Approve the Purchase of Wireless Camera Equipment and Services for the Public Safety Video Initiative through the City's Master Agreement with the Texas Department of Information Resources\S17- H24824	Originator's Initials MS	Page 2 of 2
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The allocation breakdown of the DIR Go-Direct vendors for this phase of the Public Safety Video Initiative is as follows:

\$ 982,199.00 - **Neos Consulting Group, LLC** for wireless cameras and cabling/electrical installation services
\$ 507,326.40 - **Preferred Technologies, Inc.** (Certified M/WDBE vendor) for cameras with mounts and network switches
\$ 175,895.87 - **Teksys, Inc.** (Certified M/WDBE vendor) for wireless equipment
\$ 1,665,421.27 - Project Total
\$ 166,542.13 - 10% Contingency
\$ 1,831,963.40 - Total Award Amount

Hire Houston First:

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing an Interlocal or Cooperative Purchasing Agreement for this purchase.

M/WBE Participation:

Preferred Technologies, Inc. and Teksys, Inc. are certified M/WBE contractors that will participate in this project:

Buyer: Murdock Smith III

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9740

Subject: Purchase of Grounds Maintenance Equipment through the Texas Local Government Purchasing Cooperative (BuyBoard) and the Houston-Galveston Area Council (H-GAC) for the Parks & Recreation Department
S40-E24651-B&H

Category #
1 & 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

November 01, 2013

Agenda Date

DEC 04 2013

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Kenneth Hoglund Phone: (832) 393-6901
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$198,945.22 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve the purchase of grounds maintenance equipment through the Texas Local Government Purchasing Cooperative (BuyBoard) and the Houston-Galveston Area Council (H-GAC) in the total amount of \$198,945.22 for the Parks & Recreation Department.

Award Amount: \$198,945.22

Finance Budget

\$ 198,945.22 - Equipment Acquisition Consolidated Fund (Fund 1800)

SPECIFIC EXPLANATION:

The Director of the Fleet Management Department and the City Purchasing Agent recommend that City Council approve an ordinance authorizing the appropriation of \$198,945.22 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council approve the purchase of grounds maintenance equipment through the Interlocal Agreements for Cooperative Purchasing with Houston-Galveston Area Council (H-GAC) and the Texas Local Government Purchasing Cooperative (BuyBoard) in the amount of \$198,945.22 for the Parks & Recreation Department and that authorization be given to issue purchase orders to the cooperative purchasing contractors as shown below. The new grounds maintenance equipment will be used citywide by the Parks & Recreation Department to mow and maintain parks, prep fields and esplanades. The funding for this equipment is included in the adopted FY13 Equipment Acquisition Plan.

BuyBoard Contractor:

Professional Turf Products, L.P.: Approve the purchase of ten zero-radius turn rotary 34-HP mowers and one 21.5-HP reel mower in the amount of \$142,629.73.

H-GAC Contractor:

John Deere Company: Approve the purchase of one 85-HP utility tractor with bat-wing mower attachment in the amount of \$56,315.49.

This new equipment meets the EPA's current emission standards for equipment with gasoline and diesel engines. The mowers being purchased from Professional Turf Products, L.P. will come with a 60 months/1,800 hours warranty. The tractor with mower attachment being purchased from John Deere Company will come with warranties of 24 months/2,000 hours for the tractor and twelve months for the attachment. The life expectancy of this new equipment is seven to ten years for the 21.5-HP and 34-HP

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

ND

12-12A D

Date: 11/1/2013	Subject: Purchase of Grounds Maintenance Equipment through the Texas Local Government Purchasing Cooperative (BuyBoard) and the Houston-Galveston Area Council (H-GAC) for the Parks & Recreation Department S40-E24651-B&H	Originator's Initials JM	Page 2 of 2
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mowers and ten to fifteen years for the 85-HP tractor. The equipment that will be replaced has reached its life expectancy and will be sent to auction for disposition.

Hire Houston First:

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing an Interlocal or Cooperative Purchasing Agreement for this purchase.

Buyer: Jeff Meekins

REQUEST FOR COUNCIL ACTION

RCA# 9787

TO: Mayor via City Secretary

Subject: Purchase of Electrical Circuit Breakers from the State of Texas Procurement and Support Services Contract for the Public Works & Engineering Department
S19-E24690

Category #
4

Page 1 of 1

Agenda Item

13

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance Department

Origination Date

September 10, 2013

Agenda Date

DEC 04 2013

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

Date and Identification of prior authorizing Council Action:

For additional information contact:

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

RECOMMENDATION: (Summary)

Approve the purchase of six electrical circuit breakers in the total amount of \$69,772.80 from the State of Texas Procurement and Support Services Contract for the Public Works and Engineering Department.

Award Amount: \$69,772.80

Finance Budget

\$69,772.80 - PWE - Combined Utility System General Purpose Fund (8305)

SPECIFIC EXPLANATION:

The Director of the Public Works & Engineering Department and the City Purchasing Agent recommend that City Council approve the purchase of six electrical circuit breakers in the total amount of \$69,772.80 from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Public Works & Engineering Department, and that authorization be given to issue a purchase order to the State contractor, Schneider Electric USA, Inc. These new circuit breakers will be used to provide electricity to the switchgear used to start the lift pumps that pump wastewater from the downtown area.

The scope of work requires the electrical contractor to provide all labor, tools, materials, equipment, supplies, supervision and transportation necessary to remove and properly dispose of the existing six circuit breakers at the Clinton Drive lift station, located at 4309 Clinton Drive. The contractor shall also be required to furnish and install six new 480-volt, 1600-amp powerpact, r-frame circuit breakers, which are necessary components to connect the circuit breakers to the existing system. Additionally, the contractor shall install a retrofit kit that includes a new copper bus, front door, bus supports and breaker mounting plate, and an A and P trip unit that includes a 24-VDC power supply, control power transformer, fuses and fuse blocks at the aforementioned location. The new circuit breakers will come with an 18-month warranty and a one-year warranty for the installation with a life expectancy of fifteen years. The new circuit breakers will replace 18-year old units that have exceeded their life expectancy.

Hire Houston First:

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the Department is utilizing a Cooperative Purchasing Agreement for this purchase.

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

Buyer: Roy Korthals

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NDT

13

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9710

Subject: Formal Bids Received for a Truck-Mounted Boom Crane for the Public Works & Engineering Department
S38-N24524

Category #
4

Page 1 of 1

Agenda Item

14

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance Department

Origination Date

August 01, 2013

Agenda Date

DEC 04 2013

DIRECTOR'S SIGNATURE

Calvin D. Wells

For additional information contact:

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

Council District(s) affected
All

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to American Material Handling, Inc. on its low bid in the amount of \$128,170.00 for a truck-mounted boom crane for the Public Works & Engineering Department.

Award Amount: \$128,170.00

Finance Budget

\$128,170.00 - PWE-Combined Utility System General Purpose Fund (Fund 8305)

SPECIFIC EXPLANATION:

The Director of the Public Works & Engineering Department and the City Purchasing Agent recommend that City Council approve an award to American Material Handling, Inc. on its low bid in the amount of \$128,170.00 for a 8.5-ton truck-mounted boom crane for the Public Works & Engineering Department and that authorization be given to issue a purchase order. This truck-mounted boom crane will be used citywide by the Department's Wastewater Operations Maintenance Section at the City's wastewater plants and lift stations to work in confined spaces to remove pumps/motors for repair or replacement where large cranes are unable to operate/reach. The funding for this vehicle is included in the adopted FY14 Equipment Acquisition Plan.

This bid was advertised in accordance with the requirements of the State of Texas bid laws. Five prospective bidders downloaded the solicitation document from SPD's e-bidding website and two bids were received.

<u>Company</u>	<u>Amount</u>
1. American Material Handling, Inc.	\$128,170.00
2. Subfin Commodities	\$157,000.00

The truck-mounted boom crane will come with a full two years/unlimited mileage warranty on the cab & chassis; two years/250,000 miles on the engine; one year on the crane unit and a lifetime warranty on the structural parts only. The life expectancy of the truck-mounted boom crane is seven years or 100,000 miles. This new truck-mounted boom crane will meet the EPA's current emission standards for trucks equipped with diesel engines and will be an addition to the Department's fleet.

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, the proposed contractor meets the requirements of Hire Houston First.

Attachment: MWBE Zero Percentage Goal document approved by the Public Works & Engineering Department Small Business Development Group and the Office of Business Opportunity.

Buyer: Lena Farris

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

WBT

14

PWE SERVICE & SUPPLY CONTRACTS

To: Tony Henshaw
PWE Small Business Development

Date of Request: April 1, 2013

RECEIVED

MAY 29 2013

RECEIVED

MAY 28 2013

OBO

From: Lena Farris

OBO

Subject: MWBE PARTICIPATION GOAL
REQUEST/WAIVER

I am requesting a waiver of the MWBE Goal: Yes No Type of Solicitation: Bid Proposal

Basis for Request? [Ref. Code Ch15,15-83(c)(1)]

A A public or administrative emergency exists which requires the goods or services to be provided with unusual immediacy

B The service or goods requested are of such a specialized, technical or unique nature as to require the city department to be able to select its contractor without application of MBE/SBE/WBE provisions (such as contracts for expert witnesses, certain financial advisors or technical consultants); or

C If application of MBE/SBE/WBE provisions would impose an unwarranted economic burden or risk on the city or unduly delay acquisition of the goods or services, or would otherwise not be in the best interest of the city; or

D If the possible MBE/SBE/WBE participation level based on MBE, SBE and WBE availability would produce negligible MBE, SBE or WBE participation

I am requesting a new MWBE Goal: Yes No

I am requesting a revision of the MWBE Goal: Yes No
If requesting a revision, how many solicitations were received: _____

Solicitation Number: N24524 Estimated Dollar Amount: \$130,000.00

Anticipated Advertisement Date: 4/12/2013 Solicitation Due Date: 5/2/2013

Goal on Last Contract: 0% Was Goal Met? Yes No

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

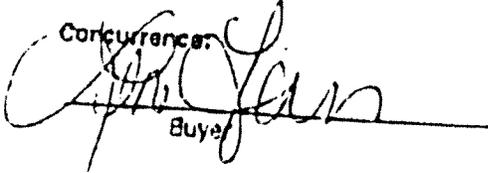
Name and Intent of this Solicitation:

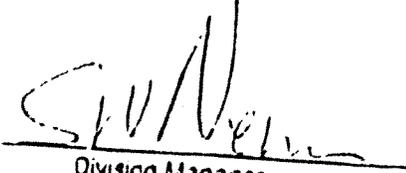
9-Ton Crane

Reason for Request (Use additional paper if necessary):

The crane will be drop shipped from the manufacturer to the City of Houston, and there is no further opportunity for a MWBE to participate.

PWE SERVICE & SUPPLY CONTRACTS

Concurrence:

Buyer

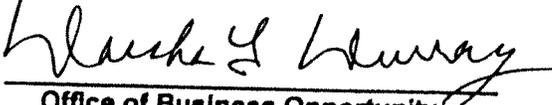

Division Manager

 5/23/13
Tony Henshaw
Small Business Development

 5/23/2013
MMB Assistant Director

FOR SMALL BUSINESS DEVELOPMENT GROUP USE ONLY
 Notification of zero percent (0%) MWBE participation goal sent to OBO.
Code of Ordinance Chapter 15, Article V, Section 15-63 (C)

Date Sent: 5/23/13


Office of Business Opportunity
(For zero percent (0%) MWBE goal) Solicitation # N24524

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9865

Subject: Approve the Sole Source Purchase of Cage Mill Flash Dryer Replacement Parts for the Public Works & Engineering Department S51-S24749

Category #
4

Page 1 of 1

Agenda Item

15

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance Department

Origination Date

October 29, 2013

Agenda Date

DEC 04 2013

DIRECTOR'S SIGNATURE

CWS

Calvin D. Wells

Council District(s) affected
H

For additional information contact:

David Guernsey Phone: (832) 395-3640
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the sole source purchase from Alstom Power, Inc. in an amount not to exceed \$650,000.00 for cage mill flash dryer replacement parts for the Public Works & Engineering Department.

Estimated Spending Authority: \$650,000.00

Finance Budget

\$650,000.00 Water & Sewer Systems Operating Fund (8300)

SPECIFIC EXPLANATION:

The Public Works & Engineering Department Director and the City Purchasing Agent recommend that City Council approve the sole source purchase from Alstom Power, Inc. in an amount not to exceed \$650,000.00 for cage mill flash dryer replacement parts for the Public Works & Engineering Department. 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 a price list for various replacement parts, which includes but is not limited to paddles, paddle tips, mixer saddles, mixer center shaft sections, and double flap valve assemblies to be used by the Department to maintain the operational status of critical plant equipment located at the 69th Street Wastewater Treatment Plant.

Alstom Power, Inc. is the sole source manufacturer and has no authorized distributors for the cage mill flash dryer replacement parts.

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (7) (A) of the Texas Local Government Code for exempted procurements.

Buyer: Laura A. Guthrie, PSCMC

Attachment: M/WBE zero-percent goal document approved by the Office Business Opportunity.

Estimated Spending Authority:

DEPARTMENT	FY2014	OUT YEARS	TOTAL
Public Works & Engineering	\$100,000.00	\$550,000.00	\$650,000.00

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NOT

695-31



CITY OF HOUSTON
OFFICE
of
BUSINESS OPPORTUNITY

RECEIVED

Goal Modification
Request Form

OCT 22 2013

To: Assistant Director
Office of Business Opportunity

OBO

Solicitation Number: S24749

Estimated Dollar Amount: \$ 650,000.00

From: Ted Hockless / Procurement Specialist
Requestor's Name/Title
Public Works and Engineering
Department

Type of Solicitation: Bid Proposal Other

Name and Intent of this Solicitation: Cage Mill Flash Dryer Replacement Parts. To acquire replacement parts for the cage mill flash dryer systems utilized by the Public Utilities Division of the Public Works and Engineering Department.

PREVIOUS CONTRACT (if any): Yes No

Goal on Last Contract: 0% Was Goal Met: Yes No

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

Why wasn't goal achieved: _____

PLEASE SELECT THE TYPE OF GOAL MODIFICATION REQUESTED FROM THE OPTIONS BELOW (Waiver, Reduced Goal, Goal Revision After Advertisement, OR Cooperative or Inter-Local Agreement)

WAIVER

I am requesting a waiver of the MWBE Goal: Yes No

Reason for waiver:

- A public or administrative emergency exists which requires the goods or services to be provided with unusual immediacy;
- The service or goods requested are of such a specialized, technical or unique nature as to require the City department to be able to select its contractor without application of MWSBE provisions (such as contracts for expert witnesses, certain financial advisors or technical consultants);
- If application of MWSBE provisions would impose an unwarranted economic burden or risk on the City or unduly delay acquisition of the goods or services, or would otherwise not be in the best interest of the City; or



If the possible MWSBE participation level based on MWSBE availability would produce negligible MWSBE participation.

Other: _____

Detailed Explanation of waiver reason: Request waiver due to sole source, no MWBE vendors
divisible for this solicitation.

REDUCED GOAL (To be completed by the department prior to advertisement)

I am requesting a MWBE contract-specific goal below the following citywide goals:

Construction (34%); Professional Services (24%); Purchasing (11%)

Yes No *If yes, complete a Contract-Specific Goal Setting Worksheet and submit with this form.*

GOAL REVISION AFTER ADVERTISEMENT

I am requesting a revision of the MWBE Goal: Yes No

Original Goal: _____ New Proposed Goal: _____

Advertisement Date: _____ Number of Solicitations Received: _____ Estimated Dollar Amount: \$ _____

Detailed reason for request: _____

COOPERATIVE OR INTER-LOCAL AGREEMENT

Is this a Cooperative/Inter-Local Purchasing Agreement? Yes No Goal Requested: _____

If yes, what type: _____ Yes No

Did Department explore opportunities for using certified firms? Yes No N/A

If no, please explain why not: _____

Concurrence:

[Signature] 10/22/13
Department Initiator Date

[Signature] 10/22/2013
Department Director or Designee Date

Approved by:

[Signature] 10/24/13
OBO Assistant Director or Designee Date

THERMAL POWER
STEAM BUSINESS
Auxiliary Components
Raymond® & Bartlett-Snow™ Products

ALSTOM Power Inc.
4525 Weaver Parkway, Suite 250
Warrenville, IL 60555-0317
Phone: (630) 393-1000
Fax: (630) 393-1001

ALSTOM

August 21, 2013

Ted Hockless
Procurement Specialist
City of Houston
Administration and Regulatory Affairs Department
Strategic Purchasing Division
901 Bagby St., B200
Houston, TX 77002 USA

Subject: Sole Source Letter
CoH Vendor Number 101289

Dear Mr. Hockless:

At your request, we are providing this **SOLE SOURCE LETTER** addressing the procurement of replacement parts for the Raymond® Cage Mill Flash Drying Systems operated in the City of Houston's wastewater treatment facilities. As the original equipment manufacturer (OEM) of these systems, we are positioned to provide all replacement products for addressing maintenance and repairs of this equipment. We handle all sales transactions directly, and do not engage a third party distribution network. Seeing as the design of these systems is proprietary in nature, the detailed drawings, bills of material, and other technical information required to manufacture and/or procure these replacement parts remain in our possession.

We appreciate the opportunity to continue to serve the City of Houston as its sole provider of replacement parts for these systems. If you have any questions, please do not hesitate to contact either Brad Suter (see below) or myself.

Sincerely,



James J. Dargis
Warrenville Unit Director
ALSTOM Power Inc.

cc: **Bradford A. Suter**
Systems Sales Engineer
ALSTOM Power Inc.
Raymond Operations
4525 Weaver Parkway
Suite 250
Warrenville, IL 60555 USA
Telephone: +1.630.836.7462
Fax: +1.630.393.1001

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9876

Subject: Sole Bid Received for Automotive Peterbilt Truck Repair Service & Replacement Parts for Various Departments
S51-S24701

Category #
4

Page 1 of 1

Agenda Item

16

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance Department

Origination Date

November 07, 2013

Agenda Date

DEC 04 2013

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

David Guernsey Phone: (832) 395-3640
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Rush Truck Centers of Texas LP dba Rush Truck Center, Houston on its sole bid in an amount not to exceed \$1,536,704.00 for automotive Peterbilt truck repair service & replacement parts for various departments.

Estimated Spending Authority: \$1,536,704.00

Finance Budget

\$1,536,704.00 - Fleet Management Fund (1005)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Rush Truck Centers of Texas LP dba Rush Truck Center, Houston on its sole bid in an amount not to exceed \$1,536,704.00 for automotive Peterbilt truck repair service and replacement parts 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 is for the purchase and delivery of tools, supplies, parts, and materials necessary for Peterbilt truck repair service for the Public Works & Engineering and Fleet Management Departments. The repairs to the trucks include paint, body, frame and mechanical work; in addition to preventative maintenance services for engines, chassis, and drivelines. Additionally, an online price list which consists of, but is not limited to, gaskets, clamps, hoods, stainless steel exhaust pipes and seals will be used to purchase the parts necessary to complete the repairs required by the departments.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Two prospective bidders downloaded the solicitation document from SPD's e-bidding website, and one bid was received. Rush Truck Centers of Texas LP dba Rush Truck Center, Houston is the only authorized Peterbilt repair service provider and replacement parts distributor in the greater Houston area and surrounding counties.

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, Rush Truck Centers of Texas LP dba Rush Truck Center, Houston does not meet the requirements of Hire Houston First; no Hire Houston First firms were within three percent.

Buyer: Chatauqua Allen

Attachment: M/WBE zero-percent goal document approved by the Office of Business Opportunity

ESTIMATED SPENDING AUTHORITY

DEPARTMENT	FY2014	OUTYEARS	TOTAL
Public Works and Engineering	\$211,741.74	\$1,225,983.26	\$1,437,725.00
Fleet Management	\$ 20,000.00	\$ 78,979.00	\$ 98,979.00
Total	\$231,741.74	\$1,304,962.26	\$1,536,704.00

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NOT

16



CITY OF HOUSTON
OFFICE
of
BUSINESS OPPORTUNITY
RECEIVED

**Goal Modification
Request Form**

OCT 30 2013

To: Assistant Director
Office of Business Opportunity

OBO

Solicitation Number: S51-S24701

Estimated Dollar Amount: \$ 1,536,704.00

From: Laura A. Guthrie, Procurement Specialist
Requestor's Name/Title
Finance
Department

Type of Solicitation: Bid Proposal Other

Name and Intent of this Solicitation: This contract is for Peterbilt Truck Repair Services utilized by the Fleet Management Department for labor and parts for mechanical, paint and body work.

PREVIOUS CONTRACT (if any): Yes No

Goal on Last Contract: 0% Was Goal Met: Yes No

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

Why wasn't goal achieved: _____

PLEASE SELECT THE TYPE OF GOAL MODIFICATION REQUESTED FROM THE OPTIONS BELOW (Waiver, Reduced Goal, Goal Revision After Advertisement, OR Cooperative or Inter-Local Agreement)

WAIVER

I am requesting a waiver of the MWBE Goal: Yes No

Reason for waiver:

- A public or administrative emergency exists which requires the goods or services to be provided with unusual immediacy;
- The service or goods requested are of such a specialized, technical or unique nature as to require the City department to be able to select its contractor without application of MWSBE provisions (such as contracts for expert witnesses, certain financial advisors or technical consultants);
- If application of MWSBE provisions would impose an unwarranted economic burden or risk on the City or unduly delay acquisition of the goods or services, or would otherwise not be in the best interest of the City; or



If the possible MWSBE participation level based on MWSBE availability would produce negligible MWSBE participation.

Other: The estimated dollar amount increased from \$1,436,725.00 to \$1,536,704.00.
The estimated dollars for FMD were not inclusive in PWE's revision. Please see attached.

Detailed Explanation of waiver reason: The scope of services has no participation possibilities due to Peterbilt parts being sent directly to the Contractor and that the technicians have to be certified by Peterbilt to guarantee warranty work.

REDUCED GOAL (To be completed by the department prior to advertisement)

I am **requesting** a MWBE contract-specific goal below the following citywide goals:

Construction (34%); Professional Services (24%); Purchasing (11%)

Yes No *If yes, complete a Contract-Specific Goal Setting Worksheet and submit with this form.*

GOAL REVISION AFTER ADVERTISEMENT

I am requesting a **revision** of the MWBE Goal: Yes No

Original Goal: _____ New Proposed Goal: _____

Advertisement Date: _____ Number of Solicitations Received: _____ Estimated Dollar Amount: \$ _____

Detailed reason for request: _____

COOPERATIVE OR INTER-LOCAL AGREEMENT

Is this a Cooperative/Inter-Local Purchasing Agreement? Yes No Goal Requested: _____

If yes, what type: _____ Yes No

Did Department explore opportunities for using certified firms? Yes No N/A

If no, please explain why not: _____

Concurrence:

[Signature] 10/30/13
Department Initiator Date

[Signature] 10/30/13
Department Director or Designee Date

Approved by:

[Signature] 10/4/13
OBO Assistant Director or Designee Date

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Resolution authorizing the creation of the Lake Houston Redevelopment Authority

Category #

Page
1 of 1

Agenda Item#

17

FROM: (Department or other point of origin):

Andrew F. Icken
Chief Development Officer

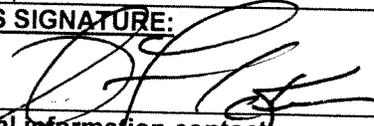
Origination Date

11/22/13

Agenda Date

DEC 04 2013

DIRECTOR'S SIGNATURE:



Council Districts affected:

For additional information contact:

Ralph De Leon

Phone: (832) 393-0985

Date and identification of prior authorizing Council Action:

Ord. No. 1997-1589, 12/17/97

RECOMMENDATION: (Summary)

Approval of a resolution authorizing the creation of the Lake Houston Authority

Amount of Funding: No Funding Required

SOURCE OF FUNDING:

General Fund

Grant Fund

Enterprise Fund

N/A

SPECIFIC EXPLANATION:

City Council created Tax Increment Reinvestment Zone Number Ten (Lake Houston Zone) on December 17, 1997. The principal objective of the Zone was to encourage investment and stimulate commercial and residential development in the Kingwood area. The creation of the Lake Houston Redevelopment Authority ("Authority") is proposed to assist in the implementation of the goals of the Lake Houston Zone. The Board of Directors of the Lake Houston Zone will serve in their corresponding positions as the Board of Directors of the Authority.

Application has been made to City Council for the incorporation of the Authority pursuant to Chapter 394 of the Texas Local Government Code. The proposed Certificate of Formation and Bylaws for the Authority are attached for review.

Attachments: Certificate of Formation, Bylaws

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

REQUIRED AUTHORIZATION

Other Authorization:

Other Authorization:

Other Authorization:

APPLICATION TO THE MAYOR AND CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS, FOR CREATION OF THE LAKE HOUSTON REDEVELOPMENT AUTHORITY, AND THE APPROVAL OF THE CERTIFICATE OF FORMATION AND BYLAWS THEREOF

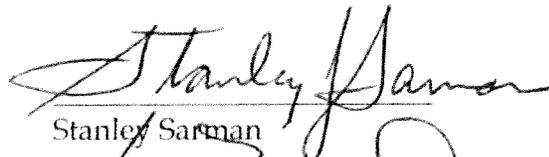
WHEREAS, Subchapter D of Chapter 431, Texas Transportation Code (the "Act"), authorizes the creation and organization of public non-profit local government corporations to act as a duly constituted authority of a city to aid and assist the city in the performance of one or more governmental or proprietary functions; and

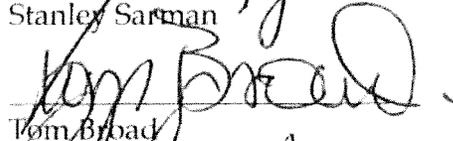
WHEREAS, a local government corporation is created pursuant to the provisions of Chapter 394, Texas Local Government Code, which requires that at least three residents of the city who are citizens of the state and at least 18 years of age submit a written application for the incorporation of the local government corporation,

NOW, THEREFORE, the undersigned hereby petition and make application to the Honorable Mayor and City Council of the City of Houston, Texas, (the "City") as follows:

1. The undersigned three individuals, each of whom is a citizen of the State of Texas, a resident of the City and over the age of 18 years, make application to and request the City, to approve and authorize the creation of a public non-profit local government corporation to be designated and known as the Lake Houston Redevelopment Authority (the "Authority").
2. The undersigned further request the City to approve the incorporation of the Authority with Certificate of Formation and Bylaws in substantially the form attached hereto as Exhibits A and B, respectively.
3. The undersigned respectfully request the City to approve this Application and to take such further and additional actions and proceedings as may be deemed necessary and proper in connection herewith.

RESPECTFULLY SUBMITTED October 1, 2013.


Stanley Sarman


Tom Broad


Philip Ivy

CERTIFICATE OF FORMATION
OF
LAKE HOUSTON REDEVELOPMENT AUTHORITY

We, the undersigned natural persons, each of whom is at least 18 years of age or more, and a resident and a qualified voter of the City of Houston, Texas (the "City") and a citizen of the State of Texas, acting as incorporators of a corporation under the provisions of Subchapter D of Chapter 431, Texas Transportation Code (the "Act"), and Chapter 394, Texas Local Government Code (the "Local Government Code"), hereby adopt the following Certificate of Formation for such corporation:

ARTICLE I

The name of the corporation is LAKE HOUSTON REDEVELOPMENT AUTHORITY (the "Authority").

ARTICLE II

The Authority is a public non-profit corporation.

ARTICLE III

The period of duration of the Authority shall be perpetual.

ARTICLE IV

The Authority is organized for the purpose of aiding, assisting, and acting on behalf of the City in the performance of its governmental functions to promote the common good and general welfare of the area included in Reinvestment Zone Number Ten, City of Houston, Texas (the "Lake Houston Reinvestment Zone") and neighboring areas, as more particularly described in City Ordinance No. 1997-1589, and as the boundaries may be amended from time to time (the "Lake Houston Area"); to promote, develop, encourage and maintain housing, educational facilities, employment, commerce and economic development in the City.

The Authority is further organized to aid, assist and act on behalf of the City and the Board of Directors of the Lake Houston Reinvestment Zone:

(a) in the implementation of the Project Plan and a Financing Plan for the Lake Houston Reinvestment Zone and the preparation and implementation of amendments thereto;

(b) in the development of a policy to finance development and redevelopment of residential, educational, commercial, public and park/open space properties in the Lake Houston area; and

(c) in the development and implementation of a redevelopment policy for the Lake Houston area, including the acquisition of land for redevelopment purposes.

The Authority is formed pursuant to the provisions of the Act as it now provides or may hereafter be amended, and Chapter 394, Texas Local Government Code, which authorizes the Authority to assist and act on behalf of the City and to engage in activities in the furtherance of the purposes for its creation; provided that the Authority shall not be authorized to make or acquire home mortgages, or to make loans to lending institutions, the proceeds of which are to be used to make home mortgages or to make loans on residential developments.

The Authority shall have and exercise all of the rights, powers, privileges, authority, and functions given by the general laws of Texas to non-profit corporations incorporated under the Act including, without limitation, Chapter 22, Texas Business Organizations Code.

The Authority shall have all other powers of a like or different nature not prohibited by law which are available to non-profit corporations in Texas and which are necessary or useful to enable the Authority to perform the purposes for which it is created, including the power to issue bonds, notes or other obligations, and otherwise exercise its borrowing power to accomplish the purposes for which it was created; provided that the Authority shall not issue bonds without the consent of the City Council of the City.

The Authority is created as a local government corporation pursuant to the Act and shall be a governmental unit within the meaning of Subdivision (2), Section 101.001, Texas Civil Practice and Remedies Code. The operations of the Authority are governmental and not proprietary functions for purposes of the Texas Tort Claims Act, Section 101.001 et seq., Texas Civil Practice and Remedies Code. The Authority shall have the power to acquire land in accordance with the Act as amended from time to time.

ARTICLE V

The Authority shall have no members and shall have no stock.

ARTICLE VI

All powers of the Authority shall be vested in a Board consisting of seven persons. The initial directors of the Authority ("Director" or "Directors") shall be those persons named in Article VIII. Each initial Director named in Article VIII hereof shall serve for the term prescribed in the Bylaws. Subsequent Directors shall be appointed by position to the Board as prescribed in the Bylaws. Except as provided in this Certificate, each Director shall serve for the term provided in the Bylaws. Any Director may be removed from office at any time, with or without cause, by the City Council of the City.

The initial Chairperson shall be Stan Sarman, and the Mayor of the City shall designate each subsequent Chairperson of the Board.

If any of the following persons is not serving as a member of the Board, he or she or their designee shall serve as an ex-officio, non-voting member of the Board:

- (1) Chief of Staff, Mayor's Office;
- (2) Director of the City Department of Public Works and Engineering;
- (3) City Attorney;
- (4) Director of the City Planning and Development Department;
- (5) Chairman of the Board of the Metropolitan Transit Authority of Harris County; and
- (6) Chair of the City Council Regional Planning and Charter Ordinance Committee.

In addition, the Board of Directors of the Authority may designate one or more representatives of the Humble Independent School District, Harris County or other political subdivisions as ex officio, non-voting members of the Board of Directors.

All other matters pertaining to the internal affairs of the Authority shall be governed by the Bylaws of the Authority, so long as such Bylaws are not inconsistent with this Certificate, or the laws of the State of Texas.

ARTICLE VII

The street address of the initial registered office of the Authority is Allen Boone Humphries Robinson LLC, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, and the name of its initial registered agent at such address is Timothy Austin.

ARTICLE VIII

The number of Directors initially constituting the Board is seven. The names, addresses, and positions of the seven initial Directors, each of whom resides within the City are as follows:

Name and Address

Mike Byers c/o Allen Boone Humphries Robinson LLP 3200 Southwest Freeway, Suite 2600 Houston, Texas 77027	Position 1
Jeffrey Nielsen c/o Allen Boone Humphries Robinson LLP 3200 Southwest Freeway, Suite 2600 Houston, Texas 77027	Position 2
Philip Ivy c/o Allen Boone Humphries Robinson LLP 3200 Southwest Freeway, Suite 2600 Houston, Texas 77027	Position 3
Tom Broad c/o Allen Boone Humphries Robinson LLP 3200 Southwest Freeway, Suite 2600 Houston, Texas 77027	Position 4
Stan Sarman c/o Allen Boone Humphries Robinson LLP 3200 Southwest Freeway, Suite 2600 Houston, Texas 77027	Position 5
Deborah Yocham c/o Allen Boone Humphries Robinson LLP 3200 Southwest Freeway, Suite 2600 Houston, Texas 77027	Position 6
Dr. Martin Basaldua c/o Allen Boone Humphries Robinson LLP 3200 Southwest Freeway, Suite 2600 Houston, Texas 77027	Position 7

ARTICLE IX

The names and street addresses of the incorporators, each of whom resides within the City are as follows:

Name and Address

Stanley Sarman
c/o Allen Boone Humphries Robinson LLP
3200 Southwest Freeway, Suite 2600
Houston, Texas 77027

Tom Broad
c/o Allen Boone Humphries Robinson LLP
3200 Southwest Freeway, Suite 2600
Houston, Texas 77027

Philip Ivy
c/o Allen Boone Humphries Robinson LLP
3200 Southwest Freeway, Suite 2600
Houston, Texas 77027

ARTICLE X

Resolution No. _____ approving the form of this Certificate has been adopted by the City Council of the City on _____, 2013.

ARTICLE XI

No Director shall be liable to the Authority for monetary damages for an act or omission in the Director's capacity as a Director, except for liability (i) for any breach of the Director's duty of loyalty to the Authority, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) for any transaction from which the Director received an improper benefit, whether or not the benefit resulted from an act taken within the scope of the Director's office, or (iv) for acts or omissions for which the liability of a Director is expressly provided by statute. Any repeal or amendment of this Certificate by the Directors shall be prospective only, and shall not adversely affect any limitation on the personal liability of a Director existing at the time of such repeal or amendment. In addition to the circumstances in which a Director is not personally liable as set forth in the preceding sentences, a Director shall not be liable to the fullest extent permitted by any amendment to the Texas statutes hereafter enacted that further limits the liability of a Director.

ARTICLE XII

In accordance with the provisions of Section 501(c)(3) of the U.S. Internal Revenue Code of 1986, as amended (the "Code"), and regardless of any other provisions of this Certificate or the laws of the State of Texas, the Authority: (a) shall not permit any part of the net earnings of the Authority to inure to the benefit of any private individual (except that reasonable compensation may be paid for personal services rendered to or for the Authority in effecting one or more of its purposes); (b) shall not devote more than an insubstantial part of its activities to attempting to influence legislation by propaganda or otherwise; (c) shall not participate in, or intervene in (including the publication or distribution of statements), any political campaign on behalf of any candidate for public office; and (d) shall not attempt to influence the outcome of any election for public office or to carry on, directly or indirectly, any voter registration drives. Any income earned by the Authority after payment of reasonable expenses, debt and establishing a reserve shall accrue to the City.

The City shall, at all times, have an unrestricted right to receive any income earned by the Authority, exclusive of amounts needed to cover reasonable expenditures and reasonable reserves for future activities. Unless otherwise directed by the City, any income of the Authority received by the City shall be deposited into the Reinvestment Zone Number Ten, City of Houston, Texas, Tax Increment Fund, or its successor. No part of the Authority's income shall inure to the benefit of any private interests.

If the Board of Directors determines by resolution that the purposes for which the Authority was formed have been substantially met and all bonds issued by and all obligations incurred by the Authority have been fully paid, the Board shall execute a certificate of dissolution which states those facts and declares the Authority dissolved in accordance with the requirements of Section 394.026, Texas Local Government Code, or with applicable law then in existence. In the event of dissolution or liquidation of the Authority, all assets will be turned over to the Finance and Administration Department of the City, or its successor, for deposit into the Reinvestment Zone Number Ten, City of Houston, Texas, Tax Increment Fund unless the City Council shall otherwise direct.

Any capital project(s) of the Authority as well as all plans and specifications of any improvement to be made by the Authority shall be approved by the Director of the Department of Public Works and Engineering of the City.

ARTICLE XIII

If the Authority is a private foundation within the meaning of Section 509(a) of the Code, the Authority: (a) shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Code; (b) shall not engage in any act of self-dealing as defined in Section 4941(d) of the Code; (c) shall not retain any excess business holdings as defined in Section 4943(c) of the Code; (d) shall not make any investments in such manner as to subject it to tax under Section 4944 of the Code; and (e) shall not make any taxable expenditures as defined in Section 4945(d) of the Code.

ARTICLE XIV

The City Council may at any time consider and approve an ordinance directing the Board to proceed with the dissolution of the Authority, at which time the Board shall proceed with the dissolution of the Authority in accordance with applicable state law. The failure of the Board to proceed with the dissolution of the Authority in accordance with this Section shall be deemed a cause for the removal from office of any or all of the Directors as permitted by Article VI of this Certificate.

ARTICLE XV

This Certificate may not be changed or amended unless approved by the City Council of the City.

IN WITNESS WHEREOF, we have hereunto set our hands this ___ day of _____, 2013.

Stanley Sarman, Incorporator

Tom Broad, Incorporator

Philip Ivy, Incorporator

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Stanley Sarman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the____ day of _____, 2013.

Notary Public in and for
The State of Texas

(SEAL)

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Tom Broad, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the____ day of _____, 2013.

Notary Public in and for
The State of Texas

(SEAL)

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Philip Ivys, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the____ day of _____, 2013.

Notary Public in and for
The State of Texas

(SEAL)

BYLAWS
OF THE
LAKE HOUSTON REDEVELOPMENT AUTHORITY

A Texas Local Government Corporation
(Created on behalf of the City of Houston)

Date of Adoption: _____, 2013

ARTICLE I

PURPOSES

The Lake Houston Redevelopment Authority (the "Authority") is organized for the purpose of aiding, assisting, and acting on behalf of the City of Houston, Texas (the "City") in the performance of its governmental functions to promote the common good and general welfare of the area included in Reinvestment Zone Number Ten, City of Houston, Texas (the "Lake Houston Reinvestment Zone") and neighboring areas in Houston (the "Lake Houston Area"); to promote, develop, encourage and maintain housing, educational facilities, employment, commerce and economic development in the City.

The Authority is further organized to aid, assist and act on behalf of the City and the Board of Directors of the Lake Houston Reinvestment Zone:

- (a) in the implementation of the Project Plan and a Financing Plan for the Lake Houston Reinvestment Zone and the preparation and implementation of amendments thereto;
- (b) in the development of a policy to finance development and redevelopment of residential, public and commercial properties in the Lake Houston Area; and
- (c) in the development and implementation of a redevelopment policy for the Lake Houston Area, including the acquisition of land for redevelopment purposes.

The Authority is formed pursuant to the provisions of the Subchapter D, of Chapter 431, Texas Transportation Code (the "Act") as it now or may hereafter be amended, and Chapter 394, Local Government Code, which authorizes the Authority to assist and act on behalf of the City and to engage in activities in the furtherance of the purposes for its creation, provided that the Authority shall not be authorized to make or acquire home mortgages, or to make loans to lending institutions, the proceeds of which are to be used to make home mortgages or to make loans on residential developments.

The Authority shall have and exercise all of the rights, powers, privileges, authority, and functions given by the general laws of Texas to non-profit corporations incorporated under the Act including, without limitation, Chapter 22, Texas Business Organizations Code.

The Authority shall have all other powers of a like or different nature not prohibited by law which are available to non-profit corporations in Texas and which are necessary or useful to enable the Authority to perform the purposes for which it is created, including the power to issue bonds, notes or other obligations, and otherwise exercise its borrowing

power to accomplish the purposes for which it was created, provided that the Authority shall not issue bonds without the consent of the City Council of the City.

The Authority is created as a local government corporation pursuant to the Act and shall be a governmental unit within the meaning of Subdivision (3), Section 101.001, Texas Civil Practice and Remedies Code. The operations of the Authority are governmental and not proprietary functions for purposes of the Texas Tort Claims Act, Section 101.001 et seq., Texas Civil Practice and Remedies Code. The Authority shall have the power to acquire land in accordance with the Act as amended from time to time.

ARTICLE II

BOARD OF DIRECTORS

Section 1. Appointment, Classes, Powers, Number, and Term of Office. All powers of the Authority shall be vested in the Board of Directors (the "Board"). The Board shall initially consist of seven persons. The Directors of the Board shall be increased to the number of directors on the board of the Lake Houston Reinvestment Zone in the event such board is increased to more than seven directors. Directors of the Authority ("Director" or "Directors") shall be appointed by position to the Board by the Mayor of the City with the consent and approval of City Council and shall be the same persons appointed to the corresponding position of the board of the Lake Houston Reinvestment Zone. Appointment of a person to the corresponding position of the board of the Lake Houston Reinvestment Zone shall constitute appointment of such person to the corresponding position of the Board by the City. Each taxing unit that appoints a directors to the Lake Houston Reinvestment Zone shall be assigned a position number on the Board corresponding to the position number of that taxing unit appointee on the board of the Lake Houston Reinvestment Zone. Appointment of a person to the corresponding position of the board of the Lake Houston Reinvestment Zone by any taxing unit shall constitute nomination of such person to the corresponding position of the Board by such taxing unit. The Chairman of the Board shall always be appointed by the Mayor of the City.

Each Director shall serve for a term which expires on the date set forth below for the position to which such person was appointed, or until his or her successor is appointed by the City unless such Director has been appointed to fill an unexpired term in which case the term of the Director shall expire on the expiration date of the term of the Director whose position he or she was appointed to fill. Any Director may be removed from office at any time, with or without cause, by the City Council. Except as provided above, the number of Directors may only be increased or decreased by an amendment to the Bylaws with the consent of the City Council of the City.

The term of each position shall be coterminous with the term of the corresponding position on the board of the Lake Houston Reinvestment Zone as established by City

Ordinance 1997-1589, as may be amended from time to time.

If any of the following persons are not serving as a member of the Board, he or she or their designee shall serve as an ex-officio, non-voting member of the Board:

- (1) Chief of Staff, Mayor's Office;
- (2) Director of the City Department of Public Works and Engineering;
- (3) City Attorney;
- (4) Director of the City Planning and Development Department;
- (5) Chairman of the Board of the Metropolitan Transit Authority of Harris County; and
- (6) Chair of the City Council Regional Planning and Charter Ordinance Committee.

Any person designated as an ex-officio member of the Board is entitled to notice of and to attend meetings of the Board.

In addition, the Board of Directors of the Authority may designate one or more representatives of the Humble Independent School District, Harris County or other political subdivisions as ex officio, non-voting members of the Board of Directors.

Section 2. Meetings of Directors. The Directors may hold their meetings and may have an office and keep the books of the Authority at such place or places within the City as the Board may from time to time determine; provided, however, in the absence of any such determination, such place shall be the registered office of the Authority in the State of Texas.

The Board shall meet in accordance with and file notice of each meeting of the Board for the same length of time and in the same manner and location as is required of a City under Chapter 551, Government Code (the "Open Meetings Act").

The Authority, the Board, and any committee of the Board exercising the powers of the Board are subject to Chapter 552, Government Code (the "Open Records Act").

Section 3. Annual Meetings. The annual meeting of the Board shall be held at the time and at the location in the City designated by the resolution of the Board for the purposes of transacting such business as may be brought before the meeting.

Section 4. Regular Meetings. Regular meetings of the Board shall be held at such times and places as shall be designated, from time to time, by resolution of the Board.

Section 5. Special and Emergency Meetings. Special and emergency meetings of the Board shall be held whenever called by the Chairperson of the Board or the Secretary or by a majority of the Directors who are serving duly appointed terms of office at the time the meeting is called.

The Secretary shall give notice of each special meeting in person, by telephone, fax, mail or telegraph at least three days before the meeting to each Director and to the public in compliance with the Open Meetings Act. Notice of each emergency meeting shall also be given in the manner required of the City under Section 551.045 of the Open Meetings Act. Unless otherwise indicated in the notice thereof, any and all matters pertaining to the purposes of the Authority may be considered and acted upon at a special or emergency meeting. At any meeting at which every Director shall be present, even though without any notice, any matter pertaining to the purposes of the Authority may be considered and acted upon to the extent allowed by the Open Meetings Act.

Section 6. Quorum. A majority of the appointed positions of the Board shall constitute a quorum for the consideration of matters pertaining to the purposes of the Authority; provided that positions held by directors who have resigned, died or have not been sworn in shall not be considered when determining a quorum. If at any meeting of the Board there is less than a quorum present, a majority of those present may adjourn the meeting from time to time. The act of a majority of the Directors present and voting at a meeting at which a quorum is in attendance shall constitute the act of the Board, unless the act of a greater number is required by law, by the Certificate of Incorporation, or by these Bylaws.

A Director who is present at a meeting of the Board at which any corporate action is taken shall be presumed to have assented to such action unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the Secretary of the Authority immediately after the adjournment of the meeting. Such right to dissent shall not apply to a Director who voted in favor of the action.

Section 7. Conduct of Business. At the meetings of the Board, matters pertaining to the purposes of the Authority shall be considered in such order as from time to time the Board may determine.

At all meetings of the Board, the Chairperson shall preside, and in the absence of the Chairperson, the Vice Chairperson shall preside. In the absence of the Chairperson and the Vice Chairperson, a chairperson shall be chosen by the Board from among the Directors

present.

The Secretary of the Authority shall act as secretary of all meetings of the Board, but in the absence of the Secretary, the presiding officer may appoint any person to act as secretary of the meeting.

Section 8. Executive Committee, Other Committees. The Board may, by resolution passed by a majority of the Directors, designate three or more Directors to constitute an executive committee or other type of committee. To the extent provided in the authorizing resolution, a committee shall have and may exercise all of the authority of the Board in the management of the Authority, except where action of the Board is specified by statute. A committee shall act in the manner provided in the authorizing resolution. Each committee so designated shall keep regular minutes of the transactions of its meetings and shall cause such minutes to be recorded in books kept for that purpose in the office of the Authority, and shall report the same to the Board from time to time. Committees authorized to exercise the powers of the Board shall give notice of any meeting in the manner required for a meeting of the Board.

Section 9. Compensation of Directors. Directors, as such, shall not receive any salary or compensation for their services as Directors; provided, that nothing contained herein shall be construed to preclude any Director from receiving compensation which is not excessive and which is at commercially reasonable rates for personal services (rendered in other than a "Director" capacity) which are reasonable and necessary in carrying out the Authority's purposes.

Section 10. Board of Advisory Directors. The Board may establish a Board of Advisory Directors composed of members who are, in the judgment of the Board, qualified to advise with respect to the activities of the Authority. Members of the Board of Advisory Directors shall serve for a term of one year or such longer term as may be fixed by the Board, not to exceed four years. Advisory Directors may be removed by the Board at any time with or without cause. The number of members of the Board of Advisory Directors shall be fixed from time to time by the Board. The officers and Directors of the Authority may consult with the Board of Advisory Directors from time to time with respect to the activities of the Authority but the Board of Advisory Directors shall in no way restrict the powers of the Board nor limit its responsibilities or obligations. The Board of Advisory Directors shall have no responsibility for the management of the affairs of the Authority. Advisory Directors shall not receive any salary or compensation for their services as Advisory Directors; provided, that nothing contained herein shall be construed to preclude any Advisory Director from receiving compensation which is not excessive and which is at commercially reasonable rates for personal services (rendered in other than an "Advisory Director" capacity) which are reasonable and necessary in carrying out the Authority's purposes.

Section 11. Director's Reliance on Consultant Information. A Director shall not be liable if while acting in good faith and with ordinary care, he relies on information, opinions, reports, or statements, including financial statements and other financial data, concerning the Authority or another person, that were prepared or presented by:

- (a) one or more other officers or employees of the Authority;
- (b) legal counsel, public accountants, or other persons as to matters the officer reasonably believes are within the person's professional or expert competence; or
- (c) a committee of the Board of which the Director is not a member.

ARTICLE III

OFFICERS

Section 1. Titles and Term of Office. The officers of the Authority shall be a chairperson of the Board, one or more vice chairpersons of the Board, a president, one or more vice presidents, a secretary, a treasurer, and such other officers as the Board may from time to time elect or appoint. One person may hold more than one office, except that neither the Chairperson of the Board nor the President shall hold the office of Secretary. The term of office for each officer (other than the Chairperson) shall be two years commencing with the date of the annual meeting of the Board at which each such officer is elected. The Chairperson shall serve for the term designated by the Mayor of the City.

All officers (other than the Chairperson) shall be subject to removal, with or without cause, at any time by a vote of a majority of the whole Board.

A vacancy in the office of any officer (other than the Chairperson) shall be filled by the Board.

Section 2. Powers and Duties of the Chairperson. The Chairperson shall be a member of the Board and shall preside at all meetings of the Board. The Chairperson shall be designated by the Mayor of the City. He or she shall have such duties as are assigned by the Board. The Chairperson may call special or emergency meetings of the Board.

Section 3. Powers and Duties of the Vice Chairperson. The Vice Chairperson shall be a member of the Board. The Vice Chairperson shall perform the duties and exercise the powers of the Chairperson upon the Chairperson's death, absence, disability, or resignation, or upon the Chairperson's inability to perform the duties of his or her office. Any action taken by the Vice Chairperson in the performance of the duties of the Chairperson shall be conclusive evidence of the absence or inability to act of the

Chairperson at the time such action was taken.

Section 4. Powers and Duties of the President. The President shall be the principal executive officer of the Authority and, subject to the Board, he or she shall be in general charge of the properties and affairs of the Authority. In furtherance of the purposes of the Authority and subject to the limitations contained in the Certificate of Incorporation, the President, Chairperson, or Vice Chairperson may sign and execute all bonds, notes, deeds, conveyances, franchises, assignments, mortgages, notes, contracts and other obligations in the name of the Authority.

Section 5. Vice Presidents. A Vice President shall have such powers and duties as may be assigned to him or her by the Board or the President, including the performance of the duties of the President upon the death, absence, disability, or resignation of the President, or upon the President's inability to perform the duties of his or her office. Any action taken by the Vice President in the performance of the duties of the President shall be conclusive evidence of the absence or inability to act of the President at the time such action was taken.

Section 6. Treasurer. The Treasurer shall have custody of all the funds and securities of the Authority which come into his or her hands. When necessary or proper, he or she may endorse, on behalf of the Authority, for collection, checks, notes and other obligations and shall deposit the same to the credit of the Authority in such bank or banks or depositories as shall be designated in the manner prescribed by the Board; he or she may sign all receipts and vouchers for payments made to the Authority, either alone or jointly with such other officer as is designated by the Board; whenever required by the Board, he or she shall render a statement of his or her case account; he or she shall enter or cause to be entered regularly in the books of the Authority to be kept by him or her for that purpose full and accurate accounts of all moneys received and paid out on account of the Authority; he or she shall perform all acts incident to the position of Treasurer subject to the control of the Board; and he or she shall, if required by the Board, give such bond for the faithful discharge of his or her duties in such form as the Board may require.

Section 7. Secretary. The Secretary shall keep the minutes of all meetings of the Board in books provided for that purpose; he or she shall attend to the giving and serving of all notices; in furtherance of the purposes of the Authority and subject to the limitations contained in the Certificate of Incorporation, he or she may sign with the President in the name of the Authority and/or attest the signatures thereof, all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Authority; he or she shall have charge of the Authority's books, records, documents and instruments, except the books of account and financial records and securities of which the Treasurer shall have custody and charge, and such other books and papers as the Board may direct, all of which shall at all reasonable times be open to the inspection of any Director upon application at the office of the Authority during business hours; and, he or

she shall in general perform all duties incident to the office of Secretary subject to the control of the Board.

Section 8. Compensation. Officers may be entitled to receive such salary or compensation for personal services which are necessary and reasonable in carrying out the Authority's purposes as the Board may from time to time determine, provided, that in no event shall the salary or compensation be excessive. Board members, even in their capacity as officers, are not entitled to compensation except as otherwise provided in Article II, Section 9.

Section 9. Officer's Reliance on Consultant Information. In the discharge of a duty imposed or power conferred on an officer of the Authority, the officer may in good faith and with ordinary care rely on information, opinions, reports, or statements, including financial statements and other financial data, concerning the Authority or another person, that were prepared or presented by:

(a) one or more other officers or employees of the Authority, including members of the Board; or

(b) legal counsel, public accountants, or other persons as to matters the officer reasonably believes are within the person's professional or expert competence.

ARTICLE IV

MISCELLANEOUS PROVISIONS

Section 1. Fiscal Year. The fiscal year of the Authority shall begin July 1 of each year.

Section 2. Seal. The seal of the Authority shall be such as from time to time may be approved by the Board.

Section 3. Notice and Waiver of Notice. Whenever any notice other than public notice of a meeting given to comply with the Open Meetings Act, is required to be given under the provisions of these Bylaws, such notice shall be deemed to be sufficient if given by depositing the same in a post office box in a sealed postpaid wrapper addressed to the person entitled thereto at his or her post office address, as it appears on the books of the Authority, and such notice shall be deemed to have been given on the day of such mailing. A waiver of notice, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent thereto.

Section 4. Resignations. Any Director, officer or Advisory Director may resign at

any time. Such resignations shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its receipt by the President or Secretary. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

Section 5. Gender. References herein to the masculine gender shall also refer to the feminine in all appropriate cases and vice versa.

Section 6. Appropriations and Grants. The Authority shall have the power to request and accept any appropriation, grant, contribution, donation, or other form of aid from the federal government, the State, any political subdivision, or municipality in the State, or from any other source.

ARTICLE V

INDEMNIFICATION OF DIRECTORS AND OFFICERS

Section 1. Right to Indemnification. Subject to the limitations and conditions as provided in this Article and the Certificate of Incorporation, each person who was or is made a party or is threatened to be made a party to or is involved in any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative, arbitratve or investigative (hereinafter a "proceeding"), or any appeal in such a proceeding or any inquiry or investigation that could lead to such a proceeding, by reason of the fact that he or she, or a person of whom he or she is the legal representative, is or was a Director or officer of the Authority or while a Director or officer of the Authority is or was serving at the request of the Authority as a director, officer, partner, venturer, proprietor, trustee, employee, agent or similar functionary of another foreign or domestic corporation, partnership, joint venture, sole proprietorship, trust, employee benefit plan or other enterprise shall be indemnified by the Authority to the fullest extent permitted by the Texas Non-Profit Corporation Act, as the same exists or may hereafter be amended (but, in the case of any such amendment, only to the extent that such amendment permits the Authority to provide broader indemnification rights than said law permitted the Authority to provide prior to such amendment) against judgments, penalties (including excise and similar taxes and punitive damages), fines, settlements and reasonable expenses (including, without limitation, attorneys' fees) actually incurred by such person in connection with such proceeding, and indemnification under this Article shall continue as to a person who has ceased to serve in the capacity which initially entitled such person to indemnity hereunder. The rights granted pursuant to this Article shall be deemed contract rights, and no amendment, modification or repeal of this Article shall have the effect of limiting or denying any such rights with respect to actions taken or proceedings arising prior to any such amendment, modification or repeal. It is expressly acknowledged that the indemnification provided in this Article could involve indemnification for negligence or under theories of strict liability.

Section 2. Advance Payment. The right to indemnification conferred in this Article shall include the right to be paid in advance or reimbursed by the Authority the reasonable expenses incurred by a person of the type entitled to be indemnified under Section 1 who was, is or is threatened to be made a named defendant or respondent in a proceeding in advance of the final disposition of the proceeding and without any determination as to the person's ultimate entitlement to indemnification; provided, however, that the payment of such expenses incurred by any such person in advance of the final disposition of a proceeding, shall be made only upon delivery to the Authority of a written affirmation by such Director or officer of his or her good faith belief that he or she has met the standard of conduct necessary for indemnification under this Article and a written undertaking, by or on behalf of such person, to repay all amounts so advanced if it shall ultimately be determined that such indemnified person is not entitled to be indemnified under this

Article or otherwise.

Section 3. Indemnification of Employees and Agents. The Authority, by adoption of a resolution of the Board, may indemnify and advance expenses to an employee or agent of the Authority to the same extent and subject to the same conditions under which it may indemnify and advance expenses to Directors and officers under this Article; and the Authority may indemnify and advance expenses to persons who are not or were not Directors, officers, employees or agents of the Authority but who are or were serving at the request of the Authority as a Director, officer, partner, venturer, proprietor, trustee, employee, agent or similar functionary of another foreign or domestic corporation, partnership, joint venture, sole proprietorship, trust, employee benefit plan or other enterprise against any liability asserted against him or her and incurred by him or her in such a capacity or arising out of his or her status as such a person to the same extent that it may indemnify and advance expenses to Directors under this Article.

Section 4. Appearance as a Witness. Notwithstanding any other provision of this Article, the Authority may pay or reimburse expenses incurred by a Director or officer in connection with his or her appearance as a witness or other participation in a proceeding involving the Authority or its business at a time when he or she is not a named defendant or respondent in the proceeding.

Section 5. Non-exclusivity of Rights. The right to indemnification and the advancement and payment of expenses conferred in this Article shall not be exclusive of any other right which a Director or officer or other person indemnified pursuant to Section 3 of this Article may have or hereafter acquire under any law (common or statutory), provision of the Certificate of Incorporation of the Authority or these Bylaws, agreement, vote of shareholders or disinterested Directors or otherwise.

Section 6. Insurance. The Authority may purchase and maintain insurance, at its expense, to protect itself and any person who is or was serving as a Director, officer, employee or agent of the Authority or is or was serving at the request of the Authority as a Director, officer, partner, venturer, proprietor, trustee, employee, agent or similar functionary of another foreign or domestic corporation, partnership, joint venture, proprietorship, employee benefit plan, trust or other enterprise against any expense, liability or loss, whether or not the Authority would have the power to indemnify such person against such expense, liability or loss under this Article.

Section 7. Notification. Any indemnification of or advance of expenses to a Director or officer in accordance with this Article shall be reported in writing to the members of the Board with or before the notice of the next regular meeting of the Board and, in any case, within the 12-month period immediately following the date of the indemnification or advance.

Section 8. Savings Clause. If this Article or any portion hereof shall be invalidated on any ground by any court of competent jurisdiction, then the Authority shall nevertheless indemnify and hold harmless each Director, officer or any other person indemnified pursuant to this Article as to costs, charges and expenses (including attorneys' fees), judgments, fines and amounts paid in settlement with respect to any action, suit or proceeding, whether civil, criminal, administrative or investigative, to the full extent permitted by any applicable portion of this Article that shall not have been invalidated and to the fullest extent permitted by applicable law.

ARTICLE VI

PROVISIONS RELATING TO MINORITY CONTRACTING

The Authority shall attempt to stimulate the growth of disadvantaged businesses inside the City by encouraging the full participation of disadvantaged businesses in all phases of its procurement activities and affording those disadvantaged businesses a full and fair opportunity to compete for Authority contracts. The Authority shall establish one or more programs designed to increase participation by disadvantaged businesses in contract awards which will conform to City approved programs. Any program established by the Authority shall provide that disadvantaged businesses certified by the City shall be the disadvantaged businesses certified for Authority contracts.

ARTICLE VII

CODE OF ETHICS

Section 1. Policy and Purposes.

(a) It is the policy of the Authority that Directors and officers conduct themselves in a manner consistent with sound business and ethical practices; that the public interest always be considered in conducting corporate business; that the appearance of impropriety be avoided to ensure and maintain public confidence in the Authority; and that the Board establish policies to control and manage the affairs of the Authority fairly, impartially, and without discrimination.

(b) This Code of Ethics has been adopted as part of the Authority's Bylaws for the following purposes: (a) to encourage high ethical standards in official conduct by Directors and corporate officers; and (b) to establish guidelines for such ethical standards of conduct.

Section 2. Conflicts of Interest.

(a) Except as provided in subsection (c), a Director or officer is prohibited from

participating in a vote, decision, or award of a contract involving a business entity or real property in which the Director or the officer has a substantial interest, if it is foreseeable that the business entity or real property will be economically benefited by the action. A person has a substantial interest in a business (i) if his or her ownership interest is ten percent or more of the voting stock or shares of the business entity or ownership of \$15,000 or more of the fair market value of the business entity, or (ii) if the business entity provides more than ten percent of the person's gross income. A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more. An interest of a person related in the second degree by affinity or the third degree by consanguinity to a Director or officer is considered a substantial interest.

(b) If a Director or a person related to a Director in the first or second degree by affinity or the first, second, or third degree by consanguinity has a substantial interest in a business entity or real property that would be pecuniarily affected by any official action taken by the Board, such Director, before a vote or decision on the matter, shall file an affidavit stating the nature and extent of the interest. The affidavit shall be filed with the Secretary of the Board.

(c) A Director who has a substantial interest in a business entity that will receive a pecuniary benefit from an action of the Board may vote on that action if a majority of the Board has a similar interest in the same action or if all other similar business entities in the Authority will receive a similar pecuniary benefit.

(d) An employee of a public entity may serve on the Board.

Section 3. Acceptance of Gifts. No Director or officer shall accept any benefit as consideration for any decision, opinion, recommendation, vote or other exercise of discretion in carrying out official acts for the Authority. No Director or officer shall solicit, accept, or agree to accept any benefit from a person known to be interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of the Director's or officer's discretion. As used here, "benefit" does not include:

(a) a fee prescribed by law to be received by a Director or officer or any other benefit to which the Director or officer is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a Director or officer;

(b) a gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the Director or officer;

(c) an honorarium in consideration for legitimate services rendered above and beyond official duties and responsibilities if:

(1) not more than one honorarium is received from the same

person in a calendar year;

- (2) not more than one honorarium is received for the same service; and
- (3) the value of the honorarium does not exceed \$250 exclusive of reimbursement for travel, food, and lodging expenses incurred by the Director or officer in performance of the services;

(d) a benefit consisting of food, lodging, transportation, or entertainment accepted as a guest is reported as may be required by law.

Section 4. Bribery. A Director or officer shall not intentionally or knowingly offer, confer or agree to confer on another, or solicit, accept, or agree to accept from another:

(a) any benefit as consideration for the Director's or officer's decision, opinion, recommendation, vote, or other exercise of discretion as a Director or officer;

(b) any benefit as consideration for the Director's or officer's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding; or

(c) any benefit as consideration for a violation of a duty imposed by law on the Director or officer.

Section 5. Nepotism. No Director or officer shall appoint, or vote for, or confirm the appointment to any office, position, clerkship, employment or duty, of any person related within the second degree by affinity (marriage relationship) or within the third degree of consanguinity (blood relationship) to the Director or officer so appointing, voting or confirming, or to any other Director or officer. This provision shall not prevent the appointment, voting for, or confirmation of any person who shall have been continuously employed in any such office, position, clerkship, employment or duty at least thirty (30) days prior to the appointment of the Director or officer so appointing or voting.

ARTICLE VIII

AMENDMENTS

A proposal to alter, amend, or repeal these Bylaws shall be made by the affirmative vote of a majority of the full Board at any annual or regular meeting, or at any special meeting if notice of the proposed amendment be contained in the notice of said special meeting. However, any proposed change or amendment to the Bylaws must be approved by the City Council of the City to be effective.

SUBJECT: Amendments to Chapters 1 and 8 of the Code of Ordinances relating to wrecker drivers.		Page 1 of 2	Agenda Item # 18
FROM: (Department or other point of origin): Houston Police Department	Origination Date: 11/21/13	Agenda Date: DEC 04 2013	
DIRECTOR'S SIGNATURE:  Charles A. McClelland, Jr., Chief of Police	Council District affected: All		
For additional information contact: D. F. Hitzman, Lieutenant – HPD 832-394-4800 Tracy Calabrese, Sr. Assistant City Attorney 832.393.6448	Date and identification of prior authorizing Council Action:		
RECOMMENDATION: (Summary) The Houston Police Department recommends ordinance amendments in Chapters 1 and 8 to strengthen the criminal history standards and licensing requirements and processes for wrecker drivers.			
Amount and Source of Funding: N/A			
SPECIFIC EXPLANATION: The purpose of increasing the criminal background standards for wrecker drivers is to raise the level of safety of our citizens when interacting with the towing industry. Under current City Ordinance, the Auto Dealers Detail cannot deny licenses or request a suspension or revocation of the license by the Automotive Board if applicants commit crimes listed in Sec. 1-10 and the charges are pending. Thus, wrecker drivers under indictment or with pending charges for crimes such as <i>Burglary of a Motor Vehicle</i> or <i>Aggravated Assault with a Deadly Weapon</i> continue to maintain a valid wrecker driver license, interact with citizens, and have custody of and access to vehicles and personal belongings in those vehicles. The proposed amendments will raise licensing standards and provide a safer environment for citizens interacting with tow truck drivers. Specific changes include:			
Sec. 8-111. State and local registration, minimum requirements <ul style="list-style-type: none"> ▪ Minimum equipment requirements for each wrecker such as flares, broom, shovel, fire extinguisher, etc. The only additional equipment required: a reflective vest, closed toe shoes and a vest or shirt with the name of the wrecker company. 			
Sec. 8-131. License required, qualifications <ul style="list-style-type: none"> ▪ Additional qualifications for wrecker driver license applicants, which include: <ul style="list-style-type: none"> ○ Defensive driving course (for new applicants only). ○ No outstanding warrants of arrest 			
Sec. 8-132. Application <ul style="list-style-type: none"> ▪ Clean-up language only, no substantive changes. 			
Sec. 8-134. Issuance; denial; hearing <ul style="list-style-type: none"> ▪ A wrecker driver license will be denied if the applicant is not qualified under section 8-131. ▪ The Police Chief may consider an applicant to be convicted of an offense in instances in which the applicant is charged with an offense listed in Sec. 1-10 of the Code pertaining to wrecker drivers, the applicant entered a plea of guilty or nolo contendere, the court deferred further proceedings without entering adjudication of guilt, the court then placed the person on supervision, and after the period of supervision, the court dismissed the proceedings and discharged the person. (This amendment mirrors state law). In these cases, the Police Chief may propose denial of the application if he determines that the applicant may pose a continued threat to public safety. 			
REQUIRED AUTHORIZATION			
Finance Budget:	Other Authorization:	Other Authorization:	

- The Police Chief may delay his decision on an application until final adjudication when the applicant is under indictment for or has charges pending for an offense listed in Sec. 1-10 pertaining to wrecker drivers.
- The applicant is entitled to an appeal to the Automotive Board.

Sec. 8-135. Standards for review

- The amendments mirror state law and provide that upon appeal to the Automotive Board, the applicant shall furnish proof of:
 - Steady employment
 - Dependent support
 - Record of good conduct
 - Payment of all outstanding court costs, supervision fees, fines and restitution ordered in any criminal case.
- Based on the evidence received at the hearing and consistent with the standards of review the Automotive Board may approve, deny or condition the approval of the license.

Sec. 8-137. Revocation, suspension, and refusal to renew

- The Police Chief may suspend or revoke a wrecker license if an applicant provided false information on the application, a license was issued through error, a licensee failed to comply with provisions of Chapter 8 or has been convicted of violating state laws or city ordinances or the licensee is under indictment for an offense listed in Sec. 1-10.
- A City wrecker license is automatically suspended if the state-issued driver's license or towing license is suspended or revoked.

Sec. 1-9. Procedures for denial, suspension or revocation of licenses and permits – Generally

- This section contains clean-up language only with no substantive changes.

Sec. 1-10. Same-Specific permits and licenses

- Proposed changes to enhance the criminal history standards specific to wrecker driver licenses.
 - (a)(2)(a) – “towing” has been added to ordinance violations to be considered for wrecker licenses.
 - (a)(2)(c) – Adds misdemeanor theft or burglary to the criminal history standard.
 - (a)(2)(h) – Adds burglary of a motor vehicle to the criminal history standard.
 - (a)(2)(k) – Adds misdemeanor possession or delivery of drugs to the criminal history standard.

Note: (Grandfather clause) The provisions of Subsections 8-134(c), 8-137(5), and the offenses added to Subsection 1-10(a)(2)a (towing offenses) c (robbery or misdemeanor theft), h (burglary of a motor vehicle), and k (misdemeanor possession or delivery of drugs) shall apply only to offenses committed on or after the effective date of this Ordinance.

The proposed amendments were presented to the Public Safety Council Committee.

Chapter 8. AUTOMOTIVE DEALERS AND AUTO WRECKERS

Sec. 8-16. Definitions.

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

Police chief means the chief of police of the city or his designee.

ARTICLE III. AUTO WRECKERS AND STORAGE YARDS

DIVISION 2. AUTO WRECKERS

Subdivision A. Operational Rules and Regulations and Tow Agreements

Sec. 8-111. State and local registration, minimum requirements.

(d) As a condition of registration and maintaining registration in good standing, the registrant must meet the signage, safety equipment, and safety clothing, and identification requirements of sections 86.701, 86.1000, and 86.1001 of Title 16 of the Texas Administrative Code and must carry and openly display the appropriate city proof of city registration on the registrant's tow trucks.

(e) Each auto wrecker shall meet the following minimum requirements for registration and maintaining registration:

- (1) Except for heavy duty wreckers, the auto wrecker's chassis cab shall be rated at no less than one ton by the manufacturer and will be equipped by the manufacturer with dual wheels and tires at each end of the rear axle;
- (2) The auto wrecker shall have a mounted light bar that conforms to the requirements of Chapter 547 of the Texas Transportation Code;
- (3) The auto wrecker shall be equipped with wheel dollies, except on heavy duty wreckers and rollback type trucks;
- (4) The auto wrecker shall carry at all times:
 - a. Warning devices for stopped vehicles consisting of:
 - [i] Three flares, each of which shall be capable of being seen at a distance of not less than 600 feet under normal conditions at nighttime, or
 - [ii] Three emergency reflective triangles that conform to the requirements of Federal Motor Vehicle Safety Standard No. 125;

- b. A push broom with a handle of not less than 36 inches and a head of not less than 18 inches;
- c. No less than five gallons of dry sand or other absorbent that is at least as effective as sand in absorbing liquid;
- d. A container to carry glass and debris cleaned from the roadway when picking up a wrecked vehicle;
- e. A shovel with a flat edge of not less than nine inches and a handle of not less than 36 inches;
- f. A wrecking bar of not less than 36 inches in length, with a wedge-shaped head;
- g. At least one 10 pound fire extinguisher or two 5 pound multiple purpose fire extinguishers, in good working condition;
- h. Tow lights with appropriate cable (unless wireless), and cushions to protect a vehicle's finish, and;
- i. Safety (mud) flaps with the bottom edge of the mud flap no more than 8 inches from the surface of the road.

(f) Operators shall comply with and shall require auto wrecker drivers to comply with the following clothing requirements:

- (1) A Class 3, Level 2 reflective vest, shirt, or jacket meeting the ANSI/ISEA requirements for high visibility safety apparel must be worn at all times while working outside of the tow truck;
- (2) Closed toe shoes; and
- (3) A vest or shirt displaying, on the front of the shirt or vest, the name of the wrecker company as it is registered with the city.

(g)(e) The registration for each tow truck subject to registered under this section shall be ~~annually~~ renewed annually by payment of the fee stated for this provision in the city fee schedule ~~per tow truck~~ to the police department, which shall verify that the tow truck is still in compliance with this section.

Sec. 8-131. License required, qualifications.

(a) It shall be unlawful for any ~~wrecker-driver~~ person to perform a nonconsent tow unless he has a current wrecker driver license issued by the city, which license shall be prominently displayed on his person during any nonconsent tow.

(b) It shall be unlawful for any person to allow, permit, or cause another person to drive or operate any auto wrecker for the purpose of performing a nonconsent tow unless the ~~wrecker-driver~~ person has a current wrecker driver license issued by the city.

(c) To qualify for a wrecker driver's license, an applicant must:

- (1) Be at least 18 years old;
- (2) Hold a valid driver's license and towing operator's license issued by the state;
- (3) For the initial application, present proof of successful completion of a defensive driving course approved by the Texas Education Agency within the preceding 12 months;
- (4) Not have been convicted of an offense pertaining to wrecker drivers listed in section 1-10 of this Code;
- (5) Not have been involved in more than two motor vehicle accidents within any 12 month period during the preceding 36 months in which the chief of police could reasonably determine from a government-issued crash report that the applicant was at fault;
- (6) Be subject to no outstanding warrants of arrest; and
- (7) Provide evidence that he has passed the drug screening test required by section 8-132(c) of this Code.

Sec. 8-132. Application.

(a) Each person desiring a wrecker driver license shall submit an application to the police chief ~~or his designee~~ on a form furnished by the city. On the application the applicant shall set forth:

- (1) The applicant's full name and residence address ~~of the applicant;~~
- (2) The applicant's date of birth, place of birth, sex, race, and each address where he has resided in the five years immediately preceding his application;
- (3) Whether the applicant has been arrested or jailed for any criminal offense in this state or any other state or country, ~~and if so~~ ~~if he has been arrested or jailed for any such offense,~~ the applicant he shall set out the offense for which he was arrested or jailed, the date of the arrest or confinement, and the place, court and case number of the case;
- (4) The number of ~~his~~ the applicant's driver's license issued by the state and a list of all driver licenses the applicant has held in the three years immediately preceding the submission of the application showing the state that issued each license and the type of license held. The applicant shall also ~~show~~ provide the police chief ~~or his designee~~ evidence that he has a current driver's license and

current towing operator's license issued by the state and shall complete a form allowing the police department to obtain information as to the applicant's driving record from the state and from any state that had issued the applicant a driver license that was valid at any time within the three years immediately preceding the submission of the application;

- (5) Evidence that the applicant has passed a drug screening test administered within the 30 days preceding the date of the application under subsection (c) below; and
- (6) Such other information as the police chief ~~or his designee~~ finds relevant.

After the application has been completed, the applicant shall sign the application and shall execute a sworn affidavit, or a declaration pursuant to Texas Civil Practice and Remedies Code sec. 132.001, that all matters stated in the application are true and correct.

The applicant shall also ~~provide the police chief or his designee with evidence that he is at least 18 years of age and~~ submit himself at such times and places designated by the police chief ~~or his designee~~ to be photographed and ~~to be~~ fingerprinted.

(b) Upon initial application for a wrecker driver license and at each renewal, the police chief ~~or his designee~~ shall cause each applicant's criminal history to be researched by the Texas Department of Public Safety. The applicant shall complete any forms required for the police chief ~~or his designee~~ to obtain the report and shall provide funding to the police chief ~~or his designee~~ in a manner specified to cover any fees imposed by any state agency for the report. ~~The This~~ provision of ~~this requirement~~ shall not be construed to preclude the police chief ~~or his designee~~ from obtaining interim criminal history reports at the expense of the city.

(c) Evidence that the applicant has passed the drug screen test administered within the 30 days preceding the date of the application shall be required for original applicants and all renewals. The police chief shall promulgate rules and regulations relating to the drug screening test. The test procedure shall be equivalent to that prescribed by the mayor for pre-employment drug screenings for city employees. The police chief ~~or his designee~~ shall authorize laboratories and facilities that meet nationally recognized standards to obtain samples and perform the tests. The responsibility for obtaining the test and all costs associated therewith shall rest with the applicant.

Sec. 8-134. Issuance; denial; hearing.

(a) The police chief ~~or his designee~~ shall approve an application and issue the wrecker driver license after payment of the application fee and completion of the investigation of the criminal and driving record of the applicant, unless:

- (1) The police chief determines that the applicant is not qualified under section 8-131;

- (1)(2) The information provided in the application is materially false or incorrect or the applicant has failed in any material way to comply with this article;
- (2)(3) The applicant has had a wrecker driver license revoked during the preceding one year period; or
- (3)(4) The applicant is not in compliance with the criminal history provisions of section 1-10 of this Code.

(b) For purposes of this article subchapter, the police chief may consider an applicant to have been convicted of an offense when the applicant was charged with an offense listed in section 1-10 of this Code pertaining to wrecker drivers, and

- (1) The applicant entered a plea of guilty or nolo contendere;
- (2) The court deferred further proceedings without entering an adjudication of guilt and placed the person under the supervision of the court or a court officer; and
- (3) After the period of supervision, the court dismissed the proceedings and discharged the person.

In the instances set forth in this subsection, the police chief may propose denial of the application upon his determination that the applicant may pose a continued threat to public safety, or employment of the applicant as a wrecker driver would create a situation in which the person has an opportunity to repeat the prohibited conduct. [Sec. 8-134(b) is based on Occupations Code Sec. 53.021(c)]

(c) The police chief may delay his decision on an application until final adjudication when the applicant is under indictment for or has charges pending for an offense listed in section 1-10 of this Code pertaining to wrecker drivers, and shall promptly inform the applicant of the reason for the delay. Upon receiving notice of the reason for the delay, the applicant shall be entitled to an appeal of the police chief's delay in the same manner as provided in Sections 8-134 and 8-135 of this Code.

(d) In the event that an application is proposed for denial, the police chief ~~or his designee~~ shall promptly inform the applicant in writing of the reasons for the proposed denial and of the applicant's right to a hearing before the automotive board regarding the proposed denial. The notice shall be sent by United States certified mail, return receipt requested, to the applicant's address set out in the application.

~~(e)~~ (e) The applicant may perfect his appeal of the proposed denial by a letter addressed to the chairman of the automotive board and delivered to the chairman of the automotive board within 15 days after the date that notice of the proposed denial of the application is placed in the United States mail. The letter of appeal must state that an appeal from the decision of the police chief ~~or his designee~~ is desired. The appeal process shall be conducted in accordance with rules promulgated by the automotive board for that purpose. If the proposed denial is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with

section 1-9 of this Code and applicable state laws. The determination of the automotive board with respect to the application shall be final, ~~unless otherwise provided by law.~~

Sec. 8-135. Standards for review.

(a) An applicant whose application for a wrecker driver license has been proposed for denial pursuant to item ~~(3)~~ (4) of subsection (a) of section 8-134 of this Code may qualify for a wrecker driver license only if the automotive board determines that the applicant is presently fit to engage in the occupation of a wrecker driver. The standards for review that the automotive board shall use in determining the applicant's fitness shall be:

- (1) The extent and nature of the applicant's past criminal activity;
- (2) The age of the applicant at the time of the commission of the crime;
- (3) The amount of time that has elapsed since the applicant's last criminal activity;
- (4) The conduct and work activity of the applicant prior to and following the criminal activity;
- (5) Evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and
- (6) Other evidence of the applicant's fitness, including letters of recommendation from:
 - a. Prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant;
 - b. The sheriff and police chief ~~of police~~ in the community where the applicant resides; and
 - c. Any other person in contact with the applicant.

(b) The applicant has the responsibility, to the extent possible, to obtain and provide to the automotive board the recommendations of the prosecution, law enforcement, and correctional authorities as required by item (6) of subsection (a) of this section.

(c) In addition to fulfilling the requirements of subsection (b) of this section, the applicant shall furnish proof in the form required by the automotive board that the applicant has:

- (1) Maintained a record of steady employment;
- (2) Supported the applicant's dependents;
- (3) Maintained a record of good conduct; and

- (4) Paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted.
[Based on Occupations Code Sec. 53.023(c).]

(d) Following the opportunity for the applicant to be heard, the automotive board may approve the license, deny the license, or condition the approval of the license on such terms and conditions as the automotive board deems appropriate, based on the evidence received at the hearing and consistent with the standards of review contained in this section.

Sec. 8-136. Term; renewal; replacement of lost or destroyed license.

(b) A lost or destroyed wrecker driver license may be replaced upon the holder's compliance with the following conditions:

- (1) The filing of a sworn affidavit with the police chief of police stating that the license has been lost or stolen and setting out the details of how the license was lost or stolen, or if such facts are not known, setting out the details of where and when the license holder last saw the license and when its loss was discovered;

Sec. 8-137. Revocation, suspension, and refusal to renew.

(a) The police chief ~~or his designee~~ may suspend, or revoke a wrecker driver license for if:

- (1) Any information supplied in the license application was materially false or incorrect;
- (2) The wrecker driver license was issued through error;
- (3) The licensee has failed to comply with any applicable provision of the license or this chapter;
- (4) The licensee has been convicted of violating violation of state laws or of city ordinances; or
- (5) The licensee is under indictment for or has a charge pending for an offense listed in section 1-10 of this Code pertaining to wrecker drivers.

~~— Suspensions or revocations may also be based upon other grounds related to issuance, such as if the wrecker driver license was erroneously issued on the basis of incomplete or false information.~~

(b) A wrecker driver's license is automatically revoked if his state-issued driver's license or state-issued towing operator's license is suspended or revoked. A wrecker driver shall notify the police chief's designee within three days of a suspension or revocation of his driver's license or incident management towing operator's license and shall immediately surrender his city wrecker driver's license to the police chief's designee.

~~(b)-(c)~~ A revoked wrecker driver license may not be renewed and shall not be subject to reissuance for a one year period as provided in section 8-134 of this Code. A suspended wrecker driver license may not be renewed until the period of suspension has expired.

~~(c)-(d)~~ An individual whose wrecker driver license is revoked or suspended under this subsection is entitled to an appeal in the same manner as provided in sections 8-134 and 8-135 of this Code upon receipt of written notice of the revocation or suspension of his wrecker driver license.

**Sec. 1-9. Procedures for denial, suspension or revocation of licenses and permits-
-Generally.**

No permit or license authorizing a person to engage in a trade, occupation, vocation, profession or business, shall be denied, suspended or revoked on the grounds that the applicant, permittee, or licensee has been convicted of a criminal offense except under the following procedures:

- (a) An applicant for a license or permit or for the renewal of a license or permit shall be given written notice informing him of the following matters:
- (1) That the city has information that the applicant has been convicted of certain offenses, and a list of the specific offenses for which the city has such information.
 - (2) That the application cannot be considered unless the applicant provides the city with evidence concerning each of the matters set out in ~~section 4(c) of article 6252-13c of the Texas Revised Civil Statutes~~ Chapter 53 of the Texas Occupations Code within 30 days of the date of the notice. The applicant shall be informed that such evidence shall be in the form of sworn affidavits or declarations under penalty of perjury which must state that the affiant or declarant has personal knowledge of the facts set forth in the affidavit or declaration and state the basis of that personal knowledge, except where ~~article 6252-13c~~ Chapter 53 of the Texas Occupations Code specifies that certain letters of recommendation shall be considered. If the applicant does not provide the city with the information required in the notice within 30 days of the date of the notice, the application shall be rejected for failure to complete the application process; provided, however, applicants for taxicab permits shall provide the director of the department of administration and regulatory affairs ~~public service~~ with the information required in the notice at least ten days prior to the date on which the hearing is to be held on the request for the permit.

If the applicant provides the city with evidence as specified above, the applicant shall be given notice that a hearing will be held on his application. Such notice shall specify the date, time and place that the hearing will be held.

- (b) If the city desires to revoke or suspend a permit or license on the grounds that the permittee or licensee has been convicted of a criminal offense, the city shall give the applicant written notice informing him of the following matters:

- (1) That the city is seeking to revoke or suspend his license or permit on the grounds of a criminal conviction or convictions.
 - (2) The specific conviction or convictions upon which the city intends to rely in seeking revocation or suspension of the permit or license.
 - (3) That a hearing will be held on the city's request for revocation or suspension of the permit or license and the date, time and place of the hearing.
 - (4) That he may appear at the hearing, give testimony and examine witnesses.
 - (5) That the licensee or permittee shall have the burden to present evidence concerning each of the matters set out in Chapter 53 of the Texas Occupations Code ~~section 4(c) of article 6252-13c.~~
- (c) All hearings held in connection with the denial of an application or revocation or suspension of a permit or license to engage in a trade, occupation, profession, vocation or business, shall be conducted by the director of the department which issues such permits or licenses, or a person designated by the director to conduct such hearings; provided, however, all hearings on licenses or permits issued by any board whose members are appointed by the mayor shall be conducted by the board which issues the license or permit.

All such hearings shall be conducted under rules consistent with the nature of the proceedings.

If the hearing is on an application for an initial license or permit or an application to renew a license or permit, and the applicant fails to appear at the hearing, the application shall be rejected and the permit or license denied on the basis of the applicant's failure to appear.

If the hearing is on a request by the city to revoke or suspend a permit or license on the grounds that the licensee or permittee has been convicted of a criminal offense and the applicant does not appear, the city shall introduce sufficient evidence to establish a prima facie case showing grounds for revocation.

If the hearing official finds that the applicant, permittee or licensee was convicted of an offense that is grounds for denial, revocation or suspension of the license or permit under the ordinances of the city, the hearing official shall deny, revoke or suspend the license or permit unless he finds that the license or permit should be granted pursuant to Chapter 53 of the Texas Occupations Code ~~article 6252-13c of the Texas Civil Statutes Annotated.~~

The hearing official shall give written notice to the applicant, licensee or permittee of his findings as to whether the license or permit should or should not be denied, revoked or suspended, and the reasons therefor.

If the hearing official finds that the permit or license should be denied, revoked or suspended on the basis of one or more criminal convictions, he shall also inform the

applicant, permittee or licensee of his right to file an action in the district court in Harris County for review of the evidence presented to the licensing authority and its decision within 30 days after the date the decision was rendered by the hearing official. The manner of review for such decision shall be under the substantial evidence rule.

Sec. 1-10. Same--Specific permits and licenses.

(a) Except as provided in the succeeding sentence applicable to the license enumerated in ~~subsection item~~ (2) of this subsection (wrecker driver license), the licenses and permits enumerated in this subsection shall be denied if the applicant (i) has been convicted of any of the designated offenses within the seven-year period immediately preceding the date of the filing of the application or has spent time in jail or prison during the seven-year period immediately preceding the date of filing of the application for such a conviction, or (ii) is subject to deferred adjudication in connection with any of the above offenses. As to the wrecker driver license listed in subsection (2) of this section, the seven-year limitation shall not apply to any felony conviction for any sexual offense or offense involving violence, including, but not limited to, murder. Additionally, the following licenses and permits shall be subject to denial, revocation, or refusal for renewal, as applicable, if the licensee or permittee has been convicted of any of the designated offenses since the application was filed. Provided, however, no such license or permit shall be denied, revoked, or refused for renewal if the conviction was set aside as invalid or if it is found that the license or permit should not be denied, revoked or refused for renewal under Chapter 53 of the Texas Occupations Code:

- (1) All licenses issued pursuant to article II of chapter 8 of this Code:
 - a. Any violation of the ordinances or statutes regulating the sale, trade, servicing, storage, handling, dismantling, or destruction of any motor vehicle or motor vehicle parts, accessories, or supplies.
 - b. Any violation of the ordinances or statutes regulating the business of selling, trading, storing, dismantling or destruction of motor vehicles or motor vehicle parts, accessories, or supplies.
 - c. Any offense involving fraud or misrepresentation.
 - d. Any offense involving theft, robbery, or burglary.
 - e. Any offense involving bribery or perjury.
 - f. Any offense involving violence to any person except for conduct that is classified as no greater than a Class C misdemeanor under the laws of Texas.
 - g. Any felony conviction for any violation of any state or federal laws regulating firearms.

The above listed offenses shall be grounds for denial, revocation, or refusal for renewal of the licenses issued pursuant to article II of chapter 8 as all licenses issued under that article allow persons to engage in businesses connected with the sale, trade, servicing, storage, handling, dismantling, or destruction of motor vehicles or motor vehicle parts, accessories or supplies and city council finds that persons engaged in such businesses have special opportunities to engage in the offenses listed above due to the nature of the businesses and the lack of relevant technical knowledge on the part of many of those persons who deal with such businesses.

- (2) Wrecker driver licenses issued pursuant to subdivision B of division 2 of article III of chapter 8 of this Code:
- a. Any violation of the ordinances or statutes regulating the sale, trade, servicing, storage, towing, handling, dismantling, or destruction of any motor vehicle or motor vehicle parts, accessories, or supplies.
 - b. Any offense involving fraud or misrepresentation.
 - c. Any offense involving burglary, robbery, or misdemeanor or felony theft, robbery, or burglary.
 - d. Any offense involving bribery or perjury.
 - e. Any offense involving violence to any person except for conduct that is classified as no greater than a Class C misdemeanor under the laws of Texas.
 - f. Any felony conviction for any violation of any state or federal laws regulating firearms.
 - g. Any offense involving forgery.
 - h. Any offense involving the theft or unauthorized use of a motor vehicle, or burglary of a motor vehicle.
 - i. Any offense involving prostitution or the promotion of prostitution.
 - j. Any offense involving rape, sexual abuse, sexual assault, enticing of a child, rape of a child, sexual abuse of a child or indecency with a child.
 - k. Any offense involving misdemeanor or ~~the~~ felony possession or delivery of drugs.
 - l. Four or more moving violations of the traffic laws of this state or any other state, each of which arises from a separate incident, occurring within any 12 month period during the three years immediately preceding the application for a license or of the notice of a hearing for revocation of a license.

- m. Any offense involving driving a motor vehicle while intoxicated, whether under the influence of alcohol or drugs, or both.

The above listed offenses shall be grounds for denial, revocation, or refusal for renewal of a wrecker driver license issued pursuant to subdivision B of division 2 of article III of chapter 8 as that license allows persons to engage in an occupation in which there is a high degree of danger to the public through the involuntary towing and storage of automobiles, and city council finds that such activities involve substantial contact with the public including contact with persons whose vehicles may have become disabled at all hours of day and night and in remote locations. This occupation also affords special opportunities for theft and fraud. Therefore, there is a serious need to protect the public from the types of criminal conduct represented by such offenses.

Provided, however, no such license or permit shall be denied, revoked or refused for renewal if any conviction was set aside as invalid or if it is found that the license should not be revoked, denied or refused for renewal under Chapter 53 of the Texas Occupations Code.

Additional provisions relating to the revocation, suspension, and refusal to renew wrecker driver licenses are established in article III of chapter 8 of this Code. The applicable provisions of chapter 8 are cumulative of the provisions of this section and shall also constitute grounds for the revocation, suspension or refusal to renew a wrecker driver license.

Note: The provisions of Subsections 8-134(c), 8-137(5), and the offenses added to Subsection 1-10(a)(2)a (towing offenses), c (robbery or misdemeanor theft), h (burglary of a motor vehicle), and k (misdemeanor possession or delivery of drugs), shall apply only to offenses committed on or after the effective date of this Ordinance.

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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amendments to Chapter 8 and Sec. 28-34 of the Code of Ordinances relating to the automotive industry.	Page 1 of 2	Agenda Item # 19
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FROM: (Department or other point of origin): Houston Police Department	Origination Date: 11/21/13	Agenda Date: DEC 04 2013
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DIRECTOR'S SIGNATURE:  Charles A. McClelland, Jr., Chief of Police	Council District affected: All
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For additional information contact: D. F. Hitzman, Lieutenant – HPD 832-394-4800 Tracy Calabrese, Sr Assistant City Attorney 832-393- 6448	Date and identification of prior authorizing Council Action:
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RECOMMENDATION: (Summary) The Houston Police Department recommends ordinance amendments to update Chapter 8 and Sec. 28-34 relating to the automotive industry, including amending storage lot license requirements.

Amount and Source of Funding: N/A

SPECIFIC EXPLANATION:

The changes to Chapter 8 and Sec. 28-34 will clarify definitions so that they are consistent with state law. The changes to definitions specific to rebuilders and recyclers will not affect the day-to-day operations of licensed businesses. The only change is to the license name. No new requirements or fees are added.

The amendments propose a term of two years for automotive board appointees rather than the current one year term. Also, there are enhanced minimum standards for new storage lot licenses. Minimum space and fencing requirements are proposed to ensure new storage lots have adequate vehicle storage space and a solid fence. All existing storage lots will be grandfathered in as they currently exist and will only be held to the new standards if they cease to do businesses for 90+ days. Specific changes include:

Sec. 8-16 Definitions

- **Automotive Rebuilder** – Currently, this definition includes both *rebuilders* and *recyclers*. However, due to the more stringent state requirements to obtain a recycler license, the state has divided these two businesses into separate definitions. The proposed change is requested to be consistent with the state law definitions.
- **Consent Storage Lot Operator** – The current definition name (Automotive Storage Lot Operator) is a source of confusion for many applicants. The name change is to clarify that this license is specific to consent storage lots.
- **Dealer in motor vehicles** – Language has been added to clarify that this specific license does not include rebuilders.
- **Salvage titled motor vehicle** – This definition is added to be consistent with state law.
- **Used automotive parts recycler** – This definition is added to be consistent with state law specific to rebuilders and recyclers.

Sec. 8-17 Automotive Board - Extend the automotive board appointments from a one-year term to a two-year term.

Sec. 8-31 Penalty – Add language to specify that the law relates to all business owners, regardless of their current automotive license status.

Sec. 8-58 Fees - Relating to Sec. 8-31 regarding the requirement for a license to operate an automotive related business.

REQUIRED AUTHORIZATION

Finance Budget:	Other Authorization:	Other Authorization:
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Date		Originator's Initials	Page 2 of 2
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Sec. 8-155 Standards for approval - Requires a new private storage lot applicant to have at least 25,000 square feet of space dedicated to the storage of motor vehicles. All currently licensed private storage lots will not be affected by the minimum space requirement unless they cease to operate for more than 90 days.

Sec. 8-172 Business name; fences, paving, signs, etc. - New language requires all new storage lots to have a solid fence. As stated in Sec. 8-155, all currently licensed storage lots will not be affected by the solid fence requirement unless they cease to operate for more than 90 days.

Sec. 28-34 Location of automobile storage lots, used automotive parts recyclers, lots used for open storage by automotive rebuilders and lots used for open storage by metal recyclers/secondhand metal dealers – The proposed changes are clean-up and clarification only. No substantive changes are requested.

Chapter 8. AUTOMOTIVE DEALERS AND AUTO WRECKERS

ARTICLE II. AUTOMOTIVE DEALERS DIVISION 1. GENERALLY

Sec. 8-16. Definitions.

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

Automotive rebuilders. Any person who, primarily or incidentally, wholly or part time, engages in, conducts, or carries on the public business of buying, selling, offering for sale, consigning to be sold, trading or otherwise dealing with the public in or operating as a public dealer in used, ~~or secondhand~~ or salvage titled motor vehicles or trailers ~~for the purpose by the method or plan of rebuilding or dismantling of wrecked or salvage titled motor vehicles or trailers or of dismantling, wrecking, disassembling and selling the dismantled wrecks or the disassembled parts or accessories thereof to the public.~~

Automotive Consent storage lot operator. Any person who engages in, conducts or carries on the public business of storing motor vehicles, including wrecked, damaged, or ~~and~~ repossessed motor vehicles; provided however that this term shall not include those who store new or used motor vehicles pending the retail sales thereof nor those who own or operate lots or garages for the hourly or daily parking of motor vehicles. The term also shall not include any facility that is required to be licensed pursuant to the Vehicle Storage Facility Act (chapter 2303 of the Texas Occupations Code article 6687-9a, Texas Revised Civil Statutes) unless the facility, in addition to keeping vehicles parked or stored without the owners' consent, as authorized by a license granted thereunder, keeps vehicles parked or stored with the owners' consent.

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

Salvage titled motor vehicle means a motor vehicle that has been issued a salvage vehicle title by the Texas Department of Motor Vehicles pursuant to Texas Transportation Code, Chapter 501.

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

Sec. 8-17. Automotive board.

(b) Appointments to positions created hereunder shall be made on or before January second of each year and shall take effect on that date. Each member of the board shall serve for a term of two ~~one~~ years and until his successor has been appointed and qualified. Any appointed member of the board shall be subject to discharge and removal from his position on the board at any time by the mayor.

Sec. 8-26. Other required records.

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

(1) The to show the name and address of each transferee; and;

(2) A description of the mortgage, lien or note transferred and of the property affected thereby, including the motor number, model and license number of the motor vehicle or trailer therein involved. It shall be required that the person selling the car has a valid government issued ID, and that all information is recorded off of such ID.

(b) Every licensee under this article who ~~shall~~ repossesses any motor vehicle or trailer or forecloses any lien or mortgage upon any motor vehicle shall keep a permanent, ~~written~~ record thereof, ~~and of each such repossession or foreclosure;.~~ The record shall include the following information:

(1) The stating the name of the mortgagor or lienholder;;

(2) The the total amount of indebtedness, including principal, interest and other items, if any, stated separately;;

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

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

(c) Each person to whom a license is issued under this article to deal in secondhand or used motor vehicle parts or accessories shall keep at all times in the licensee's place of business ~~of such licensee~~ a written record of, secondhand and used motor vehicle accessories and parts except tires, purchased by the licensee or deposited for any purpose with such licensee, and of each motor vehicle or motor vehicle trailer purchased or received by such person for the purpose of rebuilding or dismantling the same.

With respect to accessories and parts, the record inventory shall include any item that constitutes a "major component part" as defined in section 501.0914 of the Texas Transportation Code, or a "component part," ~~"front-end assembly," "tail section," "interior component part,"~~ "minor component part," and "special accessory part" as those terms are defined in section 2302.251 of the Texas Occupations Code ~~article 6687-2 of the Texas Revised Civil Statutes~~. Additionally, the record shall include any other part or parts that are regularly the subject of trade by automotive parts thieves as determined by regulation promulgated by the automotive board; and supported by clear and convincing evidence that there is recurring ~~reoccurring~~ theft of the same type of part, provided that; any such automotive board regulation that adds additional parts shall expire on the second anniversary of its adoption unless extended by the automotive board, and is again supported by clear and convincing evidence that there is reoccurring theft of the same type of part. Such record shall include the following information: ~~must show~~

- (1) The vehicle identification number ~~the motor number~~ and license number of all motor vehicles or trailers transferred ~~unto~~ the licensee;
- (2) An and an accurate description in the English language of the secondhand or used motor vehicle parts or accessories ~~article~~ purchased or deposited, the vehicle identification number of the motor vehicle from which the parts or accessories were removed, the amount of money paid for same or loaned thereon, and the time of purchase, transfer, or deposit thereof;
- (3) The ~~showing~~ the name, age, sex, signature, if any, residence, race, and approximate height and weight of the person (transferor or seller) from whom the licensee ~~se~~ acquired the property;
- (4) A and shall include a thumbprint and photograph showing of the face of the such transferor or seller together with the secondhand or used motor vehicle parts or accessories ~~article~~ ~~so~~ purchased ~~and a thumbprint of the such transferor or seller,~~ provided that if a licensee acquires an entire motor vehicle or trailer is acquired from the person who is the owner of the vehicle or trailer, then in lieu of the aforesaid photograph and thumbprint, the buyer may obtain and maintain a copy of the seller's vehicle title and. ~~It shall be required that the person selling the car has a valid government issued ID, and that all information is recorded off of such ID. Such written record must also include the vehicle identification number of the motor vehicle or the trailer; and.~~
- (5) A ~~Such written record must also include a unique identification inventory number which corresponds to a transaction and has been attached to the~~

motor vehicle or trailer and to the secondhand or used motor vehicle parts or accessories purchased by the licensee. ~~Such written record shall be kept in book form or in an approved computerized format. The record must include the part description and a unique inventory number or motor vehicle identification number from which the part came.~~

(d) It is an affirmative defense to prosecution under this subsection that both the transferor and the transferee are city and/or state licensed dealers in used parts and used accessories and that the transfer was documented in full compliance with Chapter 2302 of the Texas Occupations Code State Law 6687-2 requesting with the name of the business from which that the motor vehicle or motor vehicle part was purchased from and the Texas Certificate of Inventory number or federal taxpayer identification number. ~~The and the~~ record must include the part description and a unique inventory number or motor vehicle identification number from which the part came. It is also an affirmative defense to prosecution under this section that the transferee is a city licensed dealer in used parts and used accessories and that the transferor is a person who conducts a similar business in another jurisdiction who caused the parts or accessories to be delivered to the transferee by commercial freight line or common carrier and the transferee documented the inventory number kept by the transferor for the part under Texas state law, if the transferor resides in Texas, or obtained the transferor's federal taxpayer identification number if the transferor resides outside the State of Texas. The provisions of this subsection ~~(e)~~ are in addition to any applicable state law, including but not limited to Chapter 2302 of the Texas Occupations Code article 6687-2 of the Texas Revised Civil Statutes. Records forms promulgated hereunder shall be designed to include applicable any state requirements that are also applicable in order to avoid any duplication of records. Any violation of this section that also constitutes a violation of state law shall be punishable as provided by the applicable state law.

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

(f) All records required to be maintained under this section shall be kept at the licensee's place of business in written form or in an electronic recordkeeping system.

Sec. 8-30. Used automotive parts recyclers, automotive rebuilders and Automobile wrecking and salvage yards, automotive repair facilities.

(a) *Definitions:*

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

Used automotive parts recycler lot means ~~Automotive wrecking and salvage yard as used herein shall mean~~ any lot or tract of land used for the purpose of carrying on the business or trade of an "used automotive parts recycler automotive

rebuilder," as defined in this chapter, ~~or any lot or tract of land whereon three or more discarded, abandoned, junked, wrecked, worn out or otherwise disabled automotive vehicles, including but not limited to autos, trucks, tractor trailers and buses, are kept or stored for the purpose of disassembling, dismantling, cutting up, stripping or otherwise wrecking such automotive vehicles to extract therefrom parts, components or accessories for sale or for use in an automotive repair or rebuilding business.~~

(b) *Compliance.* All lots and tracts of land used ~~for the purpose of~~ to carrying on the business or trade of a used automotive parts recycler, ~~an automotive wrecking and salvage yard or an automotive rebuilder,~~ or an automotive repair facility, or an automotive business dealing in used parts and used accessories shall comply with the requirements of this section.

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

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

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

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

- (1) All fences shall be constructed of wood, masonry, corrugated sheet metal, chain link, or any combination thereof; provided, however, that any one side of a used automotive parts recycler's lot, automotive rebuilder's lot ~~an automotive wrecking and salvage yard~~ or automotive repair facility shall be bounded by a fence or wall constructed of only one of the above materials.

- (2) Chain link fences shall be constructed of galvanized chain link fencing with wood or metal slats or strips run through all links of the chain link fence.
- (3) All fences or walls shall extend downward to within three inches of the ground and shall test plumb and square at all times.
- (4) All fences or walls shall be constructed in compliance with all applicable provisions of the Construction Code.

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

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

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

- (1) All automotive vehicles, parts and other materials located in or on the premises of any used automotive parts recycler, automotive rebuilder, ~~automotive wrecking and salvage yard or~~ automotive repair facility or automotive business dealing in used parts and used accessories in the city shall be arranged so as to allow reasonable access to, and inspection of, the premises by authorized fire, health, neighborhood protection and police officials of the city.
- (2) All automotive vehicles, parts and materials stored in any used automotive parts recycler's lot, automotive rebuilder's lot ~~automotive wrecking and salvage yard,~~ automotive repair facility, or automotive business dealing in used parts and used accessories must be stored at least six inches above the surface of the lot ~~yard~~. A motor vehicle stored in its normal upright position shall be deemed to be stored in compliance with the foregoing requirement if all portions of the body floor plan of the vehicle are situated at least six inches above the lot surface, regardless of the height of wheels, tires, brake components, axles and suspension components that are attached in their normal manner to the vehicle and regardless of the height of wheels, tires or other devices used to elevate the vehicle.

It is an affirmative defense to prosecution under this item (2) that the vehicle's parts and materials were in process of disassembly and were situated within a "disassembly area" designated on a used automotive parts recycler lot or

automotive rebuilder lot upon an automotive wrecking and salvage yard pursuant to item (3), below, at the time of the alleged offense.

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

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

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

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

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

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

(o) *Vehicles stored less than 30 days for repairs.* For automotive repair facilities it is an affirmative defense to prosecution under subsections (c) and (d), above, that a wrecked or disabled vehicle stored thereupon is owned by a person other than the owner of the automotive repair facility, and is being stored at the automotive repair facility for the purpose of its repair there, at the automotive repair facility and that the vehicle has been stored there upon the automotive repair facility for 30 days or less at the time of the alleged offense.

Sec. 8-31. Penalty.

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

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

DIVISION 2. Dealer's License.

Sec. 8-58. Fees.

(a) The fees for the types of licenses issued under this division is are stated for this provision in the city fee schedule and shall be payable to the chief of police.

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

DIVISION 3. PRIVATE STORAGE YARDS

Sec. 8-155. Standards for approval.

An application for authorization to operate a private storage lot shall ~~not~~ be approved unless if:

- (1) There is no current license issued by the automotive board under article II of this chapter for the applicant to operate an automobile storage lot at that location.

- (2) Any information set out in the application was incomplete or false.
- (3) The applicant has not signed an agreement as required under section 8-152(b).
- (4) The proposed private storage lot has less than 25,000 square feet of space ~~ten vehicle storage or parking spaces~~ that will be dedicated ~~used~~ for the storage of motor vehicles.

A private storage lot that was first operated under an authorization on or before _____, ¹ shall be exempt from the requirements of item (4) of this section, provided that the private storage lot is operated continuously under an authorization or renewal authorization without termination, revocation, or lapse longer than 90 days.

Sec. 8-172. Business name; fences, paving, signs, etc.

- (b) Each storage lot operating under an authorization issued under this article:
 - (1) Shall be completely enclosed by a solid fence that complies with subsections (d), (e), (f), and (g) of section 8-30 of this Code ~~of at least six feet in height~~, with a gate that is locked at all times when the authorization holder or an agent or employee is not at the storage lot;

A private storage lot that was first operated under an authorization on or before _____, ² shall be exempt from the requirements of item (1) of this subsection, provided that the private storage lot is operated continuously under an authorization or renewal authorization without termination, revocation, or lapse longer than 90 days.

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

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

- (1) Aan automobile storage lot, whether licensed as an automotive storage lot pursuant to chapter 8 of this Code or as a vehicle storage facility pursuant to the Vehicle Storage Facility Act (Chapter 2303 of the Texas Occupations Code article 6687-9a, Texas Revised Civil Statutes);[;]

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

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

- (2) A used automotive parts recycler ~~an automotive wrecking and salvage yard~~ as defined in chapter 8 of this Code;
- (3) A lot used for open storage by an automotive rebuilder as defined in chapter 8 of this Code;
- (4) A a lot used for open storage by a metal recycler/secondhand metal dealer, all as defined in chapter 7 of this Code; or
- (5) A a lot used for open storage by a used parts and used accessories dealer as defined in chapter 8 of this Code, ~~within 300 feet of an existing church, school, or residence.~~

(b) Measurement. The 300 foot measurement required under this section shall be in a straight line from the property line or (at the applicant's request) from the boundary of operations of the automobile storage lot, used automotive parts recycler, lot used for open storage by an automotive rebuilder ~~automobile wrecking and salvage yard~~, or lot used by a metal recycler/secondhand metal dealer to the property line of the church, school or residence. The 300 foot measurement is made on the basis of land uses in existence at the time that the original permit or license application for the facility is filed and at the time of any expansion of the size of the property used for the facility. A facility that is lawfully in operation shall not become unlawful because a church, school, or residence is subsequently established within 300 feet of the facility and, provided that the facility remains continuously in operation without cessation for a period of 90 or more consecutive days, the permit or license for the facility may, subject to compliance with other applicable laws, nevertheless be renewed or transferred.

(c-b) Definitions and standards.

~~(6)~~ Boundary of operations. Shall be the fence line limiting the portion of a larger lot or tract to be used as the business operation area for the business requiring licensure under this Code. The boundary of operations and the fence shall be shown on a legal (or official) survey filed with the application for license and must be fenced according to the applicable standards of this Code. ~~The fence shall be shown on the survey.~~ The survey shall additionally show each route that will be used for vehicular ingress or egress to the business operation area. If the ingress or egress will not be exclusively taken from one or more public streets that abut the business operation area, then each route of vehicular ingress or egress must be included within the surveyed and fenced boundary of operations. This definition is applicable to automobile storage lots, used automotive parts recyclers, lots used for open storage by automotive rebuilders ~~automobile wrecking and salvage yards~~, and lots used for open storage by metal recyclers/secondhand metal dealers only and has no effect on any other person or business required to be licensed by the city.

~~(4)~~ Church. A structure where a society of persons who profess a religious belief regularly assemble for religious worship or religious instruction and which is exempt from ad valorem taxes.

~~(4) Open storage.~~ Materials stored upon a lot not within an enclosed structure.

~~(3) Residence.~~ Any structure which, at the time of the application for a license is filed, is being used as a dwelling place for residential purposes, whether single-family or multifamily. A structure located on a lot or tract of land used as an automobile storage lot, used automotive parts recycler, lot used for open storage by an automotive rebuilder, ~~automobile wrecking and salvage yard~~ or lot used for open storage by a metal recycler/secondhand metal dealer shall not be considered a residence within the terms of this definition.

~~(2) School.~~ A public or private elementary, junior high, or ~~and~~ high school.

~~(5) Measurement of 300 feet.~~ Shall be in a straight line from the property line or (at the applicant's request) from the boundary of operations of the automobile storage lot, ~~automobile wrecking and salvage yard, or lot used by a metal recycler/secondhand metal dealer to the property line of the church, school or residence.~~

~~(d-e) Existing structure.~~

- (1) The terms of this section shall apply to all existing licensed automobile storage lots, used automotive parts recycler lots, lots used for open storage by automotive rebuilders ~~automobile wrecking and salvage yards,~~ and lots used for open storage by metal recyclers/secondhand metal dealers, from and after December 22, 1982, and to all lots used for open storage by a used parts and used accessories dealer, from and after December 22, 1993. Any owner or operator of an automobile storage lot, used automotive parts recycler lot, lot used for open storage by an automotive rebuilder, ~~automobile wrecking and salvage yard~~ or lot used for open storage by a metal recycler/secondhand metal dealer, which as of December 22, 1982, and any owner or operator of a lot used for open storage by a used parts and used accessories dealer, which as of December 22, 1993, is located within 300 feet of a church, school or residence shall, within 30 days of the date specified above, as applicable, make application with the appropriate licensing department for a special permit that indicates that the holder of the permit is located within 300 feet of a church, school or residence. It shall be unlawful to own or operate an automobile storage lot, used automotive parts recycler lot, lot used for open storage by an automotive rebuilder ~~automobile wrecking and salvage yard,~~ a lot used for open storage by a metal recycler/secondhand metal dealer or a lot used for open storage by a used parts and used accessories dealer within 300 feet of a church, school or residence without first procuring the special permit required by this subsection.
- (2) Subject to compliance with other applicable laws, including chapters 7 and 8 of this Code as applicable, a special permit may be transferred to another owner. Application shall be made to the department responsible for issuing the permit; ~~whether the police department or the administration and regulatory affairs department,~~ and the permit shall be executed by both the transferor and the

transferee. In the event that the use of the premises is suspended at any time for a period of 90 or more consecutive days, then the special permit shall expire, and this provision shall not be construed to allow the transfer of a special permit that has so expired. A special permit may be revoked for failure to comply with any applicable law, regulation, or statute relating to the licensing or other regulation of the business.

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

(e-d) Newly annexed areas. Persons owning or operating automobile storage lots, used automotive parts recycler lots, lots used for open storage by automotive rebuilders ~~automobile wrecking and salvage yards~~, lots used for open storage by metal recyclers/secondhand metal dealers, and used parts and used accessories dealers situated in areas that are newly annexed into the corporate limits of the city after the dates specified in subsection (c) above, as applicable, may apply for and be granted special permits in the same manner provided for existing owners or operators under subsection (c), above. The application for the special permit must be filed within 30 days following the effective date of the annexation of the area where the lot or yard is situated. Special permits issued under this subsection and holders thereof shall be subject to all of the same restrictions imposed under subsection (c) with regard to other special permits and holders thereof, provided that the effective date of the annexation of the area where the lot or yard is situated shall apply in lieu of the applicable date specified in subsection (c) above, in any determination made with regard to the special permit or business operated thereunder. The provisions of this subsection shall not be available to the operator of any premises unless the premises was open for a business subject to regulation under this section on the date of first publication in a newspaper of general circulation of the notice of annexation hearings under section 43.052 of the Local Government Code or unless the operator had, on or before that date,

leased or purchased the property and had actually commenced improving it for the express purpose of establishing the regulated business.

— ~~(e) Reserved.~~

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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance authorizing a Contract between the City of Houston and South Central Houston Action Council, Inc. dba Central Care Community Health Center, providing \$1,100,000 in Community Development Block Grant funds to build out a new facility at 14065 South Main that will provide medical services to underserved Houstonians.	Category #	Page 1 of 1	Agenda Item # <div style="text-align: right; font-size: 2em;">20</div>
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FROM: Neal Rackleff, Director Housing and Community Development	Origination Date 8/5/2013	Agenda Date DEC 04 2013
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copy **DIRECTOR'S SIGNATURE:**
 (FOR NEAL RACKLEFF)

For additional information contact: Marc Eichenbaum Phone: 713-865-4557	Council District affected: District K
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	Date and identification of prior authorizing Council action: None
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RECOMMENDATION: An Ordinance authorizing a Contract between the City of Houston and South Central Houston Action Council, Inc. dba Central Care Community Health Center, providing \$1,100,000 in Community Development Block Grant funds to build out a new facility at 14065 South Main that will provide medical services to underserved Houstonians.

Amount of Funding: <div style="text-align: center; font-size: 1.2em;">\$1,100,000.00</div>	Finance Budget:
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SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund

Community Development Block Grant (Fund 5000)

SPECIFIC EXPLANATION:

The Housing and Community Development Department requests Council approval to enter into a Contract between the City and South Central Houston Action Council, Inc. dba Central Care Community Health Center (CCCHC), providing \$1,100,000 in federal Community Development Block Grant funds. Funding will be used for the renovation of the facility located at 14065 South Main which will be the future site of the Fountain of Praise Wellness Center.

CCCHC is a Federally Qualified Community Health Center serving Houston's indigent, medically uninsured, underinsured and underserved populations for 19 years. This will be CCCHC's fifth medical facility in the City of Houston. CCCHC currently serves 16,000 clients. The new health center will be approximately 13,000 square feet and will serve approximately 10,000 new clients, annually.

CCCHC's mission is to provide accessible, affordable, and high quality comprehensive health services to low and moderate income persons in the communities they serve through collaborations, outreach programs, and education to reduce health disparities and increase access.

This facility will provide primary care, dental care, mental health services as well as a full scale wellness center. Houston Endowment will be contributing \$500,000 for the build out, and CCCHC has applied to the Cullen Foundation for additional funding. CCCHC has funding in place for the purchase of medical equipment for the new facility.

This item was presented to the Housing, Sustainable Growth and Development Committee on August 20, 2013.

Cc: City Attorney
Mayor's Office
City Secretary
Finance Department

REQUIRED AUTHORIZATION

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

TO: Mayor via City Secretary

Subject: Contract with HISD for after-school programs through the 2013-2014 After-School Achievement Program

Category #

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Agenda Item

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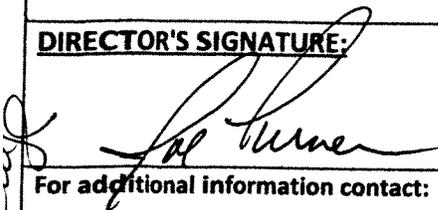
FROM (Department or other point of origin):
Houston Parks and Recreation Department

Origination Date:
November 19, 2013

Agenda Date

DEC 04 2013

DIRECTOR'S SIGNATURE:



Joe Turner, Director

Council District(s) affected:
C, D, E, H, I, J, K

For additional information contact:

Luci Correa 832-395-7057

Date and Identification of prior authorizing Council Action:

NA

RECOMMENDATION (Summary):

Approval of a contract with Houston ISD for the implementation of after-school programming at 10 schools through the 2013-2014 After-School Achievement Program.

Amount & Source of Funding: \$200,000.00 CDBG Fund (5000)

Finance Budget:

SPECIFIC EXPLANATION:

The Houston Parks and Recreation Department (HPARD) recommends approval of a contract with Houston ISD for the operation of after-school programs at the following 10 schools for the 2013-2014 After-School Achievement Program (ASAP).

	<u>School</u>	<u>Funding Amount</u>	<u>Council District</u>
1	DeAnda Elementary School	\$20,000	D
2	Edison Middle School	\$20,000	I
3	Eliot Elementary School	\$20,000	H
4	Fondren Elementary School	\$20,000	K
5	Pershing Middle School	\$20,000	C
6	Rodriguez Elementary School	\$20,000	J
7	Southmayd Elementary School	\$20,000	I
8	Steven Middle School	\$20,000	E
9	Tinsley Elementary School	\$20,000	K
10	William P. Hobby Elementary School	\$20,000	K

A request for proposal was posted on the HPARD website, and mailed to area schools and non-profit organizations. Interested applicants were required to attend at least one of seven application workshops. Applications were due by 5:00 p.m. on April 8, 2013. HPARD received a total of 46 applications. Staff reviewed proposals for compliance with minimum standards, and the qualifying proposals were read and scored by a team of volunteers with professional experience in grant writing, juvenile justice, school administration and/or financial accounting.

The minimum grant amount is \$20,000 and the maximum is \$45,000. Funding is determined based upon a rate of \$1,000 per child with a minimum average daily attendance of 25 to 45 students per site. All recipients are required to commit minimum matching funds of \$10,000 cash and \$10,000 in-kind. The funding schedule provides sites with sufficient funds to increase the quality of service in order to operate a safe and successful program.

Schools that receive funding through the U.S. Department of Education's 21st Century Community Learning Centers Program, which provides schools with more than \$100,000 annually for enrichment programming, are not eligible to apply. Schools with limited carryover funds (less than \$50,000) from a prior year of 21st Century CLC funding were eligible to apply for ASAP funds.

Finance Director:

Other Authorization:

Other Authorization:

21

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Interlocal Agreement between the City of Houston and the Houston Parks Board LGC for the restoration of Woodland Park

Category #

Page 1 of 1

Agenda Item

22

FROM (Department or other point of origin):
Houston Parks and Recreation Department

Origination Date:
November 18, 2013

Agenda Date

DEC 04 2013

DIRECTOR'S SIGNATURE:

Joe Turner

Joe Turner, Director

Council District(s) affected:

H

For additional information contact:

Luci Correa 832-395-7057

Date and Identification of prior authorizing Council Action:

None

RECOMMENDATION: Approve an Interlocal Agreement between the City of Houston and the Houston Parks Board LGC (HPBLGC) and appropriate funds for the restoration of a damaged area in Woodland Park.

Amount and Source of Funding:

\$300,000 – Parks Special Fund (4012)

Finance Budget:

SPECIFIC EXPLANATION:

The Houston Parks and Recreation Department (HPARD) recommends City Council approve an Interlocal Agreement (Agreement) between the City of Houston and the Houston Parks Board LGC (HPBLGC), acting through its manager, Houston Parks Board, Inc. to fund the restoration of recent damage to a wooded area of Woodland Park, located at 212 Parkview Street.

Woodland Park (Park) is a 19.67 acre park near White Oak Bayou in the Woodland Heights neighborhood in City Council District H. The damage occurred in June 2013 during the construction of several townhomes on private property adjacent to the Park. The damage to approximately one acre of the Park included removal of trees, vegetation, and harmful grading of soil. The City Legal Department and HPARD negotiated with the developer of the townhomes for a settlement amount of \$300,000.

Upon approval of the Agreement by Council, the settlement amount that the City has received from the developer will be paid to HPBLGC to manage and provide all labor, material, and supervision necessary to complete the restoration project in the Park. The scope of work for the restoration project includes removal of soil to original grade, erosion control, and planting of trees. Any unspent funds are to be used for other improvements at the Park subject to the review and approval of the Director including but not limited to landscaping, trees, and erosion control.

Council approval is recommended.

Finance Director:

General Services Director:

Other Authorization:

22

SUBJECT: An ordinance accepting a grant award from the United States Department of Housing and Urban Development (HUD) and commitment of CDBG funds from Housing and Community Development Department (HCDD) for use as the matching funds for the 2014 Lead- Based Paint Hazard Reduction Demonstration Grant Program.	Category # 9	Page 1 of 1	Agenda Item # 23
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FROM (Department or other point of origin): Stephen L. Williams, M.Ed., M.P.A. Director-Houston Department of Health and Human Services	Origination Date 09/16/2013	Agenda Date DEC 04 2013
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DIRECTOR'S SIGNATURE: <i>Stephen L. Williams</i>	Council District affected: ALL
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For additional information contact: Kathy Barton Telephone: 832-393-5045; 713-826-5801	Date and identification of prior authorizing Council action: 02-17-2010;2010-0138
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RECOMMENDATION: (Summary) An ordinance accepting a grant award from the United States Department of Housing and Urban Development (HUD) and commitment of CDBG funds from Housing and Community Development Department (HCDD) for use as the matching funds for the 2014 Lead- Based Paint Hazard Reduction Demonstration Grant Program.

Amount of Funding: Total Project Cost: \$3,975,000.00 HUD Funds: \$3,000,000.00 Federal Government Grant Funds (5000) HCDD's CDBG Matching Funds: \$975,000.00 Federal Government Grants Fund (5000)	Finance Department
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SOURCE OF FUNDING: [] General Fund [x] Grant Fund [] Enterprise Fund [] Other (Specify)

The Houston Department of Health and Human Services (HDHHS) and Housing and Community Development Department (HCDD) requests City Council approval to accept a grant award from the United States Department of Housing and Urban Development (HUD) and commitment of CDBG funds from HCDD for use as a match for the Lead- Hazard Reduction Demonstration Grant Program.

HDHHS also requests City Council to authorize the Director or his designee to act as the City's representative with the authority to accept and expend all subsequent supplemental awards, and to sign and extend the term, not to exceed five years, of any subsequent contract(s), if extended and offered by HUD during the project period. This is a collaborative effort between the HDHHS and HCDD to provide outreach, education, training, relocation, and environmental hazards reduction for lead in low to moderate income housing units. Lead hazard reduction will be performed on approximately 201 units by state Lead License and certified contractors. The period of performance for this grant will be from August 1, 2013 through July 31, 2016.

- The principal goals of the demonstration grant are:
1. To reduce the risks of lead paint exposure for children living in pre-1978 residences (owner occupied or rentals) currently occupied or vacant.
 2. To further promote decent, affordable, fair housing and environmental justice by developing and maintaining a public Environmental Safe Housing Registry, for the City of Houston.

HDHHS has adopted lead poisoning prevention as a priority for community education and outreach. Grant staff will participate in federal, state, county and local committees in an effort to identify the needs of the program and to recommend further actions for making Houston a lead-safe city and improve the quality of life of its citizens.

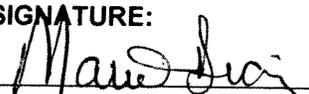
cc: Finance Department
Legal Department
Agenda Director

REQUIRED AUTHORIZATION

Finance Department	Other Authorization: <i>(FOR NEAL RACULIFF)</i>	Other Authorization:
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SUBJECT: Lease Agreement between the City of Houston and Phillips 66 Company – George Bush Intercontinental Airport/Houston (IAH).	Category #	Page 1 of 2	Agenda Item # 24
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FROM (Department or other point of origin): Houston Airport System	Origination Date October 28, 2013	Agenda Date DEC 04 2013
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DIRECTOR'S SIGNATURE: 	Council District affected: B
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For additional information contact: Kathy Elek <i>Kae</i> Phone: 281/233-1826 Ian Wadsworth <i>IW</i> 281-233-1682	Date and identification of prior authorizing Council action: N/A
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AMOUNT & SOURCE OF FUNDING: <i>whil</i> REVENUE: \$214,755.00 per year (\$17,896.25 per month)	Prior appropriations: N/A
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RECOMMENDATION: (Summary) Enact an ordinance approving and authorizing the execution of a Lease Agreement between the City of Houston and Phillips 66 Company for premises at George Bush Intercontinental Airport/Houston.

SPECIFIC EXPLANATION: Phillips 66 Company (Lessee) has requested to lease a hangar and land located at 17630 Chanute Rd., George Bush Intercontinental Airport/Houston (IAH).

The pertinent terms and condition of this Lease Agreement (Lease) are as follows:

1. **Leased Premises:** Approximately 3.476 acres (approximately 151,397 square feet) of improved land, including approximately 32,045 square feet of hangar area.
2. **Term:** This Lease shall become effective on the date of countersignature by the City Controller (Effective Date), and shall continue in effect thereafter for twenty (20) consecutive years (Term), unless and until otherwise terminated in accordance with the terms of this Lease.

 Lessee may request to extend the Term by exercising a ten-year option period (Option Period), which shall be subject to the Director's approval.

 This Lease may be terminated by Lessee at any time with six months' advance written notice to the Director. If the airport determines through its master planning, that the Leased Premises are needed for other airport development, the Director may terminate the Lease, upon 24 months' written notice, and thereupon, City shall reimburse Lessee for an amount equal to the unamortized value of Lessee's capital improvements not to exceed \$2 million, subject to the prior appropriation of funds by the City.
3. **Use:** Corporate Base Operation, maintenance, storage and self-fueling of Lessee's owned and leased aircraft.
4. **Rent:** Based on independent appraisals, rent will be \$214,755.00 annually (\$17,896.25 monthly). Rent will increase by 15% every 5 years.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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Date
October 28, 2013

Subject: Lease Agreement between the City of Houston and Phillips 66 Company – George Bush Intercontinental Airport/Houston (IAH).

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Initials**
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Page
2 of 2

The Option Period Rental Rate shall be in an amount equal to a 15% increase of the Rental Rate for the last five years of the Lease. Beginning in the twenty-sixth (26th) Lease Year, the Option Period Rental Rate will be increased by 15%.

5. **Performance Security:** Lessee will furnish to the Director, in a form acceptable to the City Attorney, a cash deposit, a performance bond or an irrevocable Letter of Credit in the amount of \$107,377.50, which represents six month's rent.
6. **Improvements:** Lessee hereby agrees that it shall expend not less than \$2,000,000 in capital investment and improvement costs ("Minimum Improvement Expenditure") to improve the Leased Premises during the initial Term and if the Option Period is exercised and approved, an additional \$1,000,000 in capital investment.
- If Lessee does not expend the Minimum Improvement Expenditure in any particular phase, the difference shall be charged as additional rent and shall be payable to the City within ninety (90) days of receiving written demand by the Director.
7. **Maintenance and Utilities:** Lessee shall assume the entire responsibility, cost and expense for all repair and maintenance of the leased premises and shall be responsible for all utilities and fees.
8. **Indemnification and Insurance:** Lessee shall indemnify and hold the City harmless and shall provide the required insurance in the limits as stated in the Lease.
9. **Environmental Matters and Airport Rules:** Lessee shall comply with all federal, state and local environmental laws and all airport policies and procedures.
10. **Other:** Lessee agrees to comply with all rules and regulations by the airport, and/or TSA and/or the FAA, and to comply with all federal, state and local statues, ordinances, regulations and policies.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amendment No. 1 to Contract with Research Horizons, LLC dba Phoenix Marketing International for customer satisfaction surveys for the Houston Airport System	Category #	Page 1 of 1	Agenda Item # 25
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FROM (Department or other point of origin): Houston Airport System	Origination Date November 18, 2013	Agenda Date DEC 04 2013
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DIRECTOR'S SIGNATURE: <i>[Signature]</i>	Council District affected: B, E, I
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For additional information contact: Kathy Elek <i>Kae</i> Phone: 281-233-1826 Karen Ellis Phone: 281-233-1027	Date and identification of prior authorizing Council action: 08/03/2011 (O) 2011-661
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AMOUNT & SOURCE OF FUNDING: \$122,305 Current Year \$492,467 Out Years \$614,722 Total HAS Revenue Fund (8001)	<i>M/L</i> Prior authorizations: 08/03/2011.....\$914,000 HAS Revenue Fund (8001)
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RECOMMENDATION: (Summary) Approve and authorize Amendment No. 1 to the contract with Research Horizons, LLC dba Phoenix Marketing International for customer satisfaction surveys for the Houston Airport System (HAS).

SPECIFIC EXPLANATION: On August 3, 2011, City Council approved an agreement with Research Horizons, LLC dba Phoenix Marketing International for customer satisfaction surveys for HAS. Customer satisfaction surveys are an important tool that enables HAS to assess levels of satisfaction among the traveling public and users of the airport facilities and services. As such, customer satisfaction surveys ensure that HAS continues to provide the highest level of customer service during all phases of the customers' experience. To date, the surveys have identified several areas of customer dissatisfaction, including WiFi service, restroom condition and cleanliness, and variety of retail options. HAS has made serving the customer a strategic priority and we are establishing plans to address these specific findings.

In order to more closely focus our customer services efforts, HAS is recommending that the scope of the customer satisfaction surveys be revised. The current scope provides only for interviews of departing passengers. It was originally thought that data from departing passengers would provide sufficient information in order to draw conclusions on all phases of the customer experiences of both departing and arriving passengers; however, after reviewing the data that was collected, it has been determined that this is not the case. Therefore, the scope of the surveys is being expanded to include arriving passengers. It was also determined that information is needed on a more specific level; therefore, the discrete areas surveyed will be increased.

While the broader scope increases the total number of passengers to be surveyed annually, Amendment No. 1 also reduces the survey frequency from four times annually to three times annually. The net result of this is an increase in the number of passengers surveyed annually from 4,800 to 14,400, which requires an increase to the total contract amount of \$614,722.

All other terms of the contract remain unchanged. The length of the contract is five years, with an expiration date of August 10, 2016. The contract has an M/WBE goal of 17.0% and Phoenix Marketing International is currently achieving 17.325% M/WBE participation.

REQUIRED AUTHORIZATION		
Finance Department:	Other Authorization:	Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Interlocal Agreement with Texas A&M Engineering Experiment Station (TEES) for Energy Management Related Engineering Services for the Houston Airport System.	Category #	Page 1 of 2	Agenda Item # 26
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FROM (Department or other point of origin): Houston Airport System	Origination Date November 18, 2013	Agenda Date DEC 04 2013
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DIRECTOR'S SIGNATURE: 	Council District affected: B, E, I
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For additional information contact: Kathy Elek <i>Kae</i> Phone: 281/233-1826 Samar Mukhopadhyay 281/233-1840	Date and identification of prior authorizing Council action: N/A
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AMOUNT & SOURCE OF FUNDING: \$500,000.00 HAS Revenue Fund (8001) FY14 <i>Mul</i> \$1,000,000.00 HAS Revenue Fund (8001) Out Years \$1,500,000.00 Total	Prior appropriations: N/A
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RECOMMENDATION: (Summary) Enact an ordinance to award an interlocal agreement with Texas A&M Engineering Experiment Station (TEES) and appropriate the necessary funds to finance the cost of these services.

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

SPECIFIC EXPLANATION: This interlocal agreement for Energy Management Related Engineering Services established with the Texas A&M Engineering Experiment Station (TEES) will provide on-call services related to energy conservation, emissions reduction and systems optimization throughout the Houston Airport System (HAS).

The scope of work includes:

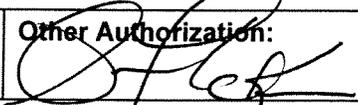
- Operating assessments and optimization of Heating, Ventilation & Air Conditioning (HVAC) systems and Central Utilities Plants (CUP) thermal production and distribution systems;
- Implementation of Continuous Commissioning™ processes, including on-going measurement and verification programs to benchmark energy conservation initiatives;
- Identification, quantification and potential implementation of energy conservation and emissions reduction strategies and procedures involving HVAC, CUP and lighting control and distribution systems; and,
- Development of specific near-term and long-term recommendations to improve the operating performance of energy-consuming systems located throughout HAS facilities.

The contract term is three years with one option to extend for an additional two-year period.

PROJECT COST: The total amount to be appropriated under this contract is \$1,500,000.00

HIRE HOUSTON FIRST: This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing an Interlocal Agreement for this purchase.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization: 	Other Authorization:
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Date November 18, 2013	Subject: Interlocal Agreement with Texas A&M Engineering Experiment Station (TEES) for Energy Management Related Engineering Services for the Houston Airport System.	Originator's Initials RB	Page 2 of 2
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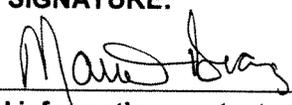
MWBE PARTICIPATION: The Minority Women Business Enterprise (MWBE) goal for this contract is three percent (3%) MBE and one percent (1%) WBE.

Due to the on-call nature of the work to be performed under this agreement, the amount of work required of the MWBE firms listed below will be identified as the scopes of the projects evolve.

Firms	Scope of Work
Breakthrough Engineering, LLC (MBE)	Energy Services
Collaborative Engineering Group (WBE)	Energy Services

SUBJECT: Ordinance authorizing a reimbursable fee agreement between the City of Houston and the Department of Homeland Security, Customs and Border Protection, for the Houston Airport System	Category #	Page 1 of 1	Agenda Item # 27
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FROM (Department or other point of origin): Houston Airport System	Origination Date November 21, 2013	Agenda Date DEC 04 2013
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DIRECTOR'S SIGNATURE: 	Council District affected: B, E, I
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For additional information contact: Kathy Elek <i>kae</i> 281-233-1826 Saba Abashawl 281-233-1829	Date and identification of prior authorizing Council action: N/A
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AMOUNT & SOURCE OF FUNDING: \$ 1,000,000 HAS Revenue Fund (8001) <i>Meek</i>	Prior appropriations: N/A
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RECOMMENDATION: (Summary)
Approve an ordinance authorizing a reimbursable fee agreement between the City of Houston and the Department of Homeland Security, Customs and Border Protection, for the Houston Airport System

SPECIFIC EXPLANATION:

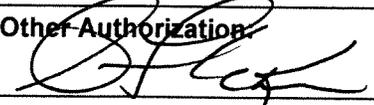
Houston is experiencing ongoing increases in international passenger travel, which are projected to continue well into the future. As one of the world's major international gateways and a key component of the nation's air transportation network, the ability of the Houston Airport System (HAS) to offer efficient and effective air services worldwide is critical to the success of our City and region. HAS's partnership with Customs and Border Protection (CBP) continues to be of vital support as we further expand our global air services network and strive for ongoing improvement in customer service.

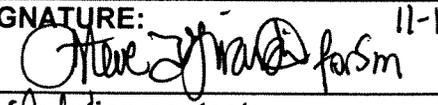
As part of the Consolidated and Further Continuing Appropriations Act of 2013, CBP was granted authority to enter into certain public-private partnerships, specifically to provide new or enhanced services, on a reimbursable basis. Section 560 of the Act provides that CBP may enter into up to five (5) partnerships by December 31, 2013. These partnerships are not intended to replace existing services and will enable CBP more flexibility to accommodate new or expanded requests for service, which are becoming more common as global trade and travel increase. HAS was selected as one of the five (5) partnerships, along with Dallas Fort Worth and Miami; two land borders were also chosen (El Paso and Laredo).

Under this Section 560 Agreement, HAS will have full authority on deciding when to request overtime hours to reduce international passengers' processing wait times. HAS will receive real time data from CBP as well as daily communication and status updates.

HAS requests that City Council approve a five (5) year agreement to provide this overtime flexibility. Since this is a pilot program, it is anticipated that the \$1,000,000 will be used over a 12 to 18 month period, at which time Council will be asked to provide additional funding.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization: 	Other Authorization:
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SUBJECT: Approve Task Order Contracts for Professional Roofing Consultant Services to Building Envelope Consultants, LLC and Zero/Six Consulting, LLC		Page 1 of 2	Agenda Item 28
FROM (Department or other point of origin): General Services Department		Origination Date 11/22/13	Agenda Date DEC 04 2013
DIRECTOR'S SIGNATURE: Scott Minnix  11-15-13		Council District(s) affected: All	
For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023		Date and identification of prior authorizing Council action:	

RECOMMENDATION: Approve Task Order Contracts (TOC) for Professional Roofing Consultant Services to Building Envelope Consultants, LLC (BEC) and Zero/Six Consulting, LLC (ZSC).

Amount and Source of Funding:	Finance Budget:
Maximum contract amount for each contract: \$1,500,000 – 3 years	

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council approve three-year task order contracts for professional roofing consultant services to BEC and ZSC, and delegate authority to the director to approve supplemental allocations up to the maximum contract amount for each contract of \$1,500,000.00.

Under the terms of the contracts, the roof consultants will perform roof and replacement design phase services, on an as needed basis, for various City departments and will seal necessary documents to comply with the City Building Codes. Basic services fees for each task order will be negotiated based upon the size and complexity of the project, and paid on a lump sum basis.

BEC and ZSC were chosen through an informal selection process. GSD invited roofing consulting firms to complete and submit a questionnaire that outlined prior project experience and task order contracting services experience. Seven firms responded. GSD formed a selection committee comprised of representatives from GSD, Library, Health and Police Departments to evaluate the respondents. Six firms prepared presentations and interviewed with the selection committee. BEC and ZSC received the highest points based on the selection criteria.

PROJECT LOCATION: Citywide

M/WBE PARTICIPATION: Due to the technical and specialized nature of the services, there are limited subcontracting opportunities. The Office of Business Opportunity has reviewed the scope of services and approved a 5% M/WBE goal for each contract as described in the attached correspondence. Since these are task order contracts, sub-consultant utilization will be determined as projects and proposals are produced.

REQUIRED AUTHORIZATION

CUIC # 25DSGN91

General Services Department:



Richard A. Vella
Chief of Design and Construction

DATE :	SUBJECT: Approve Task Order Contracts for Professional Roofing Consultant Services to Building Envelope Consultants, LLC and Zero/Six Consulting, LLC	Originator's Initials EA	Page 2 of 2
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Each consultant has submitted the following certified firms to achieve the goal:

Building Envelope Consultants, LLC:

<u>Firm</u>	<u>Work Description</u>
Allprint & Office Supply, Inc.	Reprographics
Aviles Engineering Corporation	Civil Engineering & Testing
Brave/Architecture, Inc.	Architectural
E&C Engineers & Consultants, Inc.	Structural & Mechanical/Electrical/Plumbing
Kenall, Inc.	Materials Testing
PRC Roofing Company	Destructive Investigation Repairs

Zero/Six Consulting, LLC:

<u>Firm</u>	<u>Work Description</u>
Gurrolla Reprographics, Inc.	Printing and Plotting
TGE Resources, Inc.	Environmental Consulting/Materials Testing
Elias Commercial Roof Systems	Roof Samples Collection for Laboratory Analysis
Aviles Engineering Corporation	Environmental Consulting
CSF Consulting	Engineering and Environmental Consulting
Kenall, Inc.	Materials Testing

PAY OR PLAY PROGRAM: The proposed contracts require compliance with the City's 'Pay or Play' Ordinance regarding health benefits for employees of City contractors. In this case, each consultant has elected to provide health benefits to eligible employees in compliance with City policy.

SM:RAV:JLN:ea

c: Marta Crinejo, Jacquelyn L. Nisby, Calvin Curtis, Martha Leyva, Morris Scott, Marsha E. Murray, James Reddington, Project File 813



CITY OF HOUSTON
 OFFICE
 of
BUSINESS OPPORTUNITY
RECEIVED

**Goal Modification
 Request Form**

OCT 24 2013

To: Assistant Director
 Office of Business Opportunity

OBO

Solicitation Number: N/A

Estimated Dollar Amount: \$ Up to \$1.5M

From: James Reddington/Division Manager

Requestor's Name/Title

General Services Department

Department

Type of Solicitation: Bid Proposal Other

Name and Intent of this Solicitation: Establish a task order contract for roof consultant services

PREVIOUS CONTRACT (if any): Yes No

Goal on Last Contract: N/A Was Goal Met: Yes No

If goal was not met, what percentage did the vendor achieve? N/A

Why wasn't goal achieved: N/A

PLEASE SELECT THE TYPE OF GOAL MODIFICATION REQUESTED FROM THE OPTIONS BELOW (Waiver, Reduced Goal, Goal Revision After Advertisement, OR Cooperative or Inter-Local Agreement)

WAIVER

I am requesting a waiver of the MWBE Goal: Yes No

Reason for waiver:

- A public or administrative emergency exists which requires the goods or services to be provided with unusual immediacy;
- The service or goods requested are of such a specialized, technical or unique nature as to require the City department to be able to select its contractor without application of MWSBE provisions (such as contracts for expert witnesses, certain financial advisors or technical consultants);
- If application of MWSBE provisions would impose an unwarranted economic burden or risk on the City or unduly delay acquisition of the goods or services, or would otherwise not be in the best interest of the City; or



If the possible MWSBE participation level based on MWSBE availability would produce negligible MWSBE participation.

Other: _____

Detailed Explanation of waiver reason: This roof consultant task order contract is specialized in nature. The prime consultant is self performing most of the work. Attached is the worksheet outlining the subconsultant work based on the criteria set forth by OBO for a reduced goal.

REDUCED GOAL (To be completed by the department prior to advertisement)

I am **requesting** a MWBE contract-specific goal below the following citywide goals:

Construction (34%); Professional Services (24%); Purchasing (11%)

Yes No If yes, complete a Contract-Specific Goal Setting Worksheet and submit with this form.

GOAL REVISION AFTER ADVERTISEMENT

I am requesting a **revision** of the MWBE Goal: Yes No

Original Goal: _____ New Proposed Goal: _____

Advertisement Date: _____ Number of Solicitations Received: _____ Estimated Dollar Amount: \$ _____

Detailed reason for request: _____

COOPERATIVE OR INTER-LOCAL AGREEMENT

Is this a Cooperative/Inter-Local Purchasing Agreement? Yes No Goal Requested: _____

If yes, what type: _____ Yes No

Did Department explore opportunities for using certified firms? Yes No N/A

If no, please explain why not: _____

Concurrence:

Department Initiator

10/21/13

Date

Department Director or Designee

Date

Approved by:

OBO Assistant Director or Designee

Date



CITY OF HOUSTON
OFFICE
of
BUSINESS OPPORTUNITY

CONTRACT-SPECIFIC GOAL REQUEST

Consult Department Overview of Contract-Specific Goal Setting, If Needed

Date: 10/21/2013

Solicitation:

Contracting/ Purchasing Department: General Services

Contract Type: Roof Consultant Task

Est. Contract Value: Up to 1.5M

Service/ Commodity: Construction (34%) Professional Services (24%) Purchasing (11%)

Contract History: New

Open Contract #:

Goal Oriented: Yes No

Previous Goal:

Step 1: Goal Calculation

Work Element Description	NAICS Code	Dollar Cost	% Cost of Contract	Certified Firms (B2G or TUCP*)	Total of All Firms (Certified and Non-Certified)	MWBE Utilization* (%)	Goal % for Work Element
Roof Consultant	541330	1,350,000	90	----	----	self perform	----
Building Architect	541310	45,000	3	50	340	14.71	0.44
MEP Engineering	541330	45,000	3	25	1675	1.49	.04
Material Testing	541380	30,000	2	31	257	12.06	.24
Reprographics	561439	30,000	2	12	118	10.17	.20
Total		1,500,000	100	118	2390		.93

* U.S. Department of Transportation funded projects only.

** Utilization is established based on availability and/ or percent typically subcontracted out to a certified company.

Description of Project: Professional Services Roof Consultant Task Order Contract

The roof consultant will self perform 90% of the work of this contract

Step 2: Goal Adjustments:

Past Participation: N/A

Previous Solicitations/ Bidders List: N/A

Race/ Gender Neutral Participation: N/A

Additional Comments:

Proposed Contract-Specific Goal: 5%

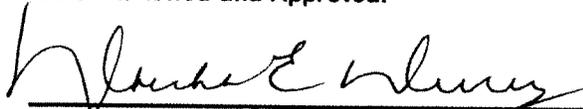


Contracting Department Director/ Designee (Signature and Title)

10/21/2013

Date

OBO: Reviewed and Approved:



OBO Department Services Representative

Signature

11/7/13

Date

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance approving and authorizing a contract for legal services with Jackson, Sjoberg, McCarthy, & Townsend, L.L.P and appropriating \$900,000.00 from the Water and Sewer Operating Fund. **Page 1 of 1** **Agenda Item # 29**

FROM (Department or other point of origin): Office of the City Attorney **Origination Date:** **Agenda Date:** DEC 04 2013

DIRECTOR'S SIGNATURE:  **Council District affected:** All

For additional information contact: Augustus L. Campbell 832-393-6486 **Date and identification of prior authorizing Council action:** Ord. No. 2005-0049; Ord. No. 2008-0584

RECOMMENDATION: (Summary)
Ordinance approving and authorizing a contract for legal services with Jackson, Sjoberg, McCarthy, & Townsend, L.L.P ("Jackson Sjoberg")

Amount and Source of Funding: \$900,000 from the Water and Sewer Systems Operating Fund (Fund 8300) *PK (R)* \$100,000 allocated for FY14

SPECIFIC EXPLANATION:

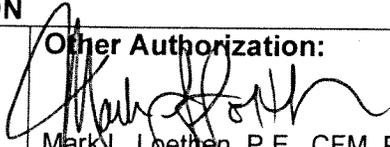
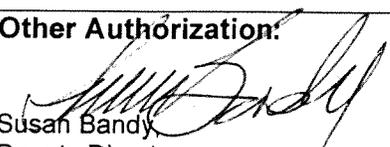
BACKGROUND: The City's contract with Jackson Sjoberg, executed in 2005, terminates on December 31, 2013. The City has relied on Jackson Sjoberg's expertise in ongoing matter related to protecting and expanding the city's water rights. Since 2005, Mr. McCarthy has helped the City procure additional water rights in the Trinity River Basin for 34,000,000 gallons of water per day ("GPD") and 664,000,000 GPD in the San Jacinto River Basin. These transactions required negotiations with industry, agriculture, and environmental groups as well as other government organizations, most of which took place in Austin in or in relation to contested case hearings. Jackson Sjoberg is currently representing the City in matters in the Brazos River Basin concerning water rights totaling over 202,000,000 GPD.

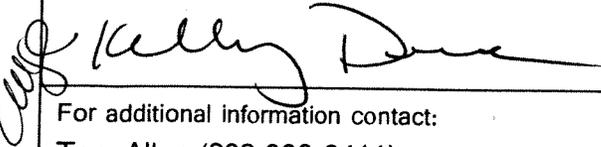
SCOPE OF WORK: The City will require legal representation in matters before the Texas Commission on Environmental Quality, the Texas Water Development Board, and the State Office of Administrative Hearings, all of which are located in Austin, Texas. Consequently, the City's need for legal representation in Austin, Texas for these projects and interests is likely to continue beyond the termination date of the attached contract: December 31, 2018. Specifically, the City will rely on the expertise of Jackson Sjoberg to secure and protect the City's water rights associated with large water projects, such as Allens Creek Reservoir, and to protect the City's legal interests in other matters involving water utility contracts and financing.

MWBE: OBO granted an MWBE participation waiver on this agreement since (a) no MWBE firms are currently certified to perform work in this area, (b) divisible work is not available under the scope of the work of the agreement; and (c) with few exceptions, a substantial portion of work under this agreement must be performed in Austin. Jackson Sjoberg has expressed its intent to seek firms to participate in MWBE opportunities if qualified firms are certified and work is available.

Cc: Marta Crinejo Daniel W. Krueger Jun Chang

REQUIRED AUTHORIZATION

<p>Finance Department</p>	<p>Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE, Deputy Director Planning and Development Services</p>	<p>Other Authorization:  Susan Bandy Deputy Director Resource Management Division</p>
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SUBJECT: Ordinance approving Memorandum of Understanding No. 2 ("MOU No. 2") between the City of Houston and Houston Forensic Science LGC, Inc.		Page 1 of 1	Agenda Item # 30
FROM (Department or other point of origin): Finance		Origination Date Nov. 18, 2013	Agenda Date DEC 04 2013
DIRECTOR'S SIGNATURE: 		Council District affected: ALL	
For additional information contact: Tom Allen (832-393-6411) Arif Rasheed (832)-393-9013		Date and identification of prior authorizing Council action: Resolution No. 2012-17; Ordinance No. 2012-912.	
RECOMMENDATION: Pass and adopt an ordinance approving MOU No. 2 for the City's disbursement of \$1,567,110 in funding to Houston Forensic Science LGC, Inc. ("HFSLGC" or the "Corporation").			
Amount and Source of Funding: \$1,567,110; General Fund (Fund 1000)			
SPECIFIC EXPLANATION:			
<p>By adoption of Resolution No. 2012-17, Council approved creation of HFSLGC, a local government corporation that will "provide the City with accurate and timely analysis of forensic evidence and related services." By adoption of Ordinance No. 2012-912, Council approved Memorandum No. 1, which authorized the City's disbursement of \$500,000 to HFSLGC and obligated HFSLGC to comply with certain conditions stated in the MOU and its attachments.</p> <p>The proposed MOU No. 2 will authorize and govern the City's disbursement to HFSLGC of \$1,567,110, where funding is included in the FY2014 Adopted Budget. Incorporated by reference into MOU No. 2 are HFSLGC's FY14 Budget for Expenditures (Exhibit A), the Finance Department's "Accounting Procedures and Standards for Local Government Corporations" (Exhibit B), and the Corporation's "Financial Control Procedures" (Exhibit C).</p> <p>At a public meeting conducted on November 8, 2013, HFSLGC's Board of Directors authorized the Corporation's Executive Director to execute MOU No. 2 on behalf of the Corporation.</p> <p>Council approval is recommended.</p>			
REQUIRED AUTHORIZATION			
Other Authorization:	Other Authorization:	Other Authorization:	

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9666

Subject: Approve an Ordinance Awarding a Contract for Blower Replacement Parts and Services for the Public Works and Engineering Department/S23-E24477

Category #
4

Page 1 of 2

Agenda Item

31

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance Department

Origination Date

November 19, 2013

Agenda Date

DEC 04 2013

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

David Guernsey Phone: (832) 395-3640
Joyce Hays Phone: (832) 393-8723

Date and Identification of prior authorizing Council Action:

2007-1212 passed 10-31-2007

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to Dresser, Inc. on its sole bid in an amount not to exceed \$8,000,000.00 for blower replacement parts and services for the Public Works and Engineering Department.

Maximum Contract Amount: \$8,000,000.00

Finance Budget

\$8,000,000.00 - Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The Director of the Public Works and Engineering Department and the City Purchasing Agent recommend that City Council approve an ordinance awarding a three-year contract, with two one-year options, to Dresser, Inc. on its sole bid in an amount not to exceed \$8,000,000.00 for blower replacement parts and services for the Public Works and Engineering Department (PWE). The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

This project was issued in accordance with the requirements of the State of Texas bid laws. Five prospective bidders were issued the solicitation document and one bid was received. Subsequent to the receipt of the bid, prospective bidders were contacted to determine the reason for the limited response to this solicitation. Responses from potential bidders varied, stating that the required services were either not in their core business plans or they did not have the necessary resources to meet all of the scope of work requirements specified in the bid or they were not interested in submitting a bid.

In this solicitation, the Strategic Purchasing Division (SPD) itemized potential service scenarios (which may or may not occur) for blower parts and/or repair services needed to replace blower parts or repair the blowers that are currently in service at various wastewater plants throughout the City of Houston. This was done in order to establish fixed unit pricing for blower parts and repairs on blowers to be utilized on an as-needed basis over the next five years. Thus, the not-to-exceed amount reflects the total estimated expenditures based on historical usage. Moreover, the total amount of the award shows the estimated expenditure if the City elects to fully maximize their various blower parts and/or repair services scenarios. Personnel from PWE and SPD met with representatives from Dresser to discuss the scope of work, as well as the City's intent to award a contract based upon estimated expenditures forecasted rather than the total amount of their respective bid. The contractor confirmed, in writing, that they would accept the contract.

The scope of work requires the contractor to provide all labor, supervision, tools, materials, parts, equipment machinery and facilities necessary to provide precision repair services on various types of blowers, including centrifugal, positive displacement, and rotary lobe vacuum for PWE's Wastewater Operations Division.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date: 11/19/2013	Subject: Approve an Ordinance Awarding a Contract for Blower Replacement Parts and Services for the Public Works and Engineering Department/S23-E24477	Originator's Initials RB	Page 2 of 2
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Services include, but are not limited to repairing/rebuilding the blowers using new parts, balancing the impellers and replacing gear keys, pins, gear cap screws and oil filters. Material and workmanship are warranted for one year after completion and acceptance of each repair/rebuild service. There are approximately 225 blowers located throughout the 40 wastewater treatment plants within the City. The price of a new blower, depending on the size, ranges from \$10,000.00 to \$250,000.00 and the normal useful life is 20 to 30 years.

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (2) of the Texas Local Government Code for exempt procurements.

M/WBE Subcontracting:

This invitation to bid was issued as a goal-oriented contract with a 3% M/WBE participation level. Dresser has designated the below-named companies as its certified M/WBE subcontractor(s):

Name	Type of Work	Dollar Amount	Percentage
Sterling Electrical Services	Electrical Services	\$160,000.00	2%
Trinity Freight Services, LLC	Pick up & Delivery Services	\$ 80,000.00	1%

The Office of Business Opportunity will monitor this award. The Public Works and Engineering Department's Contract Technical Representative and Contracting Officer Representative will monitor utilization and administer the contract.

Pay or Play Program:

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

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 does not meet the requirements of Hire Houston First; no Hire Houston First firms were within five percent.

Buyer: Roy Breaux

Estimated Spending Authority			
Department	FY 2014	Out Years	Total
Public Works & Engineering	\$ 800,000.00	\$ 7,200,000.00	\$ 8,000,000.00

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9818

Subject: Approve an Ordinance Awarding a Contract for Preventative Maintenance & Repair Services on Varian/Agilent Analytical Instruments for Various Departments/S23-L24422

Category #
4

Page 1 of 2

Agenda Item

32

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance Department

Origination Date

August 27, 2013

Agenda Date

DEC 04 2013

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

David Guernsey Phone: (832) 395-3640
Joyce Hays Phone: (832) 393-8723

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to Full Spectrum Analytics, Inc. on its low bid meeting specifications in an amount not to exceed \$662,930.00 for preventative maintenance & repair services on Varian/Agilent Analytical Instruments for various departments.

Maximum Contract Amount: \$662,930.00

Finance Budget

\$491,460.00 - Water & Sewer System Operating Fund (8300)
\$171,470.00 - Laboratory Operating & Maintenance Fund (2008)

\$662,930.00 - Grand Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options to Full Spectrum Analytical, Inc. on its low bid meeting specification in a total amount not to exceed \$662,930.00 for repair and preventative maintenance services on Varian/Agilent analytical instruments for various departments. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

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

	<u>Company</u>	<u>Total Amount</u>
1.	Agilent Technologies, Inc	\$469,882.40 (Partial Bid)
2.	Full Spectrum Analytics, Inc.	\$662,930.00

The scope of work requires the contractor to provide all supervision, labor, parts, tools, materials, transportation, equipment, supplies and licenses/certifications necessary to provide mechanical repair and maintenance services on Varian and Agilent analytical instruments. The Public Works and Engineering Department uses these instruments to analyze trace metals in individual waste and water treatment plant samples. The Health and Human Services Department uses these instruments to test pollutants deemed hazardous by the Environmental Protection Agency.

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.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

M

34

Date: 8/27/2013	Subject: Approve an Ordinance Awarding a Contract for Preventative Maintenance & Repair Services on Varian/Agilent Analytical Instruments for Various Departments/S23-L24422	Originator's Initials RB	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, the proposed contractor does not meet the requirements of Hire Houston First; no Hire Houston First firms were within three percent.

Buyer: Roy Breaux

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

ESTIMATED SPENDING AUTHORITY

Department	FY14	Out Years	Total
Public Works & Engineering	\$ 98,292.00	\$393,168.00	\$491,460.00
Health & Human Services	\$ 22,044.00	\$149,426.00	\$ 171,470.00
Grand Total	\$120,336.00	\$542,594.00	\$662,930.00

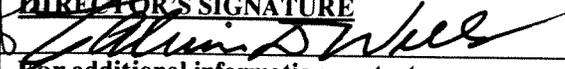
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9715

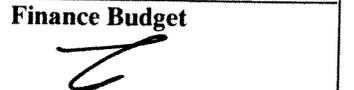
Subject: Formal Bids Received for Cleaning and Sealing of Cracks in Pavement Surfaces Citywide for the Public Works and Engineering Department S50-C24584	Category # 4	Page 1 of 2	Agenda Item 33
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FROM (Department or other point of origin): Calvin D. Wells City Purchasing Agent Finance Department	Origination Date September 13, 2013	Agenda Date DEC 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 Ray DuRousseau Phone: (832) 393-8726	Date and Identification of prior authorizing Council Action:
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RECOMMENDATION: (Summary)
Approve an ordinance awarding a contract to SCR Construction Co., Inc. in an amount not to exceed \$567,050.00 for cleaning and sealing of cracks in pavement surfaces citywide for the Public Works and Engineering Department.

Maximum Contract Amount: \$567,050.00	Finance Budget 
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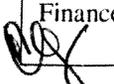
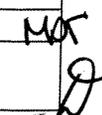
\$567,050.00 - PW&E - Dedicated Drainage & Street Renewal Fund (2310)

SPECIFIC EXPLANATION:
The Director of the Public Works and Engineer Department and the City Purchasing Agent recommend that City Council approve an ordinance awarding a three-year contract with two one-year options to extend, for a total five-year term to SCR Construction Co., Inc. on its sole bid in an amount not to exceed \$567,050.00 for cleaning and sealing of cracks in pavement surfaces citywide for the Public Works and Engineering Department. The City Purchasing Agent may terminate this contract at any time upon 30 days written notice to the contractor. The Department's goal is to extend the life and preserve the asphalt pavement by applying a sealant.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Ten prospective bidders downloaded the solicitation document from SPD's e-bidding website and one bid was received. Prior to issuing the solicitation for this service, the Strategic Purchasing Division canvassed the City's registered vendor data base as well as the market to identify potential bidders who could provide this type of service. As a result, three potential bidders were identified and notified of the Invitation to Bid (ITB). Subsequent to the receipt of the bid, prospective bidders were contacted to determine the reason for the limited response to the ITB. Two potential bidders advised that the scope of work requires subcontracting services they were not familiar with; therefore they elected not to bid. Also, a number of other potential bidders advised that they were not interested in this procurement.

The scope of work requires the construction contractor to furnish all labor, equipment, materials, supervision and transportation necessary to perform all operations in connection with the cleaning and sealing of asphalt streets citywide. The work to be performed pursuant to the contract includes, but is not limited to, rectifying random cracks in pavement surfaces, removal of vegetation and sterilization of cracks, cleaning and sealing the existing transverse and longitudinal cracks, joints and random cracks in bituminous pavement surfaces citywide. Cracks and joints to be filled will be designated by the Public Works and Engineering Department's Street & Drainage Division representative(s). Materials and workmanship for this project are warranted for one year upon completion and acceptance of each work order.

REQUIRED AUTHORIZATION

Finance Department: 	Other Authorization:	Other Authorization: 
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Date: 9/13/2013	Subject: Formal Bids Received for Cleaning and Sealing of Cracks in Pavement Surfaces Citywide for the Public Works and Engineering Department S50-C24584	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, the proposed contractor does not meet the requirements of Hire Houston First; no Hire Houston First firms were within three percent.

MBE and SBE Subcontracting:

Although the City's MWSBE policy does not require subcontracting goals for construction projects valued at less than \$1,000,000.00; the contractor has agreed to subcontract a portion of the work to the MBE and SBE subcontractors, as shown below.

<u>Name</u>	<u>Type of Work</u>	<u>Dollar Amount</u>	<u>Percentage</u>
Batterson, LLP	Traffic Control Devices	\$11,284.30	1.99% SBE
Contractor's Paving Supply, LLP	Sealing Materials	\$25,290.43	4.46% SBE
C & C Traffic Control	Provide Traffic Flagmen	<u>\$41,848.29</u>	<u>7.38% MBE</u>
Total:		\$78,423.02	13.83%

The Mayor's Office of Business Opportunity will monitor this contract.

Pay or Play Program:

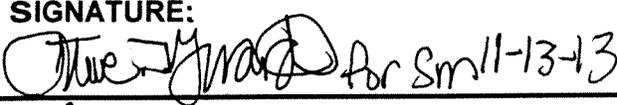
The proposed contract requires compliance with the City's 'Pay or Play' Ordinance regarding health benefits for employees of City contractors. In this case, the contractor has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

Buyer: Art Lopez

Estimated Spending Authority			
Department	FY 2014	Out Years	Total
Public Works and Engineering	\$52,700.00	\$514,350.00	\$567,050.00

SUBJECT: Professional Architectural Services Contract Pierce Goodwin Alexander & Linville, Inc. Houston Emergency Center Training Facility WBS No. D-000163-0001-3	Page 1 of 2	Agenda Item 34
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FROM (Department or other point of origin): General Services Department	Origination Date 11/20/13	Agenda Date DEC 04 2013
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DIRECTOR'S SIGNATURE: Scott Minnix 	Council District(s) affected: H
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For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Approve architectural services contract with Pierce Goodwin Alexander & Linville, Inc.

Amount and Source Of Funding: \$116,209.00 Houston Emergency Center (2205)	Finance Budget:
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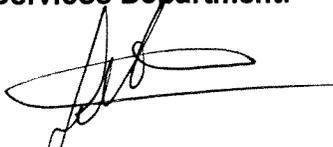
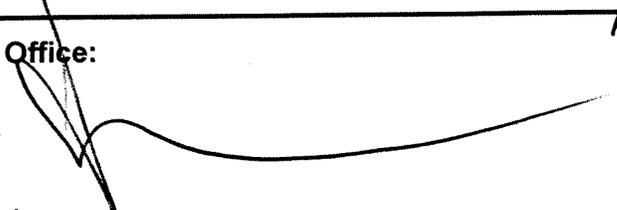
SPECIFIC EXPLANATION: On June 6, 2012, the Houston Emergency Center discussed short and long term goals in its FY13 budget presentation to City Council. A long term goal is the establishment of a state certified training academy. The Houston Emergency Center hosts conferences and seminars for local, state and federal agencies. This demand for services has resulted in a lack of space for training and seminars. Anticipated growth and increased demand for training and conference space warrant the construction of a new training facility.

Therefore, the General Services Department recommends that City Council approve an architectural services contract with Pierce Goodwin Alexander & Linville, Inc. (PGAL) to perform design and construction phase services for a new Houston Emergency Center Training Facility. PGAL is a Houston-based firm and the architect of record for the design and construction of the existing Houston Emergency Center. Based on their experience, PGAL offers the best value for the City.

PROJECT LOCATION: 5320 N. Shepherd Dr. (Key Map 452H)

PROJECT DESCRIPTION: The project will provide an approximately 6,600 square feet one-story; free standing, pre-engineered building that will be located at the same site. The new facility will be used for training and office functions. The exterior of the new building will simulate that of the existing Houston Emergency Center building.

REQUIRED AUTHORIZATION CUIC ID# 25DSGN92

General Services Department:  Richard A. Vella Chief of Design & Construction Division	Mayor's Office:  David Cutler Director of Houston Emergency Center
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Date	SUBJECT: Professional Architectural Services Contract Pierce Goodwin Alexander & Linville, Inc. Houston Emergency Center Training Facility WBS No. D-000163-0001-3	Originator's Initials ON	Page 2 of 2
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SCOPE OF CONTRACT AND FEE: The contract provides for a Basic Services Fee to be paid as a lump sum and certain Additional Services to be paid on a reimbursable basis.

\$ 87,000.00	Basic Services
\$ 22,210.00	Additional Services
\$ 5,000.00	Reimbursable Expenses
\$ 114,210.00	Total Contract Services
\$ 1,999.00	Civic Art (1.75%)
\$ 116,209.00	Total Allocation

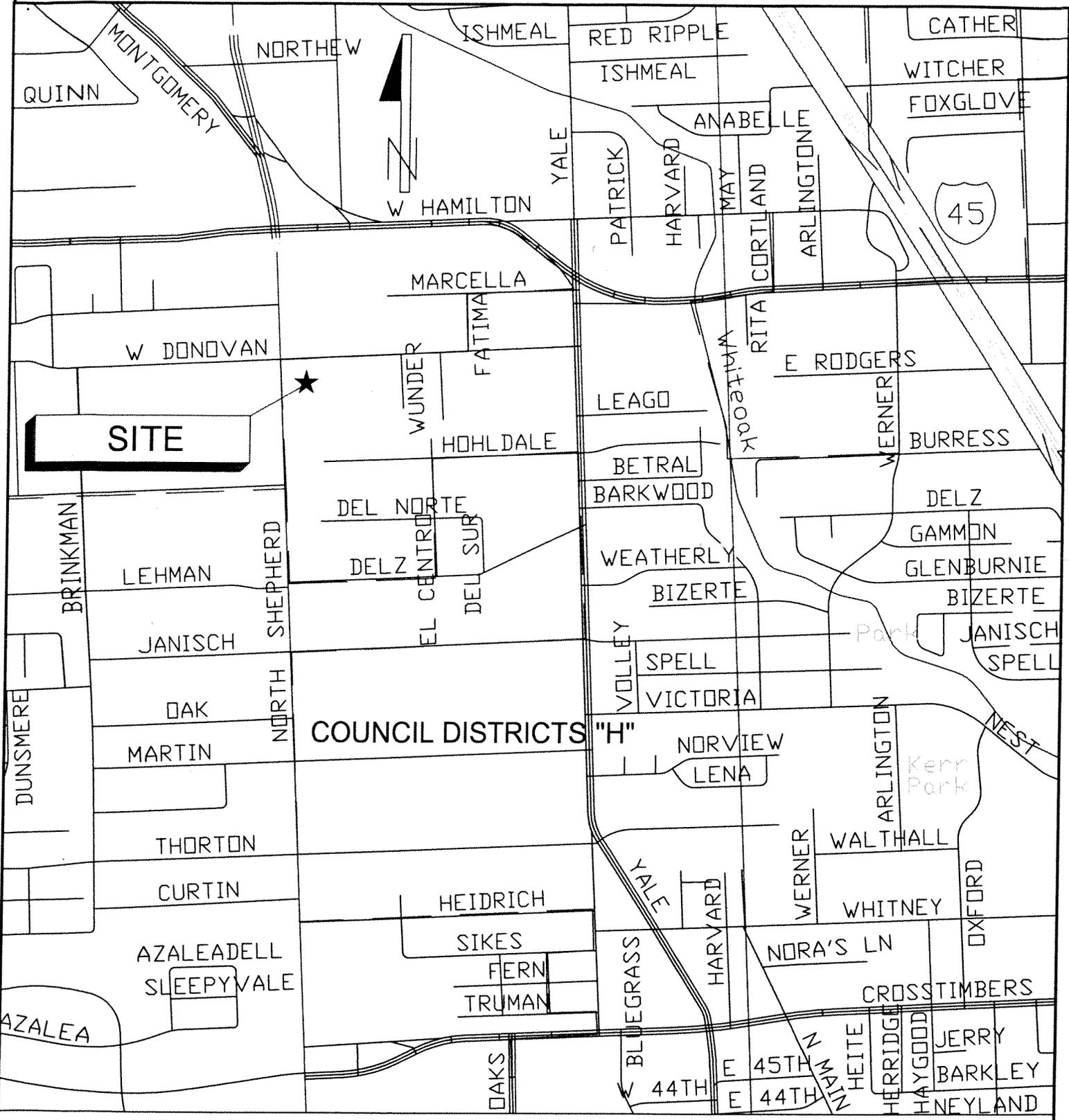
M/WBE INFORMATION: A M/WBE goal of 24% has been established for this contract. The architect has submitted the following certified firms to achieve the goal:

Firm	Work Description	Amount	% of Contract
Landtech, Inc. (MBE)	Surveying	\$ 4,300.00	4%
Aviles Engineering Corporation (MBE)	Geotechnical Engineering	\$ 2,190.00	2%
Henderson + Rogers, Inc. (WBE)	Structural Engineering	\$ 8,000.00	7%
MEP - IT Engineers, LLC (MBE)	MEP Engineers	\$ 2,500.00	2%
Isani Consultants, L.P. (SBE)	Civil Engineering	\$ 9,858.00	9%
Total M/WBE Participation		\$ 26,848.00	24%

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 architect provides health benefits to eligible employees in compliance with City policy.

SM:JLN:RAV:CRC:ON:on

c: Marta Crinejo, Jacquelyn L. Nisby, Esq., Christopher Gonzales, Calvin Curtis, Esq. Mary Villarreal, Morris Scott, Minnette Boesel, James Clay, File



HOUSTON EMERGENCY CENTER - New Training Facility
5320 NORTH SHEPHERD

SUBJECT: Professional Engineering Services Contract Integrated Management Services, PA d/b/a IMS Engineers, Inc. Victory Preparatory Academy Roof and Parking Lot Repairs WBS No. P-000011-0001-3	Page 1 of 1	Agenda Item 35
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FROM (Department or other point of origin): General Services Department	Origination Date 11/20/13	Agenda Date DEC 04 2013
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DIRECTOR'S SIGNATURE: <i>Scott Minnix</i> ¹¹⁻¹⁵⁻¹³ Scott Minnix	Council District(s) affected: B
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For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Approve professional engineering services contract with Integrated Management Services, PA d/b/a IMS Engineers, Inc.

Amount and Source Of Funding: \$57,700.00 Federal Government – Grant Funded (5000) CDBG	Finance Budget:
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a professional engineering services contract with Integrated Management Services, PA d/b/a IMS Engineers, Inc., to perform design and construction phase services for the roof and parking lot repairs at the Victory Preparatory Academy. Victory Preparatory Academy, a Texas non-profit corporation, has leased this City-owned facility since November 1, 2010 for purposes of operating a state open-enrollment charter school providing educational services to low income, high risk students. The lease is for a five-year term with an option to purchase.

PROJECT LOCATION: 2903 Jensen Drive (Key Map 494A)

PROJECT DESCRIPTION: The roof will be stripped of all debris and non-compatible patching material and a liquid applied roof coating will be installed. Parking lot repairs will include patching, overlay, restriping, ADA markings and ramps.

SCOPE OF CONTRACT AND FEE: The contract provides for a Basic Services Fee to be paid as a lump sum and certain Additional Services to be paid on a reimbursable basis.

\$ 45,200.00	Basic Services
\$ 12,500.00	Additional Services
\$ 57,700.00	Total Funding

M/WBE INFORMATION: An M/WBE goal of 24% has been established for this contract. The engineer has submitted the following certified firm to achieve the goal:

<u>Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Archi*Technics/3, Inc.(MBE)	Architectural Services	\$20,000.00	35%

SM:JLN:RAV:CRC:ON:on

c: Marta Crinejo, Robert Bradford, Jacquelyn L. Nisby, Christopher Gonzales, Calvin Curtis, Mary Villarreal, Pirooz Farhoomand

REQUIRED AUTHORIZATION CUIC ID# 25DSGN93

General Services Department: <i>[Signature]</i> Richard A. Vella Chief of Design & Construction Division	Housing and Community Development Department: <i>NOT</i> <i>[Signature]</i> Neal Rackteff Director
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Victory Preparatory Academy,
2903 Jensen Drive,
Houston, TX 77026

Victory Preparatory Academy - Roofing and Parking Lot Repair
2903 Jensen Drive, Houston, TX

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

RCA #

SUBJECT: Ordinances approving Historic Site Tax Exemptions for properties in Designated Historic Districts for the six (6) properties located at: 1005 Oxford Street; 832 Columbia Street; 1150 Cortlandt Street; 919 Oxford Street; 118 Payne Street; 1401 Tulane Street, which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Category #

Page 1 of 1

Agenda Item#

36A-F

FROM: (Department or other point of origin):

Origination Date

Agenda Date

Andy Icken
Chief Development Officer

11/25/13

DEC 04 2013

SIGNATURES

Council Districts affected:
H

For additional information contact:

Gwendolyn Tillotson
Ketan Inamdar

Phone: (832) 393-0937
Phone: (832) 393-0840

Date and identification of prior authorizing Council Action: Ord. No. 2007-0658, Res. No. 2011-0015, Res. No. 2008-0004, Res. No. 2012-0043, Res. No. 2007-0048.

RECOMMENDATION: (Summary)

That City Council adopt Ordinances approving Historic Site Tax Exemptions for properties in Designated Historic Districts for the six (6) properties located at: 1005 Oxford Street; 832 Columbia Street; 1150 Cortlandt Street; 919 Oxford Street; 118 Payne Street; 1401 Tulane Street, which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required.

Finance Budget:

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

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.

The owner of the following contributing structures is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2013 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Value of Improvement	Restoration Investment	Estimated Year One Exemption	Maximum Est. Exemption Over 15 years
1005 Oxford Street	Houston Heights South	\$24,943	\$556,489	\$1,855	\$27,825
832 Columbia Street	Houston Heights South	\$137,537	\$254,149	\$2,517	\$37,755
1150 Cortlandt Street	Houston Heights East	\$54,533	\$108,395	\$437	\$6,555
919 Oxford Street	Houston Heights South	\$48,216	\$582,940	\$2,671	\$40,065
118 Payne Street	Germantown	\$72,723	\$205,082	\$790	\$11,850
1401 Tulane Street	Houston Heights West	\$42,000	\$277,995	\$2,079	\$31,185

Since the properties have been designated as contributing structures in an historic district, and meet all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

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

REQUIRED AUTHORIZATION

Finance Department:

Planning & Development Department:

Other Authorization:

Director *[Signature]*

Director *[Signature]*

1005 OXFORD ST
HISTORIC SITE TAX EXEMPTION
15 YEAR ANALYSIS

Initial Exemption Criteria				
2012 Values (base year)		Preservation Expenditures	2013 Values	
Land	Structure		Land	Structure
\$198,750	\$24,943	\$556,489	\$231,875	\$290,361

Expenditures as % of Base Value **2231%**

Maximum Exemption on Structure/Improvement will be equal to TY2014 value (not yet available)*

Projected Annual Tax Revenue (Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2014	\$1,481	\$1,855
2	2015	\$1,540	\$1,855
3	2016	\$1,602	\$1,855
4	2017	\$1,666	\$1,855
5	2018	\$1,733	\$1,855
6	2019	\$1,802	\$1,855
7	2020	\$1,874	\$1,855
8	2021	\$1,949	\$1,855
9	2022	\$2,027	\$1,855
10	2023	\$2,108	\$1,855
11	2024	\$2,192	\$1,855
12	2025	\$2,280	\$1,855
13	2026	\$2,371	\$1,855
14	2027	\$2,466	\$1,855
15	2028	\$2,565	\$1,855
Total		\$29,657	\$27,825

Projection based on latest rate (Tax Year 2013): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.

832 Columbia St
HISTORIC SITE TAX EXEMPTION
15 YEAR ANALYSIS

Initial Exemption Criteria				
2012 Values (base year)		Preservation Expenditures	2013 Values	
Land	Structure		Land	Structure
\$198,000	\$137,537	\$254,149	\$231,000	\$394,000

Expenditures as % of Base Value **185%**

Maximum Exemption on Structure/Improvement will be equal to TY2014 value (not yet available)*

Projected Annual Tax Revenue (Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2014	\$1,476	\$2,517
2	2015	\$1,535	\$2,517
3	2016	\$1,596	\$2,517
4	2017	\$1,660	\$2,517
5	2018	\$1,726	\$2,517
6	2019	\$1,795	\$2,517
7	2020	\$1,867	\$2,517
8	2021	\$1,942	\$2,517
9	2022	\$2,019	\$2,517
10	2023	\$2,100	\$2,517
11	2024	\$2,184	\$2,517
12	2025	\$2,271	\$2,517
13	2026	\$2,362	\$2,517
14	2027	\$2,457	\$2,517
15	2028	\$2,555	\$2,517
Total		\$29,545	\$37,755

Projection based on latest rate (Tax Year 2013): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.

1150 Cortlandt St
HISTORIC SITE TAX EXEMPTION
15 YEAR ANALYSIS

Initial Exemption Criteria				
2012 Values (base year)		Preservation Expenditures	2013 Values	
Land	Structure		Land	Structure
\$131,620	\$54,533	\$108,395	\$139,141	\$68,432

Expenditures as % of Base Value **199%**

Maximum Exemption on Structure/Improvement will be equal to TY2014 value (not yet available)*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2014	\$889	\$437
2	2015	\$924	\$437
3	2016	\$961	\$437
4	2017	\$1,000	\$437
5	2018	\$1,040	\$437
6	2019	\$1,081	\$437
7	2020	\$1,125	\$437
8	2021	\$1,170	\$437
9	2022	\$1,216	\$437
10	2023	\$1,265	\$437
11	2024	\$1,316	\$437
12	2025	\$1,368	\$437
13	2026	\$1,423	\$437
14	2027	\$1,480	\$437
15	2028	\$1,539	\$437
Total		\$17,796	\$6,555

Projection based on latest rate (Tax Year 2013): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.

919 OXFORD ST
HISTORIC SITE TAX EXEMPTION
15 YEAR ANALYSIS

Initial Exemption Criteria				
2012 Values (base year)		Preservation Expenditures	2013 Values	
Land	Structure		Land	Structure
\$198,000	\$48,216	\$582,940	\$231,000	\$418,111

Expenditures as % of Base Value **1209%**

Maximum Exemption on Structure/Improvement will be equal to TY2014 value (not yet available)*

Projected Annual Tax Revenue (Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2014	\$1,476	\$2,671
2	2015	\$1,535	\$2,671
3	2016	\$1,596	\$2,671
4	2017	\$1,660	\$2,671
5	2018	\$1,726	\$2,671
6	2019	\$1,795	\$2,671
7	2020	\$1,867	\$2,671
8	2021	\$1,942	\$2,671
9	2022	\$2,019	\$2,671
10	2023	\$2,100	\$2,671
11	2024	\$2,184	\$2,671
12	2025	\$2,271	\$2,671
13	2026	\$2,362	\$2,671
14	2027	\$2,457	\$2,671
15	2028	\$2,555	\$2,671
Total		\$29,545	\$40,065

Projection based on latest rate (Tax Year 2013): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.

118 Payne St
HISTORIC SITE TAX EXEMPTION
15 YEAR ANALYSIS

Initial Exemption Criteria				
2006 Values (base year)		Preservation Expenditures	2013 Values	
Land	Structure		Land	Structure
\$75,750	\$72,723	\$205,082	\$126,250	\$123,750

Expenditures as % of Base Value **282%**

Maximum Exemption on Structure/Improvement will be equal to TY2014 value (not yet available)*

Projected Annual Tax Revenue (Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2014	\$806	\$790
2	2015	\$839	\$790
3	2016	\$872	\$790
4	2017	\$907	\$790
5	2018	\$943	\$790
6	2019	\$981	\$790
7	2020	\$1,020	\$790
8	2021	\$1,061	\$790
9	2022	\$1,104	\$790
10	2023	\$1,148	\$790
11	2024	\$1,194	\$790
12	2025	\$1,241	\$790
13	2026	\$1,291	\$790
14	2027	\$1,343	\$790
15	2028	\$1,396	\$790
Total		\$16,147	\$11,850

Projection based on latest rate (Tax Year 2013): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.

1401 Tulane St
HISTORIC SITE TAX EXEMPTION
15 YEAR ANALYSIS

Initial Exemption Criteria				
2011 Values (base year)		Preservation Expenditures	2013 Values	
Land	Structure		Land	Structure
\$198,000	\$42,000	\$277,995	\$198,000	\$325,511

Expenditures as % of Base Value **662%**

Maximum Exemption on Structure/Improvement will be equal to TY2014 value (not yet available)*

Projected Annual Tax Revenue (Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2014	\$1,265	\$2,079
2	2015	\$1,315	\$2,079
3	2016	\$1,368	\$2,079
4	2017	\$1,423	\$2,079
5	2018	\$1,480	\$2,079
6	2019	\$1,539	\$2,079
7	2020	\$1,600	\$2,079
8	2021	\$1,664	\$2,079
9	2022	\$1,731	\$2,079
10	2023	\$1,800	\$2,079
11	2024	\$1,872	\$2,079
12	2025	\$1,947	\$2,079
13	2026	\$2,025	\$2,079
14	2027	\$2,106	\$2,079
15	2028	\$2,190	\$2,079
Total		\$25,324	\$31,185

Projection based on latest rate (Tax Year 2013): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinances approving Historic Site Tax Exemptions for Historic or Protected Landmarks for the Eight (8) properties located at: 1810 Summer Street; 15 N. Chenevert Street; 2455 Pine Valley Court; 2155 Chilton Street; 2417 Pelham Drive; 2023 Claremont Lane; 3449 Overbrook Lane; 2245 Dryden Road, which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Category # **Page 1 of 1** **Agenda Item#**

33-A-H

FROM: (Department or other point of origin):

Origination Date

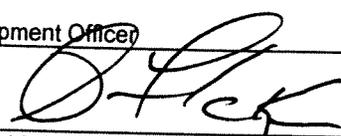
Agenda Date

Andy Icken
Chief Development Officer

11/25/13

DEC 04 2013

SIGNATURE



Council Districts affected:

G and H

For additional information contact:

Gwendolyn Tillotson Phone: (832) 393-0937
Ketan Inamdar Phone: (832) 393-0840

Date and identification of prior authorizing Council Action: Ord. No. 2007-0658, Res. No. 2013-0006, Res. No. 1998-0023, Res. No. 2013-0033, Res. No. 2013-0047, Res. No. 2013-0048, Res. No. 2013-0055, Res. No. 2013-0054, Res. No. 2013-0056

RECOMMENDATION: (Summary)

That City Council adopt ordinances approving Historic Site Tax Exemptions for Historic or Protected Landmarks for the eight (8) properties located at: 1810 Summer Street; 15 N. Chenevert Street; 2455 Pine Valley Court; 2155 Chilton Street; 2417 Pelham Drive; 2023 Claremont Lane; 3449 Overbrook Lane; 2245 Dryden Road, which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required

Finance Budget:

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

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for Historic or Protected Landmarks. Prior City Council designation of the property as a Historic or Protected Landmark is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period, but is capped each year at the exemption amount calculated for year one.**

The owners of the following Historic Landmarks submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year, based on Harris County Appraisal District's 2013 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Historic Landmarks	Base Value of Improvement	Restoration Investment	Estimated Year One Exemption	Maximum Est. Exemption over 15 years
1810 Summer Street	\$17,771	\$27,665	\$406	\$6,090
15 N. Chenevert Street	\$2,983,465	\$8,721,491	\$40,300	\$604,500
2455 Pine Valley Court	\$1,056,728	\$1,293,208	\$4,636	\$69,540
2155 Chilton Street Road	\$222,088	\$390,989	\$2,154	\$32,310
2417 Pelham Drive	\$237,333	\$690,718	\$2,828	\$42,420
2023 Claremont Lane	\$113,183	\$139,377	\$2,939	\$44,085
3449 Overbrook Lane	\$229,605	\$222,738	\$1,423	\$21,345
2245 Dryden Road	\$49,398	\$73,250	\$350	\$5,250

Since the properties have been designated as Historic or Protected Landmarks, and meet all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

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

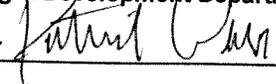
REQUIRED AUTHORIZATION

Finance Department:

Planning & Development Department:

Other Authorization:

Director 

Director 

1810 SUMMER ST (Protected HL)
HISTORIC SITE TAX EXEMPTION
15 YEAR ANALYSIS

Initial Exemption Criteria				
2009 Values (base year)		Preservation Expenditures	2013 Values	
Land	Structure		Land	Structure
\$115,000	\$17,771	\$27,665	\$115,000	\$63,587

Expenditures as % of Base Value **156%**

Maximum Exemption on Structure/Improvement will be equal to TY2014 value (not yet available)*

Projected Annual Tax Revenue (Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2014	\$735	\$406
2	2015	\$764	\$406
3	2016	\$795	\$406
4	2017	\$826	\$406
5	2018	\$859	\$406
6	2019	\$894	\$406
7	2020	\$929	\$406
8	2021	\$967	\$406
9	2022	\$1,005	\$406
10	2023	\$1,046	\$406
11	2024	\$1,087	\$406
12	2025	\$1,131	\$406
13	2026	\$1,176	\$406
14	2027	\$1,223	\$406
15	2028	\$1,272	\$406
Total		\$14,709	\$6,090

Projection based on latest rate (Tax Year 2013): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.

15 N Chenevert St (Historic Landmark)
HISTORIC SITE TAX EXEMPTION
15 YEAR ANALYSIS

Initial Exemption Criteria				
2008 Values (base year)		Preservation Expenditures	2013 Values	
Land	Structure		Land	Structure
\$1,173,300	\$2,983,465	\$8,721,498	\$983,640	\$6,309,225

Expenditures as % of Base Value **292%**

Maximum Exemption on Structure/Improvement will be equal to TY2014 value (not yet available)*

Projected Annual Tax Revenue (Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2014	\$6,283	\$40,300
2	2015	\$6,534	\$40,300
3	2016	\$6,796	\$40,300
4	2017	\$7,068	\$40,300
5	2018	\$7,350	\$40,300
6	2019	\$7,644	\$40,300
7	2020	\$7,950	\$40,300
8	2021	\$8,268	\$40,300
9	2022	\$8,599	\$40,300
10	2023	\$8,943	\$40,300
11	2024	\$9,300	\$40,300
12	2025	\$9,672	\$40,300
13	2026	\$10,059	\$40,300
14	2027	\$10,462	\$40,300
15	2028	\$10,880	\$40,300
Total		\$125,808	\$604,500

Projection based on latest rate (Tax Year 2013): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.

2455 Pine Valley Ct (HL)
HISTORIC SITE TAX EXEMPTION
15 YEAR ANALYSIS

Initial Exemption Criteria				
2012 Values (base year)		Preservation Expenditures	2013 Values	
Land	Structure		Land	Structure
\$1,598,272	\$1,056,728	\$1,293,208	\$1,590,588	\$725,844

Expenditures as % of Base Value **122%**

Maximum Exemption on Structure/Improvement will be equal to TY2014 value (not yet available)*

Projected Annual Tax Revenue (Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2014	\$10,160	\$4,636
2	2015	\$10,566	\$4,636
3	2016	\$10,989	\$4,636
4	2017	\$11,428	\$4,636
5	2018	\$11,886	\$4,636
6	2019	\$12,361	\$4,636
7	2020	\$12,855	\$4,636
8	2021	\$13,370	\$4,636
9	2022	\$13,904	\$4,636
10	2023	\$14,461	\$4,636
11	2024	\$15,039	\$4,636
12	2025	\$15,641	\$4,636
13	2026	\$16,266	\$4,636
14	2027	\$16,917	\$4,636
15	2028	\$17,594	\$4,636
Total		\$203,437	\$69,540

Projection based on latest rate (Tax Year 2013): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.

2155 Chilton
HISTORIC SITE TAX EXEMPTION
15 YEAR ANALYSIS

Initial Exemption Criteria				
2012 Values (base year)		Preservation Expenditures	2013 Values	
Land	Structure		Land	Structure
\$894,917	\$222,088	\$390,989	\$954,578	\$337,196

Expenditures as % of Base Value **176%**

Maximum Exemption on Structure/Improvement will be equal to TY2014 value (not yet available)*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2014	\$6,097	\$2,154
2	2015	\$6,341	\$2,154
3	2016	\$6,595	\$2,154
4	2017	\$6,859	\$2,154
5	2018	\$7,133	\$2,154
6	2019	\$7,418	\$2,154
7	2020	\$7,715	\$2,154
8	2021	\$8,024	\$2,154
9	2022	\$8,345	\$2,154
10	2023	\$8,678	\$2,154
11	2024	\$9,026	\$2,154
12	2025	\$9,387	\$2,154
13	2026	\$9,762	\$2,154
14	2027	\$10,153	\$2,154
15	2028	\$10,559	\$2,154
Total		\$122,091	\$32,310

Projection based on latest rate (Tax Year 2013): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.

2417 Pelham Dr
HISTORIC SITE TAX EXEMPTION
15 YEAR ANALYSIS

Initial Exemption Criteria				
2011 Values (base year)		Preservation Expenditures	2013 Values	
Land	Structure		Land	Structure
\$688,138	\$237,333	\$690,718	\$714,330	\$442,665

Expenditures as % of Base Value **291%**

Maximum Exemption on Structure/Improvement will be equal to TY2014 value (not yet available)*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2014	\$4,563	\$2,828
2	2015	\$4,745	\$2,828
3	2016	\$4,935	\$2,828
4	2017	\$5,133	\$2,828
5	2018	\$5,338	\$2,828
6	2019	\$5,551	\$2,828
7	2020	\$5,773	\$2,828
8	2021	\$6,004	\$2,828
9	2022	\$6,244	\$2,828
10	2023	\$6,494	\$2,828
11	2024	\$6,754	\$2,828
12	2025	\$7,024	\$2,828
13	2026	\$7,305	\$2,828
14	2027	\$7,597	\$2,828
15	2028	\$7,901	\$2,828
Total		\$91,363	\$42,420

Projection based on latest rate (Tax Year 2013): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.

2023 CLAREMONT LN
HISTORIC SITE TAX EXEMPTION
15 YEAR ANALYSIS

Initial Exemption Criteria				
2012 Values (base year)		Preservation Expenditures	2013 Values	
Land	Structure		Land	Structure
\$1,179,000	\$113,183	\$139,377	\$1,061,100	\$460,100

Expenditures as % of Base Value **123%**

Maximum Exemption on Structure/Improvement will be equal to TY2014 value (not yet available)*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2014	\$6,778	\$2,939
2	2015	\$7,049	\$2,939
3	2016	\$7,331	\$2,939
4	2017	\$7,624	\$2,939
5	2018	\$7,929	\$2,939
6	2019	\$8,246	\$2,939
7	2020	\$8,576	\$2,939
8	2021	\$8,919	\$2,939
9	2022	\$9,276	\$2,939
10	2023	\$9,647	\$2,939
11	2024	\$10,033	\$2,939
12	2025	\$10,434	\$2,939
13	2026	\$10,851	\$2,939
14	2027	\$11,285	\$2,939
15	2028	\$11,737	\$2,939
Total		\$135,715	\$44,085

Projection based on latest rate (Tax Year 2013): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.

3449 Overbrook Ln
HISTORIC SITE TAX EXEMPTION
15 YEAR ANALYSIS

Initial Exemption Criteria				
2012 Values (base year)		Preservation Expenditures	2013 Values	
Land	Structure		Land	Structure
\$787,788	\$229,605	\$222,738	\$889,610	\$200,390

Expenditures as % of Base Value **97%**

Maximum Exemption on Structure/Improvement will be \$222,738 (<100% expenditure)

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2014	\$5,682	\$1,423
2	2015	\$5,910	\$1,423
3	2016	\$6,146	\$1,423
4	2017	\$6,392	\$1,423
5	2018	\$6,648	\$1,423
6	2019	\$6,913	\$1,423
7	2020	\$7,190	\$1,423
8	2021	\$7,478	\$1,423
9	2022	\$7,777	\$1,423
10	2023	\$8,088	\$1,423
11	2024	\$8,411	\$1,423
12	2025	\$8,748	\$1,423
13	2026	\$9,098	\$1,423
14	2027	\$9,462	\$1,423
15	2028	\$9,840	\$1,423
Total		\$113,782	\$21,345

Projection based on latest rate (Tax Year 2013): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.

2245 Dryden Rd
HISTORIC SITE TAX EXEMPTION
15 YEAR ANALYSIS

Initial Exemption Criteria				
2012 Values (base year)		Preservation Expenditures	2013 Values	
Land	Structure		Land	Structure
\$408,460	\$49,398	\$73,250	\$433,596	\$54,765

Expenditures as % of Base Value: **148%**

Maximum Exemption on Structure/Improvement will be equal to TY2014 value (not yet available)*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2014	\$2,770	\$350
2	2015	\$2,880	\$350
3	2016	\$2,996	\$350
4	2017	\$3,115	\$350
5	2018	\$3,240	\$350
6	2019	\$3,370	\$350
7	2020	\$3,504	\$350
8	2021	\$3,645	\$350
9	2022	\$3,790	\$350
10	2023	\$3,942	\$350
11	2024	\$4,100	\$350
12	2025	\$4,264	\$350
13	2026	\$4,434	\$350
14	2027	\$4,612	\$350
15	2028	\$4,796	\$350
Total		\$55,457	\$5,250

Projection based on latest rate (Tax Year 2013): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT:
Ordinances granting Commercial Solid Waste Operator Franchises

RCA #

Category #

Page 1 of 1

Agenda Item#

38-A-E

FROM: (Department or other point of origin):

Tina Paez, Director
Administration & Regulatory Affairs

Origination Date
11/15/2013

Agenda Date
DEC 04 2013

DIRECTOR'S SIGNATURE:

[Handwritten Signature]

Council Districts affected:

ALL

For additional information contact:

Juan Olguin *JFO* Phone: (832) 393- 8528
Naelah Yahya Phone: (832) 393- 8530

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve ordinances granting Commercial Solid Waste Operator Franchises

Amount of Funding:
REVENUE

FIN Budget:

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

SPECIFIC EXPLANATION:

It is recommended that City Council approve ordinances granting Commercial Solid Waste Operator Franchises to the following solid waste operators pursuant to Article VI, Chapter 39. The proposed Franchisees are:

1. Grace Disposal Systems, LLC DBA Royal Disposal & Recycle
2. Tuco Brothers Waste, Inc.
3. BFI Waste Services of Texas, LP
4. Daniel Holden DBA Mr. Pumper Sewer Service
5. January Transport, Inc.

The proposed ordinances grant the Franchisees the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, each Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise term is 10 years from the effective date.

The Pay or Play Program does not apply to the solid waste franchises.

REQUIRED AUTHORIZATION

Finance Director:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT:
Ordinances granting Commercial Solid Waste Operator Franchises

Category #

Page 1 of 1

RCA #

Agenda Item#

3936A-14 ~~37A-11~~

FROM: (Department or other point of origin):

Tina Paez, Director
Administration & Regulatory Affairs

Origination Date
11/5/2013

Agenda Date

~~NOV 13 2013~~

~~NOV 20 2013~~

~~NOV 28 2013~~

DIRECTOR'S SIGNATURE:

[Handwritten Signature]

Council Districts affected:

ALL

~~NOV 28 2013~~
DEC 04 2013

For additional information contact:

Juan Olguin JFO Phone: (832) 393- 8528
Naelah Yahya Phone: (832) 393- 8530

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve ordinances granting Commercial Solid Waste Operator Franchises

Amount of Funding:
REVENUE

FIN Budget:

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

SPECIFIC EXPLANATION:

It is recommended that City Council approve ordinances granting Commercial Solid Waste Operator Franchises to the following solid waste operators pursuant to Article VI, Chapter 39. The proposed Franchisees are:

1. MIDSTATE ENVIRONMENTAL SERVICES
2. GLOBAL WASTE SERVICES, LLC
3. TWISTER WASTE, INC.
4. NORTHSIDE GARBAGE SERVICE, INC.
5. REPIPE CONSTRUCTION DBA IPR SOUTH CENTRAL, LLC
6. ASTRO WASTE, INC.
7. AZTEC PORTACANS AND CONTAINERS LTD
8. NATIONAL WORKS, INC.

The proposed ordinances grant the Franchisees the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, each Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise term is 10 years from the effective date.

The Pay or Play Program does not apply to the solid waste franchises.

REQUIRED AUTHORIZATION

Finance Director: