

**AGENDA - COUNCIL MEETING - WEDNESDAY - MAY 28, 2014 - 9:00 A. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

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

**INVOCATION AND PLEDGE OF ALLEGIANCE** - Council Member Pennington

**9:00 A. M. - ROLL CALL**

**ADOPT MINUTES OF PREVIOUS MEETING**

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

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

**HEARINGS - 9:00 A.M.**

1. **PUBLIC HEARING** regarding the designation of a Tax Abatement Reinvestment Zone for Breckenridge Group Houston Texas, LP - **DISTRICT I - GALLEGOS**
- a. ORDINANCE designating the **ASPEN HEIGHTS, HOUSTON REINVESTMENT ZONE** for Tax Abatement purposes pursuant to Article IV of Chapter 44 of the Code of Ordinances, Houston, Texas - **DISTRICT I - GALLEGOS**
- b. ORDINANCE approving and authorizing Tax Abatement Agreement between the City of Houston, Texas, and **BRECKENRIDGE GROUP HOUSTON TEXAS, LP** for certain property located within the Aspen Heights, Houston Reinvestment Zone - **DISTRICT I - GALLEGOS**

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 2 through 63**

**ACCEPT WORK** - NUMBERS 2 through 6

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,303,143.37 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Post Oak #1 Lift Station Replacement - 3.82% under the original contract amount **DISTRICT K - GREEN**
3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,501,843.56 and acceptance of work on contract with **TRIPLE B. SERVICES, LLP** for Ley Road Paving and Drainage from Mesa to Grade Separation at HB and RTT - 1.68% under the original contract amount - **DISTRICT B - DAVIS**
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,373,873.63 and acceptance of work on contract with **COLLINS CONSTRUCTION, LLC** for Waterline Replacement in Liberty North Area - 4.72% under the original contract amount - **DISTRICT B - DAVIS**
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,959,478.86 and acceptance of work on contract with **SCOHIL CONSTRUCTION SERVICES, LLC** for Water Line Replacement in Timbergrove Area 19.89% under the original contract amount - **DISTRICT C - COHEN**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,511,454.97 and acceptance of work on contract with **RESICOM, INC** for Water Line Replacement in Shadywood Area - 5.14% under the original contract amount **DISTRICT G - PENNINGTON**

**PROPERTY** - NUMBERS 7 through 10

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kevin Meals, Manager, Surveying and Right of Way, CenterPoint Energy Houston Electric, LLC, for sale of ±6,890-square-foot portion of fee-owned property, and sale of a ±1,017-square-foot access easement over the Heritage East Hike and Bike Trail, out of the John Austin Survey, A-1, Parcels SY12-092A and SY12-092B **DISTRICT H - GONZALEZ**
8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Edgardo Melendez, Melendez Consulting LLC, on behalf of Iglesia Palabra De Restauracion Pentecostes, Inc. (Natividad De Jesus, Pastor), for abandonment and sale of Ormandy Drive, from the west plat line of the South Fondren Place Subdivision east then north to the north property line of Reserve B5, and a 10-foot-wide water line easement, in exchange for conveyance to the City of a 20-foot-wide storm sewer easement, and right-of-way for and construction of a cul-de-sac, all located within the South Fondren Place Subdivision, out of the H.T. & B.R.R. Survey, A-395, Parcels SY14-033A, SY14-033B, AY14-033, and LY14-013 - **DISTRICT K - GREEN**
9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Randall E. Siemon, RG Miller Engineers, Inc., on behalf of Thirty-One Thirty-One Timmons (Gordon Rose, President), for abandonment and sale of two 10-foot-wide water line easements, located within Greenway Gardens Apartments, out of the A. C. Reynolds League Survey, A-61, Parcels AY14-040A and SY14-040B - **DISTRICT C - COHEN**

**PROPERTY** - continued

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Houston First Corporation, (Dawn Ullrich, President and CEO), for abandonment and sale of Chenevert Street, from Rusk Street to Capitol Avenue, and Hamilton Street, from Rusk Street to Capitol Avenue, both located within South Side Buffalo Bayou Addition, out of the J. S. Holman Survey, A-23, Parcels SY14-041A and SY14-041B - **DISTRICT I - GALLEGOS**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 11 through 17

11. **AMEND MOTION #2013-674, 10/9/13**, for change order in an amount not to exceed \$44,261.40 to complete the parking lot remediation project through Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the Administration & Regulatory Affairs Department on award to **BASELINE PAVING AND CONSTRUCTION, INC** - Parking Management Operating Fund - **DISTRICT H - GONZALEZ**
12. **VWR INTERNATIONAL, INC** for One Infrared Detector Spectrometer from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Houston Police Department - \$95,040.00 - Grant and Other Funds
13. ORDINANCE appropriating \$29,371.06 out of Equipment Acquisition Consolidated Fund for Purchase of two Utility Carts for the Parks and Recreation Department
  - a. **CONROE GOLF CARS, INC** for Utility Carts through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative (BuyBoard) for the Department of Public Works & Engineering - \$132,300.00 - Equipment Acquisition Consolidated and Other Funds
14. **BUREAU VERITAS NORTH AMERICA, INC** for Building Plan Review Processing Services through the Interlocal Agreement with the Harris County Department of Education for the Department of Public Works & Engineering - \$3,900,000.00 - 18 months - Building Inspection Fund
15. **W. W. GRAINGER, INC** for Industrial Supplies & Equipment, Janitorial Supplies & Equipment from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Department's - \$7,648,808.75 - 34 months General, Enterprise and Other Funds
16. **AMEND MOTION #2012-790, 11/14/12, TO INCREASE** spending authority from \$7,000,000.00 to \$12,722,073.08 for Various Types of Computer Hardware Equipment through the Texas Department of Information Resources for Various Departments, awarded to **HEWLETT-PACKARD COMPANY** - 2 Years - \$5,722,073.08
17. **AMEND MOTION #2013-198, 3/27/13, TO INCREASE** spending authority from \$8,500,000.00 to \$14,848,516.90 for Tech-Related Products/Services through the Master Intergovernmental Cooperative Purchasing Agreement with U.S. Communities from **UNICOM GOVERNMENT, INC (Formerly known as GTSI CORP.)** for Various Departments - \$6,348,516.90

**RESOLUTIONS AND ORDINANCES** - NUMBERS 18 through 63

18. RESOLUTION consenting to amendment of the Certificate of Formation of Houston Forensic Science LGC, Inc., A Local Government Corporation
19. RESOLUTION of the City Council of the City of Houston, Texas giving consent to **VAN ZANDT COUNTY CULTURAL EDUCATION FACILITIES FINANCE CORPORATION** for the Re-financing of certain cultural facilities located within the City of Houston, Texas for the benefit of the Hobby Center Foundation
20. RESOLUTION approving and authorizing the nomination of **VALERO REFINING - TEXAS, L.P.** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as a Texas State Double Jumbo Enterprise Zone Project - **DISTRICT I - GALLEGOS**
21. ORDINANCE **AMENDING CHAPTERS 1 AND 8 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Licenses and Registrations for Retail Supply Dealers, Wrecker Drivers, and Motor Vehicle Salesmen issued by the Houston Police Department
22. ORDINANCE approving and authorizing contract between the City of Houston and **THE SALVATION ARMY** to provide up to \$125,000.00 in Community Development Block Grant Funds for a Day Shelter Program for persons aged 18 - 25 who are experiencing homelessness
23. ORDINANCE approving and authorizing contract between the City of Houston and **THE BRIDGE OVER TROUBLED WATERS, INC.**, to provide \$75,361.00 in Community Development Block Grant Funds for the administration and operation of an Outreach and Education Program for victims of domestic violence
24. ORDINANCE approving and authorizing contract between the City of Houston and **GOODWILL INDUSTRIES OF HOUSTON**, to provide \$120,000.00 in Community Development Block Grant Funds for the administration and operation of a Community Rehabilitative Services Program that will provide employment services to individuals with physical, mental and development disabilities
25. ORDINANCE approving and authorizing a substantial amendment to the Neighborhood Stabilization Program ("NSP3") grant application, authorized pursuant to City of Houston Ordinance No. 2011-134, as amended by Ordinance No. 2012-999, to add \$668,528.75 in program income received from NSP3 activities- **DISTRICTS B - DAVIS; D - BOYKINS; F - NGUYEN; H - GONZALEZ; I - GALLEGOS and K - GREEN**
26. ORDINANCE authorizing the sale of two parcels of excess fee-owned property located within the Roslyn Heights Addition, Samuel McClelland One Third League, A-544, Houston, Harris County, Texas, to SMB Investments, Ltd., abutting owner, in consideration of its payment to the City of \$9,635.00 and other consideration - **DISTRICT C - COHEN**
27. ORDINANCE appropriating \$1,964,149.22 out of Parks Consolidated Construction Fund to fulfill the obligations of the City in the Purchase and Sale Agreement to acquire approximately 32.187 acres of property to be added to the Houston Sports Park located on South Kirby Drive Approved by Ordinance 2014-464 - **DISTRICT D - BOYKINS**
28. ORDINANCE approving and authorizing Grant Agreement between the City of Houston and the Office of National Drug Control Policy for the **FY2014 HIGH INTENSITY DRUG TRAFFICKING AREA GRANT**; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process; to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

**RESOLUTIONS AND ORDINANCES** - continued

29. ORDINANCE approving and authorizing submission of a joint application for Grant Assistance from the Bureau of Justice Assistance to fund the FY2014 Edward Byrne Memorial Justice Assistance Grant Program and approving Interlocal Agreement between the City of Houston and **HARRIS COUNTY** as joint applicants for such grant; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the application
30. ORDINANCE approving and authorizing agreement between the City of Houston and **AKIN GUMP STRAUSS HAUER & FELD LLP** for Professional Services for the Houston Airport System; providing a maximum contract amount - 3 Years - \$570,000.00 - Enterprise Fund
31. ORDINANCE approving and authorizing contract between the City of Houston and **AKIN GUMP STRAUSS HAUER & FELD LLP** for representation before the United States Congress and Federal Agencies; establishing a maximum contract amount - 3 Years - \$852,000.00 - General Fund
32. ORDINANCE approving and authorizing fourth amendment to contract for Delinquent Collection Services for the Municipal Courts Department between the City and **LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP**
33. ORDINANCE approving and authorizing contract between the City of Houston and 1) **LINEBARGER GOGGAN BLAIR & SAMPSON LLP**, 2) **GILA LLC d/b/a MUNICIPAL SERVICES BUREAU**, and 3) **GC SERVICES LIMITED PARTNERSHIP** for Unpaid Account Collection Services for the Municipal Courts Department; authorizing the addition of a collection fee of thirty percent (30%) to delinquent accounts owed to the City, as provided under §103.0031(c) of the Texas Code of Criminal Procedure; authorizing the Mayor to add additional contractors who meet criteria approved by City Council
34. ORDINANCE approving and authorizing contract between the City of Houston and **PERDUE, BRANDON, FIELDER, COLLINS & MOTT, LLP AND GREENBERG TRAUIG, LLP**, functioning as a Joint Venture for the collection of delinquent ad valorem taxes
35. ORDINANCE authorizing the Houston Parks & Recreation Department to submit an application for a Texas Parks and Wildlife Department Community Outdoor Outreach Program Grant to fund the Houston Parks Adventure Program; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICTS A - STARDIG; B - DAVIS; C - COHEN; D - BOYKINS; E - MARTIN; H - GONZALEZ; I - GALLEGOS; J - LASTER and K - GREEN**
36. ORDINANCE approving and authorizing first amendment to Participation Agreement between the City and **GREATER HOUSTON HEALTHCONNECT, INC**
37. ORDINANCE relating to the Fiscal Affairs of **LAKE HOUSTON REDEVELOPMENT AUTHORITY on behalf of REINVESTMENT ZONE NUMBER TEN, CITY OF HOUSTON, TEXAS (LAKE HOUSTON ZONE)**; approving the Fiscal Year 2014 Operating Budget for the Authority and the Fiscal Years 2014-2018 Capital Improvement Projects Budget for the Zone - **DISTRICT E - MARTIN**

**RESOLUTIONS AND ORDINANCES** - continued

38. ORDINANCE approving and authorizing License Agreement and Construction, Operating and Maintenance Agreement for Navigation Esplanade between the City of Houston, Texas, and the **GREATER EAST END MANAGEMENT DISTRICT - DISTRICTS H - GONZALEZ and I - GALLEGOS**
39. ORDINANCE awarding contract to **AMERICAN MECHANICAL SERVICES OF HOUSTON, LLC** for Plumbing Services for General Services Department; providing a maximum contract amount 1 Year with four one-year options - \$4,227,000.00 - General Fund
40. ORDINANCE awarding contract between the City of Houston and **HOLMES ROAD RECYCLING COMPANY, INC** for Sale of Scrap Metal Materials for Various Departments - 3 Years with two one-year options - Revenue
41. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **TEXAS A&M AGRILIFE EXTENSION SERVICE** by and through its Wildlife Services Unit, a member of the Texas A&M University System, for Wildlife Hazard Management Services at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport \$283,998.00 - Enterprise Fund - **DISTRICTS B - DAVIS; E - MARTIN and I - GALLEGOS**
42. ORDINANCE appropriating \$3,590,825.75 out of Airports Improvement Fund and awarding Professional Engineering Services Contract to **REYNOLDS, SMITH AND HILLS, INC** for Rehabilitation of Taxiways WA and WB at George Bush Intercontinental Airport/Houston (Project No. 651) - **DISTRICT B - DAVIS**
43. ORDINANCE appropriating \$6,117,975.00 out of Public Library Consolidated Construction Fund as an additional appropriation under a CMAR Contract between **TURNER CONSTRUCTION COMPANY** and the City of Houston (Approved by Ordinance No. 2013-0669) for Pre-Construction and Construction Phase Services for the Houston Public Library; providing funding for related services - **DISTRICT G - PENNINGTON**
44. ORDINANCE appropriating \$5,000.00 out of Metro Projects Construction DDSRF; approving and authorizing Advance Funding Agreement between the City of Houston and **THE TEXAS DEPARTMENT OF TRANSPORTATION** for Installation of Arterial Travel Time System along multiple corridors within the City of Houston
45. ORDINANCE consenting to the creation of the **WALLER COUNTY IMPROVEMENT DISTRICT NO. 2** and the inclusion of certain land within the district
46. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 441**
47. ORDINANCE consenting to the addition of 9.968 acres of land to **CYPRESSWOOD UTILITY DISTRICT**, for inclusion in its district
48. ORDINANCE consenting to the addition of 89.433 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 30**, for inclusion in its district
49. ORDINANCE appropriating \$750,000.00 out of Metro Projects Construction DDSRF for contract with **LANDTECH CONSULTANTS, INC** for Negotiated Work Orders for Pre-Engineering for Street & Traffic (Thoroughfares) Improvements Approved by Ordinance 2014-0351

**RESOLUTIONS AND ORDINANCES** - continued

50. ORDINANCE appropriating \$367,676.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **SCIENTECH ENGINEERS, INC** for Roosevelt, Edel Plaza, and Little York Acres Drainage and Paving Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF **DISTRICT H - GONZALEZ**
51. ORDINANCE appropriating \$2,861,700.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **FREESE AND NICHOLS, INC** for Engineering Services associated with the Design of Groundwater Facility / Re-Pump Station / HVAC & Ventilation System Improvements at various locations; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS A - STARDIG; B - DAVIS; E - MARTIN; F - NGUYEN; G - PENNINGTON; J - LASTER and K - GREEN**
52. ORDINANCE appropriating \$1,593,100.00 out of Metro Projects Construction DDSRF as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **PIERCE, GOODWIN, ALEXANDER & LINVILLE, INC dba PGAL** for Westpark Drive Paving & Drainage from Wilcrest to Dairy Ashford (Approved by Ordinance No. 2013-0172); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Metro Projects Construction DDSRF - **DISTRICT F - NGUYEN**
53. ORDINANCE appropriating \$3,465,000.00 out of Street & Traffic Control and Storm Drainage DDSRF, awarding contract to **T CONSTRUCTION, LLC** for FY2014 Local Drainage Project Construction Work Orders #2; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF
54. ORDINANCE appropriating \$3,872,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **BLASTCO TEXAS, INC** for Rehabilitation and New Water Storage Tanks at Various Locations - Package 5; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, CIP Cost Recovery and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG; G - PENNINGTON and J - LASTER**
55. ORDINANCE appropriating \$1,040,000.00 out of Metro Projects Construction DDSRF: awarding contract to **TRAFFIC SYSTEMS CONSTRUCTION, INC** for Intersection Safety Improvements Work Order #4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by Metro Projects Construction DDSRF
56. ORDINANCE appropriating \$1,000,000.00 out of Metro Projects Construction DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **GUNDA CORPORATION, LLC** for Negotiated Work Orders for Pre-Engineering of Street and Traffic (Thoroughfares) Improvements

**RESOLUTIONS AND ORDINANCES** - continued

57. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **CINCO MUNICIPAL UTILITY DISTRICT NO. 7**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **CINCO MUNICIPAL UTILITY DISTRICT NO. 7**, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the Sales and Use Tax of the City of Houston in the area within the district annexed for limited purposes; assigning annexed area to the adjacent council district from which a district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
58. ORDINANCE approving and authorizing first amended and restated Strategic Partnership Agreement between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 30**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 30** and certain territory located in the vicinity of the district in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain territory in the vicinity of the district; imposing the Sales and Use Tax of the City of Houston in the area within the district annexed for limited purposes; assigning annexed area to the adjacent council district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
59. ORDINANCE approving and authorizing second amended and restated Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 61**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 61**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the Sales and Use Tax of the City of Houston in the area within the district annexed for limited purposes; assigning annexed area to the adjacent council district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
60. ORDINANCE approving and authorizing the first amended and restated Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 286**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 286**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the Sales and Use Tax of the City of Houston in the area within the district annexed for limited purposes; assigning annexed area to the adjacent council district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

**RESOLUTIONS AND ORDINANCES** - continued

61. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 287**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 287**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the Sales and Use Tax of the City of Houston in the area within the district annexed for limited purposes; assigning annexed area to the adjacent council district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
62. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 367**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 367**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the Sales and Use Tax of the City of Houston in the area within the district annexed for limited purposes; assigning annexed area to the adjacent council district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
63. ORDINANCE No. 2014-0427, passed second reading May 14, 2014  
ORDINANCE granting to **ELTON CHILDS dba ADVANCE VACUUM TRAP SERVICES, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **THIRD AND FINAL READING**

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**NON CONSENT AGENDA** - NUMBER 64

**MISCELLANEOUS**

64. **SET A PUBLIC HEARING DATE** relative to designation of a banner district in the Midtown Management District - **DISTRICTS C - COHEN; D - BOYKINS and I - GALLEGOS**  
**HEARING DATE - 9:00 A.M. - WEDNESDAY - JUNE 4, 2014**

**MATTERS HELD** - NUMBERS 65 through 70A

65. ORDINANCE appropriating \$4,328,880.00 out of Miscellaneous Capital Projects/Acquisitions CP-Series E Fund; awarding contract to **MOCA SYSTEMS, INC** for Technical Advisory Services for the Justice Complex Project Managed by the Finance Department for the Houston Police and Municipal Courts Departments; providing a maximum contract amount
- a. MOTION by Council Member Gonzalez/Seconded by Council Member Costello to adopt recommendation from Finance Department, to award to **MOCA SYSTEMS, INC** for Technical Advisor Services for the Justice Complex Project Managed by the Finance Department for Houston Police Department and Municipal Court Department  
**TAGGED BY COUNCIL MEMBERS PENNINGTON AND KUBOSH**  
These were Items 8 and 8A on Agenda of May 14, 2014
66. ORDINANCE appropriating \$1,704,739.14 out of Water & Sewer System Consolidated Construction Fund for spending authority to purchase Software Licenses and Integration Services for Public Works & Engineering Department
- a. MOTION by Council Member Gonzalez/Seconded by Council Member Bradford to adopt recommendation from Finance Department, to award to **INFOR PUBLIC SECTOR, INC** - \$3,363,050.80; **CLOUDNEXA, INC** - \$1,500,000.00; **PRECISION TASK GROUP** - \$632,000.00 for Spending Authority to purchase Software Licenses, Software Maintenance, Integration Services, and Cloud Computing Services from the General Services Administration Schedule 70 Contract and the Texas Department of Information Resources through the Cooperative Purchasing Program for the Department of Public Works & Engineering - \$5,495,050.80 Enterprise and Dedicated Drainage & Street Renewal Funds  
**TAGGED BY COUNCIL MEMBER LASTER**  
These were Items 9 and 9A on Agenda of May 14, 2014
67. ORDINANCE approving and authorizing an agreement between the City of Houston and **INFOR PUBLIC SECTOR, INC** for purchase of Software Licenses, and Support through the U.S. General Services Administration Contract
- a. MOTION by Council Member Gonzalez/Seconded by Council Member Bradford to adopt recommendation from Finance Department, to award to **INFOR PUBLIC SECTOR, INC** for purchase of Software Licenses, and Support under the Master Agreement and the U.S. General Services Administration Schedule 70 Contract \$4,913,049.91 - General and Central Service Revolving Fund - **TAGGED BY COUNCIL MEMBER LASTER**  
These were Items 10 and 10A on Agenda of May 14, 2014
68. RESOLUTION designating the High First Ward Area of the City of Houston as a Historic District  
**DISTRICT H - GONZALEZ** - **TAGGED BY COUNCIL MEMBERS GONZALEZ and STARDIG**  
This was Item 12 on Agenda of May 14, 2014
69. ORDINANCE approving and authorizing Economic Development Agreement between the City of Houston, Texas, **TRENDMAKER CLEAR LAKE LLC**, and **CLEAR DORADO LAND ASSOCIATES, L.P.** for the Construction of certain public works and improvements - **DISTRICT E - MARTIN** - **TAGGED BY COUNCIL MEMBER MARTIN**  
This was Item 26 on Agenda of May 14, 2014

**MATTERS HELD** - continued

70. WRITTEN MOTION by Council Member Davis to amend Item 70A as follows:

"I move to amend Section 17-51 of Exhibit A of the proposed ordinance Item 55(l) on the May 14, 2014 agenda, by deleting subsection (b) of Section 17-51 in its entirety, and relettering the remaining subsections accordingly

**TAGGED BY COUNCIL MEMBER BRADFORD**

Item 70A was Item 55L on Agenda of May 14, 2014

- a. ORDINANCE **AMENDING CHAPTERS 2, 15 and 17 of the CODE OF ORDINANCES, HOUSTON, TEXAS**, prohibiting discrimination on the basis of protected characteristics in City employment, City services, City contracting practices, housing, public accommodations, and private employment; containing findings and other provisions relating to the foregoing subject; declaring certain conduct unlawful; providing for a penalty; providing for severability

**POSTPONED BY MOTION #2014-439, 5/14/14**

This was Item 55L on Agenda of May 14, 2014

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Stardig 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 2<sup>nd</sup> FLOOR - WEDNESDAY  
MAY 28, 2014 – 9:30 AM**

**AGENDA**

1MIN	1MIN	1MIN
MR. VICTOR MARTINEZ - 2008 Crockett – 77007 – 713-899-5956 – High First Ward Historic District Item		
MR. PETE PORCARELLO – 1719 Crockett – 77007 – 713-412-2580 - High First Ward Historic District Item		
MS. STEPHANIE McHUGH – 1956 Winrock – 77057 – 713-302-7555 – Civil Rights Ord. – Item		
MR. SANJAY BAPAT – (did not wish to give address - In favor of Equal Rights Ord. – Item		
MR. ROBERT SHIPMAN – 2175 Dryden – 77030 – 713-553-8900 – Equal Rights Ord. – Item		
MS. KELLIE RIVERA – 4403 Woodhead – 77098 – 917-570-8987 – Equal Rights – Item		
MR. JOSE ANTONIO RAMIREZ – 2810 Beauchamp No. 25 – 77009 – 956-346-6072 – Equal Rights Ord. Item		
MR. CARLOS I. RUIZ – 4322 Lakewood Dr. – Pasadena – TX – 77504 – 832-687-3140 – Equal Rights Ord. – Item –		
MR. ALESANDRO LOZANO – no address/phone given – Equal Rights Ord. – Item		
MR. JIM HENLEY – 1628 Norfolk St – 77008 – 832-285-6608 – Equal Rights Ord. – Item		
MS. JENNIFER SIMONS – 5 Greenway Plaza No. 100 – 77046 – 281-406-2208 – Equal Rights Ord. – Item		
MR. TOM FRICKE – 3406 Audubon Place – 77006 – 713-520-7237 – Equal Rights Ord. – Item		
RABBI SCOTT HAUSMAN-WEISS – 4923 Braesvalley – 77096 – 713-213-2987 – Equal Rights Ord. – Item		
MS. AMANDA HERNANDEZ – no address given – 515-782-4987 – Equal Rights Ord. – Item		
MR. MATTHEW WILLIAMS – 3328 Blodgett St – 77004 – 832-528-1473 – Equal Rights Ord. – Item		
MR. RYKEEM HACKETT – 4602 Bricker St – 77051 – 832-564-8327 – Equal Rights Ord. – Item		
MR. JOHNATHON FUQUA – 5565 Gasmer Dr – 77035 – 832-495-5599 – Equal Rights Ord. – Item		
MS. CINDY VARA-LEIJA – 1146 Majestic – 77020 – 713-296-9075 – Equal Rights Ord. – Item		
MR. HAROLD KELLY – 2718 Wheeler Ave – 77004 – 713-205-4357 – Equal Rights Ord. – Item		
MR. MICHAEL ATOR – 1139 ½ Harvard St. – 77008 – 713-823-7705 – Equal Rights Ord. – Item		
MR. BLAKE ELLIS – 1410 Edmundson St. - 77003 – Equal Rights Ord. – Item		
MR. RUSTIN CARTER – 2128 Milford St. – 77098 - 806-216-0109 – Equal Rights Ord. – Item		
MR. JORGE OLIVARES – 3400 Edloe No. 1710 – 77027 - 713-398-9448 – Equal Rights Ord. – Item		
MR. JOHN C. GORCZYNSKI – 6302 Cindy Ln – 77008 – 281-851-1868 – Equal Rights Ord. – Item		
MR. KENDALL TOARMINA – no address/phone given – Equal Rights Ord. – Item		
MS. AMANDA WILLIAMS – 1109 Dismuke St – 77023 – 281-797-7944 – Equal Rights Ord. – Item		
MS. ANDREA REED MOORER – 13915 Turning Spring Ln – 77044 – Equal Rights Ord. – Item		
MR. RYAN LEVY – no address/phone given – Equal Rights Ord. – Item		

*Speakers List*  
*May 28, 2014*  
*Continued Page 2*

1MIN	1MIN	1MIN
MR. PATRICK DICKSON – 55 Waugh Dr., No. 150 – 77007 – 832-308-7206 – Equal Rights Ord. – Item		
MR. KRISTOPHER SHARP – 1 Main St. – 77002 – 832-736-0038 – Equal Rights Ord. – Item		
MR. SEAN McGLASSON – 4427 ½ Jefferson St – 77023 – Equal Rights Ord. – Item		
MS. ALI LOZANO – 1209 Herkimer St., No. 6 – 77008 – 832-302-7086 – Equal Rights Ord. – Item		
MR. TIM MARTINEZ – 103 Roy St. – 77007 – 713-498-7037 – Equal Rights Ord. – Item		
MR. ANTHONY BENNETT – 8282 Cambridge – 77054 – 352-840-3474 – Equal Rights Ord. – Item		
MR. JOHNATHAN CRAFT – 1850 Colquitt St., No. 14 – 77098 – 281-682-8425 – Equal Rights Ord. – Item		
MR. ALISTER BLUCKER – 303 E. 9 <sup>th</sup> St., No. 11 – 77007 – 281-508-0157 – Equal Rights Ord. – Item		
MR. GUILLERMO MEJIA – 18019 Holly Forest Dr. – 77084 – 832-378-4528 – Equal Rights Ord. – Item		
MS. JESSICA FRINSCO – 609 Cortlandt St., No. 1 – 77007 – 832-754-4859 – Equal Rights Ord. – Item		
MS. RACHEL MARTINEZ – 20303 Prince Creek Dr. – Katy – 77450 – 832-641-2069 – Equal Rights Ord. – Item		
MS. TIERRA ORTIZ-RODRIGUEZ – 4010 Hazard St., No. 1 – 77098 – no phone – Equal Rights Ord. – Item		
MR. FRED LEWIS – 4509 Edgemont – Austin – TX – 78731 – 512-636-1389 – Equal Rights – Item –		
MS. JACKIE MARTIN – no address given – no phone given – Equal Rights Ord. – Item		
MS. SALINAS SUEZEN – 8210 Burning Hill Dr. – 77071 – 713-478-8197 – Equal Rights Ord. – Item		
MR. VAN ENGLISH – 5410 Court of York – 77069 – 972-795-4257 – Equal Rights Ord. – Item		
MR. JUDE FENG – 17210 Hanoverian Dr. – Richmond – TX – 77407 – 817-360-7508 – Equal Rights – Item		
MR. MICHAEL MCHUGH – 4800 Calhoun Rd. – 77004 – 713-823-2321 – Equal Rights – Item		
MR. BRIAN SCOTT RIEDEL – Post Office Box 1892 – 77005 – 832-729-3765 - Equal Rights – Item		
MR. MICHAEL MACIAG – 1100 Connecticut Ave N.W., Ste. 1300 – Washington – DC. 20036 – 202-862-1465 – Equal Rights – Item		
MR. HUNTER CAUBLE – 1950 Knoll St. – 77080 – 713-977-5333 – Equal Rights – Item		
MR. ROBERT BREWER – 10333 Harwin Dr., Ste. 375G – 77036 – 832-617-7996 – Equal Right – Item		
MR. BILL KELLY – 2211 Norfolk, Ste. 810 – 77098 – 713-523-8963 – Equal Rights – Item		
MS. MERYL COHEN – 713-927-6749 – 314 Braesheather – 77096 - Equal Rights – Item		
MS. CHERYL FLOYED – 5151 Richmond Dr., No. 288 – 77056 – 713-256-8979 – Equal Rights – Item		
MS. AMY CHRISTENSON – 7009 Alameda, No. 1233 – 77054 – (no phone number given) – Equal Rights – Item		
MS. EESHA PANDIT – 281-772-1307 – 2142 Mossy Trail Dr. – Katy – TX – 77450 – 281-772-1307 Equal Rights – Item		
MS. AMANDA LOZENICH – 1500 Bay Area Blvd., No. 138 – 77058 -832-649-9338 – Equal Rights Item		
MS. SHELLYE ARNOLD – 859 Azalea St. – 77018 – 713-299-0237 – Equal Rights – Item		

*Speakers List*  
*May 28, 2014*  
*Continued Page 3*

1MIN	1MIN	1MIN
MR. JEFF PROCELL – 611 Beverly Hills – 77057 – 713-806-4068 – Equal Rights – Item		
MR. YOUSIF ALI – 420 Westheimer Rd., No. 1 – 77006 – 713-935-6981 – Gay discrimination and sexual Assault - Equal Rights – Item		
MR. NAWFAL MUHAMMED – 2002 Richmond – 77098 – 832-525-2787 – Gay discrimination and sexual Assault – Equal Rights – Item		
MS. LEANA PRADO – 9559 Pagewood – 77063 – 954-918-2243 – Equal Rights – Item		
MS. JULIET STIPECHE – 6621 Sylvan – 77023 – 713-550-6233 – Equal Rights – Item		
MS. HEATHER STRANGE – 1315 W. Clay – 77019 – 713-298-1228 – Equal Rights – Item		
MR. SCOTT MORE – 3619 Garott – 77006 – 713-205-7371 – Equal Rights – Item		
MR. CHRIS HICKS – 310 W. Claly – 77019 – 832-922-2610 – Equal Rights – Item		
MS. SHERRY MERFISH – 2720 Pittsburg St. – 77005 – 713-249-6163 – Equal Rights – Item		
MS. KRISTEN MACALUSO – 4102 Caroline St. – 77004 – Equal Rights – Item		
MR. RASHAAN NOWELL - 10225 Bissonnet, No. 1308 – 77036 – 281-974-5271 – Equal Rights – Item		
MR. BOSTON DAVIS BOSTAIN – 419 Janisch – 77018 – 713-703-5325 – Equal Rights – Item		
MR. AYDEN PONCE – 1145 N. Durham, No. 14 – 77008 – (no phone number given) Equal Rights – Item		
MS. ELISA BURNS – 2036 Goftick – 77008 – 713-802-1981 – Equal Rights – Item –		
MS. LURRAINE SCHOEDER – 2211 Dorrington - 77030 – 713-7580 – Equal Rights – Item		
MR. CARLOS MARROQUIN – 6213 Southwest Frwy. – 77074 – 832-274-7201 – Equal Rights – Item		
MS. ELIZABETH HUSSEY – 17618 Shadow Valley Dr. – Spring - TX – 77379 – 281-705-5806 – Equal Rights – Item		
MS. MALKIA HUTCHINSON – 5514 Griggs Rd. – 77021 – 919-975-5920 – Equal Rights – Item		
MS. LAUREN AINSWORTH – 3400 Timmons – 77027 – 713-294-4310 – Equal Rights – Item		
MS. KENDALL TOARMINA – (did not wish to give address) – 832-418-3066 – Equal Rights – Item		
MR. RAFAEL MCDONNELL – 2701 Reagan – Dallas – TX – 77529 – 214-540-4419 – Equal Rights Item		
MR. ART PRONIN – 5250 Willowbend – 77096 – 713-854-7446 – Equal Rights Ord. – Item		
MR. STEVEN DUBLE – 2803 Greenbriar – 77098 – 281-851-5372 – Equal Rights – Item		
MR. JOSEPH CARLOS MADDEN – 5868 Westheimer, No. 638 – 77057 – 713-443-9421 – Equal Rights Item		
MR. JAY MAYS – 1301 Marshall – 77006 – 713-303-8148 – Equal Rights – Item		
MS. BRENDA NEAL – 4740 Merwin – 77027 – 713-533-1208 – Equal Rights – Item		
MS. BEVERYL MCPHAIL – 1739 Michigan St. – 77006 – 832-570-8115 – Equal Rights – Item		
MS. KELLI ANGELONE – 11515 Burdine Unit 507 – 77035 – Equal Right – Item		
MR. WAYNE MATHIS – 7401 Cobbs Oak Ln. – Rosharon – TX – 77583 – 832-630-0651 – Equal Rights Item		

*Speakers List*  
*May 28, 2014*  
*Continued Page 4*

1MIN	1MIN	1MIN
MR. RANDALL ELLIS – 401 Teetshorn – 77009 – 832-797-6416 – Equal Rights – Item		
MS. BOBBIE COHEN – 7622 Coachwood – 77071 – 832-265-2820 – Equal Rights – Item		
MR. MANUEL R. DIAZ – 9546 Bearden Creek Ln. – Humble – TX – 77396 – 281-450-7603 – Equal Rights – Item		
MR. HAZARD BUCK-JACOBS – 1517 N. Shepherd – 77008 – Equal Rights – Item		
MR. CESAR DIAZ – 9851 Meadowglen Ln – 77042 – 713-972-1181 – Equal Rights Ord. – Item		
MS. DEBBIE KELLY – 6658 Thornwall – 77092 – 281-732-7739 – Equal Rights – Item		
MR. JAMES RULE – 3455 1960 W, No. 1211 – Humble – TX – 77338 – 281-784-2050 – Equal Rights Item		
MS. LORA WILDENTHAL – 2012 Arlington – 77008 – 713-869-9852 – Equal Rights – Item		
MR. RANDALL BEAMAN – 6535 Cindy Ln. – 77008 – 713-864-6882 – Equal Rights – Item		
MR. JAMES CARGAS - 2450 Louisiana, St. 400 – 77006 – 703-472-0359 – Equal Rights – Item		
DR. DORINA PAPAGEORGIOU – 2450 Louisiana, St. 400 – 77006 – 713-213-4906 – Equal Rights – Item		
MR. SADIQ SHERAZE – 4100 Southwest Freeway, No. 316 – 713-878-3396 – Equal Rights – Item		
MR. LOWELL DANIEL – 1028 Van Buren – 77019 – 832-563-7935 – Equal Rights – Item		
MS. MARY VILLANUEVA – 4710 Cochran St. – 77009 – 713-201-8189 – Equal Rights – Item		
MS. TERESA GONZALES – 2118 Walnut Creek Dr. – 77017 – 832-858-3506 – Equal Rights – Item		
MS. YVETTE DIAZ – 6674 Rockbridge Ln. – 77023 – 713-923-1814 – Equal Rights – Item		
MS. DEBRA MITCHELL – (no address given) – 713-416-2709 – Equal Right – Item		
MS. THOMANDRA SAM – 9900 Richmond Ave, No. 1804 – 77042 – 337-351-6561 – Equal Rights – Item		
MS. MARY BETH SMITH – 2420 Yorktown St, No. 495 – 77056 – 713-383-8636 – Equal Right – Item		
MR. RALPH GINGELL – 7938 Emerald Bluff Court – 77095 – 832-309-0386 – Equal Rights – Item		
MR. STEVE WELLS – 5658 Chena Dr. – 77096 – 713-305-3080 – Equal Rights – Item		
MR. JOSEPH FOXWORTH – 8822 Stoney Bend – Spring – TX – 77379 – 832-216-8548 – Equal Rights Item		
MR. JAMES SCHRIVER – 1808 Lubbock St. – 77006 – 713-882-1831 – Equal Rights – Item		
MS. REBECCA FAIRCHILD – 101 S. Woodsway Dr., Ste. 210 – 77056 – Equal Rights – Item		
MR. DURREL DOUGLAS – (no address given) – 832-857-5737 – Equal Rights Ordinance – Item		
MS. SONIA CORRALES – 1010 Waugh Dr. – 77019 – 713-528-6798 – Equal Rights – Item		
MR. EDWARD GONZALEZ-NOVOA – 7901 Cambridge St., No. 106 – 77054 – 917-371-5531 – Equal		
MR. JOSEPH LOZANO – 414 Marshall St., No. 6 – 77006 – 832-910-0331 – Equal Rights – Item Rights – Item		
MS. CAROLINE DUBLE – 4510 Hazelton – 77035 – 713-306-3949 – Equal Rights – Item		
MR. BOB HARVEY – 1558 Kirby Dr. – 77019 – 713-844-3601 – Equal Rights – Item		

*Speakers List*  
*May 28, 2014*  
*Continued Page 5*

<u>1MIN</u>	<u>1MIN</u>	<u>1MIN</u>
MR. TOM HARGIS – 1617 Fannin, NO. 1717 – 77002 – 832-291-4776 – Equal Rights – Item		
<u>2MIN</u>	<u>2MIN</u>	<u>2MIN</u>
MR. ROBERT GRIFFITH – 1610 Alamo St. – 77007 – 713-446-5416 - High First Ward Historic District – Item		
MS. GLORIA VERA – 109 Richelieu Ln – 77018 – 713-681-3136 – High First Ward Historic District – Item		
MR. TIM RUIZ – 1407 Holly St. – 77007 – 832-876-0701 – High First Ward District – Item –		
MR. LEE DECKER – 2006 Crockett – 77007 – 832-419-0849 – High First Ward – Item		
MS. VALORIE DECKER – 2006 Crockett - 832-419-0857 – High First Ward – Item		
MR. DYLAN FORBIS – 4205 LaBranch – 77004 – 832-758-2939 – Support Equal Rights – Item		
MR. SCOTT TILLINGHAST – 5005 Georgia Ln No. 88 – 77092 – 713-686-8331 – Equal Rights Ord. – Item		
MR. A. J. MISTRETTA – 2212 Bastrop St – 77003 – 832-465-5762 – Equal Rights Ord. – Item		
MS. LAKEIA SPADY – 2007 Brun St. No. 13 – 77019 – 931-472-4776 – Equal Rights Ord. – Item		
MS. BILLIE WHITE – 2903 Robertson St. – 77009 – 832-289-7209 – Equal Rights Ord. – Item		
MS. VENITA RAY – 6403 Del Monte Dr. No. 230 – 77057 – no phone – Equal Rights Ord. – Item		
MS. ESPERANZA RODRIGUEZ – 2014 Common St – 77009 – 832-275-0480 – Equal Rights Ord. – Item		
APOSTLE DAVID MALDONDO – 1108 Merrill – 77009 – 713-829-0783 – Equal Rights – Item		
MR. NEIL AQUINO – 5353 Memorial Dr. No. 2064 – 77007 – 713-591-0402 – Equal Rights Ord. – Item		
PASTOR GYULER ABRAM – 12415 Berry Laurel - 77014 – 832-272-2262 – Equal Rights – Item		
MR. ROBERT WITTELIFF – 1226 W. Pierce, No. 1 – 77019 – 832-264-0273 – Equal Rights – Item		
MR. GARRETT MIZE – 1908 W. Dallas St No. 1 – 77019 – 512-658-7198 – Equal Rights Ord. – Item		
MR. JOSEPH MILLER – 2131 Des Jardines – 77023 – 832-441-3166 – Equal Rights – Item		
MS. LETICIA VILLAREAL – 3638 Shoctaw – LaPorte – TX – 832-206-3426 – Equal Rights – Item		
<u>3MIN</u>	<u>3MIN</u>	<u>3MIN</u>
MS. TANIA RIVAS – 1701 Crockett – 77007 – 939-828-8840 – High First Ward Historic District – Item –		
MR. DOMINIC YAP – 1847 Dart St. – 77007 – 832-531-3911 – High First Ward Historic District – Item –		
MR. DAVID HILLE – 1710 Ansbury – 77018 – 713-551-1350 – High First Ward Historic District – Item		
MR. ASHTON WOODS – 2751 Wallingford Dr – 77042 – 713-757-2317 – Equal Rights Ord. – Item		
MS. AIMEE TURNEY – no address/phone given – Equal Rights Ord. – Item		
MS. VANESSA LEIVA – 1111 Pasphall St – 77009 – 832-571-3526 – Equal Rights Ord. – Item		
MR. JIM NEAL – 411 Yorkchester – 77079 – 832-265-3626 – Equal Rights – Item – Equal Rights – Item		
MS. MONICA MATTOX – 8200 Sunberry Ln – 77095 – 832-373-2110 – Equal Rights Ord. – Item		
MR. EVAN O’NEIL – no address given – no phone given – Equal Rights Ord. – Item		

*Speakers List*  
*May 28, 2014*  
*Continued Page 6*

3MIN	3MIN	3MIN
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MS. SHAILEY GUPTA-BRIETZKE – 5325 Nina Lee Ln – 77092 – 713-688-1777 – Equal Rights Ord.  
Item

MR. GEORGE PSARAS – 1409 W. 14<sup>th</sup> St – 77008 – 202-905-7068 – Equal Rights Ord. – Item

MS. DALEA LUGO – 9418 High Meadow - 77063 – 832-350-0728 – Support of H.E.R.O. – Item

MR. BROOKS BALLARD – 309 Gray – 77002 – 713-552-7205 – Equal Rights – Item

MS. ANNETT HARRIS – 12210 Match St. – Humble – TX – 77346 – 832-445-9740 – Equal Rights – Item

***NON-AGENDA***

1MIN	1MIN	1MIN
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DR. ALKEBU MOTAPA - 5022 Cosby - 77021 - 713-741-5150 – Martin Luther King Jr. statue unveiled  
Saturday, May 24, 2014 Love Shelia

3MIN	3MIN	3MIN
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MS. TARA ANDREWS – 20250 Telegraph – Katy – 77449 – 832-318-4060 – Mother’s Water Bill

MR. JAMES WHITAKER – 3110 Napoleon St – 77004 – 281-840-2812 – Conspiracy

MR. OTIS MYLES – 5606 Yorkwood St – 77016 – 713-633-8067 – Trash concerns

MS. CARMALITA WHITAKER – 19103 Sprinters Dr. – Humble – 77346 – 281-636-3138 – Missing Person  
(Jacob Wallace)

MR. JOSEPH OMO OMUARI – 3939 North Freeway – 77022 – 713-478-7321 – HCAD deadlines should be  
announced publicly

3MIN	3MIN	3MIN
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MR. BENJAMIN CALHOUN – (private) – 713-694-6899 – Forgery

MS. SHANNON MCGAUTHA – 3613 Barberry Dr. – 77051 – 832-282-7338 – Vacant property/Abandon  
Property

MR. ERIC BARVIN – 5500 El Camino Del Rey No. 101 – 77081 – 832-487-0974 – Gus Wortham Botanic

MS. DEBORAH ELAINE ALLEN – 12000 Martin Luther King Blvd., No. 2059 – 713-264-0127 – Problems in  
the World

***PREVIOUS***

1MIN	1MIN	1MIN
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MR. EVAN MICHAELIDES – 1810 Summer St. – 77007 – 713-802-1699 - High First Ward Historic District  
Item

MS. LAURA MICHAELIDES – 1810 Summer St. – 77007 – 713-802-1699 - High First Ward Historic District  
Item

MS. VELMA MARTINEZ – 2008 Crockett – 77007 – 713-899-5956 – High First Ward Historic District –  
Item

MR. WILLIAM LOYD – Post Office Box 5500741 – 77255 – 713-923-7844 – Equal Righths – Item -

MR. TRAVIS SHIEZE – 4001 Shepherd – 77018 – 713-782-8833 – Equal Rights Ord. – Item -

MS. YESENIA CHAVEZ – 210 Lena Dr. – 77022 – number not given - Equal Rights Ord. - Item -

MR. JAMES LEE – 9251 Burdine St., No. 306 – 77096 – 281-889-8362 – Houston Equal Rights Ord. - Item -

1MIN	1MIN	1MIN
MS. LAILA KHALILI – (no address and phone number given) - Equal Rights Ord. – Item –		
MS. SARAH SCHIMMER – no address given – no phone – Equal Rights Ord. - Item -		
MR. RYAN LEACH – 512 Tabor – 77009 – 713-703-9105 – Equal Rights Ord. – Item -		
APOSTLE KENDALL BAKER – 3750 Tanglewild, Unit 1 – 77063 – 832-714-1963 – Equal Rights Item		
MS. MELANIE PANG – 2300 Old Spanish Trail – 77054 – 832-860-9414 – Equal Rights Ord. Item		
MS. SHARETHA JACKSON – 5801 N. Houston Roslyn – 77091 – 281-903-4655 – Equal Right – Item		
MR. STEPH OLIN – 218 West 15 <sup>th</sup> – 77008 – 832-294-9870 – Equal Rights –		
MS. SYNTHIA WALTON – 15220 Crockett – 77007 – 562-572-3570 – Equal Rights – Item -		
MS. DEE YOUNG – 7606 Cypress – Humble – TX – 77396 – 281-702-7864 – Equal Rights – Item		
MR. NOEL FREEMAN – Post Office Box 66693 – 77266 – 713-521-1000 – Equal Rights – Item -		
MR. BRAD PRITCHETT – 1044 Alexander St. – 77008 – 713-898-9734 - Equal Rights Ord. - Item -		
MS. MARIA GONZALEZ – 8111 DeLeon – 77061 – 713-301-2912 – Equal Rights – Item -		
MS. ANNA EASTMAN – (do not wish to publish address and ph. number ) – Equal Rights – Item -		
MS. CAROLINE GIESE – 4440 ½ Pease St. – 77023 – 713-569-9707 – Equal Rights Ord. – Item -		
MR. ANDREW EDMONSON – 3231 Allen Parkway No. 5101 – 77019 – 832-217-0013 – Equal Rights Ord. – Item -		
MR. MARK EGGLESTON – 11635 Canyon Mills Dr. – 77095 – 832-630-5995 – Houston Equal Rights – Ord. – Item -		
MR. DARRIN BRINDLE – 11635 Canyon Mills Drive – 77095 – 832-630-5996 – Equal Rights - Item -		
MR. TIM BACON – 205 Albany, No. 3 – 77006 – 713-443-1191 – Equal Rights Ord. – Item		
MS. AUTUMN PACKARD – 19203 Bushwood – Spring – 77388 – 832-537-8097 – Equal Rights Ord. – Item		
MR. ALLAN BRAIN – 4265 San Felipe No. 1100 – 77027 – 713-552-0220 – Equal Rights Ord. – Item		
MR. DANE COOK – 2034 Tuam – 77004 – (no number given) – Equal Rights Ord. – Item		
MR. JAMES PARTSCH-GALVAN – 1611 Holman St – 77004 – 832-528-2607 – Equal Rights Ord. – Item		
REV. LYNETTE ROSS – 4604 Mangum Rd. – 77092 – 281-235-5394 – Equal Rights Ord. – Item -		
MR. MIKE CRAIG – 2803 Chenevert St. – 77004 – 713-304-8821 - Equal Rights Ord. – Item -		
MS. TAMIRA AUGUSTINE – 2824 Cleburne – 77004 – 281-636-9012 – Equal Rights Ord. – Item		
MR. KIRK CHILDRESS – 3400 Edloe St No. 1710 – 77027 – 281-352-5073 – Equal Rights Ord. – Item		
MS. JANUARI LEO – 1415 California St – 77006 – 713-569-3624 – Equal Rights Ord. – Item		
MS. KRISTEN CAPPS – 8121 Broadway, Ste. 225 – 77061 – 281-940-8180 – Equal Rights Ord. – Item -		
MS. CHRISTINA CANALES GORCZYNSKI – no address/phone given – Equal Rights – Item -		

*Speakers List*  
*May 28, 2014*  
*Continued Page 8*

1MIN	1MIN	1MIN
MS. DEANNA WARD – 4727 Torrington Ct – Sugarland – 77479 – 512-968-8159 – Equal Rights Ord. Item		
MS. MELISSA MURRY – 6425 Westheimer Rd. No. 803 – 77057 – 713-499-0640 – Equal Rights Ord - Item –		
MR. LOU WEAVER – 1609 Castle Ct., No. 1 – 77006 – 832-265-0342 – Equal Rights – Item -		
REV. TROY TREASH – 6211 Ash Oak Dr. – 77091 – 773-315-9225 – Equal Rights – Item –		
MS. MONICA ROBERTS – 5155 Balkin St. – 713-748-0301 – Equal Rights – Item -		
MS. CHARTAMIA WASHINGTON – (did not wish to give address) – 832-794-0020 – Equal Rights – Item		
MR. PERRI K. MCCARY – Post Office Box 450712 – 713-893-1304 – Equal Rights – Item		
MS. MARGARITA PEREZ – no address given – no phone given – Equal Rights Ord. – Item		
MS. AMELIA MILLER – 15506 Stoney Fork – 77084 – 713-824-4087 – Equal Rights – Item		
MR. JEFFREY FAIRCLOTH – 5611 Meadow Creek – 77017 – (no phone number given) – Equal Rights Item		
MS. FRAN WATSON – 320 Jackson Hill – 77007 – 713-726-6149 – Equal Rights Ord. – Item		
MR. AVIE KUPFER – 11515 Burdine, No. 543 – 77035 – 713-705-6132 – Equal Rights – Item -		
MR. LARRY DODGEN - 11515 Burdine, No. 543 – 77035 – 713-705-6132 – Equal Rights – Item -		
REV. DR. BECKY EDMISTON-LANGE – 1900 Bering Dr. – 77057 – 713-782-8250 – Equal Rights – Item –		
MR. JAMES PARTSCH-GALVAN – 1611 Holman – 77004 – 713-528-2607 – I support Gonzalez amendment for the Equal Rights – Item		
MR. BRANDON MACK – 9707 Timberside – 77025 - 713-226-9995 – Equal Rights – Item		
MR. JAMES QUINN – 2714 Holman – 77004 – 832-257-9690 – Equal Rights – Item –		
MR. STEVE VARGAS - 101 Avondale, No. 12 – 77006 – 713-520-7483 – Equal Rights – Item		
MS. LURA GROEN – 111 Fargo St #B – 77006 – 832-350-0404 – Equal Rights Ordinance – Item		
REVEREND JENNI MARTIN FAIRBANKS – 1601 Sunset Blvd – 77005 – 281-745-8205 – Equal Rights Ordinance - Item		
MS. DEE DEE WATTERS – 6550 Hillcroft – 77081 – 713-780-8421 – Equal Rights – Item -		
MR. MIKE HOLLOMAN – 1928 Dunstan Rd – 77005 – 713-320-5755 – Equal Rights Ordinance – Item		
BISHOP ANTHONY L. WILLIAMS, SR. – 2909 Hayes Rd. – 77082 – 281-608-0774 – Equal Rights Item –		
REV. DR. MICHAEL DIAZ – 2610 Waugh, No. 2 – 77006 – 954-494-6916 – Equal Rights – Item -		
MR. JOHN NOFLIN – 12903 Brent Rock Dr. – 77082 – 832-208-1498 – Why the handicapped have to sit in Council that long? 05/13/2014		
PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – C/Counsel Chamber under arrest by Chief JCharles H/C-Texas		

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**MAY 28 2014**

**MOTION NO. 2014 0428**

**MOTION by Council Member Gonzalez that the recommendation of the Chief Development Officer of the Mayor's Office, to set a hearing date to consider the designation of a Tax Abatement Reinvestment Zone for Breckenridge Group Houston Texas, LP, be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, May 28, 2014 in the City Council Chamber, Second Floor, City Hall.**

**Seconded by Council Member Costello and carried.**

**Mayor Parker, Council Members Stardig, Davis, Cohen,  
Boykins, Martin, Nguyen, Pennington, Gonzalez, Gallegos,  
Laster, Green, Costello, Robinson, Kubosh, Bradford and  
Christie voting aye  
Nays none**

**PASSED AND ADOPTED this 14th day of May 2014.**

**Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is May 20, 2014.**

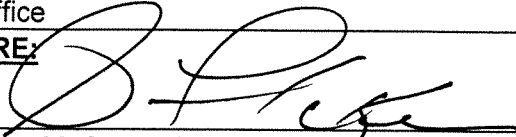
**City Secretary**

**REQUEST FOR COUNCIL ACTION****TO: Mayor via City Secretary****RCA #****SUBJECT:** An Ordinance creating the Aspen Heights, Houston. Tax Abatement Reinvestment Zone.**Category #****Page 1 of**  
1**Agenda Item#**  
1A**FROM: (Department or other point of origin):**Andy Icken, Chief Development Officer  
Mayor's Office**Origination Date**

May 13, 2014

**Agenda Date**

MAY 28 2014

**SIGNATURE:****Council Districts affected:**

District "I" - CM Gallegos

**For additional information contact:**

Gwendolyn Tillotson

Phone: 832-393-0937

**Date and identification of prior****authorizing Council Action:** Ord. No.  
2009-858 9/16/09; 2011-1167 12/14/11;  
Ord. No. 2014-0245 date 3/12/14**RECOMMENDATION: (Summary)** City Council approves an Ordinance creating the Aspen Heights Houston Tax Abatement Reinvestment Zone.**Amount of Funding:** Not Applicable**Finance Budget:****SOURCE OF FUNDING:** ☐ General Fund ☐ Grant Fund ☐ Enterprise Fund  
☐ Other (Specify)**SPECIFIC EXPLANATION:**

Pursuant to Section 312.204 of the Tax Code, a municipality may enter into a tax abatement agreement in writing with the owner of real property that is located within a reinvestment zone. Section 312.202 of the same code, defines the criteria for designating a tax abatement reinvestment zone, one of which is that the area be reasonably likely to attract major investment in the zone that would be a benefit to the land.

A public hearing on the designation of a reinvestment zone for Aspen Heights Houston. (Aspen Heights) is scheduled to be held before city council on **May 28, 2014 at 9:00 A.M.**, prior to council consideration to establish the reinvestment zone. The public hearing was published in the Houston Chronicle on May 19, 2014. The Office of the Mayor requests that City Council designate an approximate 7.7 acre site located at 1901 Cullen and 1905 Cullen Blvd., Houston, TX 77023, which is in the proximity of Interstate 45 and Cullen Blvd. as the Aspen Heights Houston Reinvestment Zone for tax abatement purposes ("Zone"). This action will enable city council to consider approval of a tax abatement agreement for Aspen Heights to support the investment in real and personal property involved in the construction of a new multi-story student housing development comprising 739 beds and improvements in the pedestrian realm.

The estimated value of new abatable investment subject to the proposed ad valorem tax abatement is \$45 million for the new construction of a building comprising 305,076 rentable square feet.

The project and the Zone met the criteria established by the City of Houston guidelines for tax abatement adopted on March 12, 2014 by Ordinance No. 2014-0245.

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:**

# **REQUEST FOR COUNCIL ACTION**

**TO: Mayor via City Secretary**

**RCA #**

**SUBJECT:** Ordinance approving a tax abatement agreement "Agreement" between the City of Houston "City" and Breckenridge Group, Houston Texas "Developer" for Aspen Heights Houston

**Category #**

**Page 1 of 1**

**Agenda Item#**

**FROM: (Department or other point of origin):**

Andy Icken, Chief Development Officer  
Mayor's Office

**Origination Date**  
May 14, 2014

**Agenda Date**  
MAY 28 2014

**SIGNATURE:**

**Council Districts affected:**  
District "I" - Gallegos

**For additional information contact:**

Gwendolyn Tillotson

Phone: 832-393-0937

**Date and identification of prior authorizing Council Action:**  
Ord. No. 2009-858 9/16/09; 2011-1167 12/14/11; 2014-0245 date 3/12/14

**RECOMMENDATION: (Summary)** Approve an Ordinance approving a tax abatement agreement "Agreement" between the City of Houston "City" and Breckenridge Group, Houston Texas "Developer" for Aspen Heights Houston

**Amount of Funding:** Not Applicable

**F&A Budget:**

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

**SPECIFIC EXPLANATION:**

Aspen Heights is a national student housing developer and property manager with headquarters in Austin Texas. It was founded in 2006 and has reinvented the concept of student housing by building neighborhoods of American Craftsman-style homes with all of the amenities of a luxury apartment complex. The company has completed or has under construction two projects throughout the country. The proposed building will be constructed on a 7.7 acre site near the vicinity of Interstate 45 and Cullen Blvd. within a high poverty census block group and will comprise 238 one to four bedroom units consisting of 730 beds. Aspen Heights submitted an application on April 4, 2014. The proposed abatement will apply to the capital investment in real property. The company will invest additionally in personal property for furniture fixtures and other equipment.

This project involves the construction of a 4 story wrap style building and garage with approximately 300,000 rentable square feet, a fitness room, and courtyard pool located at 1901 and 1905 Cullen Blvd near downtown Houston and within ¼ mile of the University of Houston. Aspen Heights plans to invest more than \$63 million in real and personal property, with most of the investment (\$56M) for the building and related structures. The company will spend more than \$400,000 to construct improvements in and around the underpass at Interstate 45 to enhance pedestrian safety and mobility. The proposed start date for the construction phase is June 2014, with completion targeted for August 2015, consistent with the Fall 2015 school year.

The real property improvements subject to tax abatement are approximately \$45M and represent the incremental value above the property base. The appraised value is estimated at approximately 80% of the investment amount excluding the land. The site is located within a high poverty census block group and thereby designated as an Enterprise Zone and Reinvestment Zone by Texas State statutes and as such is eligible to receive a maximum tax abatement of up to 90%. Based upon a 90% abatement rate, the City tax to be abated is estimated at \$207,000 - \$290,000 annually for a term of 10 years. The abatement agreement includes a recapture provision that will allow the City to recapture taxes abated to Aspen Heights if the project exceeds its performance yield rate target.

cc: Marta Crinejo, Agenda Director  
Anna Russell, City Secretary  
David Feldman, City Attorney  
Deborah McAbee, First Assistant City Attorney  
Gary Dzierlenga, Senior Assistant City Attorney – Section Chief

**REQUIRED AUTHORIZATION**

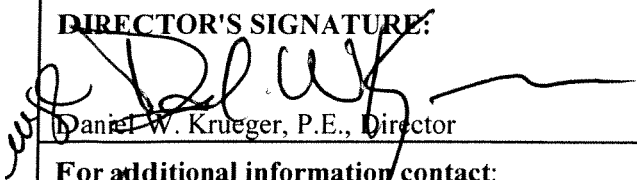
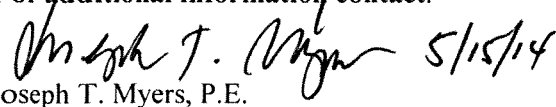
**Other Authorization:**

**Other Authorization:**

**Other Authorization:**

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work for Post Oak #1 Lift Station Replacement; WBS No. R-000267-00G5-4.	<b>Page</b> 1 of 1	<b>Agenda Item</b> # <u>2</u>
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> <u>5/21/14</u>	<b>Agenda Date</b> <u>MAY 28 2014</u>
<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b>  K <u>SKF</u>	
<b>For additional information contact:</b>  Joseph T. Myers, P.E. Sr. Assistant Director <b>Phone:</b> (832) 395-2355	<b>Date and identification of prior authorizing Council action:</b>  Ord. # 2012-1016 dated: 11/28/2012	

**RECOMMENDATION:** (Summary) Pass a motion to approve the final Contract Amount of \$2,303,143.37 or 3.82% 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 \$2,732,000.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's ongoing program to upgrade its wastewater lift station facilities.

**DESCRIPTION/SCOPE:** This project consisted of rehabilitation of the lift station, including replacement of pumps, installation of wet well and valve vault structure, discharge piping, valves and ventilation system, and upgrade of electrical and instrumentation system to meet current standards. ARCADIS U.S., Inc. designed the project with 260 calendar days allowed for construction. The project was awarded to Industrial TX Corp. with an original Contract Amount of \$2,394,591.00.

**LOCATION:** The project is located at 16119 Bantam Ridge Court in Key Map Grid 571 Y.

**CONTRACT COMPLETION AND COST:** The Contractor, Industrial TX Corp., has completed the work under the subject Contract. The project was completed on time with additional 106 days approved by Change Order No 3. The final cost of the project, including overrun and underrun of estimated unit price quantities and previously approved Change Orders No. 1 and 2 is \$2,303,143.37 a decrease of \$91,447.63 or 3.82% under the original Contract Amount.

The decreased cost is a result of the difference between planned and measured quantities. This decrease is primarily the result of an underrun in various Base Unit Price Items, and Extra Unit Price Items, which were not necessary to complete the project.


**M/WBE PARTICIPATION:** The M/WBE goal established for this project was 18%. According to Mayor's Office of Business Opportunity, the participation was 30.11%. Contractor's M/WBE performance evaluation was rated Outstanding.

DWK:DRM:JTM:SKF:MA:ha

H:\E&C Construction\Facilities\Projects\R-000267-00G5-4 Post Oak #1 Lift Station\21.0 Close-Out Documentation\RCA\RCA - Closeout.doc

## REQUIRED AUTHORIZATION

20HA306

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>   Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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[illegible]

POST OAK #1 LS: KEY MAP NO. 571Y



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CITY OF HOUSTON

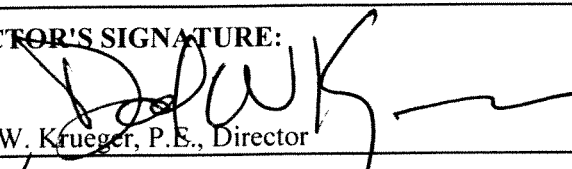

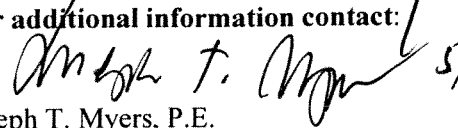


LIFT STATION RENEWAL & REPLACEMENT  
POST OAK #1 LIFT STATION  
GFB NO.: R-0267 - 84-2  
(FILE NO.: WWA4836)

**VICINITY MAP  
EXHIBIT B**

**FACILITY NO. 280 POST OAK #1 LIFT STATION**

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work for Ley Road Paving and Drainage from Mesa to Grade Separation at HB and RTT; WBS No. N-000689-0001-4; R-000500-0106-4; S-000500-0106-4.		<b>Page</b> 1 of 1	<b>Agenda Item</b> # <u>3</u>
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b> <u>5/21/14</u>	<b>Agenda Date</b> <u>MAY 28 2014</u>
<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director		<b>Council District affected:</b>  B 	
<b>For additional information contact:</b>  Joseph T. Myers, P.E. Sr. Assistant Director <b>Phone:</b> (832) 395-2355		<b>Date and identification of prior authorizing Council action:</b>  Ord. # 2011-0527 dated: 06/22/2011	
<b>RECOMMENDATION:</b> (Summary) Pass a motion to approve the final Contract Amount of \$6,501,843.56 or 1.68% under the original Contract Amount, accept the Work and authorize final payment.			
<b>Amount and Source of Funding:</b> No additional funding required. Total (original) appropriation of \$7,862,178.00 with \$6,719,582.00 from Metro Projects Construction Fund No. 4040 and \$1,142,596.00 from Water and Sewer System Consolidated Construction Fund No. 8500.			
<b>PROJECT NOTICE/JUSTIFICATION:</b> This project replaced and widened a street that had been deteriorated beyond economical repair and normal maintenance. It improved traffic circulation, mobility and drainage in service area. These improvements upgraded existing roadway to major thoroughfare freeway plan standards.			
<b>DESCRIPTION/SCOPE:</b> This project consisted of the construction of approximately 7,200 linear feet of divided concrete roadway with two 24-foot lanes in each direction. The roadway improvements included a detention pond, curbs and gutters, sidewalks street lighting, underground storm sewers and necessary utilities. Sciencetech Engineers, Inc. designed the project with 458 calendar days allowed for construction. The project was awarded to Triple B. Services, LLP with original Contract amount of \$6,613,127.85.			
<b>LOCATION:</b> This project is generally bounded by Tidwell on the north, Highway 90 on the south, Mesa Drive on the east and North Wayside on the west in the Key Map Grids 455 K & L.			
<b>CONTRACT COMPLETION AND COST:</b> The Contractor, Triple B. Services, LLP, has completed the work under the subject Contract. The project was completed on time with additional 218 days approved by Change Orders No. 2 and 4. The final cost of the project, including overrun and underrun of estimated unit price quantities and previously approved Change Orders No. 1 through 7 is \$6,501,843.56, a decrease of \$111,284.29 or 1.68% under the original Contract Amount.			
The decreased cost is a result of the difference between planned and measured quantities. This decrease is primarily the result of underrun in Base Unit Price Items, Storm Sewer Items, Traffic Items, Detention Items, Paving Items, Water Items, Sanitary Items, and Extra Unit Price Items, which were not necessary to complete the project.			
<b>M/WBE PARTICIPATION:</b> The M/WBE goal established for this project was 17%. According to Office of Business Opportunity, the participation was 17.49%. Contractor's M/WBE performance evaluation was rated Satisfactory.			
DWK:DRM:JTM:PK:SA:ha H:\E&C Construction\East Sector\PROJECTS\S-000035-0115-4 WLR in PARK PLACE AREA\RCA\RCA - Closeout.doc			
<b>REQUIRED AUTHORIZATION</b> <span style="float: right;">20HA302 </span>			
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	


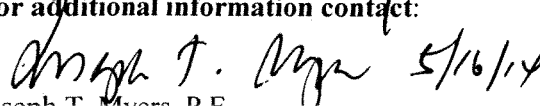
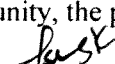

WBS NO. N-000689-0001-4

(KEY MAP 455-K & L)

(GIMS MAP 5660A)

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

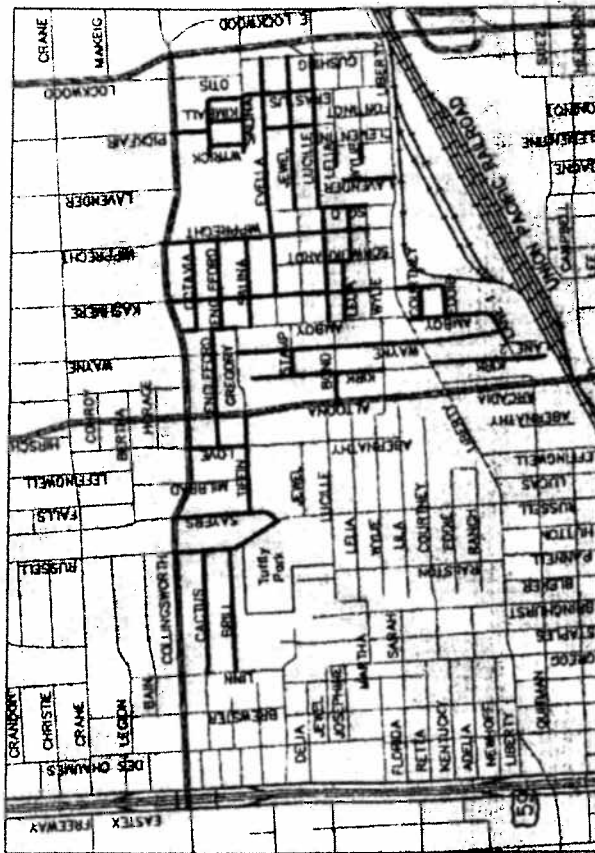
<b>SUBJECT:</b> Accept Work for Waterline Replacement in Liberty North Area; WBS No. S-000035-0113-4.		<b>Page</b> 1 of 1	<b>Agenda Item</b> # 4
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b> 5/21/14	<b>Agenda Date</b> MAY 28 2014
<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director		<b>Council District affected:</b>  B 34	
<b>For additional information contact:</b>  Joseph T. Myers, P.E. Sr. Assistant Director <b>Phone:</b> (832) 395-2355		<b>Date and identification of prior authorizing Council action:</b>  Ord. # 2011-1033 dated: 12/07/2011	
<b>RECOMMENDATION:</b> (Summary) Pass a motion to approve the final Contract Amount of \$2,373,873.63 or 4.72% under the original Contract Amount, accept the Work and authorize final payment.			
<b>Amount and Source of Funding:</b> No additional funding required. Total (original) appropriation of \$2,975,800.00 from Water and Sewer System Consolidated Construction Fund No. 8500.			
<b>PROJECT NOTICE/JUSTIFICATION:</b> This project was part of the City's Water Line Replacement Program and was required to replace and upgrade water lines within the City to increase availability of water, improve circulation and fire protection.			
<b>DESCRIPTION/SCOPE:</b> This project consisted of the construction of approximately 36,775 linear feet of 4-inch, 6-inch and 8-inch diameter water lines, valves and appurtenances. Kuo & Associates, Inc. and Lockwood, Andrews & Newnam, Inc. designed the project with 310 calendar days allowed for construction. The project was awarded to Collins Construction, LLC. with original Contract amount of \$2,491,396.60.			
<b>LOCATION:</b> This project area is generally bounded by Collingsworth on the north, Union Pacific Railroad on the south, Cushing on the east, and Linn on the west in the Key Map Grids 454 W, X, & Y, 494 B & C.			
<b>CONTRACT COMPLETION AND COST:</b> The Contractor, Collins Construction, LLC., has completed the work under the subject Contract. The project was completed beyond the established completion date with additional 80 days approved by Change Order No. 1 and liquidated damages in the amount of \$15,200.00 for 19 days at \$800.00/day are assessed and reflected in the final payment to the Contractor. The final cost of the project, including overrun and underrun of estimated unit price quantities is \$2,373,873.63, a decrease of \$117,522.97 or 4.72% under the original Contract Amount.  The decreased cost is a result of the difference between planned and measured quantities. This decrease is primarily the result of underrun in various Base Unit Price Items and Extra Unit Price Items, which were not necessary to complete the project.			
<b>MWBE/SBE PARTICIPATION:</b> The MBE/SBE goal established for this project was 20%. According to Office of Business Opportunity, the participation was 21.02%. Contractor's MBE/SBE performance evaluation was rated Outstanding.  DWK:DRM:JTM:PK:SK:ha H:\E&C Construction\East Sector\PROJECTS\S-000035-0113-4 WLR Liberty North\21.0 CloseOuts\RCA\RCA - Closeout.doc			
<b>REQUIRED AUTHORIZATION</b> <span style="float: right;">20HA295</span>			
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

# PUBLIC WORKS & ENGINEERING DEPARTMENT ENGINEERING AND CONSTRUCTION DIVISION WATER LINE REPLACEMENT IN LIBERTY NORTH AREA WBS NO. S-000035-0113-4



N.T.S.

STREET NAME	FROM	TO	SIZE (inch)	LENGTH (feet)
ENGLEFORD	LANE	WYFREDIT	8	2,144
OCTAVIA	AMBOY	WYFREDIT	8	600
WYFREDIT	COLLINGSWORTH	WYLE	8	2,046
SALINA	AMBOY	WYFREDIT	8	300
STAMP	KIRK	WAYNE	8	278
IRVING	ALTOONA	KIRK	8	227
LELIA	AMBOY	SOLD	8	1,132
KIRK	WYLE	END (NORTH)	4 & 6	1,328
WAYNE	LANE 1 (OUTMAN)	CREIGHT	8	2,677
AMBOY	OCTAVIA	COLLINGSWORTH	8	187
AMBOY	LANE 1 (OUTMAN)	LIBERTY	8	856
KIRK	RAILROAD R.O.R.	LIBERTY	8	1,248
LANE 1 (OUTMAN)	LANE 2	AMBOY	4 & 8	396
LELIA	AMBOY	KASHMERE	8	320
KASHMERE	EDDIE	LIBERTY	8	478
COURTNEY	AMBOY	KASHMERE	8	328
POKTAIR	ENGLEFORD	COLLINGSWORTH	8	308
SALINA	GRANT	WYFREDIT	8	578
ENGLEFORD	ENGLEFORD	WYFREDIT	8	518
KIRK	SALINA	ENGLEFORD	8	390
KIRK	SALINA	ENGLEFORD	8	403
DIAS	LELIA	ENGLEFORD	8	1,132
LELIA	SOLD	ENGLEFORD	8	1,332
LELIA	AMBOY	ENGLEFORD	8	1,656
LELIA	LIBERTY	END NORTH	4 & 8	797
SOLD	LELIA	WYLE	8	537
LELIA	CLENDON	END (WEST)	4	713
WYLE	CLENDON	END (WEST)	4	208
WYLE	WYFREDIT	COLLINGSWORTH	8	628
SAVERS	RUSSELL	COLLINGSWORTH	8	1,143
WYFREDIT	SAVERS	ALTOONA	8	1,018
CALUS	LANE	RUSSELL	8	1,216
LELIA	LANE	RUSSELL	8	1,216
RUSSELL	SAVERS	COLLINGSWORTH	8	1,144
AMBOY	CALUS	ENGLEFORD	8	800
KASHMERE	COLLINGSWORTH	WYLE	8 & 8	2,137
SCHENKARD	LELIA	LELIA	8	250
LELIA	KASHMERE	LELIA	8 & 8	2,564
LELIA	LELIA	LELIA	8	844



KEY MAP NO. 494 B & C, 454 W, X & Y.  
COUNCIL DISTRICT 8

STREET	WYFREDIT	END (WEST)	END (WEST)	TOTAL
SALINA	8	5	133	146
ENGLEFORD	8	5	141	146

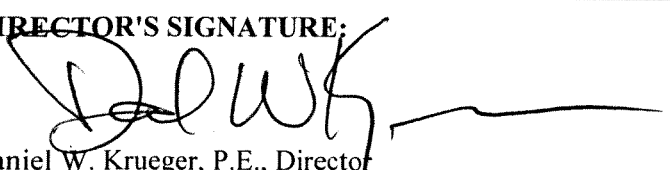

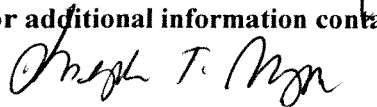
VICINITY MAP  
CITY OF HOUSTON  
PUBLIC WORKS AND ENGINEERING DEPARTMENT  
WATER LINE REPLACEMENT IN LIBERTY NORTH AREA  
WBS NO. S-000035-0113-4

EXISTING ROAD  
ROAD DESIGNATED FOR  
PROPOSED WATER LINE

KUO  
K. U. O.  
K. U. O.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work for Water Line Replacement in Timbergrove Area; WBS No. S-000035-0122-4.	<b>Page</b> 1 of 1	<b>Agenda Item</b> # 5
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 5/21/14	<b>Agenda Date</b> MAY 28 2014
<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b>  C 	
<b>For additional information contact:</b>  5/16/14 Joseph T. Myers, P.E. Senior Assistant Director Phone: (832) 395-2355	<b>Date and identification of prior authorizing Council action:</b>  Ord. # 2012-0551 dated: 06/13/2012	

**RECOMMENDATION:** (Summary) Pass a motion to approve the final Contract Amount of \$1,959,478.86 or 19.89% 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 \$2,918,100.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

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

**DESCRIPTION/SCOPE:** This project consisted of the construction of approximately 30,269 linear feet of water lines with related appurtenances in the Timbergrove Area. Arcadis U.S. Inc. designed the project with 270 calendar days allowed for construction. The project was awarded to Scohil Construction Services, LLC with original Contract amount of \$2,445,959.00.

**LOCATION:** The project area is generally bounded by Lazybrook on the north, W. 11<sup>th</sup> on the south, W.T.C. Jester on the east, and Locksford and Seamist on the west in the Key Map Grids 452 S, T, W, X, Y and 492 B, C.

**CONTRACT COMPLETION AND COST:** The Contractor, Scohil Construction Services, LLC, has completed the work under the subject Contract. The project was completed on time with additional 78 days approved by Change Order No. 2. The final cost of the project, including overrun and underrun of estimated unit price quantities and previously approved Change Order No. 1 is \$1,959,478.86, a decrease of \$486,480.14 or 19.89% under the original Contract Amount.

The decreased cost is a result of the difference between planned and measured quantities and previously approved Change Order No.1. This decrease is primarily the result of an underrun in various Base Unit Price 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 20%. According to Office of Business Opportunity, the participation was 28.34%. Contractor M/SBE performance evaluation was rated Outstanding.

  
DWK:DRM:JTM:RJM:DO:ha

H:\E&C Construction\North Sector\PROJECT FOLDER\S-000035-0122-4 - WLR in Timbergrove Area\21.0 Closeout\RCA\RCA - Closeout .doc


REQUIRED AUTHORIZATION

20HA307

Finance Department:

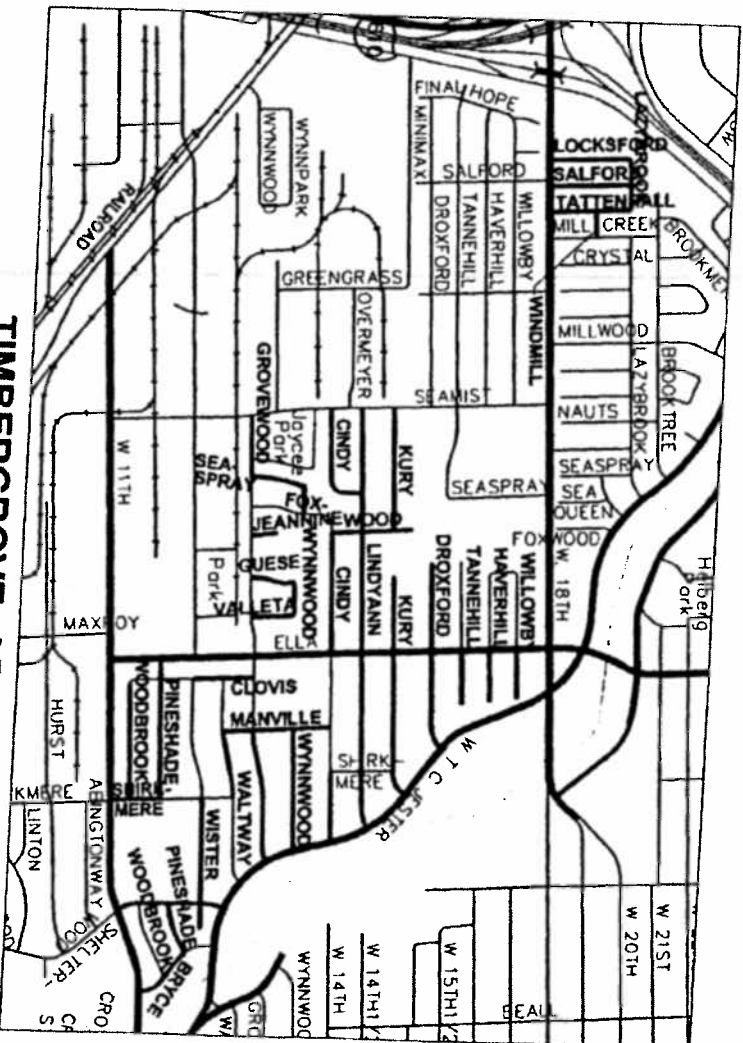
Other Authorization:

Other Authorization:

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

# DEPARTMENT OF PUBLIC WORKS AND ENGINEERING ENGINEERING & CONSTRUCTION DIVISION

WATER LINE REPLACEMENT IN TIMBERGROVE AREA WBS NO. S-000035-0122-4									
STREET	ADDRESS	START STREET	END STREET	EXISTING SIZE	NEW SIZE	LENGTH IN FEET			
Wynndy	1800-1899	Elia Blvd	Cal-de-roc	2	4.6	50.3			
Hevenhill	1800-1899	Elia Blvd	Cal-de-roc	2	4.6	50.3			
Lozbrock	1500-1599	Elia Blvd	W TC Jester	2	4.6	81.7			
Droxford	1500-1599	W TC	END (west)	6.8	8	1,928			
Kury	8600-8799	Sagmilt	Foxwood	6	8	1,301			
Kury	8200-8599	Leater	Droxford	6	6.8	2,035			
Lindy Ann	8200-8799	W TC	Seamilt	8	8	4,357			
Chndy	8200-8799	Sagmilt	Lindy Ann	8	8	1,125			
Chndy	8200-8599	Elia Blvd	Foxwood	8	8	1,354			
Wynndy	8200-8599	W TC	W TC Jester	8	8	846			
Wynndy	8500-8599	Cusea	Manilla	8	8	1,296			
Groenwood	8200-8399	W TC	Manilla	4	8	624			
Groenwood	8700-8799	Sagmilt	Foxwood	6	8	1,400			
Wynndy	8300-8399	Shlennore	Manilla	6	8	915			
Wynndy	8000-8099	Shlennore	Cal-de-roc	2	4.6.8	546			
Wynndy	8100-8299	Shlennore	Shlennore	6	8	916			
Wynndy	8300-8499	Elia Blvd	Shlennore	6	8	1,475			
Wynndy	8000-8099	Shlennore	Shlennore	6	8	583			
Wynndy	8100-8199	11th St	Shlennore	6	8	1,296			
Wynndy	8300-8399	Shlennore	Shlennore	6	8	488			
Wynndy	8500-8599	Shlennore	Shlennore	6	8	792			
Wynndy	8100-8199	Shlennore	Shlennore	6	8	470			
Wynndy	8300-8399	Shlennore	Shlennore	6	8	368			
Wynndy	8500-8599	Shlennore	Shlennore	6	8	663			
Wynndy	8100-8199	Shlennore	Shlennore	6	8	589			
Wynndy	8300-8399	Shlennore	Shlennore	6	8	354			
Wynndy	8500-8599	Shlennore	Shlennore	6	8	1,275			
Wynndy	8100-8199	Shlennore	Shlennore	6	8	1,236			
Wynndy	8300-8399	Shlennore	Shlennore	6	8	352			
Wynndy	8500-8599	Shlennore	Shlennore	6	8	788			
Wynndy	8100-8199	Shlennore	Shlennore	6	8	1,029			
Wynndy	8300-8399	Shlennore	Shlennore	6	8	943			
Wynndy	8500-8599	Shlennore	Shlennore	6	8	862			
Wynndy	8100-8199	Shlennore	Shlennore	6	8	854			
Wynndy	8300-8399	Shlennore	Shlennore	6	8	287			
TOTAL						38,451			



## TIMBERGROVE AREA

KEY MAP: 452 S. T. W. X. Y. 492 B. C  
COUNCIL DISTRICT - C

**ARCADIS**  
Engineering & Construction  
10000 Katy Freeway, Suite 1000  
Houston, Texas 77054-4000  
Tel: 713.281.7000 Fax: 713.487.4000  
www.arcadis-usa.com

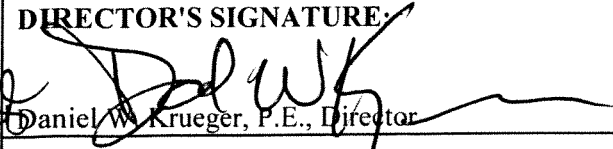

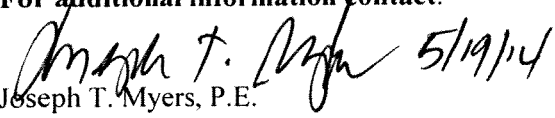
**CITY OF HOUSTON**

WATER LINE REPLACEMENT IN  
TIMBERGROVE AREA  
WBS NO.: S-000035-0122-4

VICINITY MAP

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work for Water Line Replacement in Shadywood Area; WBS No. S-000035-0125-4.	<b>Page</b> 1 of 2	<b>Agenda Item</b> # 6
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 5/21/14	<b>Agenda Date</b> MAY 28 2014
<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> G 	
<b>For additional information contact:</b>  Joseph T. Myers, P.E. Sr. Assistant Director Phone: (832) 395-2355	<b>Date and identification of prior authorizing Council action:</b> Ord. # 2012-0459 dated: 05/16/2012	

**RECOMMENDATION:** (Summary) Pass a motion to approve the final Contract Amount of \$2,511,454.97 or 5.14% under the original Contract Amount, accept work and authorize final payment.

**Amount and Source of Funding:** No additional funding required. Total (original) appropriation of \$3,034,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

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

**DESCRIPTION/SCOPE:** This project consisted of the construction of approximately 27,506 linear feet of water lines with related appurtenances. Costello Inc. designed the project with 220 calendar days allowed for construction. The project was awarded to Resicom, Inc. with an original Contract amount of \$2,647,555.00.

**LOCATION:** The project is divided into two areas:


<u>S. No.</u>	<u>Bounded by</u>	<u>Key Map Grids</u>	<u>Council District</u>
1.	I.H.10 on the north, Memorial Dr. on the south, Embassy on the east, and Chimney Rock on the west.	491 B, C	G
2.	Indian Trail on the north, Woodway on the south, Chimney Rock on the east, and Shadywood on the west.	491 F, & K	G

**CONTRACT COMPLETION AND COST:** The Contractor, Resicom, Inc., has completed the work under the subject Contract. The project was completed on time with an additional 108 days approved by Change Orders No. 2, 4, 5, 6, 7 and 8. The final cost of the project, including overrun and underrun of estimated unit price quantities and previously approved Change Orders No. 1 through 6 and 8 is \$2,511,454.97 a decrease of \$136,100.03 or 5.14% under the original Contract Amount.

The decreased cost is a difference between planned and measured quantities. This decrease is primarily the result of an underrun in various Base Unit Price Items; it's further decreased by previously approved Change Orders No. 1 and 3, which eliminated the work that was not necessary to complete the project.

REQUIRED AUTHORIZATION

20HA309

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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Date	SUBJECT: Accept Work for Water Line Replacement in Shadywood Area; WBS No. S-000035-0125-4.	Originator's Initials	Page 2 of 2
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**M/SBE PARTICIPATION:** The M/SBE goal established for this project was 20%. According to Mayor's Office of Business Opportunity, the participation was 19.47%. Contractor's M/SBE performance evaluation was rated Satisfactory.

*Handwritten initials: dm, BSA for, and a signature*

DWK:DRM:JTM:JAK:WR:ha

H:\E&C Construction\South Sector\PROJECT FOLDER\S-000035-0125-4 (Shadywood Area)\21.0 Close-Out Documentation\RCA\RCA - Closeout.doc

### BASE SOLUTION

[illegible]

**SHADYWOOD**

KEY MAP NO.: 491B,C,F,K  
GIMS MAP NO.: 5158CD.5157ABC  
COUNCIL DISTRICT G

### PROJECT LOCATION MAP

**WATER LINE REPLACEMENT IN  
SHADYWOOD AREA  
WEBB NO.: 8-090635-0128-3**

**EXHIBIT 'B'**






Costello, Inc.



**KIT Professionals, Inc.**  
 Systems & Services • International Operations  
 1000 Westinghouse Blvd. #200  
 Menlo Park, CA 94025  
 Tel: 650/321-1000 • Fax: 650/321-1001  
 Telex: 155555 • Cable: KITPROF

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Request for the sale of a ±6,890-square-foot portion of fee-owned property, and sale of a ±1,017-square-foot access easement over the Heritage East Hike and Bike Trail, out of the John Austin Survey, A-1. <b>Parcels SY12-092A and SY12-092B</b>	<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b> <u>7</u>
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> <u>5/8/14</u>	<b>Agenda Date</b> <u>MAY 28 2014</u>
<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> H  <b>Key Map:</b> 493M 	
<b>For additional information contact:</b>  Nancy P. Collins  Phone: (832) 395-3130 Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b>	

**RECOMMENDATION: (Summary)** It is recommended City Council approve a motion authorizing the sale of a ±6,890-square-foot portion of fee-owned property, and sale of a ±1,017-square-foot access easement over the Heritage East Hike and Bike Trail, out of the John Austin Survey, A-1. **Parcels SY12-092A and SY12-092B**

**Amount and Source of Funding:** Not Applicable

**SPECIFIC EXPLANATION:**

Kevin Meals, Manager, Surveying and Right of Way, CenterPoint Energy Houston Electric, LLC, 1111 Louisiana Street, Suite 743-B, Houston, Texas, 77002, requested the sale of a ±6,890-square-foot portion of fee-owned property, and sale of a ±1,017-square-foot access easement over the Heritage East Hike and Bike Trail, out of the John Austin Survey, A-1. The Elysian Viaduct will be reconstructed and brought to grade eliminating CenterPoint Energy's access to its Gable Street Substation. CenterPoint Energy plans to construct and utilize the city property for ingress and egress for the Gable Street Substation.

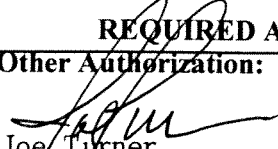
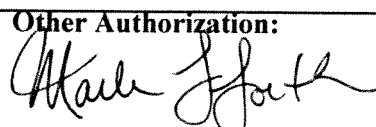
This is Part One of a two-step process in which the applicant will first receive a City Council authorized motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works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

1. The City sell a ±1,017-square-foot access easement over the Heritage East Hike and Bike Trail and sell a ±6,890-square-foot portion of fee-owned property, out of the John Austin Survey, A-1;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The applicant be required (a) notify the Public Information Officer of the Public Works and Engineering Department before making all transformer deliveries that would affect the use of the Hike and Bike Trail, (b) not park delivery vehicles on the Hike and Bike Trail at any time, (c) provide flagmen to direct Hike and Bike Trail traffic during deliveries, and (e) complete all of the foregoing items at no cost to the City and under the proper permits;

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CUIC #20BAM9288

## REQUIRED AUTHORIZATION

<b>Finance Department:</b>	<b>Other Authorization:</b>  Joe Turner Director Parks and Recreation Department	<b>Other Authorization:</b>  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division
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<b>Date:</b>	<b>Subject:</b> Request for the sale of a ±6,890-square-foot portion of fee-owned property, and sale of a ±1,017-square-foot access easement over the Heritage East Hike and Bike Trail, out of the John Austin Survey, A-1. <b>Parcels SY12-092A and SY12-092B</b>	<b>Originator's Initials</b> <i>Bam</i>	<b>Page</b> <b><u>2</u> of <u>2</u></b>
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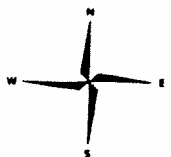
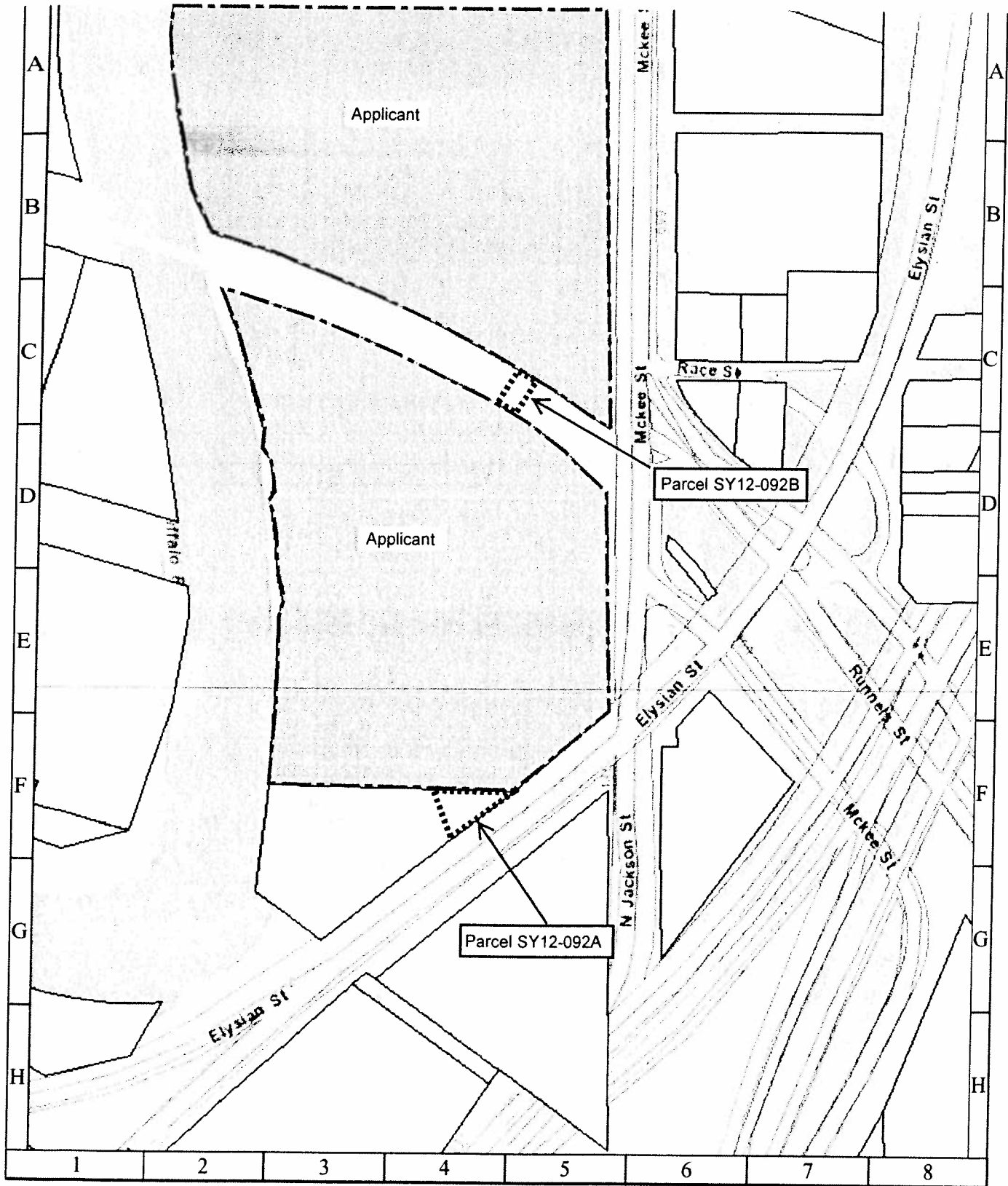
4. The applicant be required to: (a) reconstruct a portion of the Hike and Bike Trail to accommodate the weight of the applicant's delivery vehicles; (b) prepare drawings for the portion of the Hike and Bike Trail to be reconstructed and submit the drawings to the Office of the City Engineer for plan review and approval. The plans must: (i) address the weight of the applicant's delivery vehicles that will periodically cross the Hike and Bike Trail, (ii) include plans for the construction of a temporary detour for the Hike and Bike Trail as the Hike and Bike Trail must remain open to the public during reconstruction, (iii) include traffic mitigation plans during the reconstruction of the Hike and Bike Trail, (iv) be approved by the Office of the City Engineer, the Traffic Operations Division, the Planning and Development Services Division, Infrastructure and Environmental Planning Branch, and the Parks and Recreation Department ; (c) complete all of the foregoing items at no cost to the City and under the proper permits issued by the Office of the City Engineer; and (d) provide a Certificate of Final Completion upon inspection and approval by the Office of the City Engineer. A copy of the motion shall be attached to the plan set when it is submitted for plan review;
5. The Legal Department be authorized to prepare the necessary transaction documents; and
6. Inasmuch as the value of the City's property interest is not expected to exceed \$1,000,000.00, that the value be established by an independent appraiser appointed by the Director of Public Works and Engineering.

DWK:NPC:bam

c: Marta Crinejo  
David Feldman  
Terry A. Garrison  
Daniel Menendez, P.E.  
Joe Turner  
Patrick Walsh, P.E.  
Jeffrey Weatherford, P.E., PTOE

# PARCEL MAP

SUBJECT: Sale of a ±6,890-square-foot portion of fee-owned property, and sale of a ±1,017-square-foot access easement over the Heritage East Hike and Bike Trail, out of the John Austin Survey, A-1. Parcels SY12-092A and SY12-092B



**CITY OF HOUSTON**  
 Department of Public Works and Engineering  
 1 inch = 50 feet  
 Geographic Information & Management System (GIMS)

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



TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Abandonment and sale of Ormandy Drive, from the west plat line of the South Fondren Place Subdivision east then north to the north property line of Reserve B5, and a 10-foot-wide water line easement, in exchange for conveyance to the City of a 20-foot-wide storm sewer easement, and right-of-way for and construction of a cul-de-sac, all located within the South Fondren Place Subdivision, out of the H.T. & B.R.R. Survey, A-395. **Parcels SY14-033A, SY14-033B, AY14-033, and LY14-013**

Page  
1 of 2

Agenda Item #

8

**FROM (Department or other point of origin):**

Department of Public Works and Engineering

Origination Date

5/20/14

Agenda Date

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

Daniel W. Krueger, P.E., Director

Council District affected: K

Key Map: 570M

**For additional information contact:**Nancy P. Collins Phone: (832) 395-3130  
Senior Assistant Director-Real Estate**Date and identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)** It is recommended City Council approve a motion authorizing the abandonment and sale of Ormandy Drive, from the west plat line of the South Fondren Place Subdivision east then north to the north property line of Reserve B5, and a 10-foot-wide water line easement, in exchange for conveyance to the City of a 20-foot-wide storm sewer easement, and right-of-way for and construction of a cul-de-sac, all located within the South Fondren Place Subdivision, out of the H.T. & B.R.R. Survey, A-395. **Parcels SY14-033A, SY14-033B, AY14-033, and LY14-013**

**Amount and****Source of Funding:** Not Applicable**SPECIFIC EXPLANATION:**

Edgardo Melendez, Melendez Consulting LLC, 8721 Lugary Drive, Houston, Texas, 77074, on behalf of Iglesia Palabra De Restauracion Pentecostes, Inc. (Natividad De Jesus, Pastor), requested the abandonment and sale of Ormandy Drive, from the west plat line of the South Fondren Place Subdivision east  $\pm 244$  feet, located within the South Fondren Place Subdivision, out of the H.T. & B.R.R. Survey, A-395. Iglesia Palabra De Restauracion Pentecostes, Inc, the abutting property owner, plans to incorporate the subject street into the abutting property and replat into one reserve. Signs notifying the public of the pending street abandonment application were posted for at least thirty days.


This is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an Ordinance effecting the abandonment and sale. The Joint Referral Committee reviewed and approved this request subject to the applicant conveying a 20-foot-wide storm sewer easement, and right-of-way for and the construction of a cul-de-sac. Therefore, it is recommended:

1. The City abandon and sell Ormandy Drive, from the west plat line of the South Fondren Place Subdivision east then north to the north property line of Reserve B5, and a 10-foot-wide water line easement, in exchange for conveyance to the City of a 20-foot-wide storm sewer easement, and right-of-way for and construction of a cul-de-sac, all located within the South Fondren Place Subdivision, out of the H.T. & B.R.R. Survey, A-395.
2. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the right-of-way being abandoned and sold;

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CUIC #20TP9410

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

<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of Ormandy Drive, from the west plat line of the South Fondren Place Subdivision east then north to the north property line of Reserve B5, and a 10-foot-wide water line easement, in exchange conveyance to the City of a 20-foot-wide storm sewer easement, and right-of-way for and construction of a cul-de-sac, all located within the South Fondren Place Subdivision, out of the H.T. & B.R.R. Survey, A-395. <b>Parcels SY14-033A, SY14-033B, AY14-033, and LY14-013</b>	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
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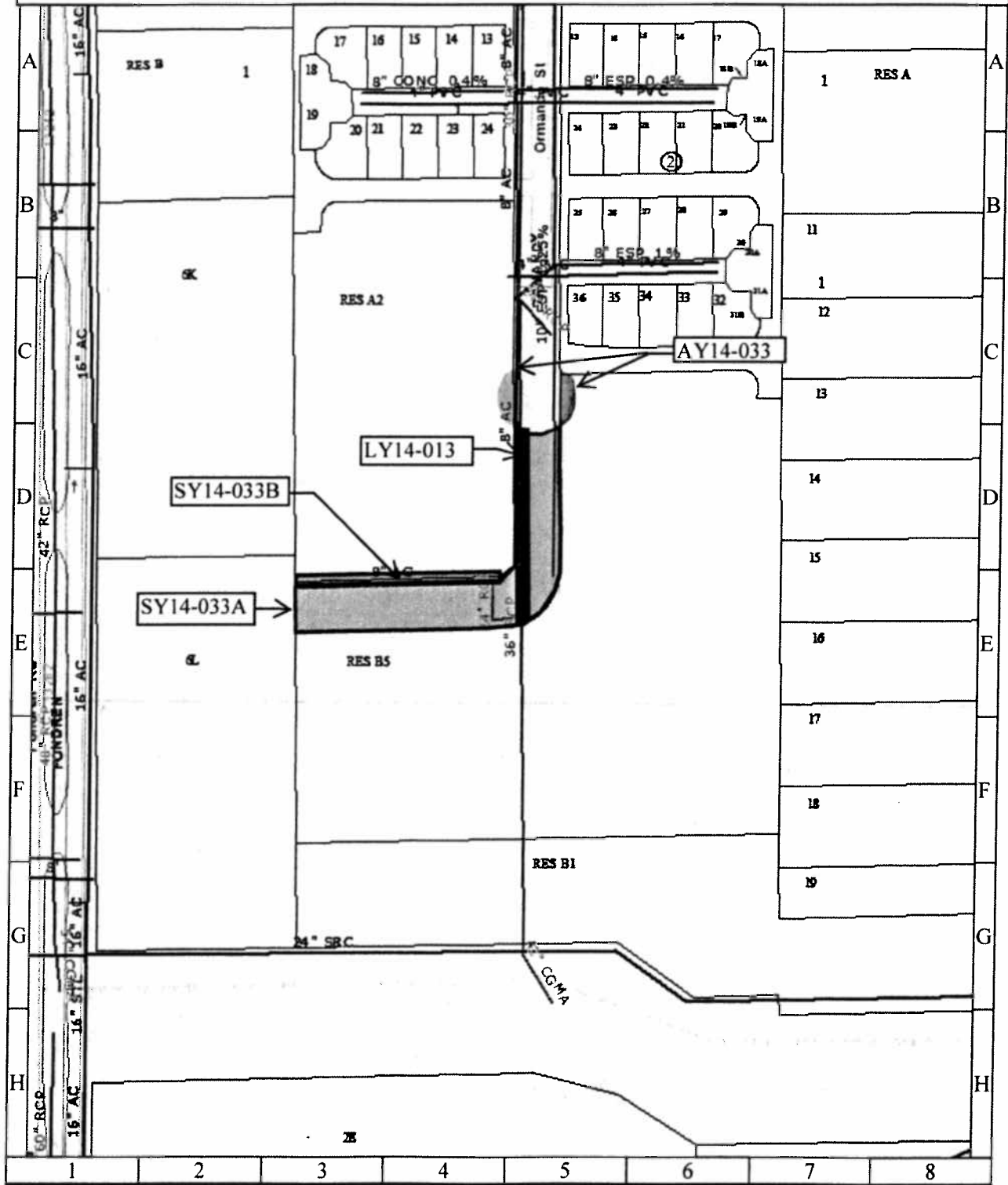
3. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
4. The applicant be required to: (a) construct a 60-foot cul-de-sac for vehicular traffic to City standards in the location of Ormandy Drive and the northern property line of Reserve B5, (b) construct Ormandy Drive from the end of the existing pavement to the proposed cul-de-sac; and (c) complete all of the foregoing items at no cost to the City and under the proper permits obtained through the Office of the City Engineer and separate from any other project permits;
5. The applicant be required to: (a) cut, plug, and abandon the 8-inch water line, located in Ormandy Drive, from the southern right-of-way line of the proposed cul-de-sac south to its terminus, or convert the 8-inch water line to private metered service. If the applicant chooses to convert the water line to private service, a new water meter must be installed in a new water meter easement at the southern right-of-way line of the proposed cul-de-sac; (b) cut, plug, and abandon the 10-inch sanitary sewer line located in Ormandy Drive, from the southern right-of-way line of the proposed cul-de-sac south to its terminus, or convert the 10-inch sanitary sewer line to private service; (c) construct a new manhole on the 10-inch sanitary sewer line at the southern right-of-way line of the proposed cul-de-sac; (d) cut, plug, and abandon the storm sewer inlets in Ormandy Drive, or convert the storm sewer inlets to private service; (e) install a new fire hydrant  $\pm 400$  feet south of the existing fire hydrant within Ormandy Drive; (f) pay the depreciated value of the water lines, sanitary sewer lines, manholes, and storm sewer inlets being abandoned, and (g) complete all of the foregoing items at no cost to the City and under the proper permits obtained through the Office of the City Engineer and separate from any other project permits;
6. The applicant be required to prepare drawings that show all public utilities (water, sanitary sewer, and storm sewer) that are to be abandoned, relocated, and/or constructed as part of this project specific to the Joint Referral Committee requirements and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the Motion shall be attached to the plan set when it is submitted for plan review.
7. In the interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost for work required in Item 5 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide an LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for this transaction. The Director of PWE or his designee may authorize one extension of the LOC which may be less than but not longer than twelve months, if the applicant has received approved permits and commenced construction of the work required in Item 5 above within the initial term of the LOC. Should the conditions of the LOC not be satisfied upon expiration of the LOC, a recommendation will be submitted to the City Council to rescind the ordinance that abandoned the City's property interest. All funds paid by the applicant will be forfeited. If the applicant wishes to pursue the transaction in the future, the process must begin anew. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;
8. The Legal Department be authorized to prepare the necessary transaction documents; and
9. Inasmuch as the value of the City's property interest is not expected to exceed \$1,000,000.00, that the value be established by an independent appraiser appointed by the Director of Public Works and Engineering.

DWK:NPC:tp

c: Jun Chang, P.E., D.WRE  
Marta Crinejo  
David Feldman  
Terry A. Garrison  
Daniel Menendez, P.E.  
Patrick Walsh, P.E.  
Jeffrey Weatherford, P.E., PTOE

## Parcel Map

Abandonment and sale of Ormandy Drive, from the west plat line of the South Fondren Place Subdivision east to the north property line of Reserve B5, and a 10-foot-wide water line easement, in exchange for conveyance to the City of a 20-foot-wide storm sewer easement, and right-of-way for and construction of a cul-de-sac, all located within the South Fondren Place Subdivision, out of the H.T. & B.R.R. Survey, A-395. **Parcels SY14-033A, SY14-033B, AY14-033, and LY14-013**



1 inch = 56 feet

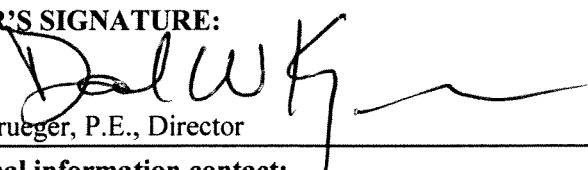

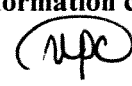
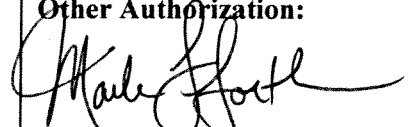
**CITY OF HOUSTON**  
 Department of Public Works and Engineering  
 Geographic Information & Management System (GIMS)


DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE  
 TO THE CITY.



TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

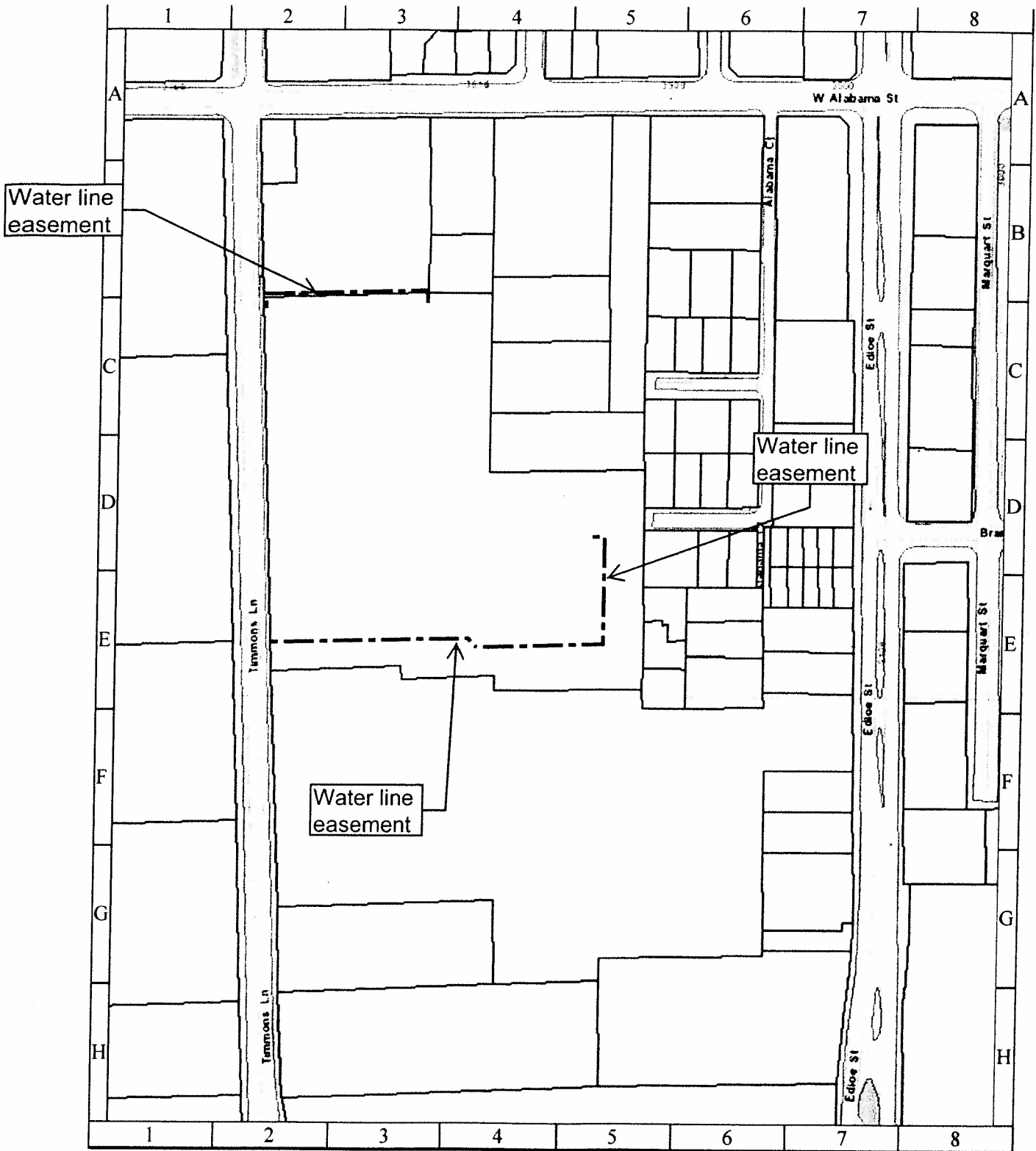
<b>SUBJECT:</b> Request for the abandonment and sale of two 10-foot-wide water line easements, located within Greenway Gardens Apartments, out of the A.C. Reynolds League Survey, A-61. <b>Parcels SY14-040A and SY14-040B</b>		<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b>  9
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b> 5/20/14	<b>Agenda Date</b> MAY 28 2014
<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director		<b>Council District affected:</b> C  <b>Key Map:</b> 492S	
<b>For additional information contact:</b>  Nancy P. Collins  <b>Phone:</b> (832) 395-3130 Senior Assistant Director-Real Estate		<b>Date and identification of prior authorizing Council Action:</b>	
<b>RECOMMENDATION: (Summary)</b> It is recommended City Council approve a motion authorizing the abandonment and sale of two 10-foot-wide water line easements, located within Greenway Gardens Apartments, out of the A.C. Reynolds League Survey, A-61. <b>Parcels SY14-040A and SY14-040B</b>			
<b>Amount and Source of Funding:</b> Not Applicable			
<b>SPECIFIC EXPLANATION:</b> Randall E. Siemon, RG Miller Engineers, Inc., 16340 Park Ten Place, Suite 350, Houston, Texas 77084, on behalf of Thirty-One Thirty-One Timmons (Gordon Rose, President) requested the abandonment and sale of two 10-foot-wide water line easements, located within Greenway Gardens Apartments, out of the A.C. Reynolds League Survey, A-61. Thirty-One Thirty-One Timmons, the underlying fee property owner, plans to sell the subject property to a developer for demolition of the existing structures and construction of a 450-unit apartment building.  This is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an ordinance effecting the abandonment and sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:  1. The City abandon and sell two 10-foot-wide water line easements, located within Greenway Gardens Apartments, out of the A.C. Reynolds League Survey, A-61;  2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;  3. The applicant be required to: (a) cut, plug, and abandon the two 8-inch water lines, from the 16-inch water line in Timmons Lane east to their respective termini, or convert them to private metered service, (b) keep the existing fire hydrants active until the existing structures have been demolished and the site cleared, (c) cut, plug, and abandon or completely remove the three fire hydrants upon the demolition of the occupied buildings, (d) relocate the two fire hydrants located nearest Timmons Lane to the 16-inch water line in Timmons Lane, (e) cut, plug, and abandon the water meter located within the water meter easement, (f) pay the depreciated value of the water lines and fire hydrants being abandoned, and (g) complete all of the foregoing items at no cost to the City and under the proper permits obtained through the Office of the City Engineer and separate from any other project permits;			
p:\tp\sy14-040.rcal.doc		CUIC #20TP9416	
<b>REQUIRED AUTHORIZATION</b>			
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division	

<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of two 10-foot-wide water line easements, located within Greenway Gardens Apartments, out of the A.C. Reynolds League Survey, A-61. <b>Parcels SY14-040A and SY14-040B</b>	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
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4. The applicant be required to prepare drawings that show all public utilities (water) that are to be abandoned, relocated, and/or constructed as part of this project specific to the Joint Referral Committee requirements and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the motion shall be attached to the plan set when it is submitted for plan review.
  5. The Legal Department be authorized to prepare the necessary transaction documents; and
  6. Inasmuch as the value of the City's property interests are not expected to exceed \$1,000,000.00, that the value be established by an independent appraiser appointed by the Director of Public Works and Engineering.
- c: Jun Chang, P.E., D.WRE  
Marta Crinejo  
David Feldman  
Terry A. Garrison  
Daniel Menendez, P.E.  
Patrick Walsh, P.E.

# Parcel Map

Abandonment and sale of a 10-foot-wide water line easement, located within Tract 70, and two 10-foot-wide water line easements, located within Tracts 45, 45A, and 45B, all located within Greenway Gardens Apartments, out of the A.C. Reynolds League Survey, A-61. **Parcels SY14-040A, SY14-040B, and SY14-040C**



1 inch = 66 feet

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

DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY.  
 THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS.



TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Request for the abandonment and sale of Chenevert Street, from Rusk Street to Capitol Avenue, and Hamilton Street, from Rusk Street to Capitol Avenue, both located within South Side Buffalo Bayou Addition, out of the J. S. Holman Survey, A-323. <b>Parcels SY14-041A and SY14-041B</b>		<b>Page</b> <u>1</u> of <u>2</u> <i>Bew</i>	<b>Agenda Item #</b>  <i>10</i>
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b>  <i>5/20/14</i>	<b>Agenda Date</b>  <i>MAY 28 2014</i>
<b>DIRECTOR'S SIGNATURE:</b>  <i>[Signature]</i> Daniel W. Krueger, P.E., Director		<b>Council District affected:</b> <i>1</i>	
<b>For additional information contact:</b>  <i>[Signature]</i> Nancy P. Collins Senior Assistant Director-Real Estate <b>Phone:</b> (832) 395-3130		<b>Key Map:</b> 493R	
<b>RECOMMENDATION: (Summary)</b> It is recommended City Council approve a Motion authorizing the abandonment and sale of Chenevert Street, from Rusk Street to Capitol Avenue, and Hamilton Street, from Rusk Street to Capitol Avenue, both located within South Side Buffalo Bayou Addition, out of the J. S. Holman Survey, A-323. <b>Parcels SY14-041A and SY14-041B</b>		<b>Date and identification of prior authorizing Council Action:</b>  Ord. 2012-1049 (12/12/2012) Ord. 2013-1165 (12/18/2013)	
<b>Amount and Source of Funding:</b> Not Applicable			
<b><u>SPECIFIC EXPLANATION:</u></b>  Houston First Corporation (HFC), 1001 Avenida de las Americas, Houston, Texas, 77010, (Dawn Ullrich, President and CEO), requested the abandonment and sale of Chenevert Street, from Rusk Street to Capitol Avenue, and Hamilton Street, from Rusk Street to Capitol Avenue, both located within South Side Buffalo Bayou Addition, out of the J. S. Holman Survey, A-323. HFC plans to incorporate the subject portion of Chenevert Street and Hamilton Street into its abutting property to facilitate the construction of a parking garage as authorized in the Economic Development and Program Administration Agreement separately approved by City Council by Ordinance 2012-1049 and amended by Ordinance 2013-1165. Signs notifying the public of the pending street abandonment application were posted for at least thirty days.  This is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an Ordinance effecting the sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:  1. The City abandon and sell Chenevert Street, from Rusk Street to Capitol Avenue, and Hamilton Street, from Rusk Street to Capitol Avenue, both located within South Side Buffalo Bayou Addition, out of the J. S. Holman Survey, A-323;  2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;  3. The applicant be required to remove and return the digital parking pay stations on Hamilton Street between Rusk Street and Capitol Avenue to the Administration and Regulatory Affairs Department, 2020 McKinney Street, Houston Texas;  4. The applicant be required to comply with Section V and VI of Chapter 33 of the City of Houston Code of Ordinance pertaining to the preservation of trees and shrubs;			
p:\bam\sy14-041.rcl.doc		CUIC #20BAM9403	
<b>REQUIRED AUTHORIZATION</b>			
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  <i>[Signature]</i> Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division	

<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of Chenevert Street, from Rusk Street to Capitol Avenue, and Hamilton Street, from Rusk Street to Capitol Avenue, both located within South Side Buffalo Bayou Addition, out of the J. S. Holman Survey, A-323. <b>Parcels SY14-041A and SY14-041B</b>	<b>Originator's Initials</b> <i>Bam</i>	<b>Page</b> <u>2</u> of <u>2</u>
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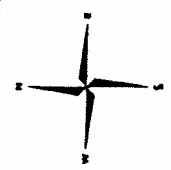
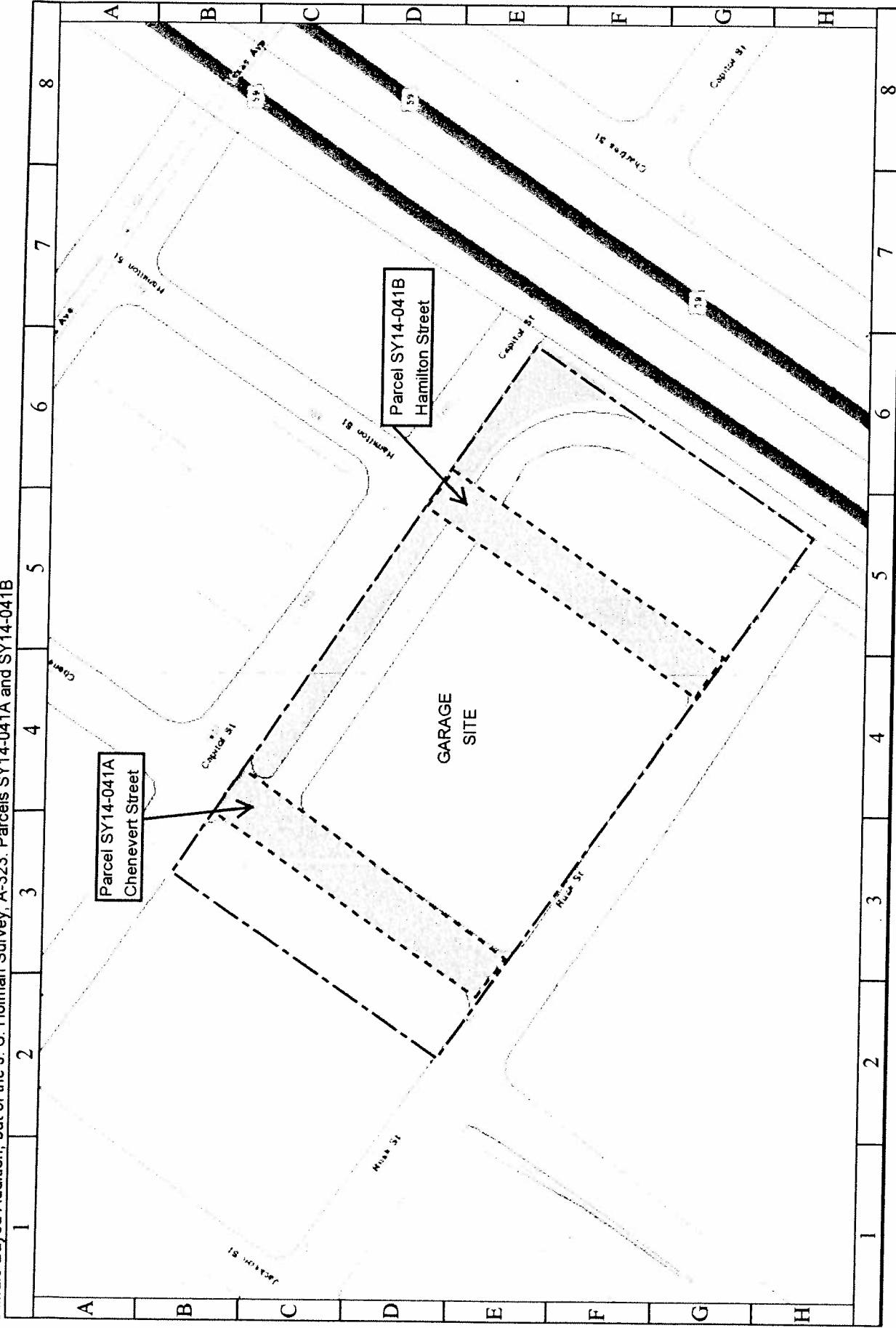
5. The applicant be required to: (a) eliminate the public street appearance of Hamilton Street at Rusk Street and Capitol Avenue by placing barricades at each intersection preventing vehicular use by the public; (b) revise traffic signage and striping on Hamilton Street to reflect that all southbound traffic will be required to turn right on Capitol Avenue; and (c) complete all of the foregoing items at no cost to the City and under the proper permits;
6. The applicant be required to: (a) cut, plug, and abandon the 18-inch storm sewer line located in Chenevert Street, from manhole #3229274 in Rusk Street north to its terminus; (b) relocate the two storm sewer inlets located in Chenevert Street to Rusk Street; (c) pay the depreciated value of the storm sewer lines, inlets, and manhole; and (d) complete all of the foregoing items at no cost to the City and under the proper permits issued by the Office of the City Engineer;
7. The applicant be required to: (a) convert to private service the 18-inch sanitary sewer line in Rusk Street, from the 18-inch sanitary sewer line at the intersection of Hamilton Street and Rusk Street east to its terminus; (b) convert to private service the 18-inch sanitary sewer line in Hamilton Street from, the 18-inch sanitary sewer line at the intersection of Hamilton Street and Rusk Street north in Hamilton Street to the 36-inch sanitary sewer line in Capitol Avenue; (c) convert to private service the 10-inch sanitary sewer line in Rusk Street, from the 18-inch sanitary sewer line at the intersection of Hamilton Street and Rusk Street west to its terminus; (d) the applicant must contact the Office of the City Engineer for an Encroachment Agreement for the 18-inch and 10-inch sanitary sewer lines to be converted to private service that will remain within a public right-of-way; (e) pay the depreciated value of the sanitary sewer lines and manholes; and (f) complete all of the foregoing items at no cost to the City and under the proper permits issued by the Office of the City Engineer;
8. The applicant be required to prepare drawings that show all public utilities (storm sewer and sanitary sewer) that are to be abandoned, relocated, and/or constructed as part of this abandonment request and submit the drawings to the Office of the City Engineer for plan review and approval. A copy of the Motion shall be attached to the plan set when it is submitted for plan review;
9. The applicant be required to provide the City with written clearance from Metropolitan Transit Authority acknowledging the proposed project, since the operation of the light rail may be affected by the abandonment of Hamilton Street, Chenevert Street, and construction of the parking facility;
10. The applicant be required to provide letters of no objection from each of the privately owned utility companies for the streets being abandoned;
11. The Legal Department be authorized to prepare the necessary transaction documents; and
12. Inasmuch as the value of the City's property interests are expected to exceed \$1,000,000.00, that City Council appoint Alan Dominy and Tom Edmonds, independent real estate appraisers, to establish the value.

DWK:NPC:bam

c: Jun Chang, P.E., D.WRE  
Marta Crinejo  
Eric Dargan  
David Feldman  
Terry A. Garrison  
Daniel Menendez, P.E.  
Tina Paez  
Patrick Walsh, P.E.  
Jeffrey Weatherford, P.E., PTOE

# Parcel Map

SUBJECT: Abandonment and sale of Chenevert Street, from Rusk Street to Capitol Avenue, and Hamilton Street, from Rusk Street to Capitol Avenue, both located within South Side Buffalo Bayou Addition, out of the J. S. Holman Survey, A-323. Parcels SY14-041A and SY14-041B



1 inch = 40 feet

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



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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

Revised

R

**SUBJECT:** An ordinance appropriating the sum of \$1,964,149.22 out of the Parks Consolidated Construction Fund to fulfill the agreement between the City of Houston, Texas, and the Houston Parks Board to accept an assignment of a Purchase and Sale Agreement to acquire approximately 32.187 acres of property to be added to the Houston Sports Park located on South Kirby Drive

Page  
1 of 1

Agenda Item #

27

**FROM: (Department or other point of origin):**  
Andrew F. Icken, Chief Development Officers, Office of the Mayor

**Origination Date:**

5/27/14

**Agenda Date:**

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

**Council District affected:**

**For additional information contact:**  
Andy Icken 832-393-1064

**Date and identification of prior authorizing Council Action:** May 14, 2014. Ordinance 2014-464.

**RECOMMENDATION: (Summary)** Approve an Ordinance appropriating the sum of \$1,964,149.22 out of the Parks Consolidated Construction Fund to fulfill an agreement between the City of Houston, Texas, and the Houston Parks Board to accept an assignment of a Purchase and Sale Agreement to acquire approximately 32.187 acres of property to be added to the Houston Sports Park located on South Kirby Drive

**Amount and Source of Funding:**

\$1,964,149.22 out of the Parks Consolidated Construction Fund. \$1,875,000.00 is the purchase price of the property. \$89,149.22 is the costs of the sale.

**SPECIFIC EXPLANATION:**

On May 14, 2014, by Ordinance No. 2014-464, City Council approved the agreement between the City of Houston and the Houston Parks Board assigning a Purchase and Sale Agreement for approximately 32.187 acres of property located on South Kirby Drive at Sims Bayou. Closing on the property by May 30 is required under the contract, or the City may pay additional earnest money and a higher purchase price for a later closing date. It is recommended that City Council appropriate money to fund this agreement for closing at the end of this month.

On November 9, 2010, City Council created the 88 acre Houston Amateur Sports Park LGC by resolution 2010-58 to construct, manage and operate a regional recreational sports field and training facility located between Kirby Drive and Texas 288 along Sims Bayou.

The Houston Parks Board (HPB) has now negotiated the purchase of an additional 32.187 acres of property which is adjacent to the existing facility from Green Bank. The City wants to acquire this site to allow expansion of the current facilities located at the Houston Amateur Sports Park.

In order to accomplish this goal, the City took the assignment of HPB's contract and will pay Green Bank \$1,875,000 for the property. Under the assignment, the City agrees to reimburse HPB its costs in negotiating the contract and for conducting due diligence. These costs total \$89,149.22. With costs and related expenses the total purchase price is \$1,962,649.22.

**REQUIRED AUTHORIZATION**

**Finance Budget:**

**Other Authorization:**

**Other Authorization:**

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 10096

**Subject:** Purchase of One Infrared Detector Spectrometer from the State of Texas Procurement and Support Services Contract for the Houston Police Department  
S40-E25035-ILA

Category #  
4

Page 1 of 1

Agenda Item  
12

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance Department

Origination Date

May 12, 2014

Agenda Date

MAY 28 2014

**DIRECTOR'S SIGNATURE**

For additional information contact:

Joseph A. Fenninger Phone: (713) 308-1770  
Ray DuRousseau Phone: (832) 393-8726

Council District(s) affected  
All

Date and Identification of prior authorizing  
Council Action:

**RECOMMENDATION: (Summary)**

Approve the purchase of one infrared detector spectrometer in the amount of \$95,040.00 from the State of Texas Procurement and Support Services Contract for the Houston Police Department.

Award Amount: \$95,040.00

Finance Budget

\$81,895.00 - Federal State Local Pass Through Fund (Fund 5030)

\$13,145.00 - Houston Forensic Science LGC Transition Fund (Fund 2213)

\$95,040.00 - Total Funding

**SPECIFIC EXPLANATION:**

The Chief of the Houston Police Department and the City Purchasing Agent recommend that City Council approve the purchase of one infrared detector spectrometer (System) from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program in the amount of \$95,040.00 for the Houston Police Department and that authorization be given to issue a purchase order to the State contract supplier, VWR International, Inc. The System, which is an upgrade to an existing gas chromatograph instrument, includes a new gas phase detection system designed to provide reliable and automated data. The upgrade will enhance the lab's ability to identify new emerging drugs of abuse and decrease turnaround time while continuing to provide accurate and reliable results. The analysis will be used in criminal prosecutions.

The scope of work requires the contractor to furnish all labor, equipment, materials, tools, supervision, training and transportation necessary to furnish and install the infrared detector spectrometer. The System will come with a full three-year warranty and the life expectancy is ten years.

**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.

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

Buyer: Jeff Meekins  
PR No: 10186229

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 10087**

<b>Subject:</b> Purchase of Utility Carts through the Texas Local Government Purchasing Cooperative (BuyBoard) for the Public Works & Engineering Department. S40-E24972-B	<b>Category #</b> 4	<b>Page 1 of 1</b>	<b>Agenda Item</b>  13+ 13A
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**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

May 06, 2014

**Agenda Date**

**MAY 28 2014**

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**For additional information contact:**

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

**Council District(s) affected**

All

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the appropriation of \$29,371.06 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve the purchase of utility carts through the Texas Local Government Purchasing Cooperative (BuyBoard) in the amount of \$132,300.00 for the Public Works & Engineering Department.

Award Amount: \$132,300.00

**Finance Budget**

\$ 29,371.06 - Equipment Acquisition Consolidated Fund (Fund 1800)  
\$132,300.00 - PWE-Combined Utility System General Purpose Fund (Fund 8305)  
\$161,671.06 - Total Funding

**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 \$29,371.06 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council approve the purchase of seven gasoline-powered and five electric-powered utility carts through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative (BuyBoard) in the amount of \$132,300.00 for the Public Works & Engineering Department, and that authorization be given to issue a purchase order to the BuyBoard contractor, Conroe Golf Cars, Inc. These utility carts will be used by Department personnel to transport personnel and tools for maintenance operations throughout water purification treatment plants. The funding for these utility cars is included in the adopted FY14 Equipment Acquisition Plan. The requested appropriation of \$29,371.06 out of the Equipment Acquisition Consolidated Fund (Fund 1800) will be used to purchase two gasoline-powered utility carts for the Parks and Recreation Department.

The gasoline and electric utility carts will come with a full two-year warranty and three-year limited power train and frame warranty. The life expectancy of these new carts is seven years. These new utility carts will replace existing units that have reached their life expectancies and will be sent to auction for disposition. All of the gasoline-powered utility carts that will be purchased will meet the EPA's current emission standards.

**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

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*MA*  
  
13-10F

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 10115

**Subject:** Spending Authority for Building Plan Review Processing Services through the Harris County Department of Education for the Public Works and Engineering Department  
S30-S25051

Category #  
4

Page 1 of 2

Agenda Item  
  
14

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

May 13, 2014

**Agenda Date**

MAY 28 2014

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**For additional information contact:**

David Guernsey

Phone: (832) 395-3640

Joyce Hays

Phone: (832) 393-8723

**Council District(s) affected**

All

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve spending authority to purchase Building Plan Review Processing Services through the Harris County Department of Education in an amount not to exceed \$3,900,000.00.

Spending Authority: \$3,900,000.00

**Finance Budget**

\$3,900,000.00 - Building Inspection Fund (2301)

**SPECIFIC EXPLANATION:**

The Director of the Public Works & Engineering Department and the City Purchasing Agent recommend that City Council approve spending authority to purchase Building Plan Review Processing Services through the Interlocal agreement with the Harris County Department of Education (HCDE) in an amount not to exceed \$3,900,000.00 to augment City staff during peak times for Public Works & Engineering Department, and that authorization be given to issue purchase orders, as needed, to the HCDE contractor, Bureau Veritas North America, Inc. for an 18 month period to coincide with the expiration of the HCDE contract on November 15, 2015.

The scope of work requires the contractor to furnish all labor, equipment, materials, tools, supervision and transportation necessary to attract, train, retain qualified plan review staff and conduct plan reviews from remote sites in accordance with design/code standards requirements specified in various commercial and residential codes. The contractor will provide all comments/corrections and status of each set of plans, as well as a toll free telephone number for inquiries from customers during normal city business hours. Once review is complete, stamp all plans reviewed for code compliance listing all discrepancies that were reviewed and approve the plans. The number of plan reviews that will be outsourced, will vary based exclusively on the needs of the City, however it is anticipated that 150 to 200 projects per month for the four months. Following the initial four month period an internal review of the process and effectiveness of outsourcing overflow plans will be evaluated, as to both the volume outsourced, and the quality and value of the outsourcing service.

**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 or Cooperative Purchasing Agreement for this purchase.

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

Attachment: M/WBE Zero-Percentage Goal Document approved by the Mayor's Office of Business Opportunity.  
Buyer: Richard Morris

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

14

<b>Date:</b> 5/13/2014	<b>Subject:</b> Spending Authority for Building Plan Review Processing Services through the Harris County Department of Education for the Public Works and Engineering Department S30-S25051	<b>Originator's</b> Initials RM	<b>Page 2 of 2</b>
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<b>Estimated Spending Authority</b>			
<b>DEPARTMENT</b>	<b>FY 2014</b>	<b>OUT YEARS</b>	<b>TOTAL</b>
Public Works & Engineering	\$500,000.00	\$3,400,000.00	\$3,900,000.00



**CITY OF HOUSTON**  
**OFFICE**  
**of**  
**BUSINESS OPPORTUNITY**

**Goal Modification  
Request Form**

To: Assistant Director  
Office of Business Opportunity

Solicitation Number: N/A

Estimated Dollar Amount: \$3,900,000.00

From: David Guernsey/Assistant Director  
Requestor's Name/Title  
Public Works & Engineering  
Department

Type of Solicitation: Bid ☐ Proposal ☐ Other ☒

Name and Intent of this Solicitation: Overflow Plan Review: Interlocal Agreement

PREVIOUS CONTRACT (if any): Yes ☐ No ☒

Goal on Last Contract: \_\_\_\_\_ 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



November 2013

Revised 5/12/14  
2:00 PM DRB

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

☒ Other: Interlocal Agreement with Harris County Department of Education to access HCDE Choice Partners Cooperative.

**Detailed Explanation of waiver reason:** This is an Interlocal agreement With HCDE to access HCDE Choice Partners Cooperative. Plans will be overnight shipped to vendor's site, review, approved or dis-approved and overnight shipped to City of Houston. Comments and notes will be emailed.

**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: 0%

If yes, what type: Interlocal Agreement with HCEA Yes ☐ No ☐

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

If no, please explain why not: No local firms with the qualifications to perform detailed plan reviews or stu 200 commercial and residential plans per month to be reviewed in 6 or days.

**Concurrence:**

[Signature]  
Department Initiator

5/12/14  
Date

[Signature]  
Department Director or Designee

5/12/14  
Date

**Approved by:**

[Signature]  
OBO Assistant Director or Designee

5/14/14  
Date

OBO Tracking #: W-159

OBO Reason: Interlocal Agreement

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 10006

**Subject:** Spending Authority to Purchase Industrial Supplies & Equipment, Janitorial Supplies & Equipment from the State of Texas Building and Procurement Commission's Contract for Various Departments  
S06-S24836-S

Category #  
4

Page 1 of 2

Agenda Item  
15

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

April 18, 2014

**Agenda Date**

MAY 28 2014

**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 spending authority to purchase industrial supplies & equipment, janitorial supplies & equipment from the State of Texas Building Procurement Commission's Contract in an amount not to exceed \$7,648,808.75.

Estimated Spending Authority: \$7,648,808.75

**Finance Budget**

\$3,225,850.00 PWE- Water & Sewer System Operating Fund (8300)  
\$2,786,819.95 General Fund (1000)  
\$ 889,831.80 HAS- Revenue Fund (8001)  
\$ 231,035.00 Dedicated Drainage & Street Renewal Fund (2310)  
\$ 105,000.00 Fleet Management Fund (1005)  
\$ 75,000.00 GSD - In House Renovation Revolving Fund (1003)  
\$ 68,900.00 Federal State Local -Pass Through Fund (5030)  
\$ 60,000.00 StormWater Fund (2302)  
\$ 53,000.00 Houston Emergency Center Fund (2205)  
\$ 24,500.00 Building Inspection Fund (2301)  
\$ 24,000.00 Forensic Transition Special Fund (2213)  
\$ 20,148.00 Park Golf Special Fund (2104)  
\$ 20,000.00 Parking Management Operating Fund (8700)  
\$ 12,300.00 Greater Houston Trans & Emer Center (2402)  
\$ 12,000.00 Federal Government Grant Funded (5000)  
\$ 11,200.00 Project Cost Recovery (1001)  
\$ 10,224.00 Special Revenue Fund (2100)  
\$ 10,000.00 BARC Special Revenue (2427)  
\$ 9,000.00 Health Special Revenue (2002)  
\$7,648,808.75 Grand Total

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve spending authority to purchase industrial supplies & equipment, janitorial supplies & equipment from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program in an amount not to exceed \$7,648,808.75 for various departments, and that authorization be given to make purchases using purchase orders and the City Purchasing Card, as needed, from the State contract supplier W. W. Grainger, Inc. for a 34- month period. This contract will be used by City departments to purchase miscellaneous industrial supplies & equipment, janitorial supplies, and products such as motors, lighting, electrical equipment, pumps, material handling equipment, fasteners, heating equipment, blowers, ventilators and other industrial-type items used on a daily basis. A price analysis was conducted and it revealed that the State's contract price is approximately 5.12% lower than market pricing.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

<b>Date:</b> 4/18/2014	<b>Subject:</b> Spending Authority to Purchase Industrial Supplies & Equipment, Janitorial Supplies & Equipment from the State of Texas Building and Procurement Commission's Contract for Various Departments S06-S24836-S	<b>Originator's Initials</b> TR	Page 2 of 2
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Purchase will be made using the supplier's Internet website. This will significantly reduce paper transactions and overall delivery time. Shorter delivery times will reduce the amount of inventory. It is estimated that over 90% of items ordered on any given day before 4:00 PM will be delivered to the City the next business day.

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

**HIRE HOUSTON FIRST:**

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

Buyer: Tywana L. Rhone

Attachment: MWBE zero percentage goal document approved by the Office of Business Opportunity.

**Estimated Spending Authority:**

<b>DEPARTMENT</b>	<b>FY14</b>	<b>OUT YEARS</b>	<b>TOTAL</b>
Public Works & Engineering	\$264,023.66	\$3,300,861.34	\$3,564,885.00
General Services	\$168,500.00	\$1,331,500.00	\$1,500,000.00
Houston Airport System	\$ 98,870.20	\$ 790,961.60	\$ 889,831.80
Fire	\$ 20,000.00	\$ 520,244.95	\$ 540,244.95
Police	\$115,400.00	\$ 358,700.00	\$ 474,100.00
Solid Waste Management	\$ 22,000.00	\$ 136,400.00	\$ 158,400.00
Health & Human Services	\$ 15,700.00	\$ 122,500.00	\$ 138,200.00
Fleet Management	\$ 15,000.00	\$ 90,000.00	\$ 105,000.00
Houston Emergency Center	\$ 5,000.00	\$ 98,000.00	\$ 103,000.00
Parks & Recreation	\$ 2,300.00	\$ 85,847.00	\$ 88,147.00
Administration & Regulatory Affairs	\$ 5,000.00	\$ 45,000.00	\$ 50,000.00
Houston Information Technology	\$ 4,000.00	\$ 21,000.00	\$ 25,000.00
Housing & Community Development	\$ 2,400.00	\$ 9,600.00	\$ 12,000.00
<b>Grand Total</b>	<b>\$738,193.86</b>	<b>\$6,910,614.89</b>	<b>\$7,648,808.75</b>

RECEIVED

APR 10 2014

RECEIVED

APR 10 2014



**CITY OF HOUSTON**  
OFFICE  
**BUSINESS OPPORTUNITY**

OBO

**Goal Modification  
Request Form**

MAR 07 2014

To: Assistant Director  
Office of Business Opportunity

Solicitation Number: S24836-S

Estimated Dollar Amount: ~~\$7,670,808.75~~

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

New Figure 7,648,808.75

Type of Solicitation: Bid ☐ Proposal ☐ Other ☒

Name and Intent of this Solicitation: Industrial Supplies & Equipment, Janitorial Supplies. To purchase Industrial and Janitorial Supplies for the Public Works & Engineering Department.

PREVIOUS CONTRACT (if any): Yes ☒ No ☐

Goal on Last Contract: 11% Was Goal Met: Yes ☐ No ☒

If goal was not met, what percentage did the vendor achieve? 0.82%

Why wasn't goal achieved: Grainger previously had the contract S23625-S OA#4600011212 and they used a MBE sub that buys merchandise directly from Grainger which means their goal credit would not count

**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 is a State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program in which the prices were negotiated and there is no opportunity for MBE participation.

**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: Cooperative Yes ☒ No ☐

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

If no, please explain why not: \_\_\_\_\_

**Concurrence:**

[Signature] 3/07/14  
Department Initiator Date

[Signature] 3/07/14  
Department Director or Designee Date

**Approved by:**

[Signature] 4/10/14  
OBO Assistant Director or Designee Date

OBO Tracking #: W-127

OBO Reason: CO-OP/TBPC

Revision - W-134 - Wanda Z. Wang (Pure Check) 4/16/14  
November 2011

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 10108**

**Subject:** Amend Council Motion No. 2012-0790, passed on November 14, 2012 for the Purchase of Various Types of Computer Hardware Equipment through the Texas Department of Information Resources for Various Departments  
S17- H24426-A1

Category #  
4

Page 1 of 2

Agenda Item

16

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

May 08, 2014

**Agenda Date**

**MAY 28 2014**

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Charles T. Thompson  
Joyce Hays

Phone: (832) 393-0082

Phone: (832) 393-8723

**Date and Identification of prior authorizing Council Action:**

Motion No.: 2012-0790

**RECOMMENDATION: (Summary)**

Amend Council Motion No. 2012-0790, passed on November 20, 2012 to increase the spending authority from \$7,000,000.00 to \$12,722,073.08 for the purchase of various types of computer hardware equipment through the Texas Department of Information Resources (DIR) for various departments.

Spending Authority Increased by - \$5,722,073.08

**Finance Budget**

Various funds for various departments

**SPECIFIC EXPLANATION:**

The Chief Information Officer and the City Purchasing Agent recommend that City Council amend Council Motion No. 2012-0790, passed on November 14, 2012 to increase the spending authority from \$7,000,000.00 to \$12,722,073.08 for the purchase of various types of computer hardware equipment through the Texas Department of Information Resources (DIR) for various departments. Additionally, it also recommended that authorization be given to issue purchase orders, as needed, to DIR's Go-Direct Vendor, Hewlett-Packard Company (HP). The spending authority is expected to sustain the departments for approximately 24 months.

The initial spending authority granted for the purchase of various types of computer hardware equipment through DIR was approved by City Council Motion 2012-0790 on November 14, 2012 in amount not to exceed \$7,000,000.00. Expenditures as of May 8, 2014 totaled \$3,052,815.72. Due to the contract between DIR and HP being extended for four additional years, the additional spending authority is necessary to allow the City to continue to purchase various types of computer hardware equipment from HP through May 5, 2018. Additionally, due to the urgent requirements of the City Departments needing continued future services, and if DIR elects to renew its contract with HP it is anticipated that the City Departments will seek City Council approval for additional spending authority in approximately 24 months; at which time an additional request for council action will be submitted.

HP will only provide the City Departments with approved and/or standardized computer hardware equipment, which includes desktops, notebooks, laptops, memory, monitors and ancillary equipment. Additionally, all DIR purchases for the aforementioned computer hardware equipment will significantly decrease the amount of staff time required to develop specifications and bid items for IT-related computer hardware equipment. The City is eligible to participate in the DIR program as set out in Chapter 2054 of the Texas Government Code.

All HP DIR purchases citywide will require HITS approval and the Strategic Purchasing Division (SPD) will be responsible for processing all DIR purchase orders citywide. Individual purchases over \$300,000.00 will continue to require separate Council approval. Additionally, HITS in conjunction with the Finance Department will continue to monitor detailed spending and provide reports to City Council when required.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

16

<b>Date:</b> 5/8/2014	<b>Subject:</b> Amend Council Motion No. 2012-0790, passed on November 14, 2012 for the Purchase of Various Types of Computer Hardware Equipment through the Texas Department of Information Resources for Various Departments S17- H24426-A1	<b>Originator's Initials</b> MS	Page 2 of 2
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All purchases made pursuant to HP through DIR valued at \$100,000.00 or greater are assessed in terms of divisibility of the work and the MWBE capacity related to the type of work to be performed. The City assigns the MWBE participation goal in the procurement phase and it will be referenced on each purchase order issued.

**Hire Houston First**

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the departments are utilizing an Interlocal Agreement for these purchases.

Buyer: Murdock Smith III

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 10110**

**Subject:** Amend Council Motion No. 2013-0198, passed on March 27, 2013 for the Purchase of Tech-Related Products/Services through the Master Intergovernmental Cooperative Purchasing Agreement with U.S. Communities for Various Departments/E23418-A2

Category #  
4

Page 1 of 2

Agenda Item

17

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

May 08, 2014

**Agenda Date**

**MAY 28 2014**

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*  
**For additional information contact:**

Charles T. Thompson  
Joyce Hays

Phone: (832) 393-0082  
Phone: (832) 393-8723

**Council District(s) affected**  
All

**Date and Identification of prior authorizing Council Action:**

CM 2013-0198; CM 2009-0922

**RECOMMENDATION: (Summary)**

Amend Council Motion No. 2013-0198, passed on March 27, 2013 to increase the spending authority for GTSI Corp. from \$8,500,000.00 to \$14,848,516.90 for the purchase of tech-related products/services through the Master Intergovernmental Cooperative Purchasing Agreement (MICPA) with U.S. Communities for various departments.

Spending Authority Increased by: \$6,348,516.90

**Finance Budget**

Various funds for various departments

**SPECIFIC EXPLANATION:**

The Chief Information Officer and the City Purchasing Agent recommend that City Council amend Council Motion No. 2013-0198, passed on March 27, 2013 to increase the spending authority for Unicom Government, Inc. (formerly known as GTSI Corp.) from \$8,500,000.00 to \$14,848,516.90 for the purchase of tech-related products/services through the Master Intergovernmental Cooperative Purchasing Agreement (MICPA) with U.S. Communities for various departments and that authorization be given to issue purchase orders, as necessary, to the U.S. Communities Lead Public Agency contractor, Unicom Government, Inc. All Unicom Government, Inc. purchases citywide will require Houston Information Technology Services (HITS) approval and the Strategic Purchasing Division (SPD) will be responsible for processing all Unicom Government, Inc. purchase orders citywide. Individual purchases over \$300,000.00 will continue to require separate Council approval. Additionally, HITS in conjunction with the Finance Department will continue to monitor detailed spending and provide reports to City Council when required.

The initial spending authority granted to Unicom Government, Inc. was approved by Council Motion No. 2009-0922, passed December 16, 2009 in an amount not to exceed \$6,000,000.00. Council Motion No. 2009-0922 was amended by Council Motion No. 2013-0198 passed on March 27, 2013 to increase the spending authority from \$6,000,000.00 to \$8,500,000.00. Expenditures as of May 6, 2014 totaled \$8,498,455.69. Due to the contract between the U.S. Communities Lead Public Agency and Unicom Government, Inc. being extended for two additional years, the additional spending authority is necessary to allow the City to continue to purchase tech-related products/services from Unicom Government, Inc. through April 30, 2016. Additionally, due to the urgent requirements of the City Departments needing continued future services, and if the U.S. Communities Lead Public Agency elects to renew its contract with Unicom Government, Inc., it is anticipated that the City Departments will seek City Council approval for additional spending authority in approximately 24 months; at which time an additional request for council action will be submitted.

Unicom Government, Inc. will provide technology products and services for all City Departments; this will significantly decrease the amount of staff time required to develop specifications and bid items for IT-related software, hardware, equipment and related services. The utilization of the MICPA allows the City to leverage

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*WJ*

Date: 5/8/2014	Subject: Amend Council Motion No. 2013-0198, passed on March 27, 2013 for the Purchase of Tech-Related Products/Services through the Master Intergovernmental Cooperative Purchasing Agreement with U.S. Communities for Various Departments/E23418-A2	Originator's Initials MS	Page 2 of 2
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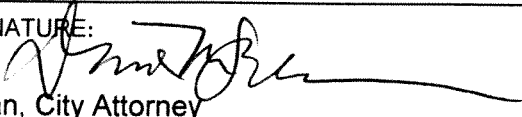
numerous existing US governmental contracts with over 38,000 participating agencies with an estimated purchasing power value of \$1.5 billion annually. Moreover, the City will receive the (most favored nation rate). As a result, the City shall capitalize on significant cost savings.

The City is eligible to participate in the U.S. Communities Purchasing Alliance as set out in Section 791.011 of the Government Code and such purchases satisfy State bid laws as set out in Section 791.025 of the Government Code.

**M/WBE Compliance:**

All purchases made pursuant to the MICPA with U.S. Communities Lead Public Agency contractors valued at \$100,000.00 or greater are assessed in terms of divisibility of the work and the M/WBE capacity related to the type of work to be performed. The City assigns the M/WBE participation goal in the procurement phase and it will be referenced on each purchase order issued.

Buyer: Murdock Smith III

SUBJECT: Resolution consenting to an amendment of the Certificate of Formation of Houston Forensic Science LGC, Inc.		Page 1 of 1	Agenda Item # 18
FROM (Department or other point of origin): Legal		Origination Date May __, 2014	Agenda Date MAY 28 2014
DIRECTOR'S SIGNATURE:  David M. Feldman, City Attorney		Council District affected: ALL	
For additional information contact: Tom Allen (832-393-6411)		Date and identification of prior authorizing Council action: Resolution No. 2012-17 (June 6, 2012); Ordinance No. 2014-165 (Feb. 26, 2014).	
RECOMMENDATION: Pass and adopt a Resolution consenting to an amendment of the Certificate of Formation of Houston Forensic Science LGC, Inc. ("HFSLGC" or the "Corporation").			
Amount and Source of Funding: Not applicable.			
SPECIFIC EXPLANATION:  By adoption of Resolution No. 2012-17, Council approved creation of HFSLGC, a local government corporation, to "provide the City with accurate and timely analysis of forensic evidence and related services."  Pursuant to an Interlocal Agreement between the City and HFSLGC (authorized by Council in Ordinance No. 2014-165), on April 3, 2014, the Corporation assumed responsibility for and control of substantially all of the City's forensic operations. Those operations require access to the national Combined DNA Index System ("CODIS"), which is managed by the Federal Bureau of Investigation. The FBI has informed HFSLGC that it may not continue to access CODIS unless HFSLGC amends its Certificate of Formation to ensure the Corporation provides analysis of forensic DNA evidence on behalf of criminal justice agencies only.  On May 9, 2014, HFSLGC's Board of Directors passed its Resolution No. 2014-001 approving an amendment to the Corporation's Certificate of Formation. The amendment has been deemed acceptable by the FBI's legal counsel. Because HFSLGC's Certificate of Formation requires that Council consent to all amendments, the Corporation now requests Council's consent through approval of this Resolution.  A copy of the Resolution passed by HFSLGC's Board of Directors (which in turn includes a copy of the proposed amendment) is attached to the proposed Resolution now being submitted to Council.			
REQUIRED AUTHORIZATION			
Other Authorization:	Other Authorization:	Other Authorization:	

HOUSTON FORENSIC SCIENCE LGC, INC.

Resolution No. 2014- 001

**RESOLUTION APPROVING  
FIRST AMENDMENT OF CERTIFICATE OF FORMATION**

**WHEREAS**, as authorized by the DNA Identification Act of 1994 (codified at 42 U.S.C. § 14132), the Federal Bureau of Investigation ("FBI") manages the national Combined DNA Index System ("CODIS"); and

**WHEREAS**, a central purpose of Houston Forensic Science LGC, Inc. ("HFSLGC" or the "Corporation") is "to operate an independent center providing ... accurate and timely analysis of forensic evidence"; and

**WHEREAS**, access to CODIS is essential to the Corporation's fulfillment of the said purpose; and

**WHEREAS**, the FBI has advised HFSLGC that the Corporation may not access CODIS unless the Corporation amends its Certificate of Formation to help ensure the Corporation's compliance with the quality control and privacy requirements of the DNA Identification Act; and

**WHEREAS**, to comply with the FBI's instructions, the Corporation has prepared a Certificate of Amendment to the Corporation's Certificate of Formation (the "Amendment," an unsigned copy of which is attached to this Resolution as Exhibit "A" and incorporated herein for all purposes); **NOW, THEREFORE;**

**BE IT RESOLVED BY THE DIRECTORS OF THE CORPORATION:**

**Section 1.** That the Corporation APPROVES the Amendment to the Corporation's Certificate of Formation in the form attached hereto as Exhibit "A";

**Section 2.** That, in keeping with Article XIV of the Corporation's Certificate of Formation, HFSLGC requests the consent of the Houston City Council to the filing of the said Amendment with the Secretary of State of Texas;

**Section 3.** That, after the Houston City Council has so consented, the

Corporation instructs the Executive Director of the Corporation to execute the said Amendment and to file the Amendment with the Secretary of State, together with any required filing fee.

**Section 4.** That this Resolution shall take effect immediately upon its adoption by the Board of Directors.

**ADOPTED** this 9 day of May, 2014.

**CERTIFICATE**

The undersigned hereby certifies that this Resolution 2014-001 was duly adopted by the Board of Directors of Houston Forensic Science LGC, Inc., on the 9 day of May, 2014.

Executed this 13 day of May, 2014.

Ashley Wieringa  
(Signature)

Ashley Wieringa  
(Printed Name of Secretary or Acting Secretary)

**Form 424****(Revised 05/11)**Submit in duplicate to:  
Secretary of State

P.O. Box 13697

Austin, TX 78711-3697

512 463-5555

FAX: 512/463-5709

**Filing Fee: See instructions**

This space reserved for office use.

**Certificate of Amendment****Entity Information**

The name of the filing entity is:

Houston Forensic Science LGC, Inc.

State the name of the entity as currently shown in the records of the secretary of state. If the amendment changes the name of the entity, state the old name and not the new name.

The filing entity is a: (Select the appropriate entity type below.)

☐ For-profit Corporation☐ Professional Corporation☒ Nonprofit Corporation☐ Professional Limited Liability Company☐ Cooperative Association☐ Professional Association☐ Limited Liability Company☐ Limited PartnershipThe file number issued to the filing entity by the secretary of state is: 801620684The date of formation of the entity is: June 26, 2012**Amendments****1. Amended Name**

(If the purpose of the certificate of amendment is to change the name of the entity, use the following statement)

The amendment changes the certificate of formation to change the article or provision that names the filing entity. The article or provision is amended to read as follows:

The name of the filing entity is: (state the new name of the entity below)

The name of the entity must contain an organizational designation or accepted abbreviation of such term, as applicable.

**2. Amended Registered Agent/Registered Office**

The amendment changes the certificate of formation to change the article or provision stating the name of the registered agent and the registered office address of the filing entity. The article or provision is amended to read as follows:

*EXHIBIT "A"*

**Registered Agent**  
(Complete either A or B, but not both. Also complete C.)

☐ A. The registered agent is an organization (cannot be entity named above) by the name of:

OR

☐ B. The registered agent is an individual resident of the state whose name is:

<i>First Name</i>	<i>MI</i>	<i>Last Name</i>	<i>Suffix</i>
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The person executing this instrument affirms that the person designated as the new registered agent has consented to serve as registered agent.

C. The business address of the registered agent and the registered office address is:

<i>Street Address (No P.O. Box)</i>	<i>City</i>	<b>TX</b>	<i>State</i>	<i>Zip Code</i>
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**3. Other Added, Altered, or Deleted Provisions**

Other changes or additions to the certificate of formation may be made in the space provided below. If the space provided is insufficient, incorporate the additional text by providing an attachment to this form. Please read the instructions to this form for further information on format.

Text Area (The attached addendum, if any, is incorporated herein by reference.)

☒ **Add each of the following provisions to the certificate of formation. The identification or reference of the added provision and the full text are as follows:**

New ARTICLE IV(D):

D. To the extent authorized by the DNA Identification Act of 1994, 42 U.S.C. § 14132, the Corporation may engage in the analysis of forensic DNA evidence on behalf of criminal justice agencies, which analysis may involve access to the Combined DNA Index System ("CODIS") established and managed by the Federal Bureau of Investigation. With regard to every such activity the Corporation shall comply with:

1. The quality control requirements stated in 42 U.S.C. § 14132(b)(1) & (2); and
2. The privacy requirements stated in 42 U.S.C. § 14132(b)(3), specifically including the requirement that stored DNA samples and DNA analyses be disclosed only:
  - (a) to criminal justice agencies for law enforcement identification purposes;
  - (b) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;
  - (c) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or
  - (d) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

☐ **Alter** each of the following provisions of the certificate of formation. The identification or reference of the altered provision and the full text of the provision as amended are as follows:

☐ **Delete** each of the provisions identified below from the certificate of formation.

### Statement of Approval

The amendments to the certificate of formation have been approved in the manner required by the Texas Business Organizations Code and by the governing documents of the entity.

### Effectiveness of Filing (Select either A, B, or C.)

- A. ☒ This document becomes effective when the document is filed by the secretary of state.
- B. ☐ This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: \_\_\_\_\_
- C. ☐ This document takes effect upon the occurrence of a future event or fact, other than the passage of time. The 90<sup>th</sup> day after the date of signing is: \_\_\_\_\_

The following event or fact will cause the document to take effect in the manner described below:

### Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Date: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Signature of authorized person

Daniel D. Garner, Ph.D.

President and Chief Executive Officer

Houston Forensic Science LGC, Inc.

## REQUEST FOR COUNCIL ACTION

Reso

**SUBJECT:** Approval of a resolution by the City of Houston granting permission for a financing by The Van Zandt County Cultural Education Facilities Finance Corporation to provide a loan to the Hobby Center Foundation.

**Category #**

**Page**  
1 of 1

**Agenda Item#** 19

**FROM (Department or other point of origin):**

Department of Finance

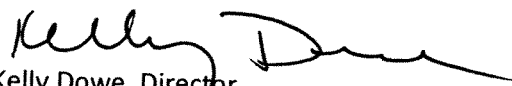
**Origination Date:**

5/14/2014

**Agenda Date**

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

  
Kelly Dowe, Director

**Council District Affected:**

All

**For additional information contact:**

Jennifer Olenick

Phone: 832-393-9112

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

**RECOMMENDATION: (Summary)**

Approval of a resolution by the City of Houston granting permission for a financing by The Van Zandt County Cultural Education Facilities Finance Corporation to provide a loan to the Hobby Center Foundation in an amount not to exceed \$10 million.

**Amount and Source of Funding: Not Applicable**

**SPECIFIC EXPLANATION:**

The Van Zandt County Cultural Education Facilities Finance Corporation (the "Corporation") a non-profit corporation sponsored by Van Zandt County in Canton, Texas (the "County") intends to provide a tax-exempt loan to the Hobby Center Foundation (the "Foundation") in an amount not to exceed \$10,000,000. The proceeds of the loan are to be used by the Foundation to refinance the Harris County Cultural Education Facilities Finance Corporation Contract Revenue Refunding Bonds (The Houston Music Hall Foundation - Hobby Center for the Performing Arts Project) Series 2004, which were used to finance the cost of The Hobby Center for the Performing Arts Building.

The Corporation was created under the Cultural Education Facilities Act, Article 1528m, Vernon's Civil Statutes (the "Act") authorizing a sponsoring entity to create a nonmember, nonstock development corporation for the sole public purpose of acquiring, constructing, providing, improving, financing, and refinancing cultural facilities to assist the maintenance of cultural and community facilities. In order for the loan to be designated as a "qualified tax-exempt obligation" ("QTEO") under the Internal Revenue Code, the loan must be made by an issuer which, together with the entity on whose behalf the issuer acts, will not issue more than \$10,000,000 in tax-exempt obligations in that particular calendar year. The City of Houston's Cultural Facilities Finance Corporation would not qualify as an issuer of this QTEO loan because it and the City, in aggregate, will issue more than \$10,000,000 in tax-exempt obligations during the 2014 calendar year. Consequently, the Foundation is utilizing the Corporation to make the loan. The QTEO loan is being privately placed with Amegy Bank.

The City is not being asked to undertake any financial obligation. The loan will not be a debt or liability to the City. The consent being requested is solely to comply with Section 221.030(a)(1)(B) of the Texas Health and Safety Code (which also applies to cultural facilities) which requires consent of each jurisdiction where the cultural facility is to be located. The loan is scheduled to close in early June.

**Recommendation**

Approval of this resolution is recommended.

**REQUIRED AUTHORIZATION**

**nance Director:**

**Other Authorization:**

**Other Authorization:**

19

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA # *Reso*

**SUBJECT:** A resolution to nominate Valero Refining - Texas, L.P. (Valero) located at 9701 Manchester Street, Houston, 77012 as an Enterprise Project.

Category #

Page 1 of 1

Agenda Item#

*20*

**FROM: (Department or other point of origin):**

Andy Icken  
Chief Development Officer

Origination Date

*5/21/14*

Agenda Date

**MAY 28 2014**

**SIGNATURE:**

*[Signature]*

**Council Districts affected:**

District "I" – CM Gallegos

**For additional information contact:**

Gwendolyn Tillotson

Phone: 832-393-0937

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

**RECOMMENDATION: (Summary):** Council approve a resolution to nominate Valero Refining - Texas, L.P. (Valero) located at 9701 Manchester Street, Houston, 77012 as an Enterprise Project.

**Amount of Funding:** No City funding required

**Finance Budget:**

**SOURCE OF FUNDING:** [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund [X] Other (Specify) State funded incentive

**SPECIFIC EXPLANATION:**

The Texas Enterprise Zone Program is an economic development tool for local communities to partner with the State of Texas to promote job creation and capital investment. A State Enterprise Zone is any census tract block group that has a 20% or higher poverty rate, as determined by the U.S. Census Bureau during each decennial census.

State law requires a municipality or county to nominate a project of a qualified business for designation as an Enterprise Project to participate in the Enterprise Zone Program. Legislation limits allocations to the state and local communities per biennium; the City is limited to a maximum of 9 project designations. The next deadline for the quarterly state application is March 3, 2014. This project will represent the fifth nomination for the cycle.

Enterprise Projects are eligible to apply for state sales and use tax refunds on qualified expenditures. The level and amount of a refund is based on the capital investment and jobs created or retained at the qualified business site. Depending on the investment amount, there is a maximum refund of \$2,500 up to \$7,500 per job to the company. The amount of the investment for this project will produce a maximum reimbursement of \$5,000 for up to 320 jobs or \$1,600,000 over a five year term, at an annual rate not to exceed \$500,000. Additionally, the project site is located within a Texas Enterprise Zone with a poverty rate of 36.21%.

City Council previously adopted an ordinance authorizing the City to nominate projects for this state-funded incentive. The City is nominating Valero as an Enterprise Project with planned estimated capital investment of \$800 million over the next five years, the retention of 310 jobs and the additional creation of 12 new jobs with an average annual salary of \$110,000.

Valero is a wholly owned subsidiary of Valero Energy Corporation and is the owner and operator of an integrated refinery in Houston. The company has been recognized throughout the industry as a leader in the production of premium, environmentally clean products, including low sulfur diesel, reformulated gasoline and oxygenates. The Houston facility currently employs 310 full-time workers and will add an additional 12 full-time jobs. In addition to the new jobs, Valero anticipates spending over \$800 million at its 160,000 BPD refinery over the next five years, including \$390 million to add a new crude topping unit designed to boost crude oil processing capacities of light sweet crude to 250,000 BPD. This investment will allow Valero the ability to reduce its purchases of higher-priced intermediate feedstocks from third party suppliers in lieu of more favorably priced Eagle Ford crude.

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

## REQUIRED AUTHORIZATION

**Other Authorization:**

**Other Authorization:**

**Other Authorization:**

**TO: Mayor via City Secretary****REQUEST FOR COUNCIL ACTION****SUBJECT:** Amendments to Chapters 1 and 8 of the Code of Ordinances relating to retail supply dealers, wrecker drivers and salesman.**Page**  
1 of 2**Agenda Item #**

21

**FROM: (Department or other point of origin):**

Houston Police Department

**Origination Date:**

MAY 6, 2014

**Agenda Date:**

MAY 28 2014

**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 exclude convenience stores from the Retail Supply Dealer license requirement, create a wrecker driver trainee license, clarify equipment standards, streamline drug testing and strengthen criminal history standards for salesman.

**Amount and Source of Funding:** N/A**SPECIFIC EXPLANATION:**

When the City of Houston created the Houston Police Department's Auto Dealers Detail in 1945, the only original license available to the automotive industry was the *Retail Supply Dealer* (RSD) license. Over time, more licenses have been added to meet the needs of the industry and the definition and practical application of the Retail Supply Dealer license has changed. Annually, the small convenience stores maintain a very low inventory of automotive accessory products. Additionally, their main interaction with citizens is not related to the automotive industry and it has been found the automotive product sales generally do not rise to the cost of the license (\$170/\$150). Removing convenience stores from the RSD license requirement will not affect the regulatory goal of law enforcement.

The creation of the wrecker driver trainee license will allow Police Authorized Tow Service Agreement (PATSA) operators to train and evaluate candidates for employment by pairing them with an experienced driver and on-the-job training. The trainee license will increase the safety of citizens and first responders by providing towing and recovery experience to wrecker driver license applicants. The trainee license is valid for 60 days and may not be renewed. Additionally, trainees are prohibited from driving an auto wrecker on the public roadway.

The purpose of moving the equipment standards for auto wreckers from Sec. 8-111 to Sec. 8-126 is to clarify that the standards only apply to PATSA auto wreckers. There are no new standards being introduced.

The purpose of removing the requirement for an annual drug test for PATSA renewals is to streamline the drug testing requirements for PATSA operators. PATSA applicants will still be required to submit a drug test for the initial application and will be required to abide by the Mayor's Policy on Drug Testing and Deterrence (random testing). PATSA drivers are also held to annual and random testing with the Texas Department of Licensing and Regulation.

The purpose of changes to Chapter 1 is to mirror wording in State law and strengthen the criminal history standards for salesman. Due to their close contact with the public, sexual offenses are being added to the criminal history standards for salesman licenses.

**Sec. 8-16. Definitions**

- Exempt convenience stores, as defined in section 28-401 of the Code, from the requirement to obtain a Retail Supply Dealer license. (Section 28-401 of the Code of Ordinances defines convenience store as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space.)

**REQUIRED AUTHORIZATION****Finance Budget:****Other Authorization:****Other Authorization:**

Date		Originator's Initials	Page 2 of 2
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**Sec. 8-101. Definitions**

- Establishes the definition of a wrecker driver trainee.

**Sec. 8-111. Auto wrecker requirements**

- Clarifies that the ordinance is related to non-consent towing; the city does not regulate consent tows.
- Clarifies terms of tow operator and auto wrecker for consistency purposes.
- Provides that the Medallion (proof of registration) must be displayed on the truck.
- Moves equipment requirements to Sec. 8-126.

**Sec. 8-117. Nonconsent tow regulations**

- Clean-up language only, no substantive changes.

**Sec. 8-126. Police-authorized tow service agreement (PATSA)**

- Relocates equipment requirements from Sec. 8-111 to Sec. 8-126. No new requirements added.
- Adds provision for wrecker driver trainee to provide assistance to wrecker driver.
- Prohibits wrecker driver trainee from driving wrecker on a public roadway.

**Sec. 8-131. Wrecker driver and wrecker driver trainee – License required, qualifications.**

- Provides requirements for wrecker driver trainee license including: must be 18 years of age, have valid driver's license and tow operator's license (State), subject to section 1-10 requirements for criminal history standards and no outstanding warrants.

**Sec. 8-132. Application.**

- Provides application procedure for wrecker driver trainee.
- Trainee licenses are valid for 60 days.
- Removes drug screening requirement for PATSA renewals only. Applicants will still be required to submit to a drug test for the initial license and will be subject to the Mayor's Policy on Drug Detection and Deterrence (random screening). Additionally, PATSA drivers are subject to annual and random testing with the TX Dept. of Licensing and Regulation.

**Sec. 8-133. Application fee.**

- Establishes a fee of \$30 for the wrecker driver trainee license.
- Establishes a fee of \$45 for an initial PATSA wrecker license fee (with previous training license).

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

- Adds language to include wrecker driver trainee.
- Clarifies that the process is in accordance with the Texas Occupations Code section 53.021.

**Sec. 8-135. Standards for review.**

- Adds language to include wrecker driver trainee.

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

- Adds language to include wrecker driver trainee.

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

- Clarifies language to include *deferred adjudication* as part of the criminal history review process as outlined in the Texas Occupations Code. This is not a new standard and the modification serves as clarification only.

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

- Updates language to mirror section 53.021 of the Occupations Code.
- Proposes changes to enhance the criminal history standards specific to salesman licenses.
  - Adds offenses involving rape, sexual abuse, sexual assault, enticing of a child, rape of a child, sexual abuse of a child or indecency with a child.

**Note: (Grandfather clause)** The provisions of the offenses added to Subsection 1-10 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 on March 25, 2014.

## Chapter 8. AUTOMOTIVE DEALERS AND AUTO WRECKERS

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### ARTICLE II. AUTOMOTIVE DEALERS DIVISION 1. GENERALLY

#### Sec. 8-16. Definitions.

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*Retail supply dealer.* Any person who publicly engages in, conducts or carries on the public business of buying, selling, offering for sale, trading or otherwise dealing in new parts, motor vehicle units, supplies for motor vehicle maintenance or new accessories for motor vehicles to consumers; but does not rebuild, dismantle, wreck or disassemble motor vehicles or trailers as part of such business. The term does not include convenience stores as defined in section 28-401 of this Code.

\*\*\*

### ARTICLE III. AUTO WRECKERS AND STORAGE YARDS

#### Sec. 8-101. Definitions.

*Wrecker driver trainee* means an individual who, to obtain on-the-job training and experience in connection with PATSA tow operations before applying for a wrecker driver license, holds a wrecker driver trainee license from the city.

\*\*\*

#### Sec. 8-111. Auto wrecker ~~State and local registration, minimum requirements.~~

(a) *State registration required.* Any auto wrecker that is used to perform any nonconsent tow shall be registered as a tow trucks under applicable provisions of state and local law, including, without limitation, Chapter 2308 of the Texas Occupations Code and this chapter.

(b) *City registration required.* Any tow truck auto wrecker that is used to performs any nonconsent tow on private property in the city must be registered with the police department, regardless of whether the owner of the tow truck auto wrecker has a place of business in the city.

(c) *Application for city registration.* A tow operator registrant may apply to the police department for registration of a tow truck an auto wrecker by i) submitting a completed application on a form promulgated by the police chief; ii) paying the fee stated for this provision in the city fee schedule per tow truck auto wrecker to the police department; iii) providing verification that the tow truck auto wrecker is equipped to tow light-duty or heavy-duty motor vehicles according to the manufacturer's guidelines; and (iv) providing proof of insurance that meets the requirements of § 86.400 of Title 16 of the Texas Administrative Code.

(ed) *Inspection; proof of registration.* Upon receipt of an application, the police department will inspect the tow truck auto wrecker to determine compliance with the requirements of subsection (d) of this section and, if the auto wrecker is found in compliance, shall issue proof of registration to the applicant. The proof of registration (a medallion) shall be attached to the auto wrecker for which it is issued, at the place on the vehicle designated by the police chief. It shall be unlawful for any person to drive or operate an auto wrecker without the proof of registration being so attached.

~~(de) Requirements for city registration. As a condition of registration and maintaining registration in good standing, the registrant~~

~~(1) Each tow operator must meet the signage, safety equipment, safety clothing, and identification requirements of §§ 86.701, 86.1000, and 86.1001 of Title 16 of the Texas Administrative Code and must carry and openly display the appropriate proof of city registration on the registrant's tow trucks.~~

~~(e2) Each auto wrecker shall meet the following minimum requirements for registration and maintaining registration:~~

~~(1)a. 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:~~

~~[1] 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~~

~~[2] 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 ten pound fire extinguisher or two five pound multiple purpose fire extinguishers, in good working condition;~~

~~h.b.~~ The auto wrecker at all times shall carry Ttow lights with appropriate cable (unless wireless), and cushions to protect a vehicle's finish; and;

~~i. c.~~ The auto wrecker at all times shall be equipped with Ssafety (mud) flaps with the bottom edge of the mud flap no more than eight 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.~~

~~(gf) Renewal of registration. The registration for each auto wrecker that is used to perform non-consent tows truck subject to this section shall be renewed annually by payment of the fee stated for this provision in the city fee schedule to the police department, which shall verify that the tow truck auto wrecker is still in compliance with this section.~~

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#### **Sec. 8-117. Nonconsent tow regulations.**

~~(a) A person who that performs a nonconsent tow in the city may not operate or permit another person to operate a tow truck an auto wrecker on a public roadway in the city unless the person has a current wrecker driver license issued by the city registered with the police department under this subchapter.~~

\*\*\*

#### **Sec. 8-126. Police-authorized tow service agreement (PATSA).**

~~(a) The chief of police may execute agreements for the mayor and on behalf of the city with persons to perform police-authorized tows. The right to enter into such agreements shall be extended on a uniform basis to all eligible persons.~~

~~(b) The chief of police may refuse to enter into an agreement hereunder if the auto wrecker owner tow operator (including partners if a partnership and stockholders if a corporation) or any employee has had an agreement terminated for cause within the preceding period of five years. The police chief may require an affidavit and the furnishing of business records to demonstrate compliance with the foregoing provision. The foregoing provision shall apply to police-authorized tow service agreements that are not renewed or are terminated by the tow operator under threat of termination for cause in the same manner as to those that have actually been terminated for cause.~~

~~(b-1) Each auto wrecker that will be utilized under the terms of a police authorized tow service agreement shall:~~

(1) Be registered with the city under a current PATSA agreement. The police department shall inspect the auto wrecker and if it is found in compliance, shall issue proof of registration (a medallion) that shall be attached to the auto wrecker in the same manner as provided in section 8-111(e); registration under this section shall also serve as registration for private property tows;

(2) Have a mounted light bar that conforms to the requirements of Chapter 547 of the Texas Transportation Code;

(3) Be equipped with wheel dollies, except on heavy duty wreckers and rollback type trucks; and

(4) Carry at all times:

a. Warning devices for stopped vehicles consisting of:

[1] 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

[2] 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; and

g. At least one ten pound fire extinguisher or two five pound multiple purpose fire extinguishers, in good working condition.

(b-2) Wrecker driver requirements. Tow operators shall require their wrecker drivers who will drive auto wreckers under the terms of a PATSA to wear:

(1) A Class 3, Level 2 reflective vest, shirt, or jacket meeting the ANSI/ISEA requirements for high visibility safety apparel at all times while working outside of the auto wrecker;

(2) Closed toe shoes; and

(3) A vest or shirt displaying, on the front of the shirt or vest, the name of the tow operator as it is registered with the city.

(b-3) Tow operators operating pursuant to a current and valid PATSA may utilize wrecker driver trainees to provide recovery services and assistance to wrecker drivers. Wrecker driver trainees shall be licensed in accordance with section 8-131 of this Code.

(c) An annual agreement fee in the amount stated for this provision in the city fee schedule per covered auto wrecker shall be paid by the ~~auto wrecker owner~~ tow operator to the city for each agreement. ~~The police chief may impose an additional fee not to exceed \$75.00 per year for the issuance of identification cards to drivers who are authorized to drive auto wreckers under police tow service agreements. The amount of the fee for identification cards shall be stated for this provision in the city fee schedule. The fees shall not be subject to proration or refund. A tow operator may add an additional auto wrecker to an agreement upon payment of the annual fee, which may be prorated.~~

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**Sec. 8-131. Wrecker driver and wrecker driver trainee--License required, qualifications.**

(a) It shall be unlawful for any 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 person has a current wrecker driver license issued by the city.

(c) It shall be unlawful for any person to allow, permit, or cause a person with a wrecker driver trainee license to drive any auto wrecker on the public roadways.

(d)(e) 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.

(e) An applicant for a wrecker driver trainee license must meet the requirements of items (d)(1),(2), (4), and (6) of this section.

**Sec. 8-132. Application.**

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

- (1) The applicant's full name and residence address;
- (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, the applicant 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 the applicant's current 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 provide the police chief evidence that he has a ~~current driver's license and current towing operator's license~~ (or training license for wrecker driver trainee applications) 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 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 submit himself at such times and places designated by the police chief to be photographed and fingerprinted.

(b) Upon initial application for a wrecker driver license or wrecker driver trainee license and at each renewal, the police chief 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 to obtain the report and shall provide funding to the police chief in a manner specified to cover any fees imposed by any state agency for the report. This provision shall not be construed to preclude the police chief from obtaining interim criminal history reports at the expense of the city.

(c) Each person desiring a wrecker driver trainee license shall submit an application that includes the information required in items (a)(1), (2), (3), and (4) and subsection (b) of this section. A wrecker driver trainee license issued under this section shall expire on the sixty-first day after the date of issuance and may not be renewed. A wrecker driver trainee may apply for a wrecker driver

license within 90 days after the expiration of his trainee license for a reduced fee as provided in section 8-133 of this Code.

(d)(e) 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; provided, however, that a PATSA wrecker driver who is subject to random drug tests is not required to submit a drug test for a license renewal. 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. 8-133. Application fees.**

Any person desiring a wrecker driver license or wrecker driver trainee license shall pay the non-refundable ~~application~~ fee stated for this provision in the city fee schedule at the time he submits his application for the license. There shall also be a fee for a wrecker driver license applicant who has, or has had within past 90 days, a valid wrecker driver trainee license.

*[Adopting ordinance will have an uncodified section approving the initial fee amounts and directing the Director of Finance to add or amend the city fee schedule per A.P. 4-9. The fee will be subject to automatic annual fee increases pursuant to Section 1-13 of the Code.]*

- Wrecker driver license fee and renewal fee: \$75.00 **[This is an existing fee.]**
- Wrecker driver trainee license fee: \$30.00
- Wrecker driver license fee for applicant who has, or has had within past 90 days, a valid wrecker driver trainee license: \$45.00]

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

(a) The police chief shall approve an application and issue the wrecker driver license or wrecker driver trainee 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;
- (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;
- (3) The applicant has had a wrecker driver license revoked during the preceding one year period; or
- (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, 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, and in accordance with Texas Occupations Code section 53.021, 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 or wrecker driver trainee, as applicable, would create a situation in which the person has an opportunity to repeat the prohibited conduct.

(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 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) 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 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.

#### **Sec. 8-135. Standards for review.**

(a) An applicant whose application for a wrecker driver license or wrecker driver trainee license has been proposed for denial pursuant to item (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 signed 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 in the community where the applicant resides; and
  - c. Any other person in contact with the applicant.

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

(a) The police chief may suspend or revoke a wrecker driver license or wrecker driver trainee license 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 state laws or 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.

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

(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.

(d) An individual whose wrecker driver or wrecker driver trainee 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, or has received deferred adjudication for, a criminal offense except under the following procedures and in accordance with Chapter 53 of the Texas Occupations Code:

- (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, or has received deferred adjudication for, 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 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 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 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, or has received deferred adjudication for, 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 or deferred adjudication.
  - (2) The specific conviction or convictions or deferred adjudication 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.

- (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 or has received deferred adjudication 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, or has received deferred adjudication for, 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.

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 or deferred adjudication, 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.

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**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 pertaining to (wrecker driver licenses), the licenses and permits enumerated in this subsection shall be denied if the applicant:

- (i) has been convicted of any of the ~~designated~~ enumerated 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~~ enumerated offenses and has not completed the period of supervision, or

completed the period of supervision less than five years before the date of the application, pursuant to section 53.021 of the Texas Occupations Code.

As to the wrecker driver license listed in ~~subsection~~ item (2) of this subsection, 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.
  - h. For salesman licenses, in addition to the offenses listed in this subparagraph, 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.

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 contact with the public or 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.

\*\*\*

**Note:** The offenses added to Subsection 1-10(a)(1)h (rape, sexual abuse, sexual assault, enticing of a child, rape of a child, sexual abuse of a child, or indecency with a child) shall apply only to offenses committed on or after the effective date of this Ordinance.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD14-59

**SUBJECT:** An Ordinance authorizing a contract between the City of Houston and The Salvation Army, providing \$125,000 in CDBG funds for a day shelter program

1/29/14

Salvation Army

Category

Page  
1 of 1

Agenda Item  
# 22

**FROM:** Neal Rackleff, Director  
Housing and Community Development

Origination Date

1/29/14

Agenda Date

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

(FOR NEAL RACKLEFF)

Council Districts affected:

ALL

For additional information contact: Stephen Tinnermon  
Phone: 713-868-8448

Date and identification of prior authorizing  
Council action:

**RECOMMENDATION:** Approval of an Ordinance authorizing a contract between the City of Houston and The Salvation Army, providing up to \$125,000 in CDBG funds for a day shelter program

**Amount of Funding:**

\$125,000.00

Finance Budget:

**SOURCE OF FUNDING:** ☐ General Fund ☒ Grant Fund ☐ Enterprise Fund  
Community Development Block Grant (CDBG)

**SPECIFIC EXPLANATION:**

The Housing and Community Development Department (HCDD) recommends approval of a contract between the City of Houston and The Salvation Army to provide self-sufficiency services, emergency and permanent housing referrals, and other supportive services to 250 homeless young adults served by The Salvation Army's Young Adult Resource Center (YARC). YARC is a day shelter program for persons aged 18-25 who are experiencing homelessness.

In addition to being a safe place for homeless young adults to be during the day, YARC is a central point of drop-in and engagement for existing and ongoing outreach efforts, emergency shelter, and case management to assist in permanent housing placement and referrals.

HCDD will grant The Salvation Army up to \$125,000 in Community Development Block Grant (CDBG) funding to provide services to 250 unduplicated participants. Fifty of the participants will receive tools for self-sufficiency, including referrals to transitional and permanent housing, and access to medical care, counseling, employment, and education opportunities. For the remaining 200, The Salvation Army will provide outreach, addressing their immediate needs for food, clothing, and referrals for emergency shelter.

HCDD will be providing 46% of the total budget for this program.

Category	Amount	Percentage
Program Administration	-	0%
Program Services	\$125,000.00	100%
<b>Total</b>	<b>\$125,000.00</b>	<b>100%</b>

HCDD conducted a Request for Proposals (RFP) for program year 2014 CDBG contracts and selected The Salvation Army as one of the agencies. The contract provides funding for a 12-month period beginning on the date it is countersigned by the City Controller.

This item was reviewed by the Housing and Community Affairs Committee on May 13, 2014.

NR:EP:MB:MJR  
cc: City Secretary  
Legal Department  
Finance Department  
Mayor's Office

**REQUIRED AUTHORIZATION**

Finance Director:

Other Authorization:

Other Authorization:

12

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

TBOTW- Outreach and Transportation

**SUBJECT:** An Ordinance authorizing the use of \$75,361 in federal CDBG funds for a contract between the City of Houston and The Bridge Over Troubled Waters Inc. to provide for an Outreach and Education program

Category

Page  
1 of 1Agenda Item  
# 23**FROM:**

Neal Rackleff, Director  
Housing and Community Development

Origination Date  
3/26/14

Agenda Date

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

*For NEAL RACKLEFF*  
For additional information contact: Stephen Tinnermon  
Phone: 713-868-8448

Council Districts affected:  
All

Date and identification of prior authorizing  
Council action:

**RECOMMENDATION:** Approval of an Ordinance authorizing the use of \$75,361 in federal CDBG funds for a contract between the City of Houston and The Bridge Over Troubled Waters Inc. for an Outreach and Education program

**Amount of Funding:**

\$75,361.00

**Finance Budget:****SOURCE OF FUNDING:**☐ General Fund☒ Grant Fund☐ Enterprise Fund

Community Development Block Grant (CDBG)

**SPECIFIC EXPLANATION:**

The Housing and Community Development Department (HCDD) recommends approval of a contract between the City of Houston and The Bridge Over Troubled Waters Inc. to operate an Outreach and Education program.

The Bridge program delivers services 24 hours a day, 7 days a week, and 52 weeks a year. The Bridge will provide victim outreach services to 150 residents who are victims of domestic violence, and through Education Outreach, will reach 2000 community members by providing education regarding domestic violence and resources to assist victims. In addition, this program will deliver transportation services to 70 clients via agency vehicles, taxi vouchers, and bus tokens. The City is contributing 23% of the entire program cost.

Category	Total Contract	Percent
Administration	-	0%
Program Services	\$75,361.00	100%
<b>Total</b>	<b>\$75,361.00</b>	<b>100%</b>

HCDD conducted a Request for Proposals for fiscal year 2014 for CDBG contracts. The Bridge Over Troubled Waters Inc. was one of the providers selected. This contract funds services for a 12-month period. This will be the first CDBG Public Service-funded contract The Bridge will receive through the City of Houston.

This item was reviewed by the Housing and Community Affairs Committee on May 13, 2014.

NR:EP:MB:MR

cc: City Secretary

Legal Department

Finance Department

Mayor's Office

**REQUIRED AUTHORIZATION****Finance Director:****Other Authorization:****Other Authorization:**

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

4/25/14

Goodwill Industries

**SUBJECT:** An Ordinance authorizing the use of \$120,000 in federal CDBG funds for a contract between the City of Houston and Goodwill Industries of Houston for a community rehabilitative services program

Category

Page  
1 of 1Agenda Item  
# 24**FROM:**

Neal Rackleff, Director  
Housing and Community Development

Origination Date

4/25/14

Agenda Date

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

Council Districts affected:

All

For additional information contact: Stephen Tinnermon  
Phone: 713-868-8448

Date and identification of prior authorizing Council action:

**RECOMMENDATION:** Approval of an Ordinance authorizing the use of \$120,000 in federal CDBG funds for a contract between the City of Houston and Goodwill Industries of Houston for a community rehabilitative services program

**Amount of Funding:**

\$120,000.00

Finance Budget:

**SOURCE OF FUNDING:**☐ General Fund☒ Grant Fund☐ Enterprise Fund

Community Development Block Grant (CDBG)

**SPECIFIC EXPLANATION:**

The Housing and Community Development Department (HCDD) recommends approval of a contract between the City of Houston and Goodwill Industries of Houston for a program that assists persons with disabilities in gaining employment.

The goal of Goodwill Houston's Community Rehabilitative Services Program is to place individuals with physical, mental and developmental disabilities into competitive employment. Services may include: (1) assessment, (2) development of an individual employment plan, (3) work readiness training, (4) life skills training, (5) personal/social work adjustment training, and (6) embedded training, job coaching, and job development.

The City will grant Goodwill up to \$120,000 in Community Development Block Grant (CDBG) funds to provide services to approximately 150 clients, placing 75 in competitive employment. The City of Houston is contributing 21% of the entire program cost.

Category	Amount	Percentage
Program Administration	\$0	0%
Program Services	\$120,000	100%
<b>Total</b>	<b>\$120,000</b>	<b>100%</b>

HCDD conducted a Request for Proposals (RFP) for program year 2014 for CDBG contracts and selected Goodwill Industries as one of the providers. This contract provides funding for June 1, 2014 – May 31, 2015. Goodwill Industries has received CDBG funding through the City of Houston since 2012.

This item was reviewed by the Housing and Community Affairs Committee on May 13, 2014.

NR:EP:MB:MJR

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

**REQUIRED AUTHORIZATION**

Finance Director:

Other Authorization:

Other Authorization:

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

4/25/14

Goodwill Industries

**SUBJECT:** An Ordinance authorizing the use of \$120,000 in federal CDBG funds for a contract between the City of Houston and Goodwill Industries of Houston for a community rehabilitative services program

Category

Page  
1 of 1Agenda Item  
#**FROM:**

Neal Rackleff, Director  
Housing and Community Development

Origination Date

4/25/14

Agenda Date

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

Council Districts affected:

All

For additional information contact: Stephen Tinnermon  
Phone: 713-868-8448

Date and identification of prior authorizing  
Council action:

**RECOMMENDATION:** Approval of an Ordinance authorizing the use of \$120,000 in federal CDBG funds for a contract between the City of Houston and Goodwill Industries of Houston for a community rehabilitative services program

**Amount of Funding:**

\$120,000.00

Finance Budget:

**SOURCE OF FUNDING:**☐ General Fund☒ Grant Fund☐ Enterprise Fund

Community Development Block Grant (CDBG)

**SPECIFIC EXPLANATION:**

The Housing and Community Development Department (HCDD) recommends approval of a contract between the City of Houston and Goodwill Industries of Houston for a program that assists persons with disabilities in gaining employment.

The goal of Goodwill Houston's Community Rehabilitative Services Program is to place individuals with physical, mental and developmental disabilities into competitive employment. Services may include: (1) assessment, (2) development of an individual employment plan, (3) work readiness training, (4) life skills training, (5) personal/social work adjustment training, and (6) embedded training, job coaching, and job development.

The City will grant Goodwill up to \$120,000 in Community Development Block Grant (CDBG) funds to provide services to approximately 150 clients, placing 75 in competitive employment. The City of Houston is contributing 21% of the entire program cost.

Category	Amount	Percentage
Program Administration	\$0	0%
Program Services	\$120,000	100%
<b>Total</b>	<b>\$120,000</b>	<b>100%</b>

HCDD conducted a Request for Proposals (RFP) for program year 2014 for CDBG contracts and selected Goodwill Industries as one of the providers. This contract provides funding for June 1, 2014 – May 31, 2015. Goodwill Industries has received CDBG funding through the City of Houston since 2012.

This item was reviewed by the Housing and Community Affairs Committee on May 13, 2014.

NR:EP:MB:MJR

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

**REQUIRED AUTHORIZATION**

Finance Director:

Other Authorization:

Other Authorization:

7614-630

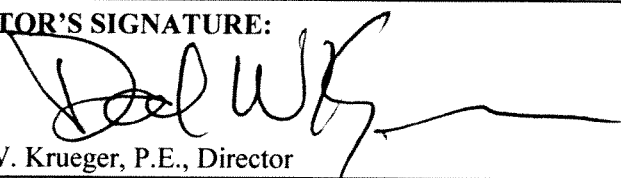

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION


<b>SUBJECT:</b> An Ordinance authorizing a substantial amendment to the Neighborhood Stabilization Program (NSP3) plan to add \$668,528.75 in program income received from NSP3 activities		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 25
<b>FROM:</b> Neal Rackleff, Director Housing and Community Development		<b>Origination Date</b> 4/10/14	<b>Agenda Date</b> MAY 28 2014	
<b>DIRECTOR'S SIGNATURE:</b> <i>Neal Rackleff</i> (FOR NEAL RACKLEFF)		<b>Council Districts affected:</b> B, D, F, H, I, K		
<b>For additional information contact:</b> Stephen Tinnermon Phone: 713-868-8448		<b>Date and identification of prior authorizing Council action:</b> Ord. 2011-0134, 02/23/2011 Ord. 2012-0999, 11/14/2012		
<b>RECOMMENDATION:</b> Approval of an Ordinance authorizing a substantial amendment to the Neighborhood Stabilization Program (NSP3) plan to add \$668,528.75 in program income received from NSP3 activities				
<b>Amount of Funding:</b> \$668,528.75			<b>Finance Budget:</b>	
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund Neighborhood Stabilization Program (NSP3) Program Income				
<b>SPECIFIC EXPLANATION:</b> Through successful administration of the Neighborhood Stabilization Program (NSP), the Housing and Community Development Department (HCDD) has earned recognition from federal NSP officials as well as additional revenue that can be invested back into the target communities to fund further revitalization. Under NSP3, HCDD partnered with a non-profit and a developer to build 14 new homes on LARA lots in the Sunnyside area and renovate seven homes.  These new and rehabilitated homes have served to stabilize the decline of the neighborhoods where they are located. The program income generated by the subsequent sale of the homes allows HCDD to build more homes and to undertake additional revitalization projects, such as the demolition of blighted tax delinquent properties. In a recent tour of Houston, federal NSP officials noted the program success and pointed to it as a model for the nation.  In accordance with HUD regulations and the Citizen's Participation Plan (CPP), the City is required to amend components of its Consolidated Plan/Action Plan when (1) an activity is added; (2) an activity is deleted; (3) a change in the scope of an activity or reallocation of funds increases or decreases the budget of an activity by more than twenty-five (25%) of the original budget; or (4) when there is a change in the purpose, location, scope, or beneficiaries of an activity, or when a priority has changed. This Substantial Amendment is triggered by items 3 and 4.  HCDD requests a substantial amendment to the Neighborhood Stabilization Program (NSP3) plan to add \$668,528.75 in program income received from NSP3 activities through 4/15/2014. The revised budget follows:				
		<b>Current Budget</b>	<b>Revised Budget</b>	
Single Family Redevelopment		\$2,211,035.00	\$2,812,710.88	
Demolition		\$ 840,000.00	\$ 840,000.00	
Administration		\$ 338,000.00	\$ 404,852.87	
<b>Total</b>		<b>\$3,389,035.00</b>	<b>\$4,057,563.75</b>	
A public notice was published in the Houston Chronicle (and the HCDD website) on Tuesday, April 14, 2014. To date, no public comments have been received. This item was presented to the Housing and Community Affairs Committee on May 13, 2014.				
NR:BS:PC cc: City Secretary Legal Department City Attorney Finance Department				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

26

<b>SUBJECT:</b> Ordinance authorizing the sale of an 869-square-foot tract of excess fee-owned property and a 1,272-square-foot tract of excess fee-owned property, both located within the Roslyn (aka Rosslyn) Heights Addition, out of the Samuel McClelland One Third League, A-544. <b>Parcels SY14-046A and SY14-046B</b>	<b>Page</b> <b>1 of 2</b>	<b>Agenda Item #</b>  26
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  5/21/14	<b>Agenda Date</b>  MAY 28 2014
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<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> C  <b>Key Map:</b> 451H 
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<b>For additional information contact:</b>  Nancy P. Collins  Senior Assistant Director-Real Estate <b>Phone:</b> (832) 395-3130	<b>Date and identification of prior authorizing Council Action:</b> C.M. 2014-0062 (1/22/14)
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**RECOMMENDATION: (Summary)** It is recommended City Council approve an ordinance authorizing the sale of an 869-square-foot tract of excess fee-owned property and a 1,272-square-foot tract of excess fee-owned property, both located within the Roslyn (aka Rosslyn) Heights Addition, out of the Samuel McClelland One Third League, A-544. **Parcels SY14-046A and SY14-046B**

**Amount and Source of Funding:** Not Applicable

**SPECIFIC EXPLANATION:**

By Motion 2014-0062, City Council authorized the subject transaction. The subsequent required survey determined the square footage of each tract to be 869 square feet and 1,272 square feet, respectively. The recorded deeds spell the subject location as the Rosslyn Heights Addition; however, the original recorded plat spells it as the Roslyn Heights Addition. The ordinance will reference the location as Roslyn (aka Rosslyn).

The City acquired the tracts by deeds in the 1980's as part of the T.C. Jester Boulevard Project. They were determined by the Engineering and Construction Division to be excess, since they are not needed for future roadway purposes. Since each parcel is a remainder of a lot and irregularly shaped, each parcel cannot be developed independently and can only be sold to an abutting property owner per Texas Government Code Section 272.002 (b) (1). SMB Investments, LTD, [EEC Interest, LLC, (Craig Calmes, President) General Partner], the abutting property owner, plans to replat the tracts with its abutting property into one commercial reserve to facilitate construction of a gas station and convenience store.

SMB Investments, LTD, has complied with the transaction requirements, has accepted the City's offer, and has rendered payment in full.

The City will abandon and sell to SMB Investments, LTD:

**Parcel SY14-046A**

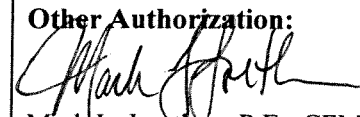
869 square feet of fee-owned land  
Valued at \$4.50 per square foot


\$3,911.00 (R)

LTS #11451

CUIC #20DOB074A

**REQUIRED AUTHORIZATION**

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division
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<b>Date:</b>	<b>Subject:</b> Ordinance authorizing the sale of an 869-square-foot tract of excess fee-owned property and a 1,272-square-foot tract of excess fee-owned property, both located within the Roslyn (aka Rosslyn) Heights Addition, out of the Samuel McClelland One Third League, A-544. <b>Parcels SY14-046A and SY14-046B</b>	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
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**Parcel SY14-046B**

1,272 square feet of fee-owned land	\$5,724.00
Valued at \$4.50 per square foot	

<b>TOTAL ABANDONMENT AND SALE</b>	<b><u>\$9,635.00</u></b>
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Therefore, it is recommended City Council approve an ordinance authorizing the sale of an 869-square-foot tract of excess fee-owned property and a 1,272-square-foot tract of excess fee-owned property, both located within the Roslyn (aka Rosslyn) Heights Addition, out of the Samuel McClelland One Third League, A-544.

DWK:NPC:dob

c: Marta Crinejo  
Daniel Menendez, P.E.  
Patrick Walsh, P.E.  
Jeffrey Weatherford, P.E., PTOE

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** An ordinance appropriating the sum of \$1,964,149.22 out of the Parks Consolidated Construction Fund to fulfill the agreement between the City of Houston, Texas, and the Houston Parks Board to accept an assignment of a Purchase and Sale Agreement to acquire approximately 32.187 acres of property to be added to the Houston Sports Park located on South Kirby Drive

Page  
1 of 1

Agenda Item #

27

**FROM: (Department or other point of origin):**  
Andrew F. Icken, Chief Development Officer, Office of the Mayor

**Origination Date:**

5/21/14

**Agenda Date:**

'MAY' 28 2014

**DIRECTOR'S SIGNATURE:**

**Council District affected:**

D

**For additional information contact:**  
Andy Icken 832-393-1064

**Date and identification of prior authorizing Council Action:** May 14, 2014. Ordinance 2014-464.

**RECOMMENDATION: (Summary)** Approve an Ordinance appropriating the sum of \$1,964,149.22 out of the Parks Consolidated Construction Fund to fulfill an agreement between the City of Houston, Texas, and the Houston Parks Board to accept an assignment of a Purchase and Sale Agreement to acquire approximately 32.187 acres of property to be added to the Houston Sports Park located on South Kirby Drive.

**Amount and Source of Funding:**

\$1,964,149.22 out of the Parks Consolidated Construction Fund. \$1,875,000.00 is the purchase price of the property and \$87,649.22 is due diligence costs for the sale.

**SPECIFIC EXPLANATION:**

On May 14, 2014, by Ordinance No. 2014-464, City Council approved the agreement between the City of Houston and the Houston Parks Board assigning a Purchase and Sale Agreement for approximately 32.187 acres of property located on South Kirby Drive at Sims Bayou. Closing on the property by May 30 is required under the contract, or the City may pay additional earnest money and a higher purchase price for a later closing date. It is recommended that City Council appropriate money to fund this agreement for closing at the end of this month.

On November 9, 2010, City Council created the 88 acre Houston Amateur Sports Park LGC by resolution 2010-58 to construct, manage and operate a regional recreational sports field and training facility located between Kirby Drive and Texas 288 along Sims Bayou.

The Houston Parks Board (HPB) has now negotiated the purchase of an additional 32.187 acres of property which is adjacent to the existing facility from Green Bank. The City wants to acquire this site to allow expansion of the current facilities located at the Houston Amateur Sports Park.

In order to accomplish this goal, the City took the assignment of HPB's contract and will pay Green Bank \$1,875,000 for the property. Under the assignment, the City agrees to reimburse HPB its costs in negotiating the contract and for conducting due diligence at a cost of \$87,649.22. With costs and related expenses the total purchase price is \$1,962,649.22.

**REQUIRED AUTHORIZATION**

**Finance Budget:**


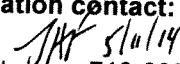
**Other Authorization:**

**Other Authorization:**

28

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approval of an ordinance allowing the Houston Police Department to accept the Office of National Drug Control Policy funding for the FY 2014 High Intensity Drug Trafficking Area Grant.	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 28
<b>FROM: (Department or other point of origin):</b> Houston Police Department	<b>Origination Date</b> 5/21/14		<b>Agenda Date</b> MAY 28 2014
<b>DIRECTOR'S SIGNATURE:</b>  Charles A. McClelland, Jr., Chief of Police	<b>Council Districts affected:</b> All		
<b>For additional information contact:</b> Joseph A. Fenninger, CFO and Deputy Director 713-308-1770 	<b>Date and identification of prior authorizing Council Action:</b>		

**RECOMMENDATION: (Summary)**

Approve the grant award for the FY 2014 High Intensity Drug Trafficking Area Grant

**Amount of Funding:****Total Funding**  
\$3,034,367**Finance Budget:****SOURCE OF FUNDING:** ☐ General Fund ☒ Grant Fund ☐ Enterprise Fund ☐ Other (Specify)**SPECIFIC EXPLANATION:****FY 2014 High Intensity Drug Trafficking Area Grant**

The Houston Police Department (HPD) recommends that City Council approve the ordinance to accept the grant award of \$3,034,367 from the Office of National Drug Control Policy for the FY 2014 High Intensity Drug Trafficking Area (HIDTA) Grant. This will represent the 24<sup>th</sup> year of funding for the department.

The HIDTA initiatives consist of the Gang and Non-Traditional Gang Squad, Houston Intelligence Support Center, Houston Money Laundering Initiative, Major Drug Squads, Methamphetamine Initiative Group, Narcotics Operation Control Center, Targeted Narcotics Enforcement Team, and the Truck, Air, Rail, and Port. This funding will be used for salaries, overtime, purchase of evidence and information, investigative expenses, Investigative travel, training, and lease vehicles.

**This grant does not require a cash or in-kind match.**

**REQUIRED AUTHORIZATION****Finance Budget:****Other Authorization:****Other Authorization:**

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Approve an ordinance authorizing the Houston Police Department to apply for and accept funds from the Department of Justice Fiscal Year 2014 Justice Assistance Grant and approve an Interlocal Agreement with Harris County, Texas as joint applicants.

Category

Page

Agenda Item

#

1 of 1

#

29

**FROM: (Department or other point of origin):**

Houston Police Department

Origination Date

5/21/14

Agenda Date

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

Charles A. McClelland, Jr., Chief of Police

Council Districts affected:

All

**For additional information contact:**Joseph A. Fenninger,  
CFO and Deputy Director 713-308-1770Date and identification of prior authorizing  
Council Action:  
2013-0639**RECOMMENDATION: (Summary)**

The Houston Police Department recommends City Council approve an ordinance authorizing the application for and acceptance of grant funds from the Department of Justice Fiscal Year 2014 Justice Assistance Grant and approve an Interlocal Agreement between the City of Houston and Harris County as joint applicants.

**Amount of Funding: Grant Revenue**Fiscal Year 2014 Justice Assistance Grant from the Department of Justice:  
\$2,410,815**Finance Budget:****SOURCE OF FUNDING:** ☐ General Fund ☒ Grant Fund ☐ Enterprise Fund ☐ Other (Specify)

Department of Justice/Amount Requested: \$2,410,815

**SPECIFIC EXPLANATION:****FY 2014 Justice Assistance Grant**

The Chief of the Houston Police Department (HPD) recommends for City Council to approve an ordinance authorizing the application for and acceptance of Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2014 Local Solicitation from the Department of Justice Fiscal. HPD is the lead law enforcement agency and will apply for grant funding jointly with the Harris County Sheriff's Office. HPD further requests that City Council approve the Interlocal Agreement between the City of Houston and Harris County with respect to the utilization of the JAG funds.

The grant is non-competitive and formula driven. The grant funds will be split equally with HCSO, providing both entities with \$1,205,407.50 for a total of \$2,410,815. This grant does not require a cash match. HPD proposes to allocate its share of the JAG funding to civilian support personnel and classified overtime as a continuation of previous JAG awards. The grant will fund six positions in the Information Services group and one position in the Office of Budget and Finance. Additionally, the grant will provide funding for targeted law enforcement overtime for patrol and other high demand areas as law enforcement needs require.

In compliance with the grant requirements, HPD gave a presentation on May 6, 2014, to the Public Safety and Homeland Security Committee to provide public notice and allow for comment with respect to HPD's application for the grant. HPD also posted its application of the JAG grant in the Houston Chronicle.

The Harris County Sheriff's Office will utilize its portion of the JAG grant to fund training and equipment upgrades for its various units.

**REQUIRED AUTHORIZATION****Finance Budget:****Other Authorization:****Other Authorization:**

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Contract between the Houston Airport System and Akin Gump Strauss Hauer & Feld LLP for representation before the United States Congress and Federal agencies

**Category #**

**Page 1 of 2**

**Agenda Item #**

30

**FROM (Department or other point of origin):**  
Houston Airport System

**Origination Date**  
May 16, 2014

**Agenda Date**  
MAY 28 2014

**DIRECTOR'S SIGNATURE:**

**Council District affected:**  
All

**For additional information contact:**

Kathy Elek Phone: 281-233-1826  
Saba Abashawl Phone: 281-233-1829

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

**AMOUNT & SOURCE OF FUNDING:**

FY14 \$ 22,000  
Out Years \$548,000  
Total Funding \$570,000 HAS Revenue Fund (8001)

**Prior appropriations:**

**RECOMMENDATION: (Summary)**

Adopt an ordinance approving a contract between the Houston Airport System and Akin Gump Strauss Hauer & Feld LLP for professional services related to representing HAS before the United States Congress and Federal agencies.

**SPECIFIC EXPLANATION:**

The Houston Airport System (HAS) recommends that City Council approve a contract with Akin Gump Strauss Hauer & Feld LLP (Akin Gump) to advocate for HAS before the United States Congress and Federal agencies on legislative issues affecting airport operations, facilities and infrastructure, as well as funding. The proposed contract term is three years with the maximum spending authority of \$570,000.

Akin Gump will provide representation and legal services related to the following aviation concerns:

- Monitor developments on homeland security and other legislation of interest to HAS as well as associated regulations, programs and policies and advise HAS of opportunities and risks related to such developments.
- Identify federal funding opportunities for development at Houston airports and develop and implement strategies for pursuing such funding.
- Develop and implement strategies for ensuring that William P. Hobby Airport (HOU) can support international scheduled commercial service in 2015, including advocating for sufficient staffing of U.S. Customs and Border Protection (CBP) officers at HOU and for approval of the Federal Inspection Service Facility.
- Support efforts to ensure that CBP assigns a sufficient number of officers to George Bush Intercontinental Airport/Houston (IAH) and identify opportunities to secure federal funding for new technologies to expedite clearance of passengers through Customs.
- Develop and implement strategies for identifying opportunities for attracting government contractors to Ellington Airport (EFD), including coordinating with the Department of Defense and securing federal funds for military construction.
- Develop and implement strategies for attracting new military commands and activities to EFD.

REQUIRED AUTHORIZATION

**Finance Department:**

**Other Authorization:**

**Other Authorization:**

**Date**  
May 16, 2014

**Subject:** Contract between the Houston Airport System and Akin Gump Strauss Hauer & Feld LLP for representation before the United States Congress and Federal agencies

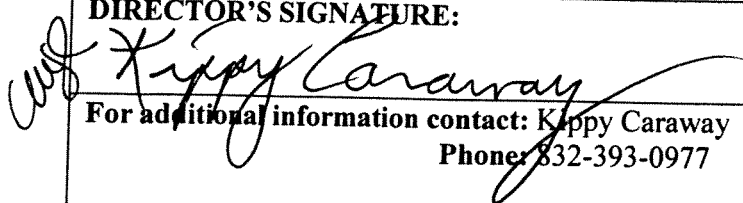
**Originator's  
Initials**

**Page  
2 of 2**

The City solicited proposals through an RFQ in April 2014. An executive selection committee carefully reviewed the eight proposals that were received and recommended the selection of Akin Gump.

Akin Gump will utilize the services of City-certified MWBE firm Baldwin Liaison Consulting, with a goal of 11% MWBE participation.

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.

<b>SUBJECT:</b> Contract between the City and Akin Gump Strauss Hauer & Feld LLP for representation before the United States Congress and Federal agencies		<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 31
<b>FROM (Department or other point of origin):</b> Kippy Caraway, Deputy Chief of Staff Mayor's Office of Intergovernmental Relations		<b>Origination Date</b> 5/21/14		<b>Agenda Date</b> MAY 28 2014
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Kippy Caraway Phone: 832-393-0977		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b> That City Council adopt an ordinance approving a contract between the City of Houston and Akin Gump Strauss Hauer & Feld LLP for professional services related to representing the City before the United States Congress and Federal agencies.				
<b>Amount and Source of Funding:</b> Total Funding - \$852,000 - 3 years - General Fund (1000) (FY 14: \$25,968 Out years: \$826,032)			<b>Finance Budget:</b>	
<b>SPECIFIC EXPLANATION:</b> <p>The Mayor's Office of Intergovernmental Relations recommends that City Council adopt an ordinance approving a contract with Akin Gump Strauss Hauer &amp; Feld LLP ("Akin Gump") to advocate for the City before the United States Congress and Federal agencies. The proposed contract term is two years plus a one-year renewal option, with maximum spending authority in the amount of \$852,000. Out year funding will be approved as part of the annual budget process each year.</p> <p>Akin Gump has provided successful federal representation for the City since February 2005. Over the years, the firm has advanced the City's interests on a broad range of issues including: workforce development, clean air and water, federal flood insurance, water infrastructure, payday lending, NASA and investment in Johnson Space Center, expansion of William P. Hobby Airport for international service, freight rail investment and safety, transportation funding, law enforcement, housing, and disaster assistance. The firm most recently assisted the City with advancing a federal Transportation Investment Generating Economic Recovery (TIGER) grant application for an Intelligent Transportation System project.</p> <p>Akin Gump will continue to assist the City on a broad range of issues involving federal policy, including identifying federal funding for City priorities related to law enforcement, interoperable communications, transportation and rail, parks, energy efficiency, and health and human services; advocating for maximum funding for critical programs, including Community Development Block Grants and law enforcement; assisting the City in working with HUD regarding program compliance; ensuring that NASA is sufficiently funded and that Johnson Space Center (JSC) retains missions and contractor work; and pursuing economic development funding for the JSC and Ellington Airport area, including spaceport development. As in the past, Akin Gump will continue to make the Mayor's Office of Intergovernmental Relations aware of developments in Washington that may affect the City and assist in developing strategies to achieve the City's objectives in Washington, including maintaining frequent communication with members of the Houston Congressional delegation.</p> <p>Akin Gump will continue to attend meetings held by the U.S. Conference of Mayors and monitor activities of the National League of Cities, Airports Council International, American Association of Airport Executives, U.S. Travel Association and other trade associations and coalitions.</p>				

The City solicited proposals through a Request for Qualifications (RFQ) in the spring of 2014. An executive selection committee carefully reviewed and scored the 8 proposals that were received and recommended the selection of Akin Gump.

Akin Gump shall utilize the services of City certified MWBE firm Ian Reid LLC, with Jarvis Stewart performing the work under the Contract. The use of Ian Reid LLC will result in 17.4% MWBE participation for this contract which was established with an 11% goal.

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		
<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

**REQUEST FOR COUNCIL ACTION****TO:** Mayor via City Secretary**Subject:** Ordinance approving and authorizing a Fourth Amendment to Agreement for Collection Services between the City of Houston and LINEBARGER GOGGAN BLAIR AND SAMPSON, LLP.

Category #

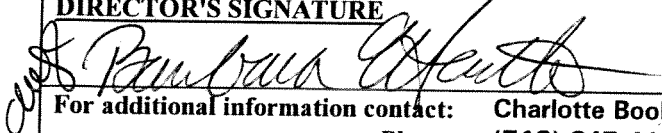
Page 1 of 1

Agenda Item #

32

**FROM (Department or other point of origin):**Barbara E. Hartle, Director and Presiding Judge  
Municipal Courts Department**Origination Date:**  
4/22/2014**Agenda Date**

MAY 28 2014

**DIRECTOR'S SIGNATURE****Council District(s) affected:**  
All**For additional information contact:** Charlotte Booker  
Phone: (713) 247-4105**Date and Identification of prior authorizing Council Action:** Ord. 2009-0606 (June 30, 2009); Ord. 2009-1080 (November 4, 2009); 2011-765 (August 31, 2011); 2013-391 (May 1, 2013)**RECOMMENDATION: (Summary)**

That City Council pass an ordinance approving and authorizing a Fourth Amendment to Agreement for Collection Services between the City of Houston and LINEBARGER GOGGAN BLAIR AND SAMPSON, LLP.

**Amount of Funding:** None**Finance Budget:****SOURCE OF FUNDING:**

N/A

☐ General Fund☐ Grant Fund☐ Enterprise Fund☐ Other (Specify)**SPECIFIC EXPLANATION:**

In 2009, City Council approved an Agreement for Collection Services ("Agreement") regarding delinquent non-parking citations for the Municipal Courts Department with the law firm of Linebarger Goggan Blair and Sampson, LLP ("Linebarger"). An amendment to the Agreement, also approved by City Council in 2009, added additional duties to Linebarger's services. The 2009 Agreement, as amended, calls for Linebarger to assume collection efforts once the citation is more than 60 days past due. Additionally, pursuant to the Agreement, as amended, Linebarger agrees to assist the Municipal Courts with unanticipated costs of delivery of its core services by paying a certain lump sum assistance payment to the City for each year of the contract.

In August 2011, a Second Amendment to the Agreement was approved by City Council where the City negotiated with Linebarger to enhance the City's ability to benefit from collection efforts undertaken before delinquent accounts are turned over to Linebarger and to increase the amount of annual lump sum assistance received from Linebarger. Under the Second Amendment, among other things, the City received from Linebarger for that year through the remaining life of the agreement, including any renewal periods, an increase in the annual lump sum assistance payment, such payments to be in the amount of \$200,000 each year.

In May 2013, a Third Amendment to the Agreement was approved by City Council where the City received additional services from Linebarger which include, among other things, funding for a payment kiosk and an increase in the annual assistance payment by Linebarger of \$400,000 for the Contract Renewal Year 2, beginning July 1, 2013.

This Agreement is due to expire on June 30, 2014. Now, the parties seek to enter into a Fourth Amendment and agree to the following:

- 1) Extend the term of the Agreement to December 31, 2014, with month to month renewal at the sole discretion of the Municipal Courts Director, until the Municipal Courts Case Management System (CSMART) Phase II is implemented and in full operation.
- 2) Linebarger is to pay the City \$125,000 for the term expiring 12/31/2014; and \$20,833 for each month the contract is renewed thereafter, for general expenses.
- 3) Linebarger is to reimburse HPD for overtime pay for the use of on-duty HPD police officers to serve warrants.
- 4) Linebarger is to provide to MCD additional monthly reports on other unpaid cases
- 5) Remove the collection of delinquent false fire alarm response fees imposed by the Houston Fire Department from Linebarger's scope of services.

For the benefits stated above, the Municipal Courts Department requests that City Council approve the Fourth Amendment to the Agreement with Linebarger.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# XXXX

**Subject:** An ordinance approving and authorizing a contract between the City of Houston and 1) Linebarger Goggan Blair & Sampson LLP, 2) Gila LLC d/b/a Municipal Services Bureau ("MSB") and GC Services Limited Partnership ("GC Services") for unpaid account collection services for the Municipal Courts department; authorizing the addition of a collection fee of 30% to delinquent accounts owed to the City, as provided under the Code of Criminal Procedure Article 103.0031(c); and authorizing the Mayor to add additional contractors who meet criteria approved by City Council.

Category #  
4

Page 1 of 2

Agenda Item

33

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

**Origination Date**  
5/20/2014

**Agenda Date**  
MAY 28 2014

## DIRECTOR'S SIGNATURE

Barbara E. Hartle, Director and Presiding Judge

**Council District(s) affected**  
All

## For additional information contact:

Charlotte Booker  
Mary Hammond

Phone: (713) 247-4105  
Phone: (713) 247-8013

**Date and Identification of prior authorizing Council Action:**

## RECOMMENDATION: (Summary)

Approve an ordinance awarding a master agreement for unpaid account collection services for the Municipal Courts Department ("MCD"). This master agreement will serve as an umbrella collection contract for MCD for its collection/revenue stream. Accounts will be assigned to individual contractors via a Letter of Engagement that conforms with the terms of the Master Agreement. The ordinance will also authorize a collection fee for the City up to 30% of the overdue amount as authorized by the Code of Criminal Procedure 103.0031(c).

**FUNDING: NONE REQUIRED (REVENUE)**

**Finance Budget**

## SPECIFIC EXPLANATION:

The Municipal Courts Department ("MCD") recommends that City Council approve an ordinance awarding a master agreement for unpaid account collection services for MCD. This master agreement will serve as an umbrella collection contract. Accounts will be assigned to individual contractors via a Letter of Engagement that conforms with the terms of the Master Agreement. The Master Agreement may be terminated at any time by the Municipal Courts Director upon 30-day prior written notice.

## Background:

A team comprising personnel from MCD, Legal and Finance Departments was tasked to conduct a city wide data and performance review of account receivables and the collections operations. This review included an assessment of the current state of the City's third party collection contracts as well as a review of other collection contracts used in other municipalities. Part of the finding from this review concluded that some of the City Collection contracts were under-performing and that other collection models used by other municipalities can help the City improve their collection recovery rate. Other municipalities' collection models range from "Single Vendor", "Multiple Vendor" and "Competitive Challenge".

Based on the team's review of the existing contracts and with the focus of improving account receivable collections, the City of Houston issued a Request for Proposal (RFP) for the revenue stream for MCD:

Solicitation #	Description of Services	Department
T24217	Delinquent Account Collection	Municipal Courts Department

The RFP was advertised in accordance with the requirements of the State bid law and had its own evaluation team, applying separate but consistent evaluation criteria:

- Proposed Strategy and Operation Plan
- Experience, Reputation and Success in Performing Collection (per revenue stream)
- Financial Incentives to the City
- Financial Strength of Offeror
- Conformance to the scope of the RFP
- M/WBE participation

## REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date: 9/29/2012	Subject: Approve an Ordinance Awarding a Master Service Agreement for Unpaid Account Collection Services for Municipal Court Department / S46 – T24217	Originator's Initials EA	Page 2 of 2
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The Evaluation team reviewed, scored and made their recommendation based on the strengths of the Offeror's solution as well as a collection model that the team felt would realize the best collection recovery rate.

In order to allow maximum flexibility for the city, the master contract includes multiple vendors. The structure is that vendors for the department/revenue stream will sign a master agreement setting out the scope of services, maximum fees, term and other provisions such as the City's right to reassign accounts from one vendor to another. The Department Director is authorized to issue specific "Letters of Engagement" to vendors assigning particular accounts, establishing fees and setting out metrics for achieving acceptable collection rates or reassignment of accounts to another vendor. The Letter of Engagement will provide details of the work the contractor will do, which may include all or a portion of the tasks set out in the Master Agreement, but it must comply with the material terms of the Master Agreement.

The Master Agreement also permits the addition of other vendors who meet the minimum standard set out in the ordinance on an as-needed basis. This "Letter of Engagement" process is one that the City has used fairly often in the past for auditing contracts for the Controller, consultant contracts for HR, HAS, Finance and engineering contracts for Public Works.

The initial term of the Master Agreement is five years with a renewal of up to five years if City Council authorizes the renewal. Letter of Engagement may have a term of up to three years with two 1-year renewal options.

RFP #	Description of Services	Recommended Collection Model	Recommended Pool of Vendors	Dept
T24217	Delinquent Account Collections	Competitive Challenge	MSB GC Services Linebarger	MCD

This ordinance will also authorize the City to add a collection fee of up to 30% on each collection account as provided in Code of Criminal Procedure Article 103.0031(c).

**M/WBE Subcontracting:**

Each RFP was issued with a 15% MWBE participation level. The following table indicates prime and MWBE subcontractors.

Revenue Stream	Prime	Sub-Contractor	Type of Work
T24217 - Delinquent Account Collections	Gila d/b/a Municipal Service Bureau (MSB)	Lam, Lyn & Philips PC	Litigation and Collections
	GC Services	Law Office of Victor Walker, PC	Litigation and Collections
		Lane Staffing	Staffing Services
	Linebarger	Law Office of Darryl B. Carter	Legal Services
		Monty & Ramirez, LLP	Legal Services
		B & E Reprographic	Reprographic & Mailing Services
		Barnes & Turner Attorney s at Law	Legal Services
		Law Office of Senfronia Thompson	Legal Services
		Office Effects Inc.	Office Supplies
		Rita Tape Media, LLC d/b/a CompuPro Global	Office Supplies

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

Buyer: Eric Alexander

# REQUEST FOR COUNCIL ACTION

**TO:** Mayor via City Secretary

**Subject:** Ordinance approving and authorizing an Agreement for the Collection of Delinquent Ad Valorem Taxes of the City of Houston between the City and Perdue, Brandon, Fielder, Collins & Mott, LLP and Greenberg Traurig, LLP, functioning as a Joint Venture.

Category #

Page 1 of 1

Agenda Item #

34

**FROM (Department or other point of origin):**

David M. Feldman, City Attorney

Legal Department

**Origination Date:**

May 20, 2014

**Agenda Date:**

MAY 28 2014

**DIRECTOR'S SIGNATURE**

*[Signature]*

**Council District(s) affected:**

All

**For additional information contact:** Sameera Mahendru

Phone: 832-393-6315

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)** City Council to approve an ordinance authorizing an Agreement for the Collection of Delinquent Ad Valorem Taxes of the City of Houston between the City and Perdue, Brandon, Fielder, Collins & Mott, LLP and Greenberg Traurig, LLP, functioning as a Joint Venture.

**Amount of Funding:** None

**Finance Budget:**

**SOURCE OF FUNDING:**

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

**SPECIFIC EXPLANATION:**

Since 1984, the City has been contracting with the law firm now known as Linebarger, Goggan, Blair & Sampson LLP (Linebarger) for the collection of delinquent ad valorem taxes. The 2010 contract, which was amended in 2013 to allow for an extension, will expire on June 30, 2014.

Since the 2010 RFP, the City has been exploring opportunities to expand competition for the collection of delinquent ad valorem taxes. As part of the 2013 RFP process, the evaluation team concluded that a multi-vendor solution would be the optimal model. Two firms responded to both RFPs: **Linebarger** and **Greenberg Traurig/Perdue, Brandon, Fielder, Collins & Mott (GT/Perdue)**.

In May 2013, the City initiated discussions about the multi-vendor option with the above two firms and the Harris County Tax Office (HCTO). HCTO is the entity statutorily obligated to collect taxes for the City. HCTO has been using collection software developed and provided by Linebarger ("the Linebarger Software"). This software was reported to be unsuitable for the multi-vendor option. As a result, the existing Linebarger contract was extended until June 30, 2014, to allow time for software changes that would accommodate multiple vendors.

In January 2014, HCTO entered into a new contract with Linebarger that allows HCTO to request changes to the Linebarger Software. The City advised both firms in March 2014 that it would pursue a multi-vendor solution upon expiration of the Linebarger contract extension. The City Attorney presented contracts to both Linebarger and GT/Perdue. To date, the City has reached agreement with GT/Perdue, but not Linebarger.

The City is submitting the agreement with GT/Perdue to City Council for approval as GT/Perdue needs a transition period to perform collection services under the agreement. A contract with Linebarger will be submitted at a later date after negotiations are finalized, as Linebarger, being the current delinquent tax collection contractor, does not require a transition.

Having developed a viable incremental strategy, the City now desires to pursue the multi-vendor solution by splitting the City collections along taxing jurisdictional lines, such as Independent School Districts (ISDs).

To minimize disruption, GT/Perdue will initially collect on a limited number of City accounts that lies within the Humble, Spring Branch and Clear Creek ISDs, which is just a small percentage of the City's delinquent tax roll. To maximize revenue collection and manage risk, the City Attorney may transfer accounts between City's collection contractors during the term of the contract to reward performance, and GT/Perdue will compensate the City for any increased cost to the City or HCTO. GT/Perdue will also provide a \$1 million letter of credit that could be triggered in the case of default, and in addition, it will guarantee the city a minimum collection recovery.

The contract may be terminated for convenience by the City Attorney's upon 60 days prior written notice to the contractor.

There is no appropriation of funds because the City is authorized by the Tax Code Sections 33.07, 33.08, and 33.11 to impose an additional 20% penalty on taxpayers' delinquent tax accounts as funding for the contract. The rationale behind these statutory provisions is that the cost of a delinquent tax program should be borne by the delinquent taxpayers, not by the citizens who pay their taxes on time.

The term of the new contract will be July 1, 2014 until June 30, 2017, with two one-year renewal options exercisable by the City. Like the current contract, the proposed new contract also provides additional services to the City at no additional cost.

**Pay or Play Program:**

The proposed contract requires compliance with the City's "Pay or Play" ordinance. The contractor provides health benefits to eligible employees in compliance with City Policy.

**MWBE Participation**

The MWBE participation goal for this contract is 24 percent of the value of the contract. The Mayor's Office of Business Opportunity will monitor this award. The contractor intends to fulfill the goal by utilizing the following certified MWBE firms:

KHG Consulting, LLC	10%
ALSM Consulting, LLC	5%
H&D Consulting and Publishing LLC	4%
Elite Change, Inc.	5%

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

# REQUEST FOR COUNCIL ACTION

**TO:** Mayor via City Secretary

**Subject:** Ordinance authorizing the Houston Parks and Recreation Department to submit and receive a grant award from Texas Parks and Wildlife Department Community Outdoor Outreach Program.

Category #

Page 1 of 2

Agenda Item

35

**FROM (Department or other point of origin):**

Houston Parks and Recreation Department

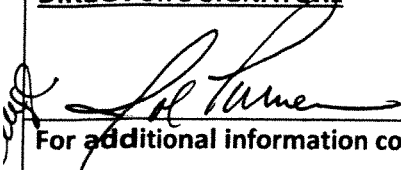
**Origination Date:**

May 5, 2014

**Agenda Date**

MAY 28 2014

**DIRECTOR'S SIGNATURE**



Joe Turner, Director

**Council District(s) affected:**

A, B, C, D, E, H, I, J, K

**For additional information contact:** Luci Correa: (832) 395-7057

**Date and Identification of prior authorizing Council Action:**

Not applicable

## RECOMMENDATION (Summary):

Adopt ordinance authorizing Parks and Recreation Department to apply for and receive a grant from Texas Parks and Wildlife Department (TPWD) with the matching in-kind support being provided by Houston Parks and Recreation Department and the non profit partners listed in the Grant Application.

**Amount and Source of Funding:**

No funding required

**Finance Budget:**

## SPECIFIC EXPLANATION:

The Houston Parks and Recreation Department (HPARD) is applying for a \$40,000 grant from the Texas Parks and Wildlife Department Community Outdoor Outreach Program (COOP) to implement the Houston PARKS Adventure Program – an environmental education and outdoor recreation program geared toward exposing minority and low income urban youth, teens, women, and seniors to the great outdoors. Matching funds are not required; however, points are awarded based on documented applicant contributions to the project. HPARD and its project partners are providing an additional \$40,000 worth of in-kind resources to complete this \$80,000 project. HPARD will provide \$24,003 worth of in-kind resources through the designation of managers, staff, and volunteers to help coordinate the program, and the use of facility space, computers and office equipment, office supplies, photographic supplies/services, and recreation supplies in inventory. Program partners will provide the remaining \$15,997 through donated services, volunteers, interns, materials and supplies. These partners include Public Works and Engineering WaterWorks Education Center, Houston Audubon Society, Artist Boat, Texas Parks and Wildlife Department, Buffalo Bayou Partnership, Student Conservation Association and the Dragon Boat Association. Partnership letters and agreements outlining each partner's in-kind commitment are part of the grant application.

Houston PARKS Adventure enhances the quality and diversity of programming and recreation opportunities offered to After-School and Summer Enrichment Program participants. The program will provide hands-on exposure and outdoor learning experiences to reconnect young participants with nature and the outdoors. Activities will include field trips to State Parks, bird watching, fishing, camping, outdoor safety, outdoor cooking, hiking and trail exploration, kayaking, and interaction with a variety of wildlife. The program also provides environmental education on topics such as preserving habitat for wildlife, non-point source pollution, water quality, native plants and wildscapes. If awarded, the program will be implemented in the following twenty-four (24) community centers throughout the City:

## REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

35

**Subject:** Ordinance authorizing the Houston Parks and Recreation Department to submit and receive a grant award from Texas Parks and Wildlife Department Community Outdoor Outreach Program.

**Date:** May 5, 2014

Page 2 of 2

<b>COMMUNITY CENTERS 2014 - 2015</b>	<b>COUNCIL DISTRICT</b>
Carverdale	A
Freed	A
Tidwell	B
Judson Robinson, Sr.	B
Tuffly	B
Swiney	B
Lincoln City	B
Goodwin	C
Judson Robinson, Jr.	D
Beverly Hills	D
Meadowcreek	E
Melrose	H
Denver Harbor	H
Proctor Plaza	H
Independence Heights	H
Settegast	H
Garden Villas	I
Ingrando	I
DeZavala	I
Lansdale	J
Linkwood	K
Almeda	K
Windsor Village	K
Townwood	K

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 10120**

**Subject:** Approve an Ordinance amending the Greater Houston HealthConnect Contract (GHH) for the electronic exchange of protected health information.

Category #  
6

Page 1 of 1

Agenda Item

36

**FROM (Department or other point of origin):**

Terry Garrison  
Fire Chief  
Fire

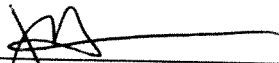
**Origination Date**

May 15, 2014

**Agenda Date**

**MAY 28 2014**

**DIRECTOR'S SIGNATURE**



**Council District(s) affected**  
All

**For additional information contact:**

Cynthia Vargas

Phone: (832) 394-6926

Phone:

**Date and Identification of prior authorizing Council Action:**

CM 2012-0743, dtd. 08/29/2012

**RECOMMENDATION: (Summary)**

The Fire Chief recommends that City Council adopt an Ordinance amending the Greater Houston HealthConnect Participation Agreement (dated September 5, 2012) and approved in Ordinance No. 2012-743.

**Finance Budget**

No Funding Involved

**SPECIFIC EXPLANATION:**

The Fire Chief recommends that City Council adopt an Ordinance amending the Greater Houston HealthConnect Participation Agreement (dated September 5, 2012) and approved in Ordinance No. 2012-743.

The City of Houston Fire Department provides emergency medical services ("EMS") and associated ambulance transportation for residents and visitors in its jurisdiction. ImageTrend, Inc. provides the electronic patient care reporting software system used to manage and create the electronic patient care reports (ePCRs) in the City. The ImageTrend software system also integrates critical information across systems for authorized collaborators in the City's EMS community such as: Houston Area hospitals, the City's EMS billing service provider, and the Texas Department of Health and Human Services. The City has asked ImageTrend to modify its software to allow the City the ability to connect to the GHH Health Information Exchange (HIE).

GHH owns and operates an internet-based system that provides secure electronic exchange of protected health information. The system allows Houston area hospitals and medical care providers to share the protected health information ("PHI") of those patients who authorize the PHI to be included in the exchange with other participating entities. The sharing of information between providers increases the coordination and quality of care and improves efficiency in the health care system. GHH has built a secure digital network of linked health records between all providers to improve the region's quality and efficiency of patient care. GHH allows disparate emergency medical record systems a means to communicate with one another so that all participants in the continuum of care can track their patient's progress. Houston-based HEALTHCONNECT serves 6.8 million people in a 20-county area, encompassing 133 hospitals and 14,000 physicians.

As currently written, the GHH contract prohibits ImageTrend's proposed actions. The Fire Chief recommends amending the GHH contract to clarify that ImageTrend can modify its software in order to connect to the ("GHH HIE"). This connection will allow the City to transfer and receive incident data from the GHH HIE and to update ePCRs created by HFD emergency responders. GHH and ImageTrend have both approved the language in the attached amendment.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

36

# **REQUEST FOR COUNCIL ACTION**

**TO: Mayor via City Secretary**

**RCA #**

**SUBJECT:** Ordinance approving a Fiscal Year 2014 Operating Budget for the Lake Houston Redevelopment Authority and FY14-FY18 Capital Improvement Plan (CIP) for Tax Increment Reinvestment Zone Number Ten (Lake Houston Zone).

**Category #**

**Page**  
1 of 1

**Agenda Item#**

37

**FROM: (Department or other point of origin):**

Andrew F. Icken  
Chief Development Officer

**Origination Date**

5/20/14

**Agenda Date**

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

**Council Districts affected:**  
E

**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, Ord. No. 2012-0815, 09/19/12, Res. No. 2013-0062, 12/04/13, Ord. No. 2014-0050, 1/22/14, Ord. No. 2014-0256, 4/02/14

**RECOMMENDATION: (Summary)**

City Council adopt an ordinance approving the Fiscal Year 2014 Operating Budget for the Lake Houston Redevelopment Authority and FY4-FY18 CIP for Tax Increment Reinvestment Zone Number Ten (Lake Houston Zone).

**Amount of Funding:** No Funding Required

**SOURCE OF FUNDING:**

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

**SPECIFIC EXPLANATION:**

Reinvestment Zone Number Ten, City of Houston, Texas ("Zone") was created by Ordinance 1997-1589, adopted by City Council ("City") on December 17, 1997. By Resolution 2013-0062, adopted on December 4, 2013, the City approved the creation of the Lake Houston Redevelopment Authority ("Authority"). By Ordinance 2014-0050, approved on January 22, 2014, the City approved an Agreement between the City, the Authority, and the Zone. On April 2, 2014, the City adopted an Ordinance appropriating \$827,448.00 to the Authority. The City now needs to adopt a Fiscal Year 2014 Budget for the Authority.

Provisions for the FY14 Budget for the Lake Houston Redevelopment Authority include:

- Total Operating Budget for FY14 is \$12,868,909, which includes \$9,257,166 for required fund transfers and \$3,611,743 for Project Costs.
- The FY14-FY18 CIP Budget totals \$1,085,000, and includes provisions for the design and construction of roadway improvements, land acquisition, due diligence cost associated with right-of-way acquisition needed for the extension of Kingwood Place Drive and a sub-regional mobility study;
- The FY14 Operating Budget includes \$47,900 for administration and overhead. The Zone must advise the Chief Development Officer of any budget amendments. Adjustments to the Project Costs in the Operating Budget that exceed \$400,000 require City Council approval.
- The budget includes a municipal services cost payment in FY14 of \$490,000 to pay for the incremental costs of providing services in the area of the Zone.

Attachments: FY14 Operating Budget and FY15-FY18 CIP

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

## **REQUIRED AUTHORIZATION**

**Other Authorization:**

**Other Authorization:**

**Other Authorization:**

CITY OF HOUSTON  
ECONOMIC DEVELOPMENT DIVISION  
FISCAL YEAR 2014 BUDGET PROFILE

Fund Summary  
Fund Name: **Lake Houston Redevelopment Authority**  
TIRZ: **10**  
Fund Number: **7558/50**

P R O F I L E	Base Year:	1997
	Base Year Taxable Value:	\$ 616,686,747
	Projected Taxable Value (TY2013):	\$ 720,042,434
	Current Taxable Value (TY2012):	\$ 678,257,882
	Acres:	3,185.70
	Administrator (Contact):	City of Houston
	Contact Number:	(832) 393-0985

N A R R A T I V E	<b>Zone Purpose:</b>
	Tax Increment Reinvestment Zone Number Ten, City of Houston, Texas was created to provide plans and programs needed to facilitate planned residential and commercial developments and in a manner consistent with the Kingwood Annexation Service Plan which annexed the area into the City of Houston.

P R O J E C T  P L A N		Total Plan	Cumulative Expenses (to 6/30/12)	Variance
	Capital Projects:			
	Public Utilities	\$ 38,030,640	\$ 17,812,418	\$ 20,218,222
	Street Reconstruction	25,000,000	3,798,000	21,202,000
	Cultural and Public Facilities	20,559,850	7,129,754	13,430,096
	Wastewater Treatment	7,000,000	-	7,000,000
		-	-	-
		-	-	-
		-	-	-
		-	-	-
	Total Capital Projects	\$ 90,590,490	\$ 28,740,172	\$ 61,850,318
	Affordable Housing	-	-	-
	School & Education/Cultural Facilities	60,000,000	56,863,867	3,136,133
	Financing Costs	-	1,231,000	(1,231,000)
	Administration Costs/ Professional Services	1,540,000	804,810	735,190
	Creation Costs	260,000	260,000	-
	Total Project Plan	\$ 152,390,490	\$ 87,899,849	\$ 64,490,641

D E B T	Additional Financial Data		FY2013 Budget	FY2013 Estimate	FY2014 Budget
	Debt Service Other				
	Principal		\$ 1,757,443	\$ 2,785,274	\$ 1,690,626
	Interest		\$ 1,572,169	\$ 2,600,000	\$ 1,572,169
			\$ 185,274	\$ 185,274	\$ 118,457
	Balance as of 6/30/12			Projected Balance as of 6/30/13	Projected Balance as of 6/30/14
	Year End Outstanding (Principal)				
	Bond Debt		\$ -	\$ -	\$ -
	Bank Loan		\$ -	\$ -	\$ -
	Line of Credit		\$ -	\$ -	\$ -
	Developer Agreement		\$ 16,291,047	\$ 15,427,718	\$ 14,782,501
	Other		\$ 4,359,384	\$ 1,759,384	\$ 187,215

CITY OF HOUSTON  
ECONOMIC DEVELOPMENT DIVISION  
FISCAL YEAR 2014 BUDGET PROFILE

Fund Summary  
Fund Name: Lake Houston Redevelopment Authority  
TIRZ: 10  
Fund Number: 7558/50

TIRZ Budget Line Items	FY2013 Budget	FY2013 Estimate	FY2014 Budget
<b>RESOURCES</b>			
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ 2,816,364	\$ 3,428,662	\$ 1,100,000
<b>Beginning Balance</b>	\$ 2,816,364	\$ 3,428,662	\$ 1,024,613
	\$ 2,816,364	\$ 3,428,662	\$ 2,124,613
City tax revenue	\$ 3,125,227	\$ 3,206,973	\$ 3,468,847
County tax revenue	\$ -	\$ -	\$ -
ISD tax revenue	\$ 7,731,860	\$ 8,034,373	\$ 8,593,724
ISD tax revenue - Pass Through	\$ 1,461,629	\$ -	\$ -
Community College tax revenue	\$ -	\$ -	\$ -
<b>Incremental property tax revenue</b>	\$ 12,318,716	\$ 11,241,346	\$ 12,062,571
<b>Miscellaneous revenue</b>	\$ -	\$ -	\$ -
COH TIRZ interest	\$ 36,331	\$ 43,675	\$ 14,761
Interest Income	\$ -	\$ -	\$ -
<b>Other Interest Income</b>	\$ 36,331	\$ 43,675	\$ 14,761
	\$ -	\$ -	\$ -
<b>Grant Proceeds</b>	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
<b>Proceeds from Bank Loan</b>	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
<b>Contract Revenue Bond Proceeds</b>	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
<b>TOTAL AVAILABLE RESOURCES</b>	\$ 15,171,411	\$ 14,713,683	\$ 14,201,945

CITY OF HOUSTON  
ECONOMIC DEVELOPMENT DIVISION  
FISCAL YEAR 2014 BUDGET PROFILE

Fund Summary  
Fund Name: Lake Houston Redevelopment Authority  
TIRZ: 10  
Fund Number: 7558/50

TIRZ Budget Line Items	FY2013 Budget	FY2013 Estimate	FY2014 Budget
<b>EXPENDITURES</b>			
Accounting	\$ -	\$ -	\$ 9,000
Administration Salaries & Benefits	\$ 20,000	\$ 23,890	\$ 20,000
Auditor	\$ 9,000	\$ 13,000	\$ 9,000
Bond Services/Trustee/Financial Advisor	\$ 8,500	\$ -	\$ 8,500
Insurance	\$ 900	\$ -	\$ 900
Office Administration	\$ 5,000	\$ -	\$ 500
<b>TIRZ Administration and Overhead</b>	<b>\$ 43,400</b>	<b>\$ 36,890</b>	<b>\$ 47,900</b>
Engineering Consultants	\$ -	\$ -	\$ 100,000
Legal	\$ 25,000	\$ 42,855	\$ 43,000
Construction Audit	\$ -	\$ -	\$ -
Planning Consultants	\$ -	\$ -	\$ -
<b>Program and Project Consultants</b>	<b>\$ 25,000</b>	<b>\$ 42,855</b>	<b>\$ 143,000</b>
<b>Management consulting services</b>	<b>\$ 68,400</b>	<b>\$ 79,745</b>	<b>\$ 190,900</b>
Capital Expenditures (See CIP Schedule)	\$ 400,000	\$ 176,000	\$ 1,085,000
<b>TIRZ Capital Expenditures</b>	<b>\$ 400,000</b>	<b>\$ 176,000</b>	<b>\$ 1,085,000</b>
Friendswood	\$ -	\$ -	\$ -
Holley-Guniganti	\$ -	\$ 657	\$ 3,768
Forestar Group/Kingwood Partners	\$ 225,418	\$ 235,134	\$ 196,040
Classic Contractors/Gene Mendel	\$ 37,626	\$ 58,358	\$ 50,583
Amvest-Skylark	\$ 185,134	\$ 269,525	\$ 229,787
Meritage	\$ 69,744	\$ 299,655	\$ 165,039
<b>Developer / Project Reimbursements</b>	<b>\$ 517,922</b>	<b>\$ 863,329</b>	<b>\$ 645,217</b>
CO Debt Service			
Principal	\$ 1,572,169	\$ 2,600,000	\$ 1,572,169
Interest	\$ 185,274	\$ 185,274	\$ 118,457
<b>System debt service</b>	<b>\$ 1,757,443</b>	<b>\$ 2,785,274</b>	<b>\$ 1,690,626</b>
<b>TOTAL PROJECT COSTS</b>	<b>\$ 2,743,765</b>	<b>\$ 3,904,348</b>	<b>\$ 3,611,743</b>

CITY OF HOUSTON  
ECONOMIC DEVELOPMENT DIVISION  
FISCAL YEAR 2014 BUDGET PROFILE

Fund Summary  
Fund Name: Lake Houston Redevelopment Authority  
TIRZ: 10  
Fund Number: 7558/50

TIRZ Budget Line Items	FY2013 Budget	FY2013 Estimate	FY2014 Budget
Payment/transfer to ISD - educational facilities	\$ 7,731,860	\$ 8,034,373	\$ 8,593,724
Payment/transfer to ISD - educational facilities (Pass Through)	\$ 1,461,629	\$ -	\$ -
Administration Fees:			
City	\$ 156,261	\$ 160,349	\$ 173,442
County	\$ -	\$ -	\$ -
ISD	\$ -	\$ -	\$ -
HCC	\$ -	\$ -	\$ -
Affordable Housing:			
City	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
ISD to City of Houston	\$ -	\$ -	\$ -
Municipal Services (Payable to COH)	\$ 490,000	\$ 490,000	\$ 490,000
<b>Total Transfers</b>	<b>\$ 9,839,750</b>	<b>\$ 8,684,722</b>	<b>\$ 9,257,166</b>
<b>Total Budget</b>	<b>\$ 12,583,515</b>	<b>\$ 12,589,070</b>	<b>\$ 12,868,909</b>
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Debt Service	\$ -	\$ 1,100,000	\$ 1,100,000
UNRESTRICTED Funds	\$ 2,587,896	\$ 1,024,613	\$ 233,036
<b>Ending Fund Balance</b>	<b>\$ 2,587,896</b>	<b>\$ 2,124,613</b>	<b>\$ 1,333,036</b>
<b>Total Budget &amp; Ending Fund Balance</b>	<b>\$ 15,171,411</b>	<b>\$ 14,713,683</b>	<b>\$ 14,201,945</b>

Notes:

2014 - 2018 CAPITAL IMPROVEMENT PLAN  
TIRZ NO.10 - LAKE HOUSTON REDEVELOPMENT AUTHORITY

CITY OF HOUSTON - TIRZ PROGRAM  
Economic Development Division

Economic Development Division

Council District	CIP No.	Project	Fiscal Year Planned Appropriations								FY14 - FY18 Total	Cumulative Total (To Date)
			Through 2012	Projected 2013	2014	2015	2016	2017	2018			
E	T-1003	Kingwood Park and Community Center	\$ -	176,000	-	-	-	-	-	-	176,000	
E	T-1005	Kingwood West Fire Station Land Acquisition	\$ -	-	400,000	-	-	-	-	-	400,000	
0	T-1006	Intersection/Pedestrian Safety Improvements	\$ -	-	685,000	-	-	-	-	-	685,000	
Totals			\$ -	\$ 176,000	\$ 1,085,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,085,000	\$ 1,261,000

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2014 - 2018 CAPITAL IMPROVEMENT PLAN  
TIRZ NO.10 - LAKE HOUSTON REDEVELOPMENT AUTHORITY

CITY OF HOUSTON - TIRZ PROGRAM  
Economic Development Division

Source of Funds	Fiscal Year Planned Appropriations									
	Through 2012	Projected 2013	2014	2015	2016	2017	2018	FY14 - FY18 Total	Cumulative Total (To Date)	
TIRZ Funds	-	176,000	1,085,000	-	-	-	-	1,085,000	1,261,000	
City of Houston	-	-	-	-	-	-	-	-	-	
Grants	-	-	-	-	-	-	-	-	-	
Other	-	-	-	-	-	-	-	-	-	
Project Total	-	176,000	1,085,000	-	-	-	-	1,085,000	1,261,000	



Project: Intersection/Pedestrian Safety Improvements				City Council District		Key Map:		WBS.:		T-1006	
Description:				Location:		Geo. Ref.:		Neighborhood:			
Justification:				Operating and Maintenance Costs: (\$ Thousands)							
Signalized Intersection, crosswalks and pedestrian safe to cross infrastructure needed at the intersection of North Park Drive at Woodbridge Pkwy/Hidden Pines Drive.											

**TO: Mayor via City Secretary**

**REQUEST FOR COUNCIL ACTION**

**SUBJECT:** An ordinance approving and authorizing a License Agreement and Construction, Operating and Maintenance Agreement for Navigation Esplanade between the City of Houston, Texas, and the Greater East End Management District

**Page**  
1 of 1

**Agenda Item #**  
38

**FROM: (Department or other point of origin):**  
Andrew F. Icken, Chief Development Officer  
Office of the Mayor

**Origination Date:**

5/21/14

**Agenda Date:**

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

**Council District affected:** H & I

**For additional information contact:**  
Andy Icken 832-393-1064

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

**RECOMMENDATION: (Summary)** Approve an Ordinance approving and authorizing a License Agreement and Construction, Operating and Maintenance Agreement for Navigation Esplanade between the City of Houston, Texas, and the Greater East End Management District.

**Amount and Source of Funding:**  
None

**SPECIFIC EXPLANATION:**

It is recommended that City Council approve an ordinance allowing the Greater East End Management District to manage, operate and maintain the improvements constructed in esplanade of Navigation Blvd. between N. St. Charles St. and N. Delano St.

The agreement grants a license to the Greater East End Management District to operate, maintain and manage improvements constructed in the Navigation Esplanade. This will allow GEEMD to market the space and events in the esplanade. Any further construction improvements that are contemplated by the District must be approved by both the Public Works & Engineering Department and the Houston Parks and Recreation Department and funded exclusively by the District.

GEEMD will rent stalls and spaces in the market and will retain the funds earned to provide for the maintenance and/or further improvement of the esplanade. The activities held in the esplanade will draw more visitors to the area and area businesses, and will help the City's and the GEEMD's efforts to promote reinvestment in the area.

**REQUIRED AUTHORIZATION**

**Finance Budget:**

**Other Authorization:**

**Other Authorization:**

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 9911**

**Subject:** Ordinance Awarding a Contract for Plumbing Services for the General Services Department.  
S23-L24784

Category #  
4

Page 1 of 2

Agenda Item

39

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

April 16, 2014

**Agenda Date**

**MAY 28 2014**

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**Date and Identification of prior authorizing Council Action:**

**For additional information contact:**

Jacquelyn L. Nisby      Phone: (832) 393-8023  
Joyce Hays      Phone: (832) 393-8723

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to American Mechanical Services of Houston, LLC. in an amount not to exceed \$4,227,000.00 for Plumbing Services for General Services Department.

Maximum Contract Award : \$4,227,000.00

**Finance Budget**

\$4,227,000.00 General Fund (1000)

**SPECIFIC EXPLANATION:**

The Director of General Services and the City Purchasing Agent recommend that City Council approve an ordinance awarding a one-year contract, with four one-year options to American Mechanical Services of Houston, LLC. on its low bid meeting specification in a total amount not to exceed \$4,227,000.00 for plumbing services for the General Services Department. 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. Eighteen prospective bidders downloaded the solicitation document from SPD's e-bidding website and five bids were received as outlined below:

	<u>Company</u>	<u>Total Amount</u>
1.	American Mechanical Services of Houston, LLC	\$4,227,000.00
2.	Gowan, Inc.	\$5,199,350.00
3.	Belknap Plumbing Systems	\$6,246,000.00
4.	KR Allen Construction, LLC	\$6,657,585.00
5.	Reytec Construction Resources, Inc.	\$8,262,250.00

The scope of work requires the contractor to provide all supervision, labor, parts, tools, materials, transportation, equipment, supplies and licenses/certifications, permits and insurance necessary to perform plumbing repairs, minor construction and new installations at various city buildings. The General Services Department (GSD), Property Management Division is responsible for the maintenance of all City of Houston Fire, Police, Health and Library facilities. Also included are several Public Works buildings, Administration & Regulatory Affairs and Municipal Courts facilities. This contract will cover approximately 311 city facilities.

**M/WBE Subcontracting:**

This invitation to bid was issued as a goal-oriented contract with a 15% M/WBE participation level. American Mechanical Services of Houston, LLC has designated the below-named company as its certified M/WBE subcontractor:

<b>Name</b>	<b>Type of Work</b>	<b>Amount</b>	<b>Percentage</b>
Competitive Choice	Plumbing Supplies and Rental	\$634,050.00	15%

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

MX

28

<b>Date:</b> 4/16/2014	<b>Subject:</b> Ordinance Awarding a Contract for Plumbing Services for the General Services Department. S23-L24784	<b>Originator's Initials</b> RB	<b>Page 2 of 2</b>
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The 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 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 three percent.

Buyer: Roy Breaux

**ESTIMATED SPENDING AUTHORITY**

<b>Department</b>	<b>FY14</b>	<b>Out Years</b>	<b>Total</b>
<b>General Services Department</b>	<b>\$ 70,450.00</b>	<b>\$\$4,156,550.00</b>	<b>\$4,227,000.00</b>

**REQUEST FOR COUNCIL ACTION****TO:** Mayor via City Secretary**RCA# 10077****Subject:** Formal Bids Received for Sale of Scrap Metal Material for Various Departments. S55-L24947Category #  
4

Page 1 of 2

Agenda Item  
  
40**FROM (Department or other point of origin):**Calvin D. Wells  
City Purchasing Agent  
Finance Department**Origination Date**

April 29, 2014

**Agenda Date**

MAY 28 2014

**DIRECTOR'S SIGNATURE**

For additional information contact:

David Guernsey  
Joyce HaysPhone: (832) 395-3640  
Phone: (832) 393-8723**Council District(s) affected**  
All**Date and Identification of prior authorizing Council Action:****RECOMMENDATION: (Summary)**

Approve an ordinance awarding a revenue contract to Holmes Road Recycling Company, Inc. on its bid in the estimated revenue amount of \$1,669,760.55 for sale of scrap metal material for various departments.

Revenue Contract

Finance Budget

**SPECIFIC EXPLANATION:**

The Director of Public Works & Engineering and the City Purchasing Agent recommend that City Council approve an ordinance awarding a three-year revenue contract, with two one-year options, to Holmes Road Recycling Company, Inc. on its high bid in the estimated revenue amount of \$1,669,760.55 based on the current American Metal Market price book for sale of scrap metal material for various departments. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor. This contract will be used to dispose of scrap metal materials on an as-needed basis.

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

**COMPANY****TOTAL AMOUNT**

1. Transformers Scrap Metals
2. South Post Oak Recycling Center
3. Holmes Road Recycling Company, Inc.

\$628,138.53  
\$1,165,225.65  
\$1,669,760.55

The scope of work requires the contractor to provide all facilities, labor, materials, equipment and supervision necessary to transport and dispose of scrap metal materials. The Property Disposal Management Office of the Administration & Regulatory Affairs Department will administer this contract and will coordinate the activities of City departments.

**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 some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

Date:  
4/29/2014

Subject: Formal Bids Received for Sale of Scrap Metal Material for  
Various Departments. S55-L24947

Originator's  
Initials  
JB

Page 2 of 2

**Hire Houston First:**

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

Buyer: Joseph Badell

Attachment: MWBE Zero Percentage Goal Document approved by the Mayor's Office of Business Opportunity

# PWE SERVICE & SUPPLY CONTRACTS

RECEIVED

To:

Office of Business Opportunity

Date of Request: 08/01/13

NOV 01 2013

From: Darcia Moon

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 ☐ 0 %

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

Solicitation Number: TBD Estimated Dollar Amount: REVENUE

Anticipated Advertisement Date: TBD Solicitation Due Date: TBD

Goal on Last Contract: 11% Was Goal Met? Yes ☒ No ☐

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

## Name and Intent of this Solicitation:

The contract is for sale of scrap metal materials by the City of Houston (copy of contract is attached)  
This is a Revenue contract. Previous contract goal was 11%, which was achieved via office supply vendor, which does not correlate directly to the business.

## Reason for Request (Use additional paper if necessary):

This is a revenue generating contract for sale of scrap metal materials. There are no funding requirements on this contract.

## Concurrence:

Darcia Moon  
Buyer

Mary Williams 8/1/13  
Division Manager

# PWE SERVICE & SUPPLY CONTRACTS

MMB Assistant Director

*W. P. Murray*  
8/1/2013

*Reconsidered on 12/17/13*

*W. P. Murray*

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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** An Interlocal Agreement with Texas Agrilife Extension Service-Wildlife Services Unit, Texas A&M University System for Wildlife Hazard Mitigation at George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU), and Ellington Airport (EFD).

**Category #**

**Page 1 of 1**

**Agenda Item #**  
41

**FROM (Department or other point of origin):**

Houston Airport System (HAS)

**Origination Date**

March 13, 2014

**Agenda Date**

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

*[Signature]*

**Council District affected:**

B, E, I

**For additional information, contact:**

Kathy Elek *Kae* Phone: 281/233-1826  
Lance Lytle *ll* 281/233-1889

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

N/A

**AMOUNT & SOURCE OF FUNDING:**

\$ 50,933.00 HAS Revenue Fund (8001) FY14  
\$ 233,065.00 HAS Revenue Fund (8001) Out Years  
\$ 283,998.00 Total

**Prior appropriations:**

N/A

**RECOMMENDATION: (Summary)**

Approve and authorize an Interlocal Agreement with Texas Agrilife Extension Service-Wildlife Services Unit, Texas A&M University System for Wildlife Hazard Mitigation at George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU), and Ellington Airport (EFD).

**SPECIFIC EXPLANATION:**

City Council approval is requested to enter into an interlocal agreement with Texas Agrilife Extension Service-Wildlife Services Unit, Texas A&M University System to develop a Wildlife Hazard Mitigation Plan (WHMP) and implement a wildlife hazard management program for George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU), and Ellington Airport (EFD) in accordance with Federal Aviation Regulation (FAR) Part 139. Wildlife, especially birds, within the aircraft operating environment can cause aircraft damage and pose a safety threat to passengers and aircrews.

Following United States Department of Agriculture (USDA) Wildlife Hazard Assessments (WHA) at HAS airports, completed in April 2011, HAS drafted WHMPs and submitted those to the Federal Aviation Administration (FAA) in August 2012. In February 2013, the FAA denied the HAS draft WHMPs, requiring that HAS revise them in consultation with Certified Airport Wildlife Biologists. As HAS currently does not have Biologists on staff, efforts were undertaken leading to this interlocal agreement. Under the agreement, two Airport Wildlife Biologists certified in accordance with the FAA will provide training to airport personnel and work to reduce wildlife hazards at each airport. These services will ensure continuous compliance with FAA requirements. This interlocal agreement is for two years. A zero percent DBE goal has been approved by the Office of Business Opportunity.

REQUIRED AUTHORIZATION

**Finance Department:**

**Other Authorization:**

**Other Authorization:**

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Ordinance Appropriating \$3,590,825.75 out of Airport Improvement Fund and Awarding a Professional Engineering Services Contract to Reynolds, Smith and Hills, Inc. for the rehabilitation of Taxiway Runway WA and WB at George Bush Intercontinental Airport/ Houston; Project No. 651 (WBS# A-000622-0001-3-01-01).

Category #

Page 1 of 2

Agenda Item #

42

**FROM (Department or other point of origin):**

City Attorney's Office

**Origination Date**

May 6, 2014

**Agenda Date**

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

David M. Feldman, City Attorney

**Council District affected:**

B

**For additional information contact:**

Martin Buzak

Phone: 832-393-6431

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

None

**AMOUNT & SOURCE OF FUNDING:**

CIP No. A- 0622.01

\$3,590,825.75 Total

HAS Arpt Improvement (8011)

**Prior appropriations:**

None

**RECOMMENDATION: (Summary)**

Enact an Ordinance Awarding a Professional Engineering Services contract to Reynolds, Smith and Hills, Inc. (RS&H, Inc.) and appropriate the necessary funds to finance the cost of these services.

**SPECIFIC EXPLANATION:**

This is an engineering contract necessary in connection with a legal dispute between the City and its design consultant and construction contractor (*City of Houston v. Webber, LLC and Klotz Associates, Inc.*) surrounding work on Taxiways WA and WB at George Bush Intercontinental Airport. The contract has been procured according to the Texas Professional Services Procurement Act, which requires that the City choose the most highly qualified provider of services on the basis of demonstrated competence and qualifications, which may include consideration of local conditions. After a thorough review of many firms, credentialed and capable of completing this design effort in a condensed time frame, and eliminating firms that might have potential conflicts due to pending litigation, the Houston Airport System staff chose Reynolds, Smith and Hills, Inc.

The professional engineering services to be provided by RS&H, Inc. include:

- Provide prompt and efficient professional engineering services for the planning and design of the Project;
- Coordinate its performance with the HAS Director, City consultants, and all governmental entities having jurisdiction over this Project;
- Make periodic written reports, meeting notes, and recommendations to the HAS Director with respect to conditions, transactions, situations or circumstances encountered by the Engineer relating to its services under this Contract;
- Attend meetings with representatives from the DOA, local, State and federal agencies, and contractors if required by the HAS Director;
- If requested, provide a copy of written materials prepared by it or made available to it under this Contract;

REQUIRED AUTHORIZATION

Finance Department

Other Authorization: TAC

For Mario C. Diaz, Director, HAS

Other Authorization:

71

<b>Date</b> May 6, 2014	<b>Subject:</b> Ordinance Appropriating \$3,590,825.75 out of Airport Improvement Fund and Awarding a Professional Engineering Services Contract to Reynolds, Smith and Hills, Inc. for the rehabilitation of Taxiway Runway WA and WB at George Bush Intercontinental Airport/ Houston; Project No. 651 (WBS# A-000622-0001-3-01-01).	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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- Meet the standards prevailing in its profession for engineering services performed for similar projects in Harris County, Texas;
- Ensure the professional quality, technical accuracy and coordination of all Documents and Services;
- Correct or revise all errors and deficiencies in Documents and Services as directed by the HAS Director. No compensation will be paid for corrections or revisions of errors and deficiencies.

#### **PROJECT COST**

\$ 3,252,156.97	<b>Basic Services</b>
\$ 72,957.20	Quality Level B Subsurface Utility Investigation
\$ 5,250.00	Permitting Fees
\$ 158,327.20	Additional Design Area
\$ 48,156.78	Federal Aviation Administration Telemetry Cable
\$ 25,762.00	Categorical Exclusion
\$ 28,215.60	Post-Construction Non-Destructive Testing
\$ 338,668.78	<b>Special Services</b>
\$ 3,590,825.75.....	<b>Total</b>



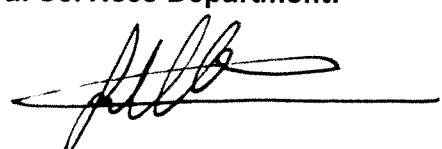
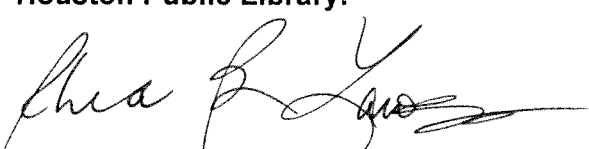
**PAY OR PLAY:** The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors.

**M/WBE PARTICIPATION:** The Minority Women Business Enterprise (M/WBE) goal for this contract is thirty percent (30%). RS&H, Inc. has committed to fulfill a thirty-seven percent (37%) M/WBE goal utilizing the services of the following certified firms:

<b>Firms</b>	<b>%</b>	<b>Type of Work</b>
RODS Surveying, Inc.	5.73%	Survey
Aviles Engineering Corporation	9.23%	Geotechnical
VoltAir Consulting Engineers	7.68%	Electrical
HT&J, LLC	5.27%	H&H Drainage
Isani Consultant, LP.	9.36%	Civil

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Appropriate Additional Funds to Construction Manager at Risk Contract Turner Construction Company Jungman Neighborhood Library Renovation WBS No. E-000047-0001-4		<b>Page</b> 1 of 2	<b>Agenda Item</b>  43
<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 5/21/14	<b>Agenda Date</b> MAY 28 2014	
<b>DIRECTOR'S SIGNATURE:</b> Scott Minnix  5.16.14	<b>Council District(s) affected:</b> G		
<b>For additional information contact:</b> Jacquelyn L. Nisby  Phone: 832.393.8023	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2013-0669; July 24, 2013		
<b>RECOMMENDATION:</b> Appropriate additional funds for construction and authorize the issuance of a purchase order up to \$75,000.00 to A-Rocket Moving and Storage through the Choice Partners Interlocal Contract for books relocation, storage and delivery for the Houston Public Library.			
<b>Amount and Source of Funding:</b> \$6,117,975.00 - Public Library Consolidated Construction Fund (4507)  <b>Previous Funding:</b> \$20,000.00 - Public Library Consolidated Construction Fund (4507)		<b>Finance Budget:</b>	
<b>SPECIFIC EXPLANATION:</b> On July, 24, 2013, Ordinance No. 2013-0669, City Council awarded a Construction Manager at Risk (CMAR) contract to Turner Construction Company to provide pre-construction and construction phase services for Jungman Neighborhood Library Renovation for the Houston Public Library (HPL), and appropriated \$20,000.00 for pre-construction phase services. The General Services Department recommends that City Council appropriate an additional \$5,629,155.00 to the CMAR contract with Turner Construction Company for construction phase services.			
<b>PROJECT LOCATION:</b> 5830 Westheimer (Key Map: 491T)			
<b>PROJECT DESCRIPTION:</b> The project will completely renovate the existing 15,409 GSF library building to bring the facility into compliance with all known codes (City of Houston Building Code, Americans with Disabilities Act, Texas Accessibility Standards, etc.), and provide technological improvements. It is envisioned that only the foundation and structure (including roof decking and concrete wall panels) will be reused. Other improvements include new window wall and storefronts; new roof system; new mechanical, electrical and plumbing systems; enhanced electrical power to service a large increase in computer services; new finishes, and re-configuration of spaces. The parking lot, landscaping and irrigation, and site elements will be repaired or replaced as required.  The project will utilize the Leadership in Energy & Environmental Design (LEED™) Green Building Rating System for New Construction & Major Renovations (LEED-NC) Version 3.0 to obtain certification.  The anticipated contract duration for this project is 365 calendar days. The design consultant is Energy Architecture, Inc.			
<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID # 25CONS241</b>	
<b>General Services Department:</b>   Richard A. Vella Chief of Design & Construction Division	<b>Houston Public Library:</b>   Rhea Brown Lawson, Ph.D. Director		

<b>Date</b>	<b>SUBJECT:</b> Appropriate Additional Funds to Construction Manager at Risk Contract Turner Construction Company Jungman Neighborhood Library Renovation WBS No. E-000047-0001-4	<b>Originator's Initials</b> VTN	<b>Page</b> 2 of 2
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**FUNDING SUMMARY:** It is recommended that City Council appropriate funds for construction phase services, including additional appropriations of \$40,000.00 for engineering testing services under the existing contract with Fugro Consultants, Inc.; \$50,000.00 for construction inspection services under the existing contract with Infrastructure Associates, Inc., and authorize the issuance of a purchase order up to \$75,000.00 to A-Rocket Moving and Storage through the Choice Partners Interlocal Contract for books relocation, storage and delivery. It is also recommended that City Council appropriate \$230,000.00 to purchase information technology (IT) and miscellaneous equipment for HPL. The IT equipment will be purchased from various vendors through the Texas Department of Information Resources (DIR) Contract, issuing purchase orders of \$50,000 or less.

The following amounts for construction and contingency are based on the construction manager's estimate of costs. The final cost of construction will be submitted to the director for approval as part of the Guaranteed Maximum Price (GMP) proposal.

\$ 5,361,100.00	Estimated Construction Cost
\$ 268,055.00	5% Contingency (Estimate)
<b>\$ 5,629,155.00</b>	<b>Total Estimated Contract Services</b>
\$ 40,000.00	Engineering Testing
\$ 50,000.00	Inspection Services
\$ 75,000.00	Books Relocation, Storage and Delivery
\$ 200,000.00	IT Equipment
\$ 30,000.00	Miscellaneous Equipment
\$ 93,820.00	Civic Art (1.75%)
<b>\$ 6,117,975.00</b>	<b>Total Funding</b>

**CONSTRUCTION GOALS:** A 14% MBE goal and 10% SBE goal have been established for the construction phase of this contract. The construction manager will submit the list of proposed certified sub-contractors with the issuance of the GMP proposal.

SM:JLN:RAV:VTN:vtn

c: Marta Crinejo, Jacquelyn L. Nisby, Morris Scott, Calvin Curtis, Gabriel Mussio, John Middleton, Minnette Boesel, File

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Advance Funding Agreement between the City of Houston and Texas Department of Transportation for installation of Arterial Travel Time System along multiple corridors within the City of Houston. WBS No. N-310650-0077-7	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 44
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**FROM (Traffic Operations):**

Department of Public Works and Engineering

**Origination Date**

5/21/14

**Agenda Date**

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

Daniel W. Krueger, P.E.

**Council District affected:**

All Districts

**For additional information contact:**

Jeffrey Weatherford, P.E., PTOE  
Traffic Operations Division

Phone: (832) 395-2461

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

**RECOMMENDATION: (Summary)** Adopt an Ordinance approving and authorizing an Advance Funding Agreement between the City of Houston and Texas Department of Transportation (TxDOT) and appropriate funds.

**Amount and Source of Funding:**

\$5,000.00 from Fund 4040 - Metro Projects Construction DDSRF

M.P. 5/15/2014

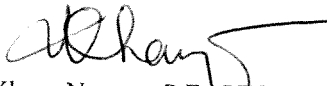
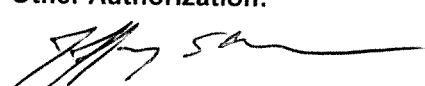
**PROJECT NOTICE/JUSTIFICATION:** The Federal law established federally funded programs for transportation improvements to implement its public purposes, including Arterial Travel Time System programs. Texas Transportation Code, Sections 201.103 and 222.052 established that the State shall construct and operate a system of highways in cooperation with local governments. The Texas Transportation Commission Minute Order Number 113885, authorizing the State to undertake and complete highway improvements by the installation of Arterial Travel Time System along corridors citywide.

Under the Texas Transportation Commission, approval of this funding agreement will allow the City to be reimbursed 80% of the estimated cost. Though the final costs have not been determined, TxDOT will reimburse up to 1,840,000.00. Reimbursement will be through monthly billing as construction costs are incurred. The City will be responsible for the remaining 20% and the Department of Public Works and Engineering will be returning to Council at a later date with an RCA that will request approval of a contract and appropriation of the matching funds now estimated to be \$455,000.00. Also, per the terms of the funding agreement the City had previously agreed to pay \$5,000.00 for the Texas Department of Transportation's (TxDOT) direct state costs.

**DESCRIPTION/SCOPE:** This project consists of installing Bluetooth Automatic Vehicle Identification (AVI) at 602 locations in various roadway corridors with the City of Houston's service areas. All AVI's will tie into existing City of Houston Ethernet communications, Wi-max or fiber cable. The duration for this contract is for (2 years).

As part of the implementation program the design was completed in house by City of Houston personnel.

cc: Marta Crinejo, Agenda Director  
Jeffrey Weatherford, P.E., PTOE  
Khang Nguyen, P.E., PTOE  
Michael Wahl, P.E., PTOE  
LaVerne Hollins-McGlothen

<b>TS # 9794</b>	<b>REQUIRED AUTHORIZATION</b>	<b>CUIC ID #20JSW90</b>
<b>Finance Director:</b>	<b>Other Authorization:</b>  Khang Nguyen, P.E., PTOE Assistant Director Traffic Operations Division	<b>Other Authorization:</b>  Jeffrey Weatherford, P.E., PTOE Deputy Director Traffic Operations Division

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

**SUBJECT:**

Ordinance consenting to the creation of Waller County Improvement District No. 2

Category #

Page 1 of 1

Agenda Item #

**FROM (Department or other point of origin):**  
Planning and Development

**Origination Date**  
May 13, 2014

**Agenda Date**

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

**Council District affected:**  
ETJ

**For additional information contact:** Nicole B. Smothers  
Phone: 713-837-7856

**Date and identification of prior authorizing Council action:**  
N/A

**RECOMMENDATION: (Summary)**

Approval of an ordinance consenting to the creation of Waller County Improvement District No. 2

**Amount and Source of Funding:**

**Finance Budget:**

**SPECIFIC EXPLANATION:**

Improvement Districts (aka Management Districts) are special districts created by the Texas legislature. Generally, these districts are empowered to promote, develop, encourage and maintain employment, commerce, transportation, water and sewerage improvements, housing, tourism, recreation, arts, entertainment, economic development, safety and public welfare. Typically, management districts are given the power to finance their operations by issuing bonds or other obligations, payable in whole or in part from ad valorem taxes, assessments, impact fees or other funds of the District to provide improvements and services.

A Management District is intended to supplement, not supplant, existing public services. Creation of these Districts does not release the local county or city its established obligations to provide services to the areas, nor does it require additional services from the governing body. The local governing body assumes no liability for the debts, obligations or liabilities of the District.

Waller County Improvement District No. 2, authorized by the 83rd Legislature in 2013, contains approximately 176.149 acres of undeveloped land. The District is located entirely in Houston's ETJ and in Waller County. This District's state-authorized powers include, in addition to those listed above, water, sewerage and drainage powers usually reserved for Municipal Utility Districts (MUDs). As such, state law requires that the District seek the City of Houston's consent to its creation in the same manner as if it were a MUD.

In order to preserve the City's interests, the proposed consent conditions address the broader range of operations that this District will have. The consent conditions are included in Exhibits B and C of the Ordinance and are based on the standard City consent conditions for MUDs and for Management Districts in the City of Houston.

Following City of Houston consent to the creation of the District, the District's Board of Directors will begin improvement projects that include water, sewerage, drainage and road improvements to support development. The ultimate development of this property will include industrial properties only.

The Planning and Development Department recommends City Council consent to the creation of Waller County Improvement District No. 2.

CC: Marta Crinejo, Agenda Director  
David Feldman, City Attorney

Omar Izfar, Assistant City Attorney  
Anna Russell, City Secretary

**REQUIRED AUTHORIZATION**

**Finance Director:**

**Other Authorization:**

**Other Authorization:**

# Waller County Improvement District No. 2

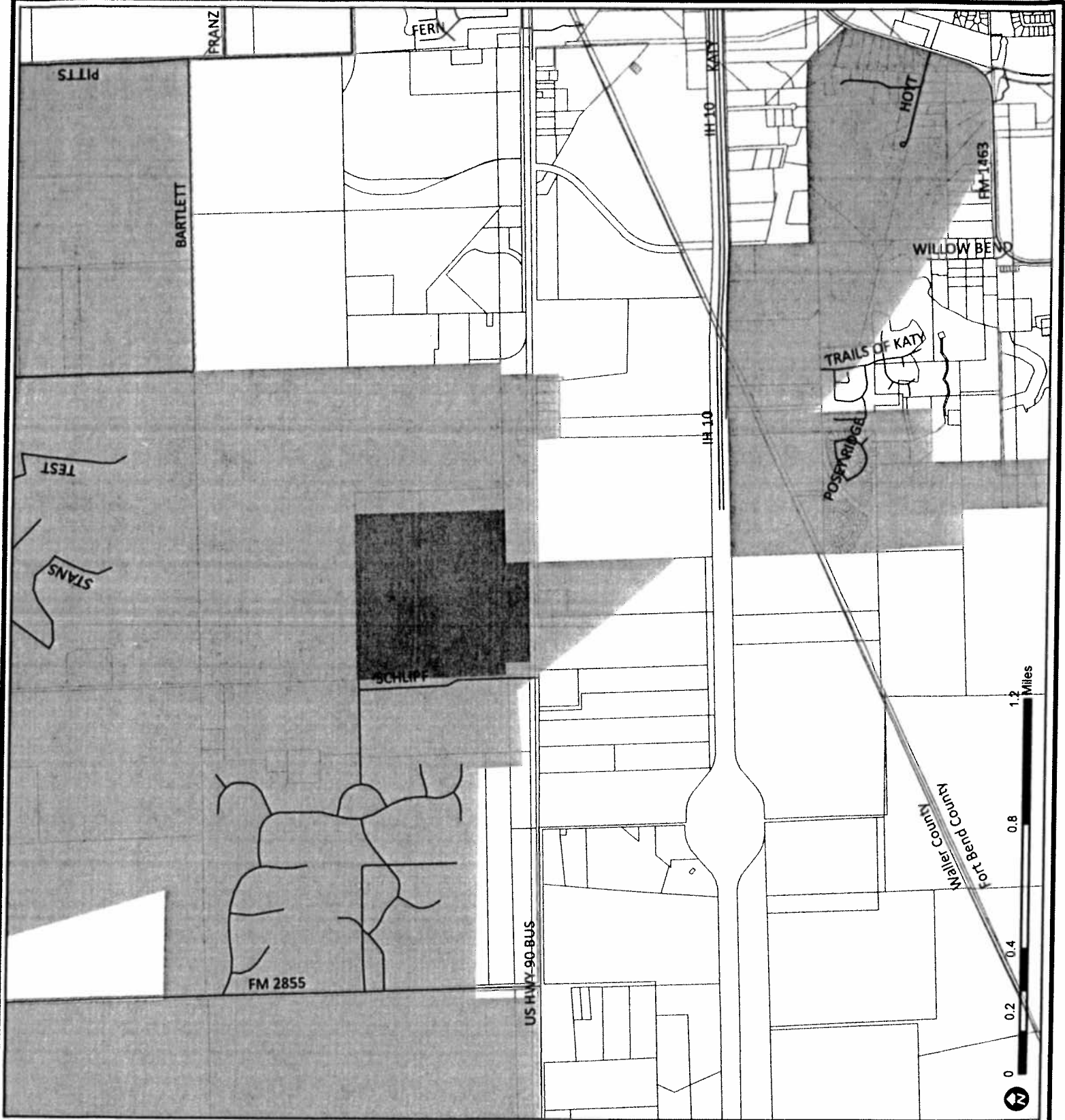
- Roads
- WCID No. 2
- Houston ETJ

Source: City of Houston GIS Database  
Date: April 2013

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Houston will not accept liability of any kind in conjunction with its use.



**PLANNING &  
DEVELOPMENT  
DEPARTMENT**



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the creation of 588.011 acres of land as Harris County Municipal District No. 441 (Key Map Nos. 325 & 326 Panels C,D & A,B)

Page  
1 of 1

Agenda Item  
#

46

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

MAY 28 2014

DIRECTOR'S SIGNATURE

Council District affected:  
"ETJ"

Daniel W. Krueger, P.E.

For additional information contact:

Date and identification of prior authorizing  
Council action:

Carol Ellinger Haddock, P.E.

Senior Assistant Director (832) 395-2686

**RECOMMENDATION: (Summary)**

The petition for the creation of 588.011 acres of land as Harris County Municipal District No. 441 be approved.

**Amount and Source of Funding:**

NONE REQUIRED

**SPECIFIC EXPLANATION:**

The owners of 588.011 acres of land, located in the city's extraterritorial jurisdiction have petitioned the City of Houston for consent to create a district.

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

The district is located in the vicinity of Bauer Hockley Road, FM 2920, Hopfe Road, and Muesche Road. The district will consist of 588.011 acres. The district will be served by the proposed HCMUD No. 441 Wastewater Treatment Plant. The nearest major drainage facility for the proposed district is Cypress Creek which flows into Spring Creek then to the San Jacinto River and finally into Lake Houston.

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

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

**Attachments**

cc: Marta Crinejo Patrick Walsh Jun Chang, P.E., D.WRE  
Bill Zrioka Deborah McAbee Tim Lincoln, P.E.

LTS# 10060

REQUIRED AUTHORIZATION

20IPB088

Finance Department

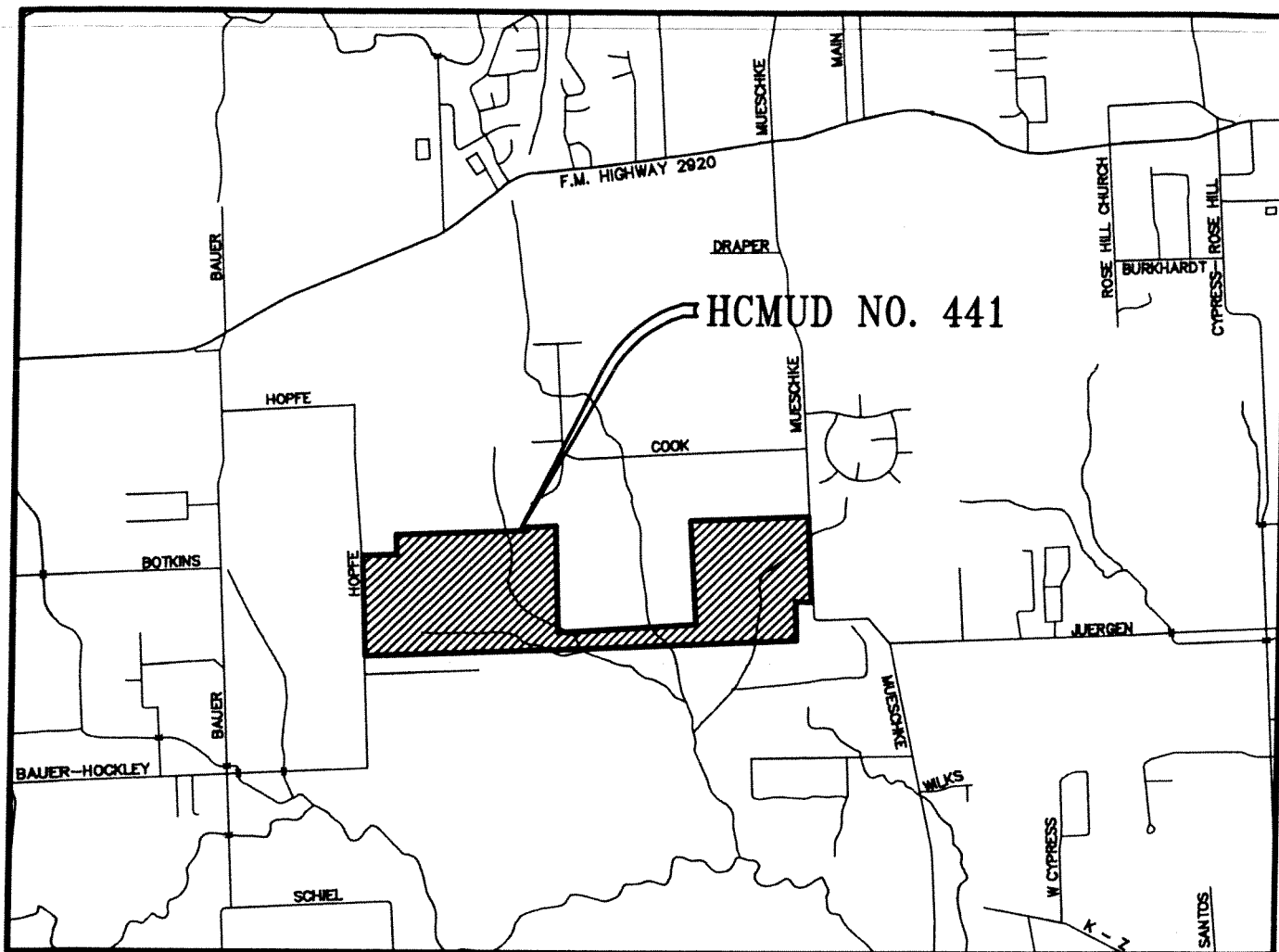
Other Authorization:

Other Authorization:

Mark L. Loethen

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

45



*VICINITY MAP*      *KEY MAP 325 & 326*  
 (SCALE: 1" = 1 Mile)      (PANELS "C,D & A,B")

### FIGURE 3

HARRIS COUNTY  
 MUNICIPAL UTILITY DISTRICT NO. 441

### VICINITY MAP



# CITY OF HOUSTON



## Department of Public Works and Engineering Water District Consent Application Form

Application is hereby made for consent of the City of Houston to the ☒ creation/ ☐ addition of 588.011 acres to HCMUD No. 441 under the provisions of Chapters 49 and 54 Texas Water Code.

James A. Boone (ls)  
Attorney for the District

Attorney: James A. Boone, Allen Boone Humphries Robinson, LLP

3200 Southwest Frwy, Ste.

Address: 2600

Zip: 77027

Phone: 713-860-6486

Email: \_\_\_\_\_

Engineer: Terry R. Reeves, P.E., Jones & Carter, Inc.

6335 Gulfton, Ste. 100,

Address: Houston, TX

Zip: 77081

Phone: 713-777-5337

Email: \_\_\_\_\_

Owner(s): Emma L. Franz Investment Ltd.

102 Fairway Street, Victoria,

Address: TX

Zip: 77904

Phone: 361-575-7993

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

### Location

Inside City Limits ☐ Outside City Limits ☒ Name of County: Harris

John McCormick George

Survey: Dedrick, George H

Abstract: A-571, A-240, A-338

Key Map #: \_\_\_\_\_

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

North of: Bauer Hockley Road

East of: Hopfe Road

South of: FM 2920

West of: Muesche Road

### Water District Data

Existing Acreage of  
District:

588.011

Existing Acreage

Plus Proposed Land: \_\_\_\_\_

### **Development Breakdown (in Percentage) for tract(s) being considered for consent:**

Single Family Residential: 90

Multi-Family  
Residential: \_\_\_\_\_

Commercial: 10

Industrial: \_\_\_\_\_

Institutional: \_\_\_\_\_

Other: \_\_\_\_\_

21PBC68



# CITY OF HOUSTON



## Department of Public Works and Engineering Water District Consent Application Form

### Wastewater Treatment Plant Information:

Wastewater generated by the District will be served by a:

District Plant ☒

Regional Plant ☐

Wastewater Treatment Plant Name: HCMUD No. 441 Wastewater Treatment Plant

(not permitted

NPDES/ TPDES Permit No: yet)

TCEQ Permit No: \_\_\_\_\_

Existing Permitted Capacity (MGD): 0

Ultimate Capacity (MGD): 0.60

Size of Treatment Plant Site: 3.0 acres square feet / acres

If Treatment plant is to serve other Districts or properties, as a regional plant, please list all districts served, or to be served by the plant and their allotted capacities below:  
(If more than two Districts - attach additional page(s))

Name of District or  
property owner(s): \_\_\_\_\_

Capacity Allocation  
(MGD): \_\_\_\_\_

Name of District or  
property owner(s): \_\_\_\_\_

Capacity Allocation  
(MGD): \_\_\_\_\_

### Water Treatment Plant Information:

Name of Water Treatment Plant: HCMUD No. 441 Water Plant

Water Treatment Plant Address: (not yet determined)

Water Well Permit Number: (not permitted yet)

Existing Capacity:	Well(s):	<u>0</u>	GPM
	Booster Pump(s):	<u>0</u>	GPM
	Tank(s):	<u>0</u>	MG
Ultimate Capacity:	Well(s):	<u>2,000</u>	GPM
	Booster Pump(s):	<u>3,800</u>	GPM
	Tank(s):	<u>0.60</u>	MG



# CITY OF HOUSTON



## Department of Public Works and Engineering Water District Consent Application Form

Size of Treatment Plant Site: 4.6 acres square feet / acres

Is the District a member of the City of Houston Ground Water Reduction Plan (GRP)?

Yes ☐

No ☒

If yes, please attach 40 year water demand projection

If no, please provide name of the GRP the District is a member of:

(not yet determined)

Comments or Additional Information: \_\_\_\_\_

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 9.968 acres of land to Cypresswood Utility District (Key Map No. 331-G)

Page  
1 of 1

Agenda Item  
#

47

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

MAY 28 2014

DIRECTOR'S SIGNATURE

Council District affected:

"ETJ"

CEH

Daniel W. Krueger, P.E.

For additional information contact:

Date and identification of prior authorizing  
Council action:

Carol Ellinger Haddock, P.E.

Senior Assistant Director (832) 395-2686

**RECOMMENDATION: (Summary)**

The petition for the addition of 9.968 acres of land to Cypresswood Utility District be approved.

**Amount and Source of Funding:**

NONE REQUIRED

**SPECIFIC EXPLANATION:**

Cypresswood Utility District has petitioned the City of Houston for consent to add 9.968 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Cypresswood Drive, Louetta Road, Kuykendahl Road, and Ella Boulevard. The district desires to add 9.968 acres, thus yielding a total of 437.816 acres. The district is served by a regional plant, Ponderosa Joint Powers Agency Regional WWTF. The other districts served by this plant are Cypresswood, District No. 132, Ponderosa, Westador, Klein, District No. 275, and Harris County WCID #91. The nearest major drainage facility flows to Cypress Creek which flows into Spring Creek then to the San Jacinto River and finally into Lake Houston.

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

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

Attachments

cc: Marta Crinejo Patrick Walsh Jun Chang, P.E., D.WRE  
Bill Zrioka Deborah McAbee Tim Lincoln, P.E.

LTS# 10072

REQUIRED AUTHORIZATION

20IPB085

Finance Department

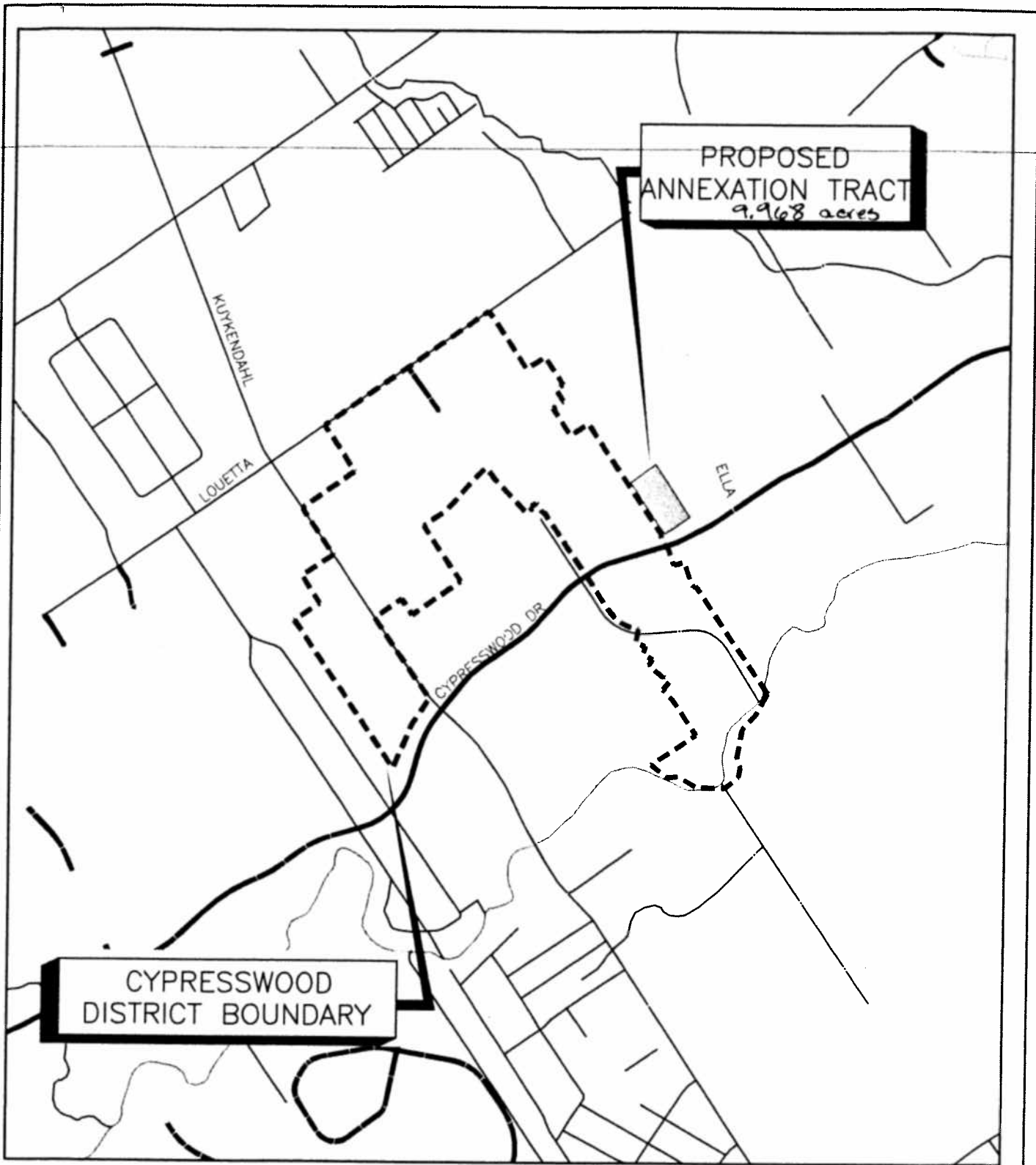
Other Authorization:

Other Authorization:

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

Planning & Development Services Div.

FILE: H:\150127\150127 - CUD ANNEXATION.DWG January 31, 2014 - 2:24 PM kwm



VICINITY MAP

1" = 2000'

MAP REF: KEY MAP 331 G

CYPRESSWOOD UTILITY DISTRICT  
PROPOSED ANNEXATION TRACT



**A&S ENGINEERS, INC.**  
municipal engineering services

JANUARY 2014



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

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

2/27/14 V.O.

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 9.968 ✓  
acres to Cypresswood Utility District under the provisions of Chapters 49 and 54 Texas Water Code.

*Allen Boone Humphries Robinson*

Attorney for the District

**Attorney:** Allen Boone Humphries Robinson LLP

Address: 3200 Southwest Freeway, Suite 2600, Houston, TX Zip: 77027

Phone: 713-860-6400

**Engineer:** A & S Engineers, Inc.

Address: 10377 Stella Link Road, Houston, TX Zip: 77025

Phone: 713-942-2725

**Owners:** LPUSA c/o Peramco, Inc.

Address: 10497 Town & Country Way, Suite 430, Houston, TX

Zip: 77389

Phone: 713-467-6868

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

## LOCATION

INSIDE CITY ☐

OUTSIDE CITY ☒

NAME OF COUNTY (S) Harris  
Abstract 315

Survey D. Harmon

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

North of: Cypresswood Drive ✓

East of: Kuykendahl Road ✓

South of: Louetta Road ✓

West of: Ella Boulevard ✓

## WATER DISTRICT DATA

Total Acreage of District: 427.848

Existing Plus Proposed Land 437.816 ✓

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

Single Family Residential 100

Multi-Family Residential 0

Commercial 0

Industrial 0

Institutional 0

Sewage generated by the District will be served by a : District Plant ☐ Regional Plant ☒

Sewage Treatment Plant Name: Ponderosa Joint Powers Agency Regional WWTF

NPDES/TPDES Permit No: WQ0011081001

TCEQ Permit No: WQ0011081001



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 4.87

Ultimate Capacity (MGD): 4.87

Size of treatment plant site: 15.55 acres square feet/acres.

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

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

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

Total permitted capacity: 4.87

MGD of (Regional Plant).

Name of District: [SEE ATTACHED SHEET]

MGD Capacity Allocation \_\_\_\_\_

or property owner(s)

Name of District: [SEE ATTACHED SHEET]

MGD Capacity Allocation \_\_\_\_\_

Water Treatment Plant Name: Water Plant Nos. 1, 2, and 3

Water Treatment Plant Address: 18201 Mantana, 18111 Kuykendahl, 4180 Evening Trail

Well Permit No: 1673, 3648, 3648

## Existing Capacity:

Well(s): 3,000

GPM

Booster Pump(s): 6,400

GPM

Tank(s): 0.84

MG

## Ultimate Capacity:

Well(s): 3,000

GPM

Booster Pump(s): 6,400

GPM

Tank(s): 0.84

MG

Size of Treatment Plant Site: 0.86 AC, 0.71 AC, 2.02 AC

square feet/acres.

Comments or Additional Information: The water plant information applies to the respective water plants in the order listed.

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 89.433 acres of land to NW Harris County MUD No. 30 (Key Map Nos. 290-U)

Page  
1 of 1

Agenda Item  
#

48

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

MAY 28 2014

DIRECTOR'S SIGNATURE

Council District affected:

"ETJ"

Daniel W. Krueger, P.E.

For additional information contact:

Date and identification of prior authorizing  
Council action:

Carol Ellinger Haddock, P.E.

Senior Assistant Director (832) 395-2686

RECOMMENDATION: (Summary)

The petition for the addition of 89.433 acres of land to NW Harris County MUD No. 30 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Northwest Harris County Municipal Utility District No. 30 has petitioned the City of Houston for consent to add 89.433 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Spring Cypress Road, Alvin A. Klein Drive, Doerre Road, and T.C. Jester Boulevard. The district desires to add 89.433 acres, thus yielding a total of 820.1540 acres. The district is served by a regional plant, Northwest Harris County Municipal Utility District No. 32 Wastewater Treatment Plant. The other districts served by this plant are Northwest Harris County Municipal Utility District No. 32. The nearest major drainage facility for Northwest Harris County MUD 30 is Cypress Creek which flows into Spring Creek then to the San Jacinto River and finally into Lake Houston.

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

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

Attachments

cc: Marta Crinejo Patrick Walsh Jun Chang, P.E., D.WRE  
Bill Zrioka Deborah McAbee Tim Lincoln, P.E.

LTS# 10068

REQUIRED AUTHORIZATION

20IPB090

Finance Department

Other Authorization:

Other Authorization:

Mark L. Loethen

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



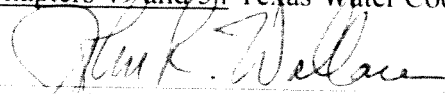
# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 89.433 acres to NW Harris County MUD No. 30 under the provisions of Chapters 49 and 54 Texas Water Code.

  
Attorney for the District

### Attorney: John R. Wallace

Address: 6363 Woodway, Suite 800

Zip: 77057

Phone: 713-739-1060

### Engineer: Mr. J.T. (Tom) Matkin, PE

Address: 616 FM 1960 West, Suite 250

Zip: 77090

Phone: 281-350-7027

### Owners: RH of Texas Limited Partnership

Address: 5353 W. Sam Houston Pkwy. North, Suite 100

Zip: 77041

Phone: 713-856-2800

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

### LOCATION

INSIDE CITY ☐

OUTSIDE CITY ☒

Survey John Brock Survey, James Moore Survey

NAME OF COUNTY (S) Harris

Abstract 122, 582

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

North of: Spring Cypress Road

East of: Doerre Road

South of: Alvin A. Klein

West of: TC Jester Boulevard

### WATER DISTRICT DATA

Total Acreage of District: 730.7210

Existing Plus Proposed Land 820.1540

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

Single Family Residential 100

Multi-Family Residential     

Commercial     

Industrial     

Institutional     

Sewage generated by the District will be served by a : District Plant ☐ Regional Plant ☒

Sewage Treatment Plant Name: Northwest Harris County MUD 32 WWTP

NPDES/TPDES Permit No: WQ0013152001

TCEQ Permit No: TX0098647



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.638

Ultimate Capacity (MGD): 0.638

Size of treatment plant site: 0.96817 Acres square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: \_\_\_\_\_ MGD.

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

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

Total permitted capacity: 0.638

MGD of (Regional Plant).

Name of District: NW Harris County MUD 30

MGD Capacity Allocation 0.294750

or property owner(s)

Name of District: NW Harris County MUD 32

MGD Capacity Allocation 0.388250

Water Treatment Plant Name: Water Supply Plant No. 1

Water Treatment Plant Address: 6244 Pinelakes Boulevard Spring, Texas 77379

Well Permit No: 141374

## Existing Capacity:

Well(s): 1,271

GPM

Booster Pump(s): 4,200

GPM

Tank(s): 500,000

MG

## Ultimate Capacity:

Well(s): 1,271

GPM

Booster Pump(s): 4,200

GPM

Tank(s): 1,000,000

MG

Size of Treatment Plant Site: 53.378/1.2254

square feet/acres.

Comments or Additional Information: The District is in the process of constructing a 500,000 gallon ground storage tank.

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Appropriate \$750,000 for Professional Engineering Services Contract between the City of Houston and Landtech Consultants, Inc. for Negotiated Work Orders for Pre-Engineering for Street and Traffic (Thoroughfares) Improvements approved by Ordinance 2014-0351. WBS No. N-320100-0006-3

Page  
1 of 1

Agenda Item #

49

**FROM (Department or other point of origin):**

Department of Public Works and Engineering

**Origination Date**

5/21/14

**Agenda Date**

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

Daniel W. Krueger, P.E., Director

**Council District affected:** *OK*

All

**For additional information contact:**

Carol Ellinger Haddock, P.E.  
Senior Assistant Director

Phone: (832) 395-2686

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

Ordinance #: 2014-0351; Date: 04/23/2014

**RECOMMENDATION: (Summary)**

It is recommended that City Council appropriate funds for the Professional Engineering Services Contract between the City of Houston and Landtech Consultants, Inc., approved by Ordinance 2014-0351.

**Amount and Source of Funding:**

\$750,000 from Fund 4040 - METRO Projects Construction DDSRF

*M.P. 5/15/2014*

**PROJECT NOTICE/JUSTIFICATION:** It is now necessary to appropriate funds for the Work Order Professional Engineering Services Contract between the City of Houston and Landtech Consultants, Inc., approved by Ordinance 2014-0351.

**DESCRIPTION/SCOPE:** This project is part of the Street, Drainage and Paving Capital Improvement Plan (CIP) and is required to provide professional engineering services to support development of candidate projects for programming in future years. Pre-Engineering is performed, to investigate, verify, and define paving and drainage construction/reconstruction projects for thoroughfare improvements.

**LOCATION:** The project location and limits will be established by the work order.

**PREVIOUS HISTORY AND SCOPE OF CONTRACT:** The original Contract was approved by Council on April 23, 2014 under Ordinance No. 2014-0351. Under the scope of the contract, the Consultant will perform Pre-Engineering Design Services and Additional Services as defined by the work order. This Pre-Engineering contract is for \$750,000.00. Pre-Engineering Design Services and Additional Services fees will be negotiated on a reimbursable basis with a not-to-exceed agreed upon amount based on the scope of the work order.

LTS # 11384

**REQUIRED AUTHORIZATION**

CUIC # 20IPB073A

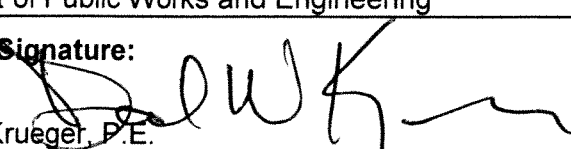
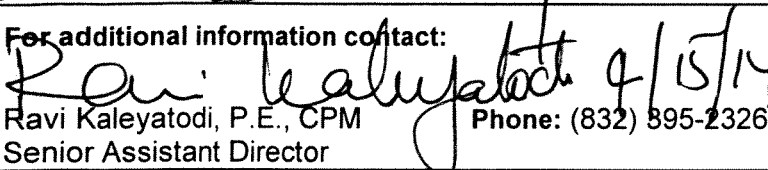
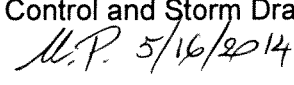
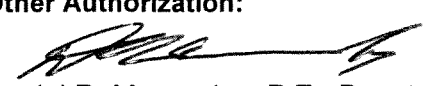
Finance Department

**Other Authorization:**

**Other Authorization:**

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

*NOT*


<b>SUBJECT:</b> Professional Engineering Services Contract between the City and Sciencetech Engineers, Inc. for Roosevelt, Edel Plaza, and Little York Acres Drainage and Paving Improvements WBS No.: M-410003-0001-3.		<b>Page</b> 1 of 2	<b>Agenda Item #</b> 58
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 5/21/14	<b>Agenda Date</b> MAY 28 2014
<b>Director's Signature:</b>  Daniel W. Krueger, P.E.		<b>Council District affected:</b> H MYS	
<b>For additional information contact:</b>  Ravi Kaleyatodi, P.E., CPM Senior Assistant Director Phone: (832) 395-2326		<b>Date and identification of prior authorizing Council action:</b>	
<b>RECOMMENDATION: (Summary)</b> Approve a Professional Engineering Services Contract with Sciencetech Engineers, Inc. and appropriate funds.			
<b>Amount and Source of Funding:</b> \$367,676.00 from Fund 4042 - Street & Traffic Control and Storm Drainage DDSRF  M.P. 5/16/2014			
<b>PROJECT NOTICE/JUSTIFICATION:</b> This project is part of the Capital Improvement Plan (CIP) and is required to address and reduce the risk of structural flooding. Improvements include modification of street conveyance and sheet flow, and provide detention as needed for mitigation.			
<b>DESCRIPTION/SCOPE:</b> This project provides for the design of storm drainage improvements, necessary concrete paving, curbs, sidewalks, driveways, and underground utilities. The project will serve the Roosevelt, Edel Plaza, Little York area.			
<b>LOCATION:</b> The project is generally bound by Airline Drive on the west, Hardy Toll Road on the east, John Albers Road on the north, and Benbrook Drive on the south. The project is located in Key Map grids 413T and 413U.			
<b>SCOPE OF CONTRACT AND FEE:</b> Under the terms and scope of the Contract, the Consultant will perform Basic and Additional Services, as applicable, for Phase I - Preliminary Design, Phase II - Final Design, and Phase III - Construction Phase Services. This requested appropriation is for Phase I - Preliminary Design Basic and Additional Services.			
Basic and Additional Services are being funded for Phase I only of this contract.			
The total Basic Services Fee for Phase I is based on the cost of time and materials with a not-to-exceed agreed upon amount of \$179,293.00.			
The total Additional Services Fee for Phase I, to be paid either as lump sum or on a reimbursable basis, is \$140,425.00. The Additional Services include, but are not limited to surveying, geotechnical investigation, and environmental site assessment.			
The total cost for Phase I is \$367,676.00 to be appropriated as follows: \$319,718.00 for Contract Services and \$47,958.00 for CIP Cost Recovery.			
<b>LTS No. 9772</b>		<b>CUIC ID #20MYS01</b>	
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

<b>Date</b>	<b>Subject:</b> Professional Engineering Services Contract between the City and Scientech Engineers, Inc. for Roosevelt, Edel Plaza, and Little York Acres Drainage and Paving Improvements WBS No.: M-410003-0001-3.	<b>Originator's Initials</b> MYS	<b>Page</b> 2 of 2
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**PAY OR PLAY PROGRAM:** The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the Consultant provides health benefits to eligible employees in compliance with City policy.

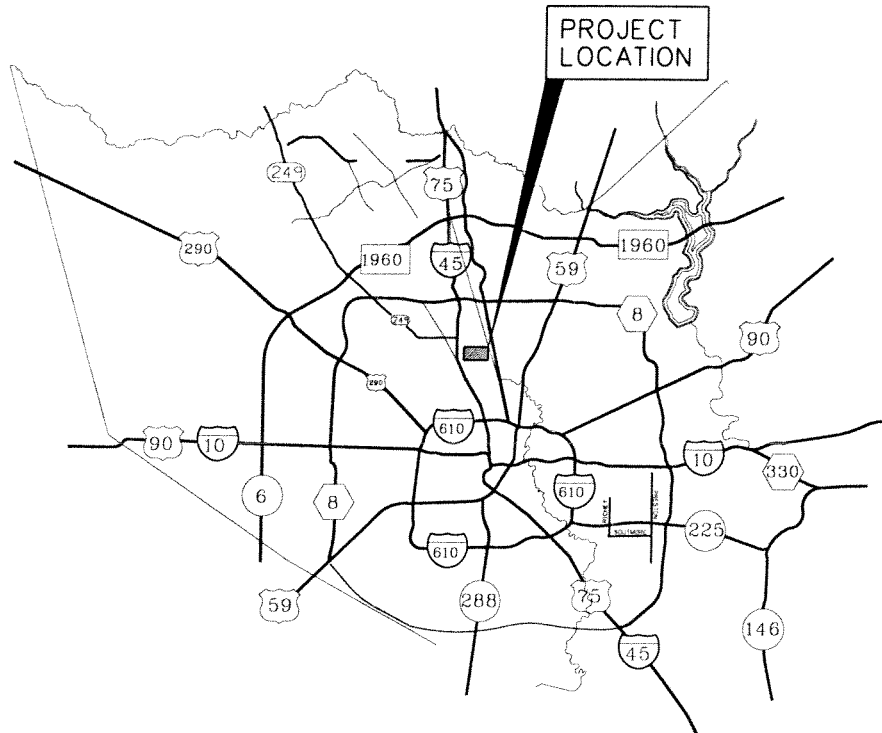
**M/WBE INFORMATION:** The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Western Group Consultants	Survey & CADD Services	\$ 55,170.00	17.26%
2. Associated Testing Laboratories, Inc.	Geotechnical and Environmental Services	\$ 21,598.00	6.75%
<b>TOTAL</b>		<b>\$ 76,768.00</b>	<b>24.01%</b>

  
 DWK:DRM:RK:DPS:MYS:klw  
 H:\design\STORM WATER ENGINEERING\SECTION\00 - PROJECTS\Roosevelt (M-410003) - D14\_C17\1.0 DESIGN CONTRACT\1.2 RCA\RCA Package\2-RCA Scientech 410003-0001-3\_03-06-2014.docx

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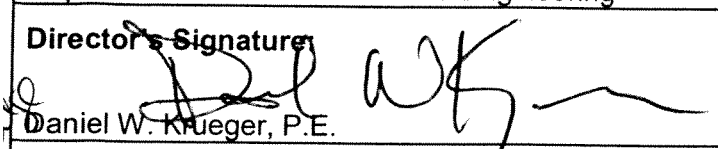
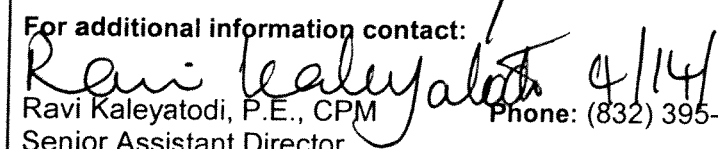
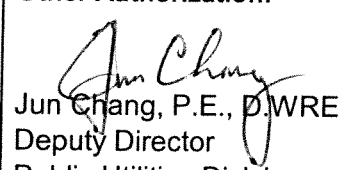
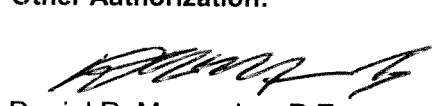
# LOCATION MAP



# VICINITY MAP



ROOSEVELT, EDEL PLAZA, LITTLE YORK ACRES  
DRAINAGE & PAVING IMPROVEMENTS  
WBS\*:M-4100003-0001-3  
KEY MAP #413T, #413U & 413X

<b>SUBJECT:</b> Professional Engineering Services Contract between the City and Freese and Nichols, Inc., for Engineering Services Associated with the Design of Groundwater Facility/Re-Pump Station/HVAC & Ventilation System Improvements at Various Locations. WBS No. S-001000-0042-3.		<b>Page</b> 1 of 2	<b>Agenda Item #</b>  51
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 5/21/14	<b>Agenda Date</b> MAY 28 2014	
<b>Director's Signature:</b>  Daniel W. Krueger, P.E.	<b>Council District affected:</b> A, B, E, F, G, J & K		
<b>For additional information contact:</b>  Ravi Kaleyatodi, P.E., CPM Senior Assistant Director Phone: (832) 395-2326	<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b>  An ordinance approving a Professional Engineering Services Contract with Freese and Nichols, Inc., and appropriate funds.			
<b>Amount and Source of Funding:</b>  \$2,861,700.00 from the Water and Sewer System Consolidated Construction Fund No. 8500. <i>U.P. 4/22/2014</i>			
<b>PROJECT NOTICE/JUSTIFICATION:</b> This project is part of the City's improvements of various groundwater facilities and Re-Pump stations and is required to meet the Texas Commission on Environmental Quality regulations. Also, this project will improve the operability, maintainability and reliability of the plants.			
<b>DESCRIPTION/SCOPE:</b> This project consists of providing professional engineering and related services associated with the evaluation, design and implementation of improvements to the various facilities. The project consists of the following tasks: <ul style="list-style-type: none"> <li>• Engineering Support Services for Pump and Motor Rehabilitation/Replacement.</li> <li>• Engineering Support Services for Valve and Piping Rehabilitation/Replacements (Operability of Plant Isolation).</li> <li>• Engineering Support Services to Rehabilitate/Replace Switchgear, Motor Control Components, HVAC/Ventilation/louver, and Automatic Transfer Switches &amp; Electrical Generation Support Equipment.</li> </ul>			
<b>LOCATION:</b> The project sites are as follows:			
			Council District
1. Jersey Village Re-Pump Station at 7207 Fairview, Key Map Grid 409 N			A
2. Spring Branch Re-Pump Station at 9400 Kempwood, Key Map Grid 450 L			A
3. White Oak Groundwater Facility at 9702 Deanwood, Key Map Grid 410 R			A
4. Acres Homes Re- Pump Station at 1810 Dolly Wright, Key Map Grid 412 S			B
5. Intercontinental-1 Groundwater Facility at 3102 McKaughan, Key Map Grid 374 A			B
6. District 203 Groundwater Facility at 1255 Gears Rd., Key Map Grid 372 P			B
7. Kingwood A Groundwater Facility at 2310 North Park, Key Map Grid 296 V			E
8. Kingwood B Groundwater Facility at 3822 Rustic Woods, Key Map Grid 297 X			E
<b>LTS No. 10365</b>		<b>CUIC ID #20RS132</b>	
<b>Finance Department:</b>	<b>Other Authorization:</b>  Jun Chang, P.E., D.WRE Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division	

*Not*

50

<b>Date</b>	<b>SUBJECT:</b> Professional Engineering Services Contract between the City and Freese and Nichols, Inc., for Engineering Services Associated with the Design of Groundwater Facility/Re-Pump Station/HVAC & Ventilation System Improvements at Various Locations. WBS No. S-001000-0042-3.	<b>Originator's Initials</b> M	<b>Page</b> 2 of 2
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9. Kingwood C Groundwater Facility at 8750 Mills Branch Rd., Key Map Grid 297 V	E
10. Forest Cove 2 Groundwater Facility at 1110 Mustang Trail, Key Map Grid 336 F	E
11. Forest Cove 3 Groundwater Facility at 1625 Laurel Springs Lane, Key Map Grid 336 E	E
12. Bellaire Braes Re-Pump Station at 12423 Bellaire Blvd., Key Map Grid 528 H	F
13. Memorial W MUD Groundwater Facility at 16005 Katy Freeway, Key Map Grid 487 C	F
14. District 54 Groundwater Facility at 8008 Richmond Avenue, Key Map Grid 490 Y	F
15. District 123 Groundwater Facility at 10003 S. Kirkwood Rd., Key Map Grid 529 S	F
16. District 21 Groundwater Facility at 14311 Grisby, Key Map Grid 488 A	G
17. District 175 Groundwater Facility at 1206 Arrow Hill, Key Map Grid 488 F	G
18. District 184 Groundwater Facility at 10518 Beechnut, Key Map Grid 529 L	J
19. Sims Bayou Re-Pump Station at 13840 Croquet Lane, Key Map Grid 571 P	K

**SCOPE OF CONTRACT AND FEE:** Under the scope of the contract, the consultant will perform phase I - preliminary design, phase II - final design, phase III - construction phase services and additional services. Basic services fee for phase I is based on cost of time and materials with a not-to-exceed agreed upon amount. The basic services fees for phase II and phase III will be negotiated on a lump-sum amount after the completion of phase I. The negotiated maximum for phase I basic services is \$474,300.00. The total basic services appropriation is \$2,310,700.00.

The contract also includes certain additional services to be paid either as lump sum or on a reimbursable basis. The additional services may include environmental site assessment phase I, TRC presentation, surveying, geotechnical investigations, storm water pollution prevention plans, reproduction services, pump assessment and drug testing. The total additional services appropriation is \$177,730.00.

The total cost of this project is \$2,861,700.00 to be appropriated as follows: \$2,488,430.00 for contract services and \$373,270.00 for CIP Cost Recovery.

**PAY OR PLAY PROGRAM:**

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

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

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. B&E Reprographics, Inc.	Reproduction Services	\$12,000.00	0.48%
2. Gorrondona & Associates, Inc.	Surveying	\$16,600.00	0.67%
3. Apex-RBI, Inc., DBA Ratnala & Bahl, Inc.	Structuring Engineering	\$99,730.00	4.01%
4. Othon, Inc.	Engineering Services	\$112,600.00	4.52%
5. Infrastructure Associates, Inc.	Engineering Services	\$133,090.00	5.35%
6. Gupta & Associates, Inc.	Electrical Design	<u>\$303,520.00</u>	<u>12.20%</u>
<b>TOTAL</b>		<b>\$677,540.00</b>	<b>27.23%</b>

DWK:DRM:RK:HH:SD:RS:TT:tt  
H:\design\A-WS-DIV\WPDATA\RSIS-001000-0042\Professional Services RCA\_S-001000-0042-3.doc

c: File:S-001000-0042-3 (1.2)

<b>SUBJECT:</b> Additional Appropriation to Professional Engineering Services Contract between the City of Houston and Pierce, Goodwin, Alexander & Linville, Inc. dba PGAL for Westpark Drive Paving & Drainage from Wilcrest to Dairy Ashford. WBS No. N-000815-0001-3	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 52
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**FROM (Department or other point of origin):**

Department of Public Works and Engineering

**Origination Date**

5/21/14

**Agenda Date**

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

Daniel W. Krueger, P.E.

**Council District affected:**

JK F

**For additional information contact:**For *Ravi Kaleyatodi*  
Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326  
Senior Assistant Director**Date and identification of prior authorizing Council action:**

Ordinance No. 2013-0172: Dated 02/27/2013

**RECOMMENDATION: (Summary)**

Approve an ordinance appropriating additional funds for Professional Engineering Services Contract with Pierce, Goodwin, Alexander &amp; Linville, Inc. dba PGAL.

**Amount and Source of Funding:**\$1,593,100.00 from Fund 4040 - METRO Projects Construction DDSRF. Original (previous) appropriation of \$243,480.00 from Fund 4040 - METRO Projects Construction DDSRF. *M.P. 5/9/2014***PROJECT NOTICE/JUSTIFICATION:** This project is part of the Street and Traffic Capital Improvement Plan (CIP) and is necessary to meet City of Houston standards as well as improve traffic circulation, mobility and drainage in the service area.**DESCRIPTION/SCOPE:** This project consists of the design of approximately 11,100 linear feet of roadway reconstruction and widening the existing two-lane roadway to a complete four-lane major thoroughfare. The proposed project improvements include a four-lane divided concrete roadway with curbs, storm sewer system, sidewalks, driveways, street lighting, traffic control and necessary underground utilities. The inclusion of a proposed 4,000 linear feet 60-inch diameter wastewater tunnel from Dairy Ashford to Old Westheimer (West Houston Center) would alleviate and improve the sanitary sewer system within the vicinity of the project limits.**LOCATION:** The project is generally bounded by Richmond Avenue on the north, Alief Clodine on the south, Dairy Ashford on the west and Wilcrest on the east. The project is located in Key Map Grids 488Z, 489W, 489X, 529B and C.**PREVIOUS HISTORY AND SCOPE:** City Council approved the original contract with Pierce, Goodwin, Alexander & Linville, Inc. dba PGAL by Ordinance No. 2013-0172 on February 27, 2013. The scope of services under the original contract consisted of Phase I - Preliminary Design, Phase II - Final Design, Phase III - Construction Phase Services and Additional Services. Under this contract, the consultant has completed 99% of Phase I - Preliminary Design, and 71% of Additional Services.**SCOPE OF THIS SUPPLEMENT AND FEE:** This additional appropriation is necessary to facilitate and finalize the design of Westpark Drive Paving and Drainage project by providing funds for Phase II - Final Design and Phase III - Construction Phase services. The negotiated maximum Basic Services fee for Phase II and Phase III is \$899,972.96. Certain Additional Services are proposed to be paid on a reimbursable basis. These include Topographic survey, traffic control plans, traffic signal design, tree protection and saturation, storm water pollution prevention plans and geotechnical investigations. The negotiated maximum Additional Services fee is \$485,287.04.**LTS No. 9940****REQUIRED AUTHORIZATION****CUIC ID #20SAB49****Finance Department:****Other Authorization:****Other Authorization:***[Signature]*  
Daniel R. Menendez, P.E., Deputy Director  
Engineering and Construction Division

<b>Date</b>	<b>SUBJECT:</b> Additional Appropriation to Professional Engineering Services Contract between the City of Houston and Pierce, Goodwin, Alexander & Linville, Inc. dba PGAL for Westpark Drive Paving & Drainage from Wilcrest to Dairy Ashford WBS No. N-000815-0001-3	<b>Originator's Initials</b>  <b>SAB</b>	<b>Page</b> <b>2 of 2</b>
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The total requested appropriation is \$1,593,100.00 to be appropriated as follows: \$1,385,260.00 for Contract services and \$207,840.00 for CIP Cost Recovery.

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

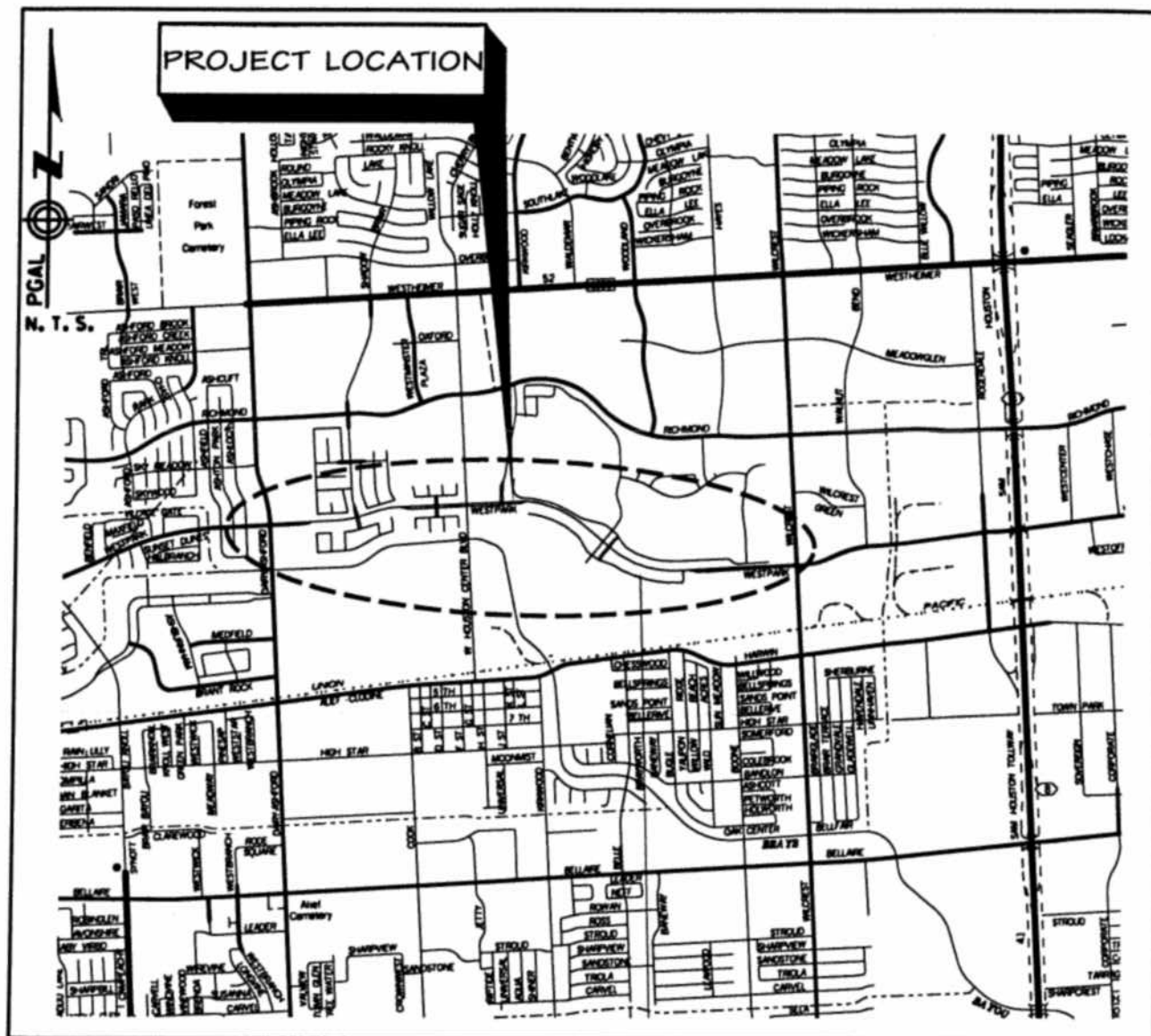
**M/WBE INFORMATION:** The M/WBE goal established for the overall project is set at 24%. The original contract appropriation total \$211,721.00. The consultant has been paid \$194,682.04 (91.95%) to date. Of this amount, \$68,223.10 (35.04%) has been paid to M/WBE sub consultants to date. Assuming approval of the requested additional appropriation, the contract amount will be increased to \$1,596,981.00. The consultant has proposed the following firms to achieve this goal:

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Prior M/WBE commitment	Various Services	\$84,287.00	5.28%
2. Landtech, Inc. dba Landtech Consultants, Inc.	Topographic Survey & Site Control Monuments	\$99,650.00	6.24%
3. Associated Testing Laboratories, Inc.	Geotechnical Investigations	\$72,730.40	4.55%
4. ISANI Consultants, L.P.	Design Support	\$125,000.00	7.83%
5. B & E Reprographics, Inc.	Reproduction	<u>\$6,000.00</u>	<u>0.38%</u>
<b>TOTAL</b>		<b>\$387,667.40</b>	<b>24.28%</b>

*LJK*  
DWK:DRM:RK:JHK:SAB

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cc: WBS No. N-000815-0001-3 (1.2\_DSGN\_RCA\_CONTRACT)



**VICINITY MAP**  
(NOT TO SCALE)

## WESTPARK DRIVE FROM WILCREST TO DAIRY ASHFORD

WBS No. N-000815-0001-3  
KEYMAP NO: 488Z, 489W, 489X, 529B, 529C  
COUNCIL DISTRICT F

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Contract Award for FY2014 Local Drainage Project Construction Work Orders #2  
WBS No. M-420126-0086-4

Page  
1 of 2

Agenda Item #

53

**FROM: (Department or other point of origin):**

Department of Public Works and Engineering

**Origination Date:**

5/21/14

**Agenda Date:**

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

Daniel W. Krueger, P.E.

**Council District affected:**

All

**For additional information contact:**Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326  
Senior Assistant Director**Date and identification of prior authorizing Council action:****RECOMMENDATION: (Summary)**

Accept low bid, award Construction Contract and appropriate funds.

**Amount and Source of Funding:**

\$3,465,000.00 from Fund 4042 - Street &amp; Traffic Control and Storm Drainage DDSRF. M.P. 5/15/2014

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the Capital Improvement Plan (CIP) and it will construct local storm water drainage system improvements and repairs citywide.**DESCRIPTION/SCOPE:** The scope of work includes the construction of necessary local storm water drainage system improvements and repairs as determined by work orders. These work orders will resolve localized storm water drainage problems that have been nominated by Street and Drainage Division, Storm Water Maintenance Branch. The Contract duration for this project is 1,095 calendar days.**LOCATION:** Citywide. Work locations will be anywhere within the City of Houston and its jurisdictional limits and will be established by each work order.**BIDS:** This project was advertised for bidding on February 14, 2014. Bids were received on February 27, 2014. The three (3) bids are as follows:

<u>Bidder</u>	<u>Adjustment Factor</u>
1. T Construction, LLC	1.180
2. Total Contracting, Ltd.	1.190
3. ISI Contracting, Inc.	1.200

Contract bids are based on an Adjustment Factor rather than a monetary amount. The Contract will not exceed \$3,000,000.00. Estimated work order prices will be calculated by multiplying the unit quantity of each item in the work order by the unit price and the Adjustment Factor.

LTS No. 11195

CUIC# 20PC06

Finance Department

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

<b>Date</b>	<b>Subject:</b> Contract Award for FY2014 Local Drainage Project Construction Work Orders #2 WBS No. M-420126-0086-4	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
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**AWARD:** It is recommended that this construction Contract be awarded to the low bidder T Construction, LLC with the low bid of \$3,000,000.00 (1.180 Adjustment Factor) and that Addendum Number 1 be made a part of this Contract.

**PROJECT COST:** The total cost of this project is \$ 3,465,000.00 to be appropriated as follows:

• Bid Amount	\$3,000,000.00
• Contingencies	\$150,000.00
• Engineering and Testing Services	\$105,000.00
• CIP Cost Recovery	\$210,000.00

Engineering and Testing Services will be provided by DAE and Associates, Ltd., dba Geotech Engineering and Testing, Inc. under a previously approved contract.

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

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

**M/WBE PARTICIPATION:** The low bidder has submitted the following proposed program to satisfy the 11% MBE goal and 7% WBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Concrete And More	Concrete, Sidewalk, Driveway Pavement and Storm Repairs	\$ 120,000.00	4.00%
2. Chief Solutions, Inc.	Closed Circuit Television	\$ 90,000.00	3.00%
3. GGC Survey PLLC	Surveying	\$ 60,000.00	2.00%
4. Royal Traffic Sign Co.	Striping and Traffic Control	\$ 30,000.00	1.00%
5. DNA Trucking, Inc.	Trucking Services	\$ 90,000.00	3.00%
<b>TOTAL</b>		<b>\$ 390,000.00</b>	<b>13.00%</b>

<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. KMA Contractors Services Inc.	Construction Photos and Reinforced Concrete Pipe Cast Products	\$ 30,000.00	1.00%
2. Access Data Supply, Inc.	Cement Sand, Reinforced Concrete Pipe	\$ 60,000.00	2.00%
<b>TOTAL</b>		<b>\$ 90,000.00</b>	<b>3.00%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. D&D Underground Utilities	Minor Concrete and Storm Sewer Repairs	\$ 120,000.00	4.00%
<b>TOTAL</b>		<b>\$ 120,000.00</b>	<b>4.00%</b>

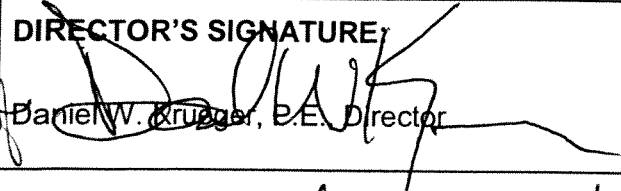

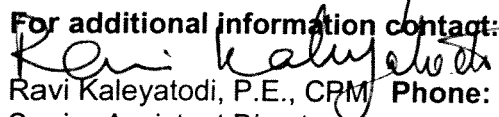
DWK:DRM:RK:DPS:JFM:PC:klw

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c: File No. M-420126-0086-4

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract Award for Rehabilitation and New Water Storage Tanks at Various Locations – Package 5. WBS No. S-000600-0045-4.		<b>Page</b> 1 of 2	<b>Agenda Item #</b> 54
<b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date:</b> 5/21/14	<b>Agenda Date:</b> MAY 28 2014	
<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> A, G & J 		
<b>For additional information contact:</b>  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b>		

**RECOMMENDATION: (Summary)**

Accept low bid, award construction contract and appropriate funds.

**Amount and Source of Funding:**

\$3,872,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

M.R. 5/22/2014

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's Water Storage Tank Rehabilitation and Replacement Program and is required to ensure compliance with the Texas Commission on Environmental Quality regulations.

**DESCRIPTION/SCOPE:** This project consists of rehabilitation of four (4) ground storage tanks at two pumping stations and demolition and construction of two (2) ground storage tank at one pumping station in accordance with the technical specifications, project drawings and contract documents. The contract duration for this project is 390 calendar days. This project was designed by IDS Engineering Group.

**LOCATION:** The project sites are as follows:

<u>Water Plant</u>	<u>Tank ID</u>	<u>Location</u>	<u>Council District</u>
1. Spring Branch (Rehabilitation)	GST-3 & 4	9400 Kempwood Drive, Key Map 450K.	A
2. District 21 (New)	GST-1 & 2	14311 Grisby Road, Key Map 488A.	G
3. Sharpstown -1 (Rehabilitation)	GST-1 & 2	6910 Bintliff Drive, Key Map 530H.	J

LTS # 11089


CUIC ID# 20RS137A


Finance Department

Other Authorization:

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

Other Authorization:

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

<b>Date</b>	<b>Subject:</b> Contract Award for Rehabilitation and New Water Storage Tanks at Various Locations – Package 5. WBS No. S-000600-0045-4.	<b>Originator's Initials</b> 	<b>Page</b> 2 of 2
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**BIDS:** This project was advertised for bidding on March 14, 2014. Bids were received on April 10, 2014. The four (4) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Blastco Texas, Inc.	\$3,385,631.00
2. N. G. Painting, L.P.	\$3,469,570.00
3. Utility Service Co., Inc.	\$4,352,525.00
4. CYMI Industrial, Inc.	\$6,097,733.00

**AWARD:** It is recommended that this construction contract be awarded to Blastco Texas, Inc., with a low bid of \$3,385,631.00.

**PROJECT COST:** The total cost of this project is \$3,872,000.00 to be appropriated as follows:

•	Bid Amount	\$3,385,631.00
•	Contingencies	\$169,281.55
•	Engineering and Testing Services	\$80,000.00
•	CIP Cost Recovery	\$237,087.45

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

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

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

**M/WBE PARTICIPATION:** The low bidder has submitted the following proposed program to satisfy the 9% MBE goal and 6% WBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Texas Fluid Power Products, Inc.	Plumbing Equipment	\$101,568.93	3.00%
2. Atlantic Petroleum & Mineral Resources, Inc.	Fuel Dealer	\$67,712.62	2.00%
3. Blackstone Welding & Fabrication Incorporation	Welding	\$135,425.24	4.00%
	<b>MBE Subtotal</b>	<b>\$304,706.79</b>	<b>9.00%</b>
<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Arc Light Electric, Inc.	Electrical Installation	\$84,640.78	2.50%
<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Scohil Construction Services, L.L.C.	Concrete Paving	\$118,497.09	3.50%
<b>TOTAL</b>		<b>\$507,844.66</b>	<b>15.00%</b>

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

DWK:DRM:RK:HH:SD:RS:TT:tt

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File No. S-000600-0045-3 (3.7)

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Contract Award for Intersection Safety Improvements Work Order #4.  
WBS No. N-310662-0048-4.Page  
1 of 2

Agenda Item #

55

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

5/20/14

**Agenda Date:**

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

Daniel W. Krueger, P.E., Director

**Council District affected:**

All

LH

JK

**For additional information contact:**Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326  
Senior Assistant Director**Date and identification of prior authorizing Council action:****RECOMMENDATION: (Summary)**

Accept low bid, award construction Contract and appropriate funds.

**Amount and Source of Funding:** \$1,040,000.00 METRO Projects Construction DDSRF - Fund 4040

W.S. 5/9/2014

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the intersection safety improvements program and is required to meet standards for intersection safety, traffic capacity and access management.**DESCRIPTION/SCOPE:** This project includes safety and capacity improvements at intersections, such as new turn bays, improved curb radius, medians work, new pavement markings, pavement, traffic signals, etc..  
The Contract duration for this project is 730 calendar days. This project was designed In-House.**LOCATION:** The project area is located throughout the City.**BIDS:** This project was advertised for bidding on April 4, 2014. Bids were received on April 24, 2014. The three (3) bids are as follows:

<u>Bidder</u>	<u>Adjustment Factor</u>
1. Traffic Systems Construction, Inc.	1.100
2. Total Contracting Limited	1.400
3. ISI Contracting, Inc.	1.950

LTS # 11293

REQUIRED AUTHORIZATION

CUIC#20KBH16

Finance Department

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

NOT

<b>Date</b>	<b>Subject:</b> Contract Award for Intersection Safety Improvements Work Order #4. WBS No. N-310662-0048-4.	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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**AWARD:** It is recommended that this construction Contract be awarded to Traffic Systems Construction, Inc. with a low bid of \$900,000.00 (1.100 Adjustment Factor) and that Addendum Number 1 be made a part of this Contract.

**PROJECT COST:** The total cost of this project is \$1,040,000.00 to be appropriated as follows:

•	Bid Amount	\$900,000.00
•	Contingencies	\$45,000.00
•	Engineering and Testing Services	\$32,000.00
•	CIP Cost Recovery	\$63,000.00

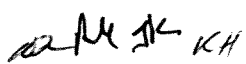
Engineering and Testing Services will be provided by Kenall, Inc. under a previously approved contract.

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

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

**M/WBE PARTICIPATION:** No City M/WBE participation goal is established for this project as the contract amount does not exceed the threshold of \$1,000,000.00 required for a goal oriented contract per Section 15-82 of the Code of Ordinances.

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

  
DRM:RK:JK:KH:sd

**SUBJECT:** Professional Engineering Services Contract between the City of Houston and Gunda Corporation, LLC for Negotiated Work Orders for Pre-Engineering of Street and Traffic (Thoroughfares) Improvements. WBS No. N-320100-0010-3

Page  
1 of 2

Agenda Item #

56

**FROM (Department or other point of origin):**

Department of Public Works and Engineering

**Origination Date**

5/20/14

**Agenda Date**

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

Daniel W. Krueger, P.E., Director

**Council District affected:**

All

**For additional information contact:**

Carol E. Haddock, P.E.

Senior Assistant Director

Phone: (832) 395-2686

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

**RECOMMENDATION: (Summary)**

It is recommended that City Council pass an Ordinance authorizing a Pre-Engineering Contract between the City of Houston and Gunda Corporation, LLC, and appropriate funds.

**Amount and Source of Funding:**

\$1,000,000 from Fund 4040 - METRO Projects Construction DDSRF.

**PROJECT NOTICE/JUSTIFICATION:** This contract is to perform pre-engineering of street, drainage and paving improvements. Developing specific detailed projects to address the identified highest needs will provide candidate projects with both costs and benefits defined for citywide comparison and ranking for implementation.

**DESCRIPTION/SCOPE:** This project is part of the Street, Drainage and Paving Capital Improvement Plan (CIP) and is required to provide professional engineering services to support development of candidate projects for programming in future years. Pre-Engineering is performed, to investigate, verify, and define paving and drainage construction/reconstruction projects for thoroughfare improvements.

**LOCATION:** The project location and limits will be established by the work order.

**SCOPE OF CONTRACT AND FEE:** Under the scope of the contract, the Consultant will perform Pre-Engineering Design Services and Additional Services as defined by the work order. This Pre-Engineering contract is for \$1,000,000.00. Pre-Engineering Design Services and Additional Services fees will be negotiated on a reimbursable basis with a not-to-exceed agreed upon amount based on the scope of the work order.

**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.

LTS # 10088

REQUIRED AUTHORIZATION

CUIC # 20IPB087

Finance Department


Other Authorization:

Other Authorization:

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

Deputy Director

Planning and Development Services Division

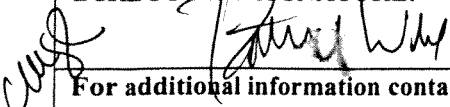
Date	SUBJECT: Professional Engineering Services Contract between the City of Houston and Gunda Corporation, LLC for Negotiated Work Orders for Pre-Engineering of Street & Traffic (Thoroughfares) Improvements. WBS No. N-320100-0010-3	Originator's Initials 	Page 2 of 2
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**M/WBE INFORMATION:** The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
B & E Reprographics, Inc.	Reproduction	\$10,000.00	1%
Kuo & Associates, Inc.	Surveying and Engineering Support	\$30,000.00	3%
CivilTech Engineering, Inc.	Drainage and Engineering Support Services	\$160,000.00	16%
C. J. Hensch & Associates, Inc.	Traffic Counts	<u>\$40,000.00</u>	<u>4%</u>
TOTAL		\$240,000.00	24%




c: MLL:CEH:JAR:DR:eb

<b>SUBJECT:</b> Ordinances Approving Strategic Partnership Agreements with Various Utility Districts and Annexing Territory for Limited Purposes		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b> 57-62
<b>FROM (Department or other point of origin):</b> Planning and Development Department		<b>Origination Date</b> May 14, 2014		<b>Agenda Date</b> May 28, 2014
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> A & F		
<b>For additional information contact:</b> Nicole Smothers Phone: 713-837-7856		<b>Date and identification of prior authorizing Council action:</b> Public Hearings: April 23, 2014 and April 30, 2014		
<b>RECOMMENDATION: (Summary)</b> That City Council approve Strategic Partnership Agreements with the Utility Districts listed below, for the annexation for limited purpose of the territory within and in the vicinity of those districts, and for the assignment of such territory to City Council Districts.				
<b>Amount and Source of Funding:</b>			<b>Finance Budget:</b>	
<b>SPECIFIC EXPLANATION:</b> <p>The Planning and Development Department has negotiated Strategic Partnership Agreements between the City of Houston and the utility districts listed below.</p> <p>In each of these Districts, the city is annexing only commercial property and undeveloped land intended for commercial use. There is no population located in these territories proposed to be annexed for limited purposes. In addition, the city will levy a 1 percent sales tax and all taxes collected in the areas will be divided evenly between the City and the District. For each of the Districts that include the annexation of territory outside of the District's boundary, the city will extend Section 6-3 of the Code of Ordinances regarding the running at large of domestic animals. In areas where there is no out of District territory being annexed, the city is not required to provide a service.</p> <p>All agreements require public notice and two public hearings which were held on April 23rd and April 30th.</p> <p><b>New Agreements:</b></p> <p>Cinco MUD NO. 7 Harris County MUD No. 287 Harris County MUD No. 367</p> <p><b>Amendments to Existing Agreements:</b></p> <p>Fort Bend County MUD No. 30 (Amendment 1) Harris County MUD No. 61 (Amendment 2) Harris County MUD No. 286 (Amendment 1)</p> <p>Council District assignments of the newly annexed areas are detailed on the accompanying memorandum.</p> <p>Attachment</p> <p>Copy: Marta Crinejo, Agenda Director David Feldman, City Attorney</p> <p>Anna Russell, City Secretary Sameera Mahendru, Assistant City Attorney</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

# Strategic Partnership Agreement : May 2014

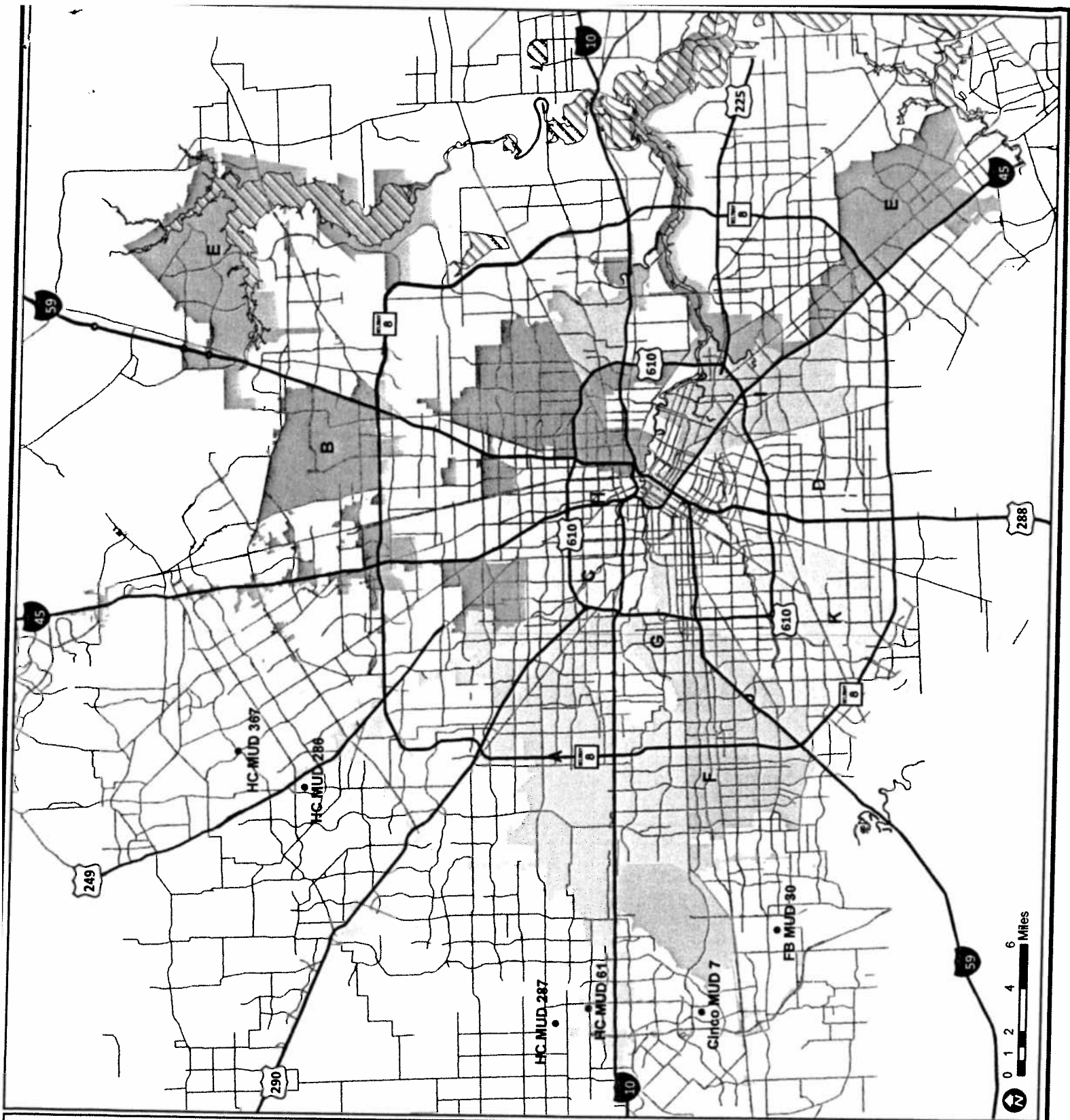
- New SPA Locations
- Major Highways
- Major Streets
- A
- B
- C
- D
- E
- F
- G
- H
- I
- J
- K

Source: City of Houston GIS Database  
Date: March 5, 2014

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Houston will not accept liability of any kind in conjunction with its use.



**PLANNING & DEVELOPMENT DEPARTMENT**



# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:**  
Ordinance granting Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

Agenda Item#

**FROM: (Department or other point of origin):**

Tina Paez, Director  
Administration & Regulatory Affairs

Origination Date  
4/28/2014

Agenda Date

~~MAY 07 2014~~

**DIRECTOR'S SIGNATURE:**

Council Districts affected:

ALL MAY 28 2014

**For additional information contact:**

Juan Olguin ~~570~~ Phone: (832) 393- 8528  
Naelah Yahya Phone: (832) 393- 8530

Date and identification of prior authorizing Council Action:

**RECOMMENDATION: (Summary)**

Approve ordinance granting Commercial Solid Waste Operator Franchise

**Amount of Funding:**  
REVENUE

**FIN Budget:**

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

**SPECIFIC EXPLANATION:**

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

1. Elton Childs dba Advance Vacuum Trap Services

The proposed ordinance grant the Franchise 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:

**SUBJECT:** Motion to set a public hearing relating to a request for designation of a Banner District in the Midtown Management District.Category  
#Page  
1 of 1Agenda Item  
# 64**FROM (Department or other point of origin):**

Department of Public Works and Engineering

Origination Date

5/21/14

Agenda Date

MAY 28 2014

**DIRECTOR'S SIGNATURE:**

Daniel W. Krueger, P.E., Director

Council District affected:

C, D, and I

**For additional information contact:**Mark L. Loethen, P.E., PTOE, CFM Phone: (832) 395-2705  
Deputy DirectorDate and identification of prior authorizing  
Council action:  
N/A**RECOMMENDATION:** Approval of a motion setting the public hearing date relative to a request for the designation of a banner district in the Midtown Management District

Amount of Source of Funding: N/A

**SPECIFIC EXPLANATION:**

The Department of Public Works and Engineering received a request from the Midtown Management District for the designation of a banner district as defined in Section 40-30 of the City of Houston Code of Ordinances. The boundaries of the proposed district exist within the City limits. Placement of banners will be on specific sections of roadways shown in the attached exhibit. The Code of Ordinances defines that City Council shall conduct a hearing to consider the merits of the request. The request is accompanied by exhibits which address the merits and include verification that the proposed district streets have a minimum 60-foot right-of-way and that the district is predominately non-residential.

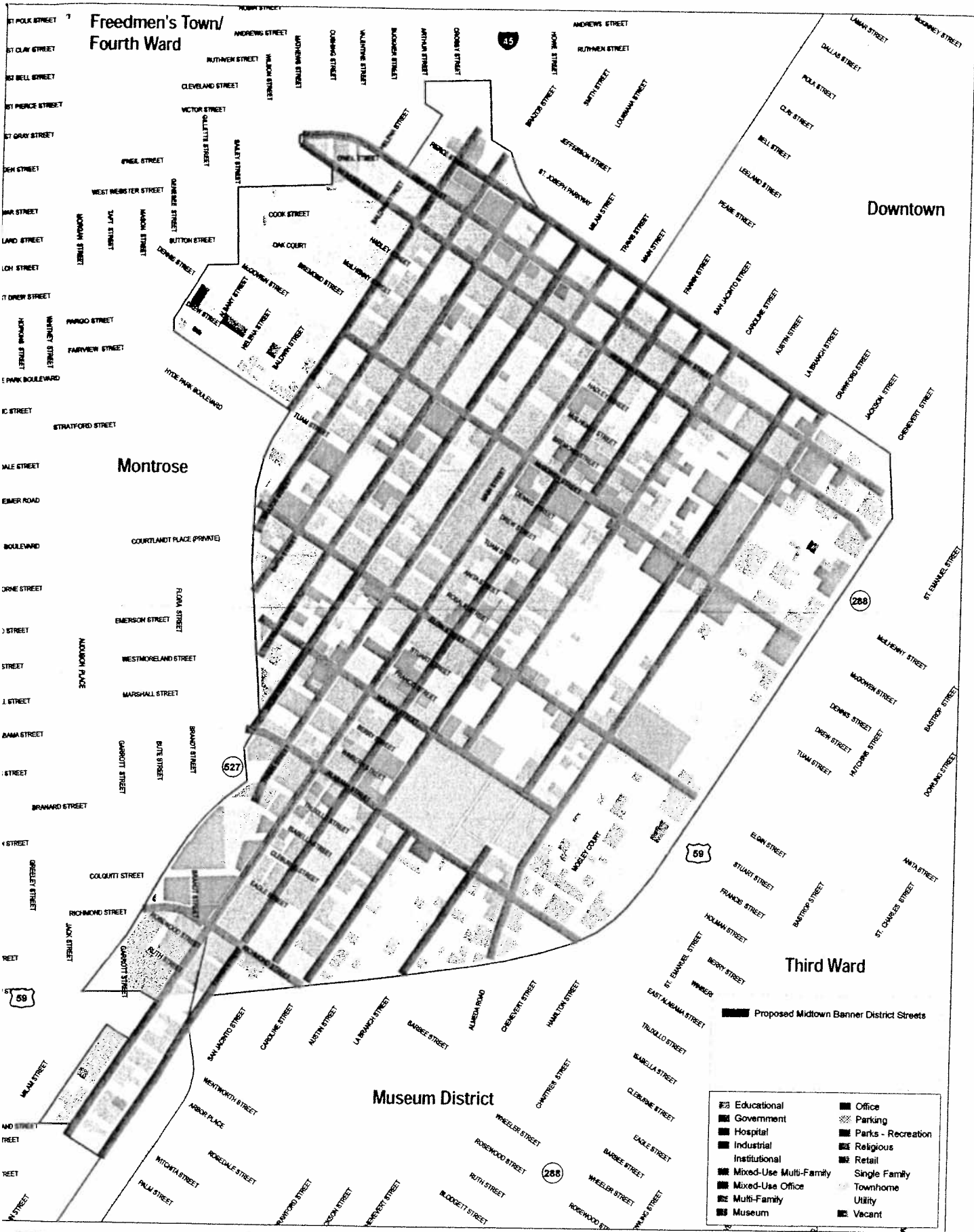
The Department of Public Works and Engineering requests that a public hearing be held on June 4th, 2014 to consider the designation of a banner district in the Midtown Management District. During the hearing, the Midtown Management District will present evidence of said merits relative to Section 40-30.

**Location:** The project is located in Council Districts C, D and I on Key Map Grid 493 L, M, Q, R, T, U and X

**REQUIRED AUTHORIZATION**

20MLL66

**Finance Department:****Other Authorization:**Mark Loethen, P.E., PTOE, CFM  
Deputy Director  
Planning and Development Services**Other Authorization:**



**Midtown Banner District**  
Midtown Redevelopment Authority

65+65A

MAY 28 2014

MOTION NO. 2014

MOTION by Council Member Gonzalez that the recommendation of the Purchasing Agent, for the Technical Advisor Services for the Justice Complex managed by the Finance Department for the Houston Police and Municipal Courts, S46-Q24884, be adopted, and authority is hereby given for an award to Moca Systems, Inc., in an amount not to exceed \$4,328,880.00, for a three-year contract, with two one-year options.

Seconded by Council Member Costello

On 5/14/14 the above motion was tagged by Council Members Pennington and Kubosh.

cr

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 10085

**Subject:** Approve an Appropriating Ordinance and Award a Contract for Technical Advisor Services for the Justice Complex managed by the Finance Department for the Houston Police and Municipal Courts Departments/S46-Q24884

Category #

Page 1 of 2

Agenda Item

4

65-65A

878A

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

April 29, 2014

**Agenda Date**

MAY 28 2014

~~MAY 11 2014~~**DIRECTOR'S SIGNATURE**

For additional information contact:

Kelly Dowe

Phone: (832) 393-9051

Joyce Hays

Phone: (832) 393-8723

**Council District(s) affected**  
All

**Date and Identification of prior authorizing  
Council Action:**

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the appropriation of \$4,328,880.00 out of the Misc. Cap. Projects/Acquisitions CP Series E. - Fund (4039) and award a contract to Moca Systems, Inc, in an amount not to exceed \$4,328,880.00 for the technical advisor services for the Justice Complex project managed by the Finance Department for Houston Police Department and Municipal Court Department.

Maximum Contract Amount: \$4,328,880.00

**Finance Budget**

\$4,328,880.00 - Misc. Cap. Projects/Acquisitions CP Series E. - Fund (4039)

**SPECIFIC EXPLANATION:**

The Director of the Finance Department and City Purchasing Agent recommend that City Council approve an ordinance authorizing the appropriation of \$4,328,880.00 out of the Misc. Cap. Projects/Acquisitions CP Series E. - Fund (4039) and award a three-year contract, with two one-year options, to Moca Systems, Inc., in an amount not to exceed \$4,328,880.00 for the technical advisor services for the Justice Complex project managed by the Finance Department for Houston Police Department (HPD) and Municipal Courts Department (MCD). The City Purchasing Agent and/or Finance Director may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide technical advisor services to assist the City with achieving its goals of coordinating tasks and deliverables related to a new facility to house certain operations of MCD and HPD.

The technical advisor will perform some or all of the services specified, as requested by the Finance Director, to aid the City with the management and administration of the solicitation, pre-construction and construction of the project, and project close-out.

This Request for Qualifications (RFQ) was issued in accordance with the requirements of the State of Texas bid laws. Thirty prospective proposers downloaded the solicitation document from SPD's e-bidding website. Proposals were received from Moca Systems, Inc., CRBE/Atkins and URS Corporation. The evaluation committee consisted of six evaluators from the Finance, Legal, Police and Municipal Courts Departments. The proposals were evaluated based upon the following criteria:

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

Date: 4/29/2014	Subject: Approve an Appropriating Ordinance and Award a Contract for Technical Advisor Services for the Justice Complex managed by the Finance Department for the Houston Police and Municipal Courts Departments/S46-Q24884	Originator's Initials EA	Page 2 of 2
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- 1 Professional and Technical Competence.
- 2 Quality of proposed Management Plan.
- ~~3 Local Availability of Key Technical Personnel and Support Personnel.~~
- 4 Financial Capacity of the Respondent.

Moca System, Inc. received the highest rating.

**M/WBE Subcontracting:**

This RFQ was issued as a goal-oriented contract with a 24% M/WBE participation level. Moca System, Inc. has designated the below named company as its certified M/WBE subcontractors:

Subcontractor Name	Type of Services	%
TLC Engineering, Inc.	Design, Drafting, Project Management	20%
One World Strategy Group.	Public Relations and Communications	4%

The Office of Business Opportunity will monitor this contract to ensure maximum M/WBE participation.

**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, the contractor provides health benefits to eligible employees in compliance with City policy.

**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. Moca Systems, Inc. is not a designated Hire Houston First company. However, no Hire Houston First designated companies considered were within three percent of the total RFQ score for Moca Systems, Inc., therefore Moca Systems, Inc. was selected.

Buyer: Eric Alexander

44713 2014

66-66A

MAY 28 2014

MOTION by Council Member Gonzalez that the recommendation of the Purchasing Agent, relative to the purchase of Software Licenses, Software Maintenance, Integration Services, and Cloud Computing Services from the General Services Administration (GSA) Schedule 70 Contract and the Texas Department of Information Resources (DIR) through the Cooperative Purchasing Program for the Department of Public Works & Engineering, S-000020-0026-5, be adopted, and authority is hereby given to issue purchase orders in the total amount of \$5,495,050.80 to the following contractors contingent upon the City Attorney's written approval of related statements of work and purchase order addendums:

GSA Contractors:

Infor Public Sector, Inc.: purchase of software maintenance for three years, additional software licenses, and services for the expansion and integration of the Infor IPS billing and asset/work management system in the total amount of \$3,363,050.80;

Cloudnexus, Inc.: purchase of the three years of cloud computing services for the support of the Infor billing, work management, fixed network data warehouse, customer portal, Enterprise Document Management, and other services in the total amount of \$1,500,000.00; and

DIR Contractor:

Precision Task Group: purchase of integration and software development services for mobile application, web portal, and Infor integration in the total amount of \$632,000.00.

Seconded by Council Member Bradford

Council Member Gallegos absent

On 05/14/2014 the above motion was tagged by Council Member Laster.

mla

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 10068**

**Subject:** Approve an Appropriating Ordinance and Approve Spending Authority to Purchase Software Licenses, Software Maintenance, Integration Services, and Cloud Computing Services for Public Works and Engineering Department.  
(S-000020-0026-5)

Category #  
1, 4, & 5

Page 1 of 2

Agenda Item

*6666A 9-9A*

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

May 02, 2014

**Agenda Date**

MAY 28 2014  
~~MAY 14 2014~~

**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:**  
2011-0399; 2012-0340; 2013-0362

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the appropriation of \$1,704,739.14 out of the Water & Sewer System Consolidated Construction Fund (8500) and approve spending authority to purchase software licenses, software maintenance, integration services and cloud computing services in the total amount of \$5,495,050.80 from the General Services Administration (GSA) Schedule 70 Contract through the Cooperative Purchasing Program and through the Texas Department of Information Resources for the Public Works & Engineering Department.

Award Amount: \$5,495,050.80

**Finance Budget**

*[Signature]*

\$2,767,089.53 - Water & Sewer System Operating Fund (8300)  
\$1,704,739.14 - Water and Sewer System Consolidated Construction Fund (8500)  
\$ 775,260.22 - Combined Utility System General Fund (8305)  
\$ 247,961.91 - Dedicated Drainage and Street Renewal Fund (2310)  
  
\$5,495,050.80 - Total

**SPECIFIC EXPLANATION:**

The Director of Public Works & Engineering and the City Purchasing Agent recommend that City Council approve an ordinance authorizing the appropriation of \$1,704,739.14 out of the Water & Sewer System Consolidated Construction Fund (8500). It is further recommended that City Council approve spending authority in a total amount not to exceed \$5,495,050.80 to purchase software licenses, software maintenance, integration services and cloud computing services from the General Services Administration (GSA) Schedule 70 Contract and the Texas Department of Information Services (DIR) through the Cooperative Purchasing Program for the Public Works & Engineering Department and that authorization be given to issue purchase orders, as necessary, to the cooperative purchasing agencies contractors as shown below, contingent upon the City Attorney's written approval of related statements of work and purchase order addendums.

**GSA Contractors:**

**Infor Public Sector, Inc.:** For the purchase of software maintenance for three years, additional software licenses, and services for the expansion and integration of the Infor IPS Billing and Asset/Work Management system in the total amount of \$3,363,050.80. This vendor was previously known as Hansen Information Systems.

**Cloudnexus, Inc.:** For the purchase of the three years of cloud computing services for the support of the Infor billing, work management, fixed network data warehouse, customer portal, Enterprise Document

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*11/11*

Date: 5/2/2014	Subject: Approve an Appropriating Ordinance and Approve Spending Authority to Purchase Software Licenses, Software Maintenance, Integration Services, and Cloud Computing Services for Public Works and Engineering Department. (S-000020-0026-5) S17- H25005	Originator's Initials MS	Page 2 of 2
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Management, and other services in the total amount of \$1,500,000. This vendor is being utilized for Amazon Cloud Services.

**DIR Contractor:**

**Precision Task Group (PTG):** For the purchase of integration and software development services for mobile application, web portal, and Infor integration in the total amount of \$632,000.00.

This purchase includes software licenses, software maintenance, integration services and cloud computing services that are for the go-live implementation of the new Combined Utility and Drainage billing system and expansion of its integrated asset and work management applications. The Infor Public Sector (IPS) system facilitates the Department's accurate and timely recording of billing and collection of revenue for the city's utilities (i.e., water, sewer, and drainage). Expansion of the IPS application utilization within the CUS will further ensure that all aspects of customer interfaces and repairs to the system infrastructure are coordinated within the Department. Cloud computing services provide best value for hosting the Infor IPS suite of applications and associated Department data.

**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 Purchasing Agreement for this purchase.

**Pay or Play**

The proposed contract requires compliance with the City's Pay or Play ordinance regarding health benefits for employees of City contractors. In this case, the contractors Cloudnexa, Inc. and Precision Task Group, Inc. provide health benefits to eligible employees in compliance with City policy. The contractor Infor Public Sector, Inc. provides health benefits to some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City Policy.

**M/WBE Subcontracting:**

The contracts between the Texas Department of Information Resources and its vendors do not require an M/WBE goal; however, Precision Task Group, Inc. has designated the below company as their certified M/WBE subcontractor.

<u>Name</u>	<u>Type of Work</u>	<u>Dollar Amount</u>	<u>Percentage</u>
Possible Missions, Inc.	IT Resource Services	\$160,000.00	25.3%

The contracts between the General Services Administration and its vendors do not require an M/WBE goal; however, Infor Public Sector, Inc. has designated the below company as their certified M/WBE subcontractor:

<u>Name</u>	<u>Type of Work</u>	<u>Dollar Amount</u>	<u>Percentage</u>
Precision Task Group	Application Support	\$348,867.54	10.37%

Section 211 of the E-Government Act of 2002 authorizes local governments to purchase information technology related goods and services from GSA Schedule 70 Contracts; and Sections 271.081 through 271.083 of the Texas Local Government Code provide the legal authority for local governments to participate in the State of Texas Purchasing Program.

Buyer: Murdock Smith III

67-67A

MAY 28 2014

MOTION NO. 2014

MOTION by Council Member Gonzalez that the recommendation of the Purchasing Agent, for purchase of Software Licenses, Software Support and Professional Services under the Master Agreement, S17-H25037, be adopted, and authority is hereby given to issue purchase orders to Infor Public Sector, Inc. in an amount not to exceed \$4,913,049.91.

Seconded by Council Member Bradford

Council Member Gallegos absent

On 5/14/14 the above motion was tagged by Council Member Laster.

cr

REQUEST FOR COUNCIL ACTION <i>Revised</i>			
TO: Mayor via City Secretary		RCA# 10098	
Subject: Approve an Ordinance Authorizing a Master Agreement between the City of Houston and Infor Public Sector, Inc./S17-H25037		Category # 4	Page 1 of 2 Agenda Item
FROM (Department or other point of origin): Calvin D. Wells City Purchasing Agent Finance Department		Origination Date May 05, 2014	Agenda Date MAY 28 2014 <del>MAY 14 2014</del>
DIRECTOR'S SIGNATURE <i>Calvin D. Wells</i>		Council District(s) affected All	
For additional information contact: Charles T. Thompson      Phone: (832) 393-0082 Phone:		Date and Identification of prior authorizing Council Action:	
<b>RECOMMENDATION: (Summary)</b> Adopt an ordinance approving a Master Agreement between the City of Houston and Infor Public Sector, Inc. Authorize the issuance of purchase orders under the master agreement and the U.S. General Services Administration contract in an amount not to exceed \$4,913,049.91 for software licenses, software support and professional services for the Infor Enterprise Implementation.			
Award Amount: \$4,913,049.91		Finance Budget	
\$2,947,829.95 - General Fund (1000) \$1,965,219.96 - Central Service Revolving Fund (1002) Out Year (4 Years) Maintenance \$4,913,049.91 - Total			
<b>SPECIFIC EXPLANATION:</b> The Chief Information Officer (CIO) and City Purchasing Agent recommend that City Council approve an ordinance authorizing a Master Agreement with Infor Public Sector, Inc. for enterprise software licenses, and software support for the Infor enterprise implementation and authorize the issuance of purchase orders under the master agreement and the U.S. General Services Administration contract in an amount not to exceed \$4,913,049.91 for software licenses, software support and professional services for the Infor Enterprise Implementation.			
Aviation, Police and Public Works have already purchased and implemented parts of the Infor suite on a per seat basis via the pre-competed GSA contract. This enterprise acquisition will extend per seat licensing already owned by the city, to an enterprise license; and more than half of the departments will benefit from this enterprise purchase, both from a business process perspective and a technology integration perspective. The current uncoupled systems do not communicate with each other, are antiquated and distributed across multiple departments and put the City at a disadvantage from a support and usability standpoint. Purchase of this unified platform of products allows us to act as "One City"; ensuring enhanced customer service; taking a call from 3-1-1 to a service request, from a service request to the assignment of a work order and on to tracking of the work order (until completion) to its closing and the ability to provide public notification or updates. Thus moving the City from antiquated, legacy and siloed applications to an integrated platform.			
The Infor Public Sector is designed specifically to meet the needs of state and local governments, and municipal authorities. This collection of local government software solutions, which leverages more than 25 years of Infor expertise in the public sector, is being used by more than 1,000 local and state governments and municipal authorities worldwide to successfully address their information technology challenges. This purchase will move the City from a per seat licensing agreement to enterprise licensing for the following:			
<b>Infor Enterprise Asset Management (EAM):</b> software gives the power to improve capital asset management in ways that increase reliability, enhance predictive maintenance, ensure regulatory compliance, reduce energy usage, support sustainability initiatives, and help provide more responsive services to citizens. With this software, departments will get a			
REQUIRED AUTHORIZATION			
Finance Department:	Other Authorization:	Other Authorization:	

Date: 5/5/2014	Subject: Approve an Ordinance Authorizing a Master Agreement between the City of Houston and Infor Public Sector, Inc./S17-H25037	Originator's Initials MS	Page 2 of 2
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single version of the truth, encompassing all aspects of operations and allowing coordinated responses that cross multiple departments. It will provide the ability to break through information silos and streamline work processes to increase agility and accountability across every aspect of operations.

**Infor Public Sector Community Development and Regulatory (CDR):** offers a complete way to capture and display daily activities in the field and office. Users can identify violations by land parcel, provide notifications to responsible parties, and establish follow-up inspection programs. CDR will improve department's ability to assess data that affects important land management use decisions quickly and accurately using GIS and data mining; promote best practice business processes and inter-departmental communication; manage unique business requirements, permitting, licenses, ordinances, and regulations; improve responsiveness and compliance rates for citizens and contractors; and empower citizens and businesses with secure, seamless, and transparent access to the CDR process.

**Infor Customer Relations Manager (CRM):** provides more efficient customer contact by facilitating the ability to increase response rates and gain quicker feedback on effectiveness; reduce direct mail with less frequent, more "on message" contacts; and increase visibility over call center performance.

**Infor Public Sector Call Center:** deploys advanced 311 services and develop a reputation as a cutting edge municipality that encourages citizen involvement and responds effectively to the needs of your community; while maintaining multiple channels of public communication, including the internet, call centers, faxes, email, interactive voice response, and self-service kiosks.

**Infor Motion Application Manager:** a vital tool for companies that are going mobile today. A web portal for mobile application management and analysis, Infor Motion Application Manager lets you secure, provision, and deploy mobile apps quickly.

**Infor Intelligent Open Network (ION) Pulse:** allows users to read, sort, and filter messages relevant to interests; and also read and respond to ION Pulse messages on mobile devices through the Infor Motion applications. ION Pulse messages can also transmit approval controls which allow everyone in the approval chain to approve quickly while keeping a record of approvals for later review. It also gives executives mobile access to the approval process from anywhere in the office or across the globe.

**Infor Ming.le:** a comprehensive platform for social collaboration, business process improvement, and contextual analytics. Providing innovative social collaboration technologies translated into a business environment and fully integrated across business processes.

#### **Hire Houston First:**

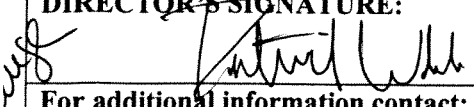
This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing an Inter-local or Cooperative Purchasing Agreement for this purchase.

#### **Pay or Play**

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

**Attachment:** M/WBE Zero-Percentage Goal Document approved by the Mayors' Office of Business Opportunity

Buyer: Murdock Smith III

<b>SUBJECT:</b> Approval of a resolution designating High First Ward as a City Historic District in accordance with Chapter 33, Code of Ordinances		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b> 68 12
<b>FROM (Department or other point of origin):</b> Planning and Development		<b>Origination Date</b> April 25, 2014		<b>Agenda Date</b> MAY 14 2014
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> H		
<b>For additional information contact:</b> Diana Ducroz Phone: (713) 837-7924		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Approval of a resolution designating High First Ward as a City Historic District				
<b>Amount and Source of Funding:</b> N/A			<b>Finance Budget:</b>	
<b>SPECIFIC EXPLANATION:</b>  In accordance with the City of Houston Code of Ordinances, the High First Ward Historic District application was initiated by at least 10 percent of the owners of tracts in the proposed district. After the historic district application was determined complete, the Planning Director notified all property owners within the proposed district of a public meeting to provide information about the historic district application. The public meeting was conducted on January 7, 2014.  On January 24, 2014, the Planning Director mailed survey cards to the owners of all property within the proposed historic district. The deadline to postmark or deliver the survey cards to the Director was February 24, 2014. Forty of 149 tracts in the proposed historic district returned the survey card in support of the designation of the historic district. In accordance with the Code of Ordinances, the Director modified the boundaries of the proposed historic district in order to achieve the minimum support required. This resulted in a boundary where 67.27% – 37 of 55 total tracts - supported designation of the proposed historic district.  The Director gave 30 day notice of a public hearing before the Houston Archaeological and Historical Commission (HAHC). The public hearing was held by the HAHC on April 24, 2014. The HAHC voted, seven in support and one opposed, to recommend to City Council the approval of the historic district designation after determining that the application satisfied all criteria of the ordinance including:  1) owners of 67 percent of all the tracts in the proposed district support the designation of the district; if owners of less than 67 percent of tracts in the proposed historic district support the designation of the district, the Director may modify the boundaries of the proposed historic district to result in boundaries where the owners of 67 percent of the tracts support designation of the proposed historic district;  2) the proposed area meets at least one criteria for designation as a historic district;  3) a majority of buildings within the area are 50 years of age or older.  Attachments: Application and Staff Report  xc: Minnette Boesel, Mayor's Assistant for Cultural Affairs David M. Feldman, City Attorney Omar Izfar, Real Estate Section, Office of the City Attorney C.A. McClelland, Chief, Police Department Terry A. Garrison, Chief, Fire Department				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>		

# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

## HISTORIC DISTRICT DESIGNATION REPORT

**DISTRICT NAME:** High First Ward

**LOCATION:** See attached site location map

**APPLICANTS:** Evan Michaelides, property owner

**30-DAY HEARING NOTICE:** Mar-25-2014

**AGENDA ITEM:** I

**HPO FILE NO:** 13HD22

**DATE ACCEPTED:** Dec-2-2013

**HAHC HEARING:** Apr-24-2014

### SITE INFORMATION

Baker Addition, Block 288, Lots 1-3; Block 289, Lot 12; Block 298, Lots 6-12; Block 299, Lots 3-5, 7-9; Block 300, Lots 3-5; Shearn Addition, Block 304, Lots 1-9; Block 305, Lots 2-10; Block 306, Lots 10; Block 314, Lots 1-2, 11-12; Block 319, Lots 6-10; Block 320, Lots 4-5, 7-9; Block 321, Lot 7, Tr 8A; Barclay Estates Lots 1-6; Crockett Estates Lot 3; Sawyer Heights Oaks; Sawyer Skyline Lots 1, 3-6; Two Season Townhouses; City of Houston, Harris County, Texas

**TYPE OF APPROVAL REQUESTED:** Historic District Designation

### HISTORY AND SIGNIFICANCE SUMMARY

The proposed High First Ward Historic District is located in Houston's historic First Ward. Today, the term "First Ward" has come to refer to the area bounded by Washington Avenue to the south, I-10 to the north, I-45 to the east and Sawyer Street to the west. According to longtime residents, the sections of First Ward to the east and west of Houston Avenue were known as the Low First Ward and High First Ward, respectively. The main corridor of High First Ward Historic District consists of Crockett Street between Johnson and Henderson Streets, taking in sections of Shearn, Spring, and Summer Streets as well.

Founded in the 1800s, High First Ward has historically been a working-class neighborhood, settled by immigrants from many places. With its location close to Market Square, Buffalo Bayou, and two parallel railroad lines, the First Ward served as a major artery for shipment of goods in Houston's early days. Many First Ward residents worked for the railroads or in shops that served that industry. Today, the two train lines are a historic reminder of this aspect of the neighborhood's history. High First Ward continues to attract those who want to live near downtown. In addition to longtime residents, there has been an influx in more recent years of artists and professionals.

High First Ward is comprised largely of vernacular Queen Anne cottages and Craftsman bungalows built between 1890 and 1930. Over the past few years, and particularly in the last two, many original homes of the First Ward have been demolished to make way for townhouses. Nonetheless, much of the area's historic architecture remains. Two circa 1900 houses at 1706 and 1907 Crockett have been beautifully renovated in just the last six months, both of which sold immediately when listed on the market.

Although many of the historic structures within the proposed district are modest in scale, they superbly exemplify Texas folk architecture of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, and thus serve as a link to Houston's past. By ensuring the survival of a swath of these original homes, the

# CITY OF HOUSTON

## Archaeological & Historical Commission

## Planning and Development Department

applicants aim to provide a visual tie to the First Ward's origins as a vibrant working-class neighborhood, one which bordered and served Houston's nascent downtown.

High First Ward meets Criteria 1, 3, 4 and 5 for city historic district designation.

*Criterion 1: possesses character, interest, and value as a visible reminder the development heritage, and cultural and ethnic diversity of the city, state, and nation; Criterion 3: Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation; Criterion 4: Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city; Criterion 5: contains the best remaining examples of an architectural style or building type in a neighborhood.*

### HISTORY AND SIGNIFICANCE

#### *High First Ward*

The proposed High First Ward Historic District is located in Houston's historic First Ward. Today, the term "First Ward" has come to refer to the area bounded by Washington Avenue to the south, I-10 to the north, I-45 to the east, and Sawyer Street to the west. According to longtime residents, the sections of First Ward to the east and west of Houston Avenue were known as the Low First Ward and High First Ward, respectively. The proposed High First Ward Historic District is located west of Houston Avenue and north of the Winter Street railroad tracks. The neighborhood is comprised largely of single-family houses and duplexes built between approximately 1890 and 1930.

As originally proposed by the applicants, the main corridor of the district consisted of Crockett and Summer Streets between Johnson Street to the east and Hemphill Street to the west, also taking in sections of Shearn and Spring Streets to the north, with a southern spur running down Sabine Street to Winter Street. Within the original proposed district were approximately 170 properties containing ninety-five contributing structures, most of which are either vernacular Queen Anne cottages from the turn of the 20<sup>th</sup> century or Craftsman bungalows from the early 20<sup>th</sup> century. The modified boundary reduces the number of properties to 62, with 44 contributing and 12 noncontributing structures.

The First Ward is located close to downtown's Market Square, as well as to Buffalo Bayou, which in Houston's early days served as a major artery for shipment of goods. The two parallel train lines that run through the First Ward likewise were conduits for transportation of goods beyond Houston. These commercial activities, and the availability of associated jobs, made the area an attractive place for working people to live.

Today, First Ward residents can reach downtown Houston within the space of a few minutes, so that although the nature of the business conducted in downtown Houston has changed considerably, the First Ward is a draw for those who work downtown. This desire to live close to work and entertainment has placed the neighborhood under tremendous development pressure, which in turn has led to large-scale demolition of historic buildings resulting in significant changes to the streetscape and character of many parts of the neighborhood. With this in mind, the purpose of seeking Historic District designation for a portion of the area is to retain some of the First Ward's historic character, providing a visual reminder of the neighborhood's working-

# CITY OF HOUSTON

## Archaeological & Historical Commission

## Planning and Development Department

class, ethnically diverse roots, and its connection to Houston's commercial history, and to the railroad in particular.

### *History of the First Ward*

When Houston was divided into four wards in 1840, the First Ward was identified as the area within the city limits (which were much smaller then) west of Main Street and north of Congress Street. In her article, "Houston's First Ward - Producing Food from Farm to Counter," Betty Trapp Chapman writes that the First Ward "bordered the strategic locations where Buffalo Bayou and White Oak Bayou converged" and that "because of its proximity to Buffalo Bayou and the market house, residents in the First Ward became heavily involved in the community's commodity and produce business." She also notes that because of the "limited means of transportation, people preferred living near their place of business or employment. This made the close in First Ward residences a popular choice for those engaged in commerce or employed in service oriented jobs."

Because of First Ward's location along the Buffalo Bayou, which provided easy access to shipping, the First Ward was home to many storehouses and family run grocery stores. Reminders of this phenomenon are evident in a number of corner houses which had attached store spaces. Two surviving examples can be seen at 2002 Summer (within original boundary, but not modified boundary) and 1701 Crockett. The current owner of the latter house, who grew up there, recalls when her family ran a store at that location. Although the original shapes of these two homes have been distorted by additions, the role these structures served in the neighborhood is noteworthy. Census records from 1920 show that at 1809 Summer Street (known as the Dentler Building), the Dentler family ran a cookie and macaroon business. The company later expanded to sell mayonnaise and other foodstuffs, most notably Dentler Maid potato chips, which many longtime Houston residents still recall.

By the 1890s, the railroad had become an important part of Houston's commercial life. The two railroad lines that run through the First Ward, built by the Texas Central Railroad Company and the Southern Pacific Railroad Company, have played a longstanding part in the development and character of the neighborhood. Many First Ward residents worked for the railroads or in shops that served that industry. Today, the two train lines are a historic reminder of this aspect of the neighborhood's history.

The High First Ward, within which the proposed historic district lies, has historically been a working-class area. Many of the people who settled the area in the 1870s and 1880s were German farmers. Later, towards the end of the 19<sup>th</sup> century and into the 20<sup>th</sup> century, other European immigrants came to the First Ward, setting up groceries, bakeries, and other businesses. Census data for the High First Ward from the early 20<sup>th</sup> century (1900, 1910, 1920, and 1930) reveals that immigrants to the area included Italians, Russian Jews, Swedes, Austrians, Prussians, Germans, Englishmen, and Irishmen, and later Mexicans. Census data also indicates that large numbers also moved to the area from other parts of the U.S., including Louisiana, Kentucky, Missouri, North and South Carolina, Tennessee, Michigan, Ohio, and New York. Race data from the census suggests that the area was largely Caucasian, with only a small African-American population, concentrated mostly on the streets abutting the railroad lines. Occupations noted for residents in the High First included railroad carpenter, railroad engineer, railroad foreman, machinist, tin and copper smith, boiler maker, blacksmith, day laborer,

# CITY OF HOUSTON

## Archaeological & Historical Commission

## Planning and Development Department

shoemaker, grocer, seamstress, candy shop owner, washerwoman, telephone operator, garbage gatherer, string maker, saloon owner, bank police, baker, night watchman, bank police, fireman, bookkeeper (at the nearby rice mill), and barber. The census data also shows that residents comprised a mixture of owners and renters of homes, with the latter predominating. Some homeowners took in lodgers.

Today, the High First Ward continues to attract those who want to live near their place of work. In addition to longtime residents, there has been an influx in more recent years of artists (witness the presence of the Spring Street Studios and Winter Street Studios artists' workspaces, along with numerous independent art and design studios) and, more recently, professionals.

### *Architecture of the High First Ward Historic District Area*

The historic buildings located within the proposed district are largely of two types: single-family residences of the vernacular Queen Anne style, dating from approximately 1890 to 1910, and Craftsman bungalows, dating from the 1910s through the 1930s.

There are many examples of the Queen Anne style in the district which vary in size and elaboration. Three basic formats are discernible. The smallest cottages, such as those seen at 1817 Summer, 2013 Crockett and 2015 Crockett (*all eliminated from modified boundary*), are essentially shotgun houses with side halls. There are larger Queen Anne cottages of this type, with cross gables, front porches and center halls, at 1810, 1914, and 1918 Summer and 1706, 1708, and 2017 Crockett (*latter not in modified boundary*). The largest examples of this style, featuring wraparound porches and additional side gables, can be seen at 1801 Crockett, 1511 (aka 1519) Sabine (*not in modified boundary*), 1802 Summer, and 1907 Crockett. All of these homes exhibit steeply pitched hip roofs, cross gables (often embellished with fish-scale or other elaborate shingles), cypress clapboard siding, two-over-two windows, turned porch columns, and decorative cutout brackets, spandrels and other details. In a smaller number of transitional examples, Colonial Revival porch columns and windows are juxtaposed with standard vernacular Queen Anne forms, as at 1907 Crockett and 2117 Crockett (*not in modified boundary*).

The Craftsman style is also well represented within the district, and is likewise seen in houses of varying sizes and levels of detail. A fine example, with a broad overhanging roof and square porch columns, can be seen at 1719 Summer (*not in modified boundary*). Other examples of classic bungalows include 1702 Summer, 1715 Crockett, 1910 Crockett (*not in modified boundary*), 1603 Sabine (*not in modified boundary*), and 1911 Spring (*not in modified boundary*) and 2011 Spring. These houses exhibit the standard details typical of the Craftsman style: gable roofs, full- and half-width front porches, square columns, brackets below the eaves, and, often, multi-paned windows. The house at 1918 Crockett, in contrast, is a hybrid - a craftsman house overlaid with elements of the Queen Anne (fish-scale shingles) and Colonial Revival (windows) idioms - a true piece of folk architecture where elements of all the prevailing styles were intermingled, but had to be cut from the modified boundary.

Included within the district's boundaries is a City of Houston landmark, the Otto Pech House. This restored Queen Anne cottage, built around the turn of the 20<sup>th</sup> century by Otto Pech, a railroad carpenter, is a typical First Ward workingman's residence. Facing the Otto Pech House across Summer Street is the Dentler Building at 1809 Summer, the only example in the district of a brick two-story four-unit apartment house of 1920s vintage, though other buildings of this type can be found in Houston neighborhoods such as Montrose and the East End. Local lore has it that

# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

Dentler Maid potato chips were made in structures (now demolished) behind this building, which is verified by Sanborn maps. 1809 Summer bears the name Dentler on its front façade.

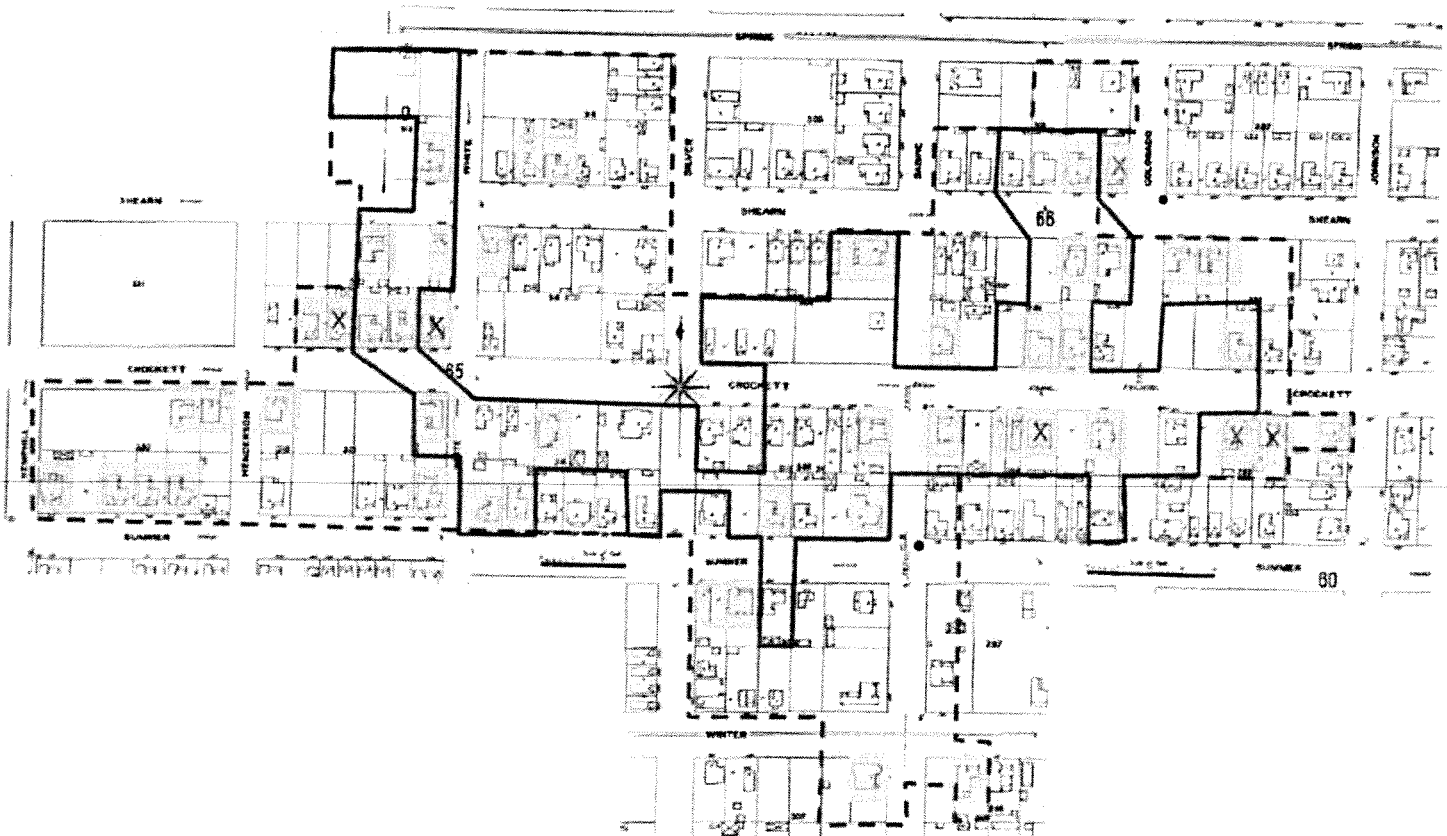
## *Significance of the High First Ward Historic District*

Over the past few years, and particularly in the last two, many original homes of the First Ward have been demolished to make way for townhomes. Nonetheless, much of the area's historic architecture remains. Two circa 1900 houses at 1706 and 1907 Crockett have been beautifully renovated in just the last six months, both of which sold immediately when listed on the market.

Although many of the historic structures within the proposed district are modest in scale, they superbly exemplify Texas folk architecture of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, and thus serve as a link to Houston's past. By ensuring the survival of a swath of these original homes, the applicants aim to provide a visual tie to the First Ward's origins as a vibrant working-class neighborhood, one which bordered and served Houston's nascent downtown.

## SANBORN FIRE INSURANCE MAP, 1907

*Yellow indicates buildings still extant or demolished/relocated/pending demo (X) in last year*



# CITY OF HOUSTON

**Archaeological & Historical Commission**

**Planning and Development Department**

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## **BIBLIOGRAPHY**

Chapman, Betty Trapp, "Houston's First Ward – Producing Food from Farm to Counter," *Houston History Magazine*, Vol. 8 No. 1, December 10, 2010.

Harris County Clerk Records

Houston City Directories.

Sanborn Fire Insurance Maps, 1896, 1907, 1924, 1951.

U.S. Census Records, 1880, 1900, 1910, 1920, 1930.

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

# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

## APPROVAL CRITERIA FOR HISTORIC DISTRICT DESIGNATION

According to Section 33-222.1 of the Historic Preservation Ordinance:

Application for designation of an historic district shall be initiated by either:

(a) Application for designation of an historic district shall be initiated by either:

(1) 10 percent of the owners of tracts in the proposed district; or

(2) The HAHC upon instructing the director to prepare an application for designation.

**The application for designation of the High First Ward Historic District was received by the Planning Department on November 20, 2013. The application was initiated by 21 property owners, or 14.09% of the owners of 149 tracts in the proposed historic district. Three additional tracts are owned by the City of Houston, and are therefore not counted for purposes of determining support for the application. These properties are however subject to the historic district regulations.**

**Proposed historic district boundaries are drawn by the applicants for historic district designation, who must be property owners in the proposed district. The proposed High First Ward boundary was drawn by the applicants for designation.**

(c) The department shall review each application for initial completeness. Upon determining that the application is initially complete, the director shall schedule and conduct one public meeting on the proposed historic district unless the director determines in her sole discretion that one or more additional meetings is necessary. The director shall give notice of the public meeting in accordance with subsection (d) of this section, including procedures for giving notice of any additional public meeting.

**The Planning Department determined the application was initially complete on December 2, 2013. The director gave notice of the public meeting by depositing written notice in the United States mail on December 17, 2013. The Planning Department conducted a public meeting on the proposed historic district on January 7, 2014 at the Houston Permitting Center at 1002 Washington.**

(d) The director will establish the process for notice and for determining the evidence of support of the application, which shall include the following:

(1) Within 15 days after determining the application is initially complete, the director shall mail a notice to the owners of all property within the proposed historic district as indicated on the most current appraisal district records. The director shall give notice to a civic association registered with the department whose area is included, in whole or in part, in the proposed district.

(2) The notice shall include the following:

a. The date, time, and location of the public meeting described in subsection (c) of this section;

b. Any other information the director determines may be useful to the property owners.

(e) After the final public meeting, the director shall mail notice to the owners of all property within the proposed historic district. The notice shall include a card to be returned by the

# CITY OF HOUSTON

## Archaeological & Historical Commission

## Planning and Development Department

property owner which shall indicate whether the property owner does or does not support designation of the historic district. The card must be placed in the U.S. mail with proper postage affixed and postmarked or delivered to the director not later than the thirtieth day after the date on the notice.

**The director deposited survey forms addressed to the owners of all property within the proposed historic district in the United States mail on January 24, 2014. The deadline to postmark or deliver the survey cards to the director was February 24, 2014.**

(f) After the deadline for returning cards mailed in accordance with subsection (e) has passed, the director will determine if owners of 67 percent of all the tracts in the proposed district support the designation of the district. If so, the application will be considered final. If the director determines that the owners of less than 67 percent of tracts in the proposed historic district support the designation of the district, then the director shall either:

- (1) Modify the boundaries of the proposed historic district if the modification will result in boundaries where the owners of 67 percent of the tracts support designation of the proposed historic district. If the director modifies the boundaries, the application will be considered final; or
- (2) Determine that the application fails and that no further action will be taken by the HAHC. The director shall mail notice to the owners of all property within the proposed historic district that the public hearing before the HAHC has been cancelled.

**Owners of 40 tracts in the proposed district returned the survey form in support of the designation of the district by the posted deadline. Two owners returned forms in support after the posted deadline, which were not counted towards the final number in favor of designation. 45 owners returned forms in opposition to the proposed designation. 64 owners did not return forms indicating support or opposition. The three publicly-owned properties are not counted in calculating support.**

**As provided in the ordinance, the director modified the boundaries of the proposed historic district to achieve a boundary in which at least 67% of the tract owners were in support of designation. The ordinance requires that the district be a 'continuous land mass without holes inside of it.'**

**The following factors were considered by the Planning Director in modifying the historic district boundary, in general order of priority:**

- **Location of support for the district ('yes' surveys received by the Feb 24, 2014 deadline).**
- **Location of historic structures, which were further evaluated based on their age, architectural features, and extent of alterations. Priority was given to structures depicted on the 1907 Sanborn Insurance Maps (the earliest year available for the neighborhood) or to unusual architectural examples (1711 Shearn). (Some of the best remaining examples in High First Ward had to be eliminated due to lack of support in their section of the proposed original boundary.)**

# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

- Desire to maintain intact blocks, blockfaces, and corners as much as possible.
- Vacant lots were given priority for inclusion over lots already redeveloped with new construction, in order to ensure compatible infill within the district.

The modified High First Ward boundary contains 55 tracts. The owners of 37 of these tracts (67.27%) returned survey forms in support of the historic district designation. Owners of ten tracts (18.18%) within the modified boundary returned survey forms in opposition to the proposed district. The remaining 8 tract owners (14.5%) did not return survey cards, which is equivalent to non-support.

High First Ward Historic District Support Statistics	Total Tracts* (modified boundary)	Signed in Support
	55	37 67.27%

\*A 'tract' is a contiguous parcel of land under common ownership, and may consist of multiple lots (Sec.33-201).

(h) The HAHC will conduct a public hearing on each final application for designation of a historic district. Following the public hearing, the HAHC may recommend that the boundaries of the proposed historic district be amended in accordance with the intent and general purpose of this article.

The director gave 30-day notice of the public hearing, to be held before the HAHC on April 24, 2014, by depositing written notice in the United States mail on March 25, 2014.

(b) Notwithstanding the foregoing, no building, structure, object or site less than 50 years old shall be designated as a landmark or archaeological site, and no area in which the majority of buildings, structures or objects is less than 50 years old shall be designated as an historic district, unless it is found that the buildings, structure, object, site or area is of extraordinary importance to the city, state or nation for reasons not based on age.

There are a total of 56 structures within the proposed High First Ward Historic District. Of the 56 structures, 45 (80.36%) are over 50 years in age.

44 structures (78.57%) are classified as contributing, and 12 (21.42%) are classified as noncontributing, of which 10 are recent construction (post-2005). Eight properties are vacant.

High First Ward Historic District Structures Inventory	Contributing Historic Structures	Non Contributing / Non Historic Structures	Vacant
Total Structures = 56	44	12	8
Percent of Total	78.57%	21.42%	n/a

# CITY OF HOUSTON

## Archaeological & Historical Commission

## Planning and Development Department

According to the approval criteria in Section 33-224 of the Historic Preservation Ordinance:

(a) The Houston Archaeological and Historical Commission and the Houston Planning Commission, in making recommendations with respect to designation, and the City Council, in making a designation, shall consider one or more of the following criteria, as applicable:

**S      NA**

**S - satisfies      NA - not applicable**

Meets at least one of the following (Sec. 33-224(a):

- ☒ ☐ (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation;
- ☐ ☒ (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event;
- ☒ ☐ (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation;
- ☒ ☐ (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city;
- ☒ ☐ (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood;
- ☐ ☒ (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation;
- ☐ ☒ (7) Whether specific evidence exists that unique archaeological resources are present;
- ☐ ☒ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride.

**AND**

- ☐ ☒ (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b)).

### STAFF RECOMMENDATION

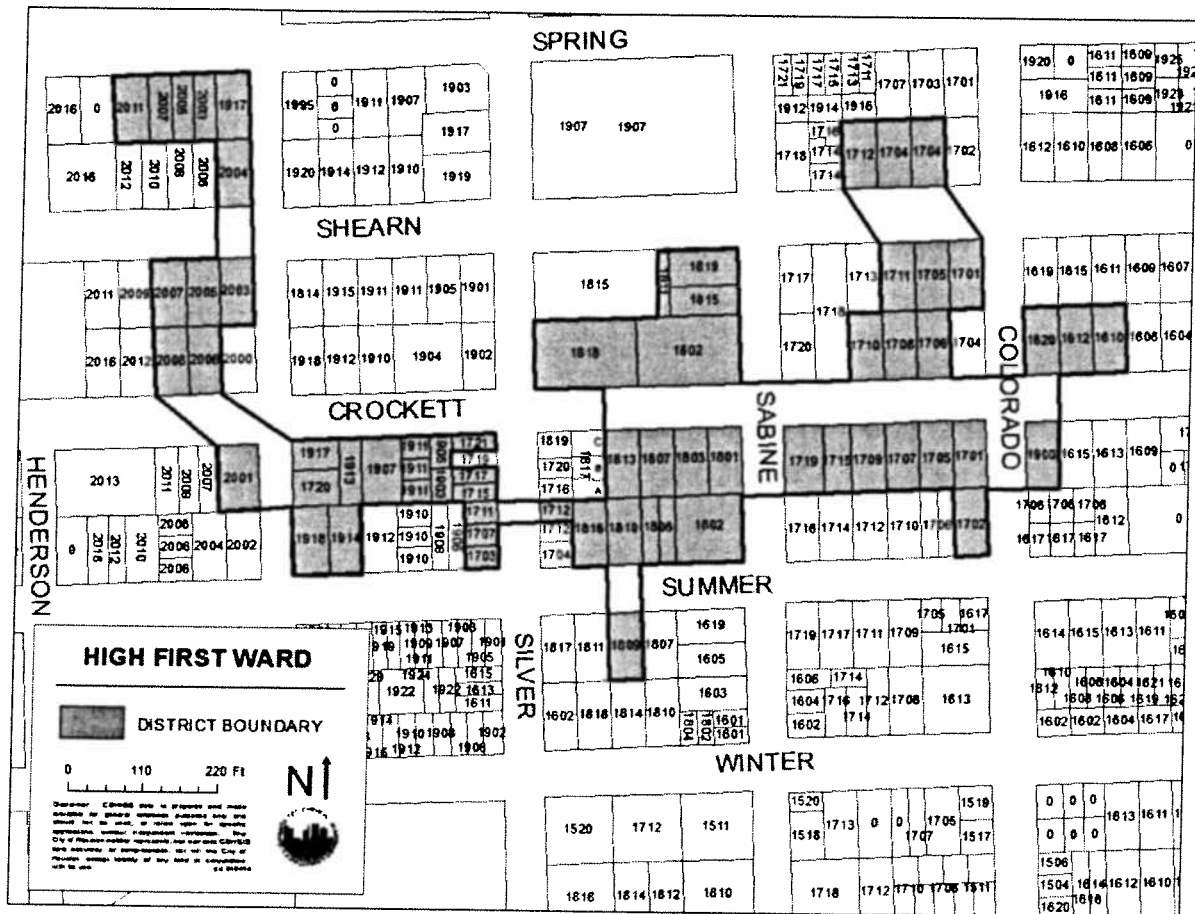
Recommend to City Council the Historic District Designation of the High First Ward Historic District.

### HAHC ACTION

Recommends to City Council the Historic District Designation of the High First Ward Historic District.

# EXHIBIT A

## MAP OF HIGH FIRST WARD HISTORIC DISTRICT BOUNDARY



# REQUEST FOR COUNCIL ACTION

**TO: Mayor via City Secretary**

**RCA #**

**SUBJECT:** An ordinance approving an economic development agreement for the Reserve at Clear Lake between the City, Trendmaker Clear Lake LLC and Clear Dorado Land Associates L.P. pursuant to Chapter 380 of the Texas Local Government Code

**Category #**

**Page**  
1 of 2

**Agenda Item#**

69 #6

**FROM: (Department or other point of origin):**

Andy Icken, Chief Development Officer, Mayor's Office

**Origination Date**

5/9/14

**Agenda Date**

MAY 14 2014

**DIRECTOR'S SIGNATURE:**

*[Signature]*

**Council Districts affected:**

Council District E - Martin

MAY 28 2014

**For additional information contact: Phone:**

Gwendolyn F. Tillotson

Phone: 832-393-0937

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

## **RECOMMENDATION: (Summary)**

That the City Council approve an ordinance approving an economic development agreement for the Reserve at Clear Lake ("Agreement") between the City, Trendmaker Clear Lake LLC ("Trendmaker") and Clear Dorado Land Associates L.P. ("Clear Dorado") pursuant to Chapter 380 of the Texas Local Government Code

## **Amount of Funding:**

## **SOURCE OF FUNDING:**

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☒ N/A

## **SPECIFIC EXPLANATION:**

In 1989, the State legislature enacted Chapter 380 of the Local Government Code ("Chapter 380") to create a mechanism that allows municipalities to grant or loan public funds for economic development purposes by creating one or more programs to promote economic development and stimulate business and commercial development. Subsequently, by Ordinance No. 99-674, the City established the City of Houston Chapter 380 loan/grant program. The Administration now proposes to enter into the Agreement with Trendmaker and Clear Dorado for The Reserve at Clear Lake, a commercial and residential development on a site consisting of approximately 412 acres located in the general vicinity of El Dorado Blvd and Clear Lake City Blvd (the "Development Site"). The Development Site is a reclaimed restricted site and the developer, Fidelis Realty Partner secured a restriction waiver from the previous property owner, ExxonMobil, and secured state sanction from the Texas Railroad Commission for the property, enabling the Development Site to be utilized for residential development.

### **The Reserve at Clear Lake Residential Development**

Trendmaker owns 372 acres of the Development Site (the "Trendmaker Property") and plans to invest approximately \$77 million to build more than 741 single family residential units in multiple phases over a three year period (the "Residential Development"). The Residential Development will add \$265 million in ad valorem tax value to the Trendmaker Property. To support the Residential Development, Trendmaker intends to construct roadway improvements and the related utilities critical to enhancing the economic and mobility conditions of the area. The planned public improvements include (1) the extension of El Dorado Blvd. from Clear Lake City Blvd. to the northern boundary of the development, (2) intersection improvements at El Dorado Blvd. and Clear Lake City Blvd., (3) a western collector road to Space City Blvd., and (4) sidewalk improvements and landscaping. The proposed roadway improvements will be constructed to meet the requirements of the City's Major Thoroughfare Plan, as applicable, and to meet all design and construction requirements established by the Department of Public Works and Engineering

### **The Reserve at Clear Lake Commercial Development**

Clear Dorado owns 40 acres of the Development Site (the "Clear Dorado Property") and plans to invest approximately \$31 million to construct approximately 250,000 square feet of commercial development as a single phase project (the "Commercial Development"). The Commercial Development will add approximately \$35 million in ad valorem tax value and generate an estimated \$121,000,000 in annual sales volume for the Clear Dorado Property. Clear Dorado intends to relocate an existing detention facility to increase the usable land in the commercial realm. The planned public improvements include (1) the clearing and relocation of the detention infrastructure and related appurtenances, (2) the extension of Clear Lake City Blvd., and (3) intersection improvements at Clear Lake City Blvd. and Space Center Blvd. and related traffic signal improvements. All improvements will be constructed to meet all design and construction requirements established by the Department of Public Works and Engineering and other governmental agencies as applicable.

## **REQUIRED AUTHORIZATION**

**Other Authorization:**

**Other Authorization:**

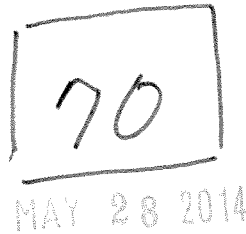
**Other Authorization:**

26-1

The development will be constructed in phases and is expected to be completed in December 2017, with the commercial scheduled to begin in the first phase. The projected property tax revenue for the combined residential and commercial development over a 30 year period is \$76 million assuming a modest growth rate of 3%. The maximum reimbursement for the public improvements to be constructed by Trendmaker and Clear Dorado is \$9,828,400 from the incremental property and sales taxes generated from the Development Site. The term of the agreement is the earlier of the final reimbursement payment or ten years.

The Reserves at Clear Lake project was presented to the Budget and Fiscal Affairs Committee on March 4, 2014.

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



MOTION NO. 2014

WRITTEN Motion by Council Member Davis to amend the proposed ordinance amending Chapters 2, 15 and 17 of the Code of Ordinances prohibiting discrimination on the basis of prohibiting discrimination on the basis of protected characteristics, etc., as follows:

I move to substitute the following for the written motion, Item 55d on the May 14, 2014, City Council agenda:

I move to amend Section 17-51 of Exhibit A of the proposed ordinance, Item 55L on the May 14, 2014 Agenda, be deleting subsection (b) of Section 17-51 in its entirety, and relettering the remaining subsections accordingly.

On 05/14/2014 the above motion was tagged by Council Member Bradford.

mla



# CITY OF HOUSTON

## Interoffice

Correspondence  
Council Member Jerry Davis  
District B

**To:** Mayor Annise Parker  
All Council Members

**From:** Jerry Davis  
Council Member, District B

**Date:** 5-14-2014

**Cc:** Marta Crinejo, Agenda Director  
Anna Russell, City Secretary

**Subject:** Equal Rights Ordinance Amendment

I move to substitute the following for the written motion, Item 55d on the May 14, 2014, City Council agenda:

I move to amend Section 17-51 of Exhibit A of the proposed ordinance, Item 55L on the May 14, 2014 Agenda, by deleting subsection (b) of Section 17-51 in its entirety, and relettering the remaining subsections accordingly.

70A

MOTION NO. 2014 0439

MAY 28 2014

MOTION by Council Member Laster that the following item be postponed to May 28, 2014.

Item 55L - Ordinance Amending Chapters 2, 15 and 17 of the Code of Ordinances, Houston, Texas, prohibiting discrimination on the basis of protected characteristics in City employment, City services, City contracting practices, housing, public accommodations, and private employment; containing findings and other provisions relating to the foregoing subject; declaring certain conduct unlawful; providing for a penalty; providing for severability

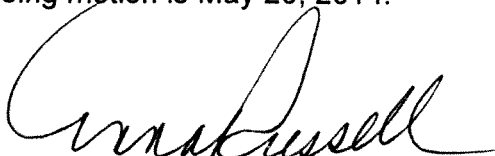
ROLL CALL VOTE:

Mayor Parker voting aye  
Council Member Stardig voting aye  
Council Member Davis voting aye  
Council Member Cohen voting no  
Council Member Boykins voting aye  
Council Member Martin voting no  
Council Member Nguyen voting aye  
Council Member Pennington voting aye  
Council Member Gonzalez voting no  
Council Member Gallegos voting no  
Council Member Laster voting aye  
Council Member Green voting aye  
Council Member Costello voting no  
Council Member Robinson voting aye  
Council Member Kubosh voting aye  
Council Member Bradford voting aye  
Council Member Christie voting aye

MOTION CARRIED

PASSED AND ADOPTED this 14th day of May, 2014.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is May 20, 2014.

  
City Secretary

City of Houston, Texas, Ordinance No. 2014-\_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTERS 2, 15 AND 17 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, PROHIBITING DISCRIMINATION ON THE BASIS OF PROTECTED CHARACTERISTICS IN CITY EMPLOYMENT, CITY SERVICES, CITY CONTRACTING PRACTICES, HOUSING, PUBLIC ACCOMMODATIONS, AND PRIVATE EMPLOYMENT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT UNLAWFUL; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, the City Council finds that all persons living in, working in or visiting the City are entitled to be treated with equal dignity and respect and have the right to be free from discriminatory and unequal treatment; and

**WHEREAS**, the City of Houston seeks to provide an environment that is free of any type of discrimination based on sex, race, color, ethnicity, national origin, age, familial status, marital status, military status, religion, disability, sexual orientation, genetic information, gender identity, or pregnancy ("Protected Characteristics"); and

**WHEREAS**, the City Council finds that achieving and maintaining a discrimination-free environment is necessary to effectively serve the public by enabling the City to recruit and train qualified employees and to procure and provide services to the public; and

**WHEREAS**, the City Council finds that it is in the best interests of the City and its citizens to incorporate the nondiscrimination policy of the City into contracts entered into by the City for which it spends public funds; and

**WHEREAS**, the City Council finds that discrimination on the basis of Protected Characteristics in privately owned and operated public accommodations, including restaurants, bars, entertainment venues and places of public amusement, hotels and motels and public conveyances ("Public Accommodations") results in the unjust exclusion of persons and a diminution of their dignity, respect, and status contrary to the public policy of the City and the Constitutional principles on which the United States was founded; and

**WHEREAS**, the City Council finds that it is necessary, appropriate and the proper responsibility of government to make discrimination in Public Accommodations unlawful in the City; and

**As amended 5/14/2014**

**WHEREAS**, the City Council finds that discrimination in employment results in the unequal treatment of persons and a diminution of their dignity, respect and status contrary to the public policy of the City and the Constitutional principles on which the United States was founded; and

**WHEREAS**, the City Council finds that it is necessary, appropriate, and the proper responsibility of government to make discrimination in Private Employment unlawful in the City; and

**WHEREAS**, the City Council recognizes the rights of each person to obtain housing without regard to Protected Characteristics; and

**WHEREAS**, the City Council finds that discrimination in housing on the basis of Protected Characteristics is contrary to the public policy of the City and the Constitutional principles on which the United States was founded; and

**WHEREAS**, the City Council finds that it is in the best interests of the City and its citizens to make discrimination in housing on the basis of Protected Characteristics unlawful in the City; **NOW, THEREFORE**,

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

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

**Section 2.** That Chapter 17 of the Code of Ordinances, Houston, Texas, is hereby amended in its entirety to read as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

**Section 2A.** That the following definition of *employer* in Section 17-2 of the Code of Ordinances shall become effective on the first anniversary of the effective date of this Ordinance:

*“Employer means a person who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and the person’s agent. The term does not include a person’s contractor or vendor with respect to the conduct of the contractor or vendor toward the employees of said contractor or vendor; the United States, or a corporation wholly owned by the government of the*

United States; a bona fide private membership club which is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1954; the state, a state agency, or political subdivision; or a religious organization.”

That the following definition of *employer* in Section 17-2 of the Code of Ordinances shall become effective on the second anniversary of the effective date of this Ordinance:

“*Employer* means a person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and the person’s agent. The term does not include a person’s contractor or vendor with respect to the conduct of the contractor or vendor toward the employees of said contractor or vendor; the United States, or a corporation wholly owned by the government of the United States; a bona fide private membership club which is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1954; the state, a state agency, or political subdivision; or a religious organization.”

**Section 3.** That Article XIV of Chapter 2 of the Code of Ordinances, Houston, Texas, is hereby repealed and reserved.

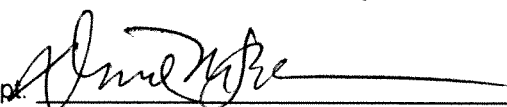
**Section 4.** That Section 15-17 of the Code of Ordinances, Houston, Texas, is hereby amended to read as set forth in Exhibit B, attached hereto and incorporated herein by this reference.

**Section 5.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 6.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on the thirtieth day next following the date of its passage and approval by the Mayor.

**PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2014.**

\_\_\_\_\_  
Mayor of the City of Houston

  
Prepared by Legal Dept. \_\_\_\_\_  
DMF:DFM:DAN:asw 5/1/2014 City Attorney  
Requested by the Honorable Annise D. Parker, Mayor  
L.D. File No. 0391300324001

# **EXHIBIT A**

**As amended 5/14/2014**

**Chapter 17**  
**EQUAL RIGHTS**

**ARTICLE I. IN GENERAL**

**Sec. 17-1. Public policy declared.**

It is the policy of the city that all of its residents and persons subject to its jurisdiction shall not be subject to discrimination based on an individual's sex, race, color, ethnicity, national origin, age, familial status, marital status, military status, religion, disability, sexual orientation, genetic information, gender identity or pregnancy.

**Sec. 17-2. Definitions.**

In this chapter:

*Age* means, for purposes of sections that address non-discrimination, 40 or more years of age.

*City employment and employment opportunities* shall include, but are not limited to, decisions that adversely affect an employee's pay, status, position or assignment, including opportunities for overtime pay and advancement, and includes decisions regarding recruitment, job application procedures, referrals for employment, selection and hiring, appointment, compensation, promotions, demotions, transfers, layoffs, recalls, training, educational opportunities, and all forms of discipline, including indefinite suspensions/terminations.

*Contractor* means any person, including subcontractors, who through a contract or other arrangement, has received, is to receive, or is receiving public funds for work, goods, or services delivered or rendered to the city.

*Disability* means a mental or physical impairment that substantially limits at least one major life activity, a record of the impairment, or being regarded as having the impairment. This term does not include the current, illegal use of or addiction to a controlled substance as defined under state and federal law.

*Discriminate* means to intentionally distinguish, differentiate, separate, or segregate to the advantage or disadvantage of any person on the basis of a protected characteristic, except as required by federal or state law or court order.

*Employee* means an individual employed by an employer.

*Employer* means a person who has 50 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and the person's agent. The term does not include a person's contractor or vendor with respect to the conduct of the contractor or vendor toward the employees of said contractor or vendor; the United States, or a corporation wholly owned by the government of the United States; a bona fide private membership club which is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1954; the state, a state agency, or political subdivision; or a religious organization.

*Familial status* means the status of a person resulting from being domiciled with an individual younger than 18 years of age in regard to whom the person:

- (1) Is the parent or legal custodian; or
- (2) Has the written permission of the parent or legal custodian for domicile with the individual; or
- (3) Is in the process of obtaining legal custody.

*Gender identity* means an individual's innate identification, appearance, expression or behavior as either male or female, although the same may not correspond to the individual's body or gender as assigned at birth.

*Genetic information* means information about an individual's genetic tests, the genetic tests about an individual's family members, and the manifestation of disease or disorder in family members of an individual. The term does not include the age, sex, race, color, ethnicity, national origin, religion, or disability of any individuals.

*Inspector general* means the person in charge of the Office of the Inspector General created by Executive Order No. 1-39 or his or her designee.

*Military status* means a person who is serving or has served in the uniformed service, and who, if discharged, was discharged or released under conditions other than dishonorable. *Uniformed services* is defined as set forth in 20 C.F.R. 1002.5(o).

*Person* means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee or receiver.

*Place of public accommodation* means every business with a physical location in the city, whether wholesale or retail, which is open to the general

public and offers for compensation any product, service, or facility. The term includes, but is not limited to, all hotels, motels, restaurants, bars, lounges, nightclubs or cabarets where food or beverages are sold or offered for sale, theaters, washaterias, bowling alleys, skating rinks, golf courses, and other places of public amusement, and all public conveyances, as well as the stations or terminals thereof. For purposes of article IV of this chapter, the leasing office, visitor parking area and model units of a multi-family housing facility shall not be considered a *place of public accommodation*.

*Protected characteristic* means an individual's sex, race, color, ethnicity, national origin, age, familial status, marital status, military status, religion, disability, sexual orientation, genetic information, gender identity or pregnancy.

*Religion* means all aspects of religious observance and practice, as well as belief.

*Religious organization* means:

- (1) A religious corporation, association, social service or society;
- (2) A school, college, university, or other educational institution or institution of learning, if the institution is, in whole or in substantial part, controlled, managed, owned, or supported by a religion, religious corporation, association or society; or the curriculum of the institution is directed toward the propagation of a religion; or
- (3) A nonprofit institution or organization operated, supervised, or controlled by a religious corporation, association, social service or society.

*Retaliation*, in connection with employment, means conduct or decisions that a reasonable employee would view as materially adverse and whose purpose or effect is to discourage employees from exercising their rights under this article, city policy, or law.

*Sex* means the biological differences between men and women, and gender.

*Sexual orientation* means the actual or perceived status of a person with respect to his or her sexuality.

**Secs. 17-3--17-30. Reserved.**

## **ARTICLE II. CITY EMPLOYMENT AND CITY SERVICES**

### **Sec. 17-31. Prohibition against discrimination in city employment.**

It is the policy of the city that the city will not discriminate in city employment and employment opportunities on the basis of any protected characteristic. For purposes of this section, *discriminate* includes, but is not limited to, any act or demonstration of preference or antipathy in making decisions regarding employment that adversely affect an employee's pay, status, position, or assignment, including opportunities for overtime pay and advancement, and includes decisions regarding recruitment, job application procedures, referrals for employment, selection and hiring, appointment, compensation, promotions, demotions, transfer, retention, layoffs, recalls, training, educational opportunities, and all forms of discipline, including indefinite suspensions/terminations.

This policy applies to city officials and all employees regardless of civil service status, classification, pay grade, length of employment, or full-time or part-time status.

### **Sec. 17-32. Prohibition against discrimination in city services.**

It is the policy of the city that the city will not discriminate on the basis of any protected characteristic in authorizing or making available the use of city facilities or in the delivery of city programs, services or activities.

### **Sec. 17-33. Enforcement.**

(a) It is the policy of the city that no employee or official of the city shall engage in any act or practice prohibited by this article.

(b) An employee or official found in violation of this article shall be subject to disciplinary action up to and including indefinite suspension/termination or removal from office pursuant to applicable city ordinances, city charter provisions, executive orders, administrative procedures, laws, and policies. An employee who believes he or she has been subject to discrimination in violation of this article shall submit a written complaint to the inspector general not later than 180 days after the alleged violation occurs.

(c) The provisions of this article shall be enforced pursuant to applicable city ordinances, city charter provisions, executive orders, administrative procedures, laws, and policies.

(d) The office of the inspector general is responsible for investigating all facts and circumstances that reasonably appear to constitute a violation of this article.

**Sec. 17-34. Retaliation prohibited.**

No city employee or official shall retaliate against any person who has filed a complaint in good faith pursuant to this section. If the inspector general determines that retaliation has occurred, the city employee or official shall be subject to discipline, up to and including indefinite suspension.

**Secs. 17-35--17-40. Reserved.**

**ARTICLE III. CONTRACTING**

**Sec. 17-41. Prohibition against discrimination in awarding contracts.**

It is the policy of the city that the city will not discriminate in the consideration, award, or administration of any contract entered into between the city and any person (including, but not limited to, any contractor, vendor, supplier, lessee, or lessor) for the provision of any works, goods, or services of any type to the city. The language of section 15-17 of this Code shall be included in every contract entered into by the city. The language of this article shall not be interpreted to conflict with provisions of chapter 15 of this Code.

**Sec. 17-42. Prohibition against discrimination in the performance of a contract; penalties; retaliation prohibited.**

(a) It shall be unlawful for any contractor to discriminate against any person on the basis of any protected characteristic, except as required by federal or state law or court order, in the performance of any contract entered into with the city. A person employed in connection with a city contract who has a good faith belief that he or she is the victim of discrimination may file a complaint with the inspector general on a form prescribed by the inspector general. Any person claiming to be aggrieved by an unlawful employment action in connection with the performance of a city contract shall file a verified complaint in writing no later than 180 days after the alleged violation.

(b) If a contractor is found to have violated this section in connection with any city contract, the inspector general shall refer the matter to the city attorney for appropriate action to serve the best interests of the city, including the use of remedies provided by the city's contract with the contractor.

(c) No contractor shall retaliate against any person who has filed a complaint in good faith pursuant to this section. If the inspector general determines that retaliation has occurred, he shall refer the matter to the city attorney pursuant to subsection (b) of this section.

**Sec. 17-43. Investigation of complaints of discrimination in the performance of a contract; procedures.**

(a) The office of the inspector general shall investigate the complaint and determine whether a violation as defined in this article has occurred. In addition to other investigative tools, the inspector general may take statements and inspect relevant records. If the inspector general is not able to obtain voluntary cooperation in connection with its investigation, he shall refer the matter to the city attorney for appropriate action.

(b) If the complaint is found to be deficient, the inspector general shall dismiss the case. All investigations conducted pursuant to this article shall be conducted in a confidential manner and records of any such investigations shall be confidential to the extent permitted by law.

(c) Upon completion of the investigation of the complaint, if the inspector general determines that the complaint alleges a violation of this article, the inspector general shall affirmatively engage in conciliation of the complaint. If no resolution is achieved, the inspector general shall refer the matter to the city attorney for appropriate action.

**Secs. 17-44--17-50. Reserved.**

**ARTICLE IV. PUBLIC ACCOMMODATIONS**

**Sec. 17-51. Prohibition against discrimination in public accommodations.**

(a) It shall be unlawful for any place of public accommodation or any employee or agent thereof to intentionally discriminate against any person on the basis of any protected characteristic, except as required by federal or state law or court order.

(b) It shall be unlawful for any place of public accommodation or any employee or agent thereof to intentionally deny any person entry to any restroom, shower room, or similar facility if that facility is consistent with and appropriate to that person's expression of gender identity. It shall be a defense to prosecution for discrimination on the basis of gender identity under this article, however, if the defendant had a good faith belief that the gender or gender identity of the person discriminated against was not consistent with the gender designation of the facility. For purposes of this section, a defendant has a good faith belief if the manner in which the person represented or expressed gender to others (e.g. behavior, clothing, hairstyles, activities, voice or mannerisms) is not consistent with the gender designation of the facility the person attempted to access. Nothing in this section shall require construction of a new bathroom, shower room, or similar facility.

(c) It shall be a defense to prosecution for discrimination on the basis of disability under this article that the alleged discrimination resulted from a condition or structural feature for which a variance had been received from the city under applicable ordinance or regulation. It shall also be a defense to prosecution for discrimination on the basis of accessibility that the place of public accommodation is in compliance with applicable state or federal law relating to accessibility.

(d) It shall be unlawful for a person to file a complaint in bad faith under this article. For purposes of this article, *bad faith* means wholly without foundation in law or fact, or done solely for the purpose of harassment.

#### **Sec. 17-52. Investigation of alleged violations; procedures.**

(a) Any person claiming to be aggrieved by an unlawful public accommodation practice shall file a verified complaint in writing with the office of the inspector general not later than 180 days after the alleged violation occurred. Multiple complaints involving the same incident and alleging the same discrimination shall be treated as one alleged violation for investigation and penalty. If the complaint states a claim that is within the jurisdiction of a federal or state agency, the inspector general may refer the complaint to the appropriate agency for further action and discontinue the investigation of the complaint.

(b) Except as to complaints that are referred to a federal or state agency, the office of the inspector general shall investigate the complaint and determine whether a violation as defined in this article has occurred. In addition to other investigative tools, the inspector general may take statements and inspect relevant records. If the inspector general is not able to obtain voluntary cooperation in connection with its investigation, the city attorney, in consultation with the inspector general, may request city council to issue a subpoena or subpoena duces tecum to compel the attendance of a witness or the production of relevant materials or documents. City council may issue such subpoena if it determines that there is reasonable cause to believe that this article may have been violated.

(c) If the complaint is found to be deficient or untimely, the inspector general shall dismiss the case. All investigations conducted pursuant to this article shall be conducted in a confidential manner and records of any such investigations shall be confidential to the extent permitted by law. The inspector general shall complete the investigation of the complaint no later than one year after the filing of the complaint.

(d) Upon completion of the investigation of the complaint, if the inspector general determines that the complaint alleges a violation of this article, the inspector general shall affirmatively engage in conciliation of the complaint. If no such resolution is achieved, the inspector general shall refer the matter to the city attorney for appropriate action in accordance with this article.

(e) No finding, conciliation or adjudication under this article shall be admissible in connection with the city's licensing, permitting, or regulatory matters.

**Sec. 17-53. Effect of provisions on civil remedies.**

This article shall neither add to nor detract from any civil remedies now available to persons complaining of discrimination under this article.

**Sec. 17-54. Exemptions.**

This article shall not apply to:

- (1) Any hotel, motel, restaurant, bar, lounge, nightclub, cabaret, theater, bowling alley, skating rink, golf course, or similar facility operated by a bona fide private club when the accommodations, advantages, facilities, and services of the entity are restricted to the members of such club and their guests and not for the purpose of evading this article; or
- (2) Any bona fide social, fraternal, educational, civic, or religious organization, or to any private kindergarten, day care center or nursery school, when the profits of such accommodations, advantages, facilities and services, above reasonable and necessary expenses, are solely for the benefit of such organization.
- (3) Any facility owned or operated by a federal, state, county or other local governmental entity.
- (4) Discounts of any product, service, or facility for any person on the basis of age or military status.

**Sec. 17-55. Criminal penalties for violation.**

(a) A person who violates a provision of this article commits a criminal offense, a Class C misdemeanor. A person is guilty of a separate criminal offense for each day or part of a day during which a violation is committed, continued, or permitted.

(b) A criminal offense under this article is punishable in municipal court by a fine of not less than \$250.00 nor more than \$500.00. In no event shall the aggregate of all fines relating to the same complaint filed by a complainant exceed \$5000.00.

(c) A person prosecuted for a violation of this article shall be entitled to a trial by jury in municipal court.

**Secs. 17-56--17-60. Reserved.**

## ARTICLE V. PRIVATE EMPLOYMENT

### **Sec. 17-61. Prohibition against discrimination in employment.**

(a) It shall be unlawful for any employer to intentionally discriminate in employment and employment opportunities on the basis of any protected characteristic. For purposes of this section, *discriminate* includes but is not limited to, any intentional act or demonstration of preference or antipathy in making decisions regarding employment that adversely affect an employee's pay, status, position, or assignment, including opportunities for overtime pay and advancement, and includes decisions regarding recruitment, job application procedures, referrals for employment, selection and hiring, appointment, compensation, promotions, demotions, transfer, retention, layoffs, recalls, training, educational opportunities, and all forms of discipline, including terminations.

(b) It shall be unlawful for any employer to retaliate against any person who has filed a complaint in good faith pursuant to this article.

(c) An employer may assert any applicable affirmative defenses available under Texas or federal discrimination laws as a defense to prosecution under this article.

(d) It shall be unlawful for a person to file a complaint in bad faith under this article. For purposes of this article, *bad faith* means wholly without foundation in law or fact, or done solely for the purpose of harassment.

### **Sec. 17-62. Investigation of alleged violations; procedures.**

(a) Any employee claiming to be aggrieved by an unlawful employment practice shall file a verified complaint in writing with the office of the inspector general not later than 180 days after the alleged violation occurred. If the complaint states a claim that is within the jurisdiction of a federal or state agency, the inspector general shall refer the complaint to the appropriate agency for further action and discontinue the investigation of the complaint.

(b) Except as to complaints that are referred to a federal or state agency, the office of the inspector general shall investigate the complaint and determine whether a violation as defined in this article has occurred. In addition to other investigative tools, the inspector general may take statements and inspect relevant records. If the inspector general is not able to obtain voluntary cooperation in connection with its investigation, the city attorney, in consultation with the inspector general, may request the city council to issue a subpoena or subpoena duces tecum to compel the attendance of a witness or the production of relevant materials or documents. City council may issue such subpoena if it determines that there is reasonable cause to believe that this article may have been violated.

(c) If the complaint is found to be deficient or untimely, the inspector general shall dismiss the case. All investigations conducted pursuant to this article shall be conducted in a confidential manner and records of any such investigations shall be confidential to the extent permitted by law. The inspector general shall complete the investigation of the complaint no later than one year after the filing of the complaint.

(d) Upon completion of the investigation of the complaint, if the inspector general determines that the complaint alleges a violation of this article, the inspector general shall affirmatively engage in conciliation of the complaint. If no such resolution is achieved, the inspector general shall refer the matter to the city attorney for appropriate action in accordance with this article.

(e) No finding, conciliation or adjudication under this article shall be admissible in connection with the city's licensing, permitting, or regulatory matters.

**Sec. 17-63. Effect of provisions on civil remedies.**

This article shall neither add to nor detract from any civil remedies now available to persons complaining of discrimination under this article.

**Sec. 17-64. Criminal penalties for violation.**

(a) A person who violates a provision of this article commits a criminal offense, a Class C misdemeanor. A person is guilty of a separate criminal offense for each day or part of a day during which a violation is committed, continued, or permitted.

(b) A criminal offense under this article is punishable in municipal court by a fine of not less than \$250.00 nor more than \$500.00. In no event shall the aggregate of all fines relating to the same complaint filed by a complainant exceed \$5000.00.

(c) A person prosecuted for a violation of this article shall be entitled to a trial by jury in municipal court.

**Secs. 17-65--17-100. Reserved.**

## **ARTICLE VI. FAIR HOUSING**

### **DIVISION 1. GENERAL PROVISIONS**

**Sec. 17-101. Prohibition against discrimination in housing.**

It is the policy of the City of Houston to promote housing opportunities for all persons. Such policy is established upon the recognition of the rights of each individual to obtain housing without regard to a protected characteristic; and further that the denial

of such rights through considerations based on a protected characteristic is detrimental to the health, safety, and welfare of the inhabitants of the city and constitutes an unjust denial or deprivation of such rights which are within the power and the proper responsibility of the city to prevent.

**Sec. 17-102. Purpose.**

The purposes of this article are:

- (1) To provide for fair housing practices in the city;
- (2) To create a procedure for investigating and settling complaints of discriminatory housing practices and any residential real estate-related transactions; and
- (3) To provide rights and remedies substantially equivalent to those granted under the Federal Fair Housing Act.

**Sec. 17-103. Office established.**

There is hereby established within the housing and community development department the office of fair housing. The mission of the office of fair housing shall be to monitor and evaluate fair housing opportunities in the city and to hear fair housing complaints under this article.

**Sec. 17-104. General duties of the office of fair housing.**

The duties of the fair housing staff shall be:

- (1) To study the nature and extent of discriminatory housing practices in both the private and public sectors;
- (2) To evaluate and assess the city's activities in connection with the development of fair housing opportunities in the city;
- (3) To recommend to the mayor and city council reasonable provisions and programs to further fair housing opportunities in the city; and
- (4) To investigate, process, and hear fair housing complaints under division 5 of this article, and complaints referred by federal or state agencies that are filed under state or federal housing laws.

**Sec. 17-105. Fair housing administrator.**

(a) There is hereby created the office of fair housing administrator, who shall be in charge of the office of fair housing. The fair housing administrator, who shall be appointed by the mayor and confirmed by the city council, shall have the responsibility for implementing and enforcing this article and may establish such rules and regulations as are determined necessary to perform the duties of that office.

(b) The fair housing administrator shall cooperate with the Secretary of Housing and Urban Development and the Attorney General of the United States in the enforcement of the federal Fair Housing Act, and may assist the secretary or attorney general in any way consistent with the policy of this article. The fair housing administrator is encouraged to cooperate with the Texas Workforce Commission, Civil Rights Division, in the enforcement of the Texas Fair Housing Act.

(c) The fair housing administrator shall treat a complaint referred by the Secretary of Housing and Urban Development or the Attorney General of the United States under the federal Fair Housing Act, or by the Texas Workforce Commission, Civil Rights Division, under the Texas Fair Housing Act, as a complaint filed under this article. No action will be taken under this article against a person for a discriminatory housing practice if the referred complaint was filed with the governmental entity later than one year after an alleged discriminatory housing practice occurred or terminated.

(d) The fair housing administrator may order discovery in aid of investigations under this article. Such discovery may be ordered to the same extent and is subject to the same limitations as would apply if the discovery were ordered in aid of a civil action in a state district court of Harris County, Texas.

**Secs. 17-106--17-110. Reserved.**

**DIVISION 2. DEFINITIONS**

**Sec. 17-111. General 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:

*Accessible* means capable of being approached, entered, and used by a person with a physical disability

*Accessible route* means a continuous unobstructed path connecting accessible elements and spaces in a housing accommodation that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by a person with other disabilities.

*Aggrieved person* means a person who claims to have been injured by a discriminatory housing practice or believes that a person will be injured by a discriminatory housing practice that is about to occur.

*Building entrance on an accessible route* means an accessible entrance to a covered multi-family dwelling that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to the public streets or sidewalks, if available.

*Complainant* means a person, including the fair housing administrator, who files a complaint under section 17-131 of this Code.

*Conciliation* means the attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the complainant if different from the aggrieved person, the respondent and the fair housing administrator.

*Conciliation agreement* means a written agreement setting forth the resolution of the issues in the conciliation.

*Covered multi-family dwelling* means a building consisting of 4 or more dwelling units if the building has one or more elevators; and a ground floor dwelling unit in any other building consisting of four or more dwelling units.

*Defense* means a defense to criminal prosecution in municipal court as explained in the Texas Penal Code. *Defense* also means, where specifically provided, an exemption from a civil action.

*Discriminatory housing practice* means conduct that is an offense under division 3 of this article.

*Dwelling* means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

*Dwelling unit* means a single unit of residence for a family.

*Fair housing administrator* means the fair housing administrator of the fair housing office designated to enforce and administer this article and includes the fair housing administrator's designated representative and the inspector general.

*Federal Fair Housing Act* means the Fair Housing Act of 1968, 42 U.S.C. § 3601, et seq., as amended.

*Housing accommodation* means:

- a. Any building, structure, or part of a building or structure that is occupied, or designed or intended for occupancy as a residence for one or more families; and
- b. Any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by part a of this definition.

*Rent* means and includes to lease, sublease, let or otherwise grant for consideration the right to occupy premises not owned by the occupant.

*Residential real estate-related transaction* means:

- a. The making or purchasing of loans or the providing of other financial assistance:
  - [1] For purchasing, constructing, improving, repairing, or maintaining a housing accommodation; or
  - [2] Secured by residential real estate; or
- b. The selling, brokering, or appraising of residential real property.

*Respondent* means a person identified in a complaint or charge as having committed a discriminatory housing practice under this article.

*Texas Fair Housing Act* means the act set forth in Chapter 301, Texas Property Code.

### DIVISION 3. DISCRIMINATORY HOUSING PRACTICES

#### **Sec. 17-112. Discriminatory housing practices.**

(a) A person commits an offense if he or she, because of a protected characteristic:

- (1) Refuses to negotiate with a person for the sale or rental of a housing accommodation or otherwise denies or makes unavailable a housing accommodation to a person;

- (2) Refuses to sell or rent, or otherwise makes unavailable, a housing accommodation to another person after the other person makes an offer to buy or rent the accommodation; or
- (3) Discriminates against a person in the terms, conditions, or privileges of, or in providing a service or facility in connection with, the sale or rental of a housing accommodation.

(b) A person commits an offense if he or she, because of a protected characteristic:

- (1) Represents to a person that a housing accommodation is not available for inspection, sale, or rental if the accommodation is available;
- (2) Discriminates against a prospective buyer or renter in connection with the showing of a housing accommodation; or
- (3) With respect to a multiple listing service, real estate brokers' organization, or other business relating to selling or renting housing accommodations:
  - a. Denies a person access to or membership in the business; or
  - b. Discriminates against a person in the terms or conditions of access to or membership in the business.

(c) A person commits an offense if he or she:

- (1) For profit, induces or attempts to induce another person to sell or rent a housing accommodation by a representation that a person of a protected characteristic is in proximity to, is present in, or may enter into the neighborhood in which the housing accommodation is located;
- (2) Makes an oral or written statement indicating a preference or a policy of discrimination based on a protected characteristic; or
- (3) Prints or publicizes or causes to be printed or publicized an advertisement that expresses a preference or policy of discrimination based on a protected characteristic in the selling or renting of a housing accommodation.

(d) A person who engages in a residential real estate-related transaction commits an offense if he or she, because of a protected characteristic, discriminates against a person:

- (1) In making a residential real estate-related transaction available; or

- (2) In the terms or conditions of a residential real estate-related transaction.
- (e) A person commits an offense if he or she:
  - (1) Discriminates in the sale or rental of a housing accommodation to any buyer or renter because of a disability of:
    - a. That buyer or renter;
    - b. A person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or
    - c. Any person associated with that buyer or renter; or
  - (2) Discriminates against any person in the terms, conditions, or privileges of sale or rental of a housing accommodation, or in the provision of services or facilities in connection with the housing accommodation, because of a disability of:
    - a. That person;
    - b. A person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or
    - c. Any person associated with that person.
- (f) A person commits an offense if he or she:
  - (1) Refuses to permit, at the expense of a person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person with a disability, if the modifications may be necessary to afford the person with a disability full use of the premises; except that, in the case of a rental, the landlord may, where reasonable to do so, condition permission for modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
  - (2) Refuses to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a housing accommodation;
  - (3) Fails to design or construct a covered multi-family dwelling for first occupancy after March 13, 1991, in such a manner as to have at least one

building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site; or

- (4) Fails to design and construct a covered multi-family dwelling, for first occupancy after March 13, 1991, in such a manner that:
  - a. The public use and common use portions of the dwellings are readily accessible to and usable by a person with a disability;
  - b. All the doors designed to allow passage into and within all premises within the dwelling are sufficiently wide to allow passage by a person with a disability in a wheelchair; and
  - c. All dwellings contain the following features of adaptive design:
    - [1] An accessible route into and through the dwelling unit;
    - [2] Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
    - [3] Reinforcements in the bathroom walls to allow installation of grab bars; and
    - [4] Kitchens and bathrooms laid out in such a manner that an individual in a wheelchair can maneuver about the space.

It shall be an affirmative defense to prosecution for discrimination on the basis of disability under items (3) and (4) of this subsection for failing to design or construct a covered multi-family dwelling if the construction of the covered multi-family dwelling was in compliance with applicable state or federal laws relating to disability at the time of construction.

(g) A person commits an offense if he or she coerces, intimidates, threatens, or otherwise interferes with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this article.

(h) A person commits an offense if he or she retaliates against any person for making a complaint or testifying, assisting, or participating in any manner in a proceeding under this article.

(i) The provisions of this article do not apply to discrimination based on age.

(j) It shall be unlawful for a person to file a complaint in bad faith under this article. For purposes of this article, *bad faith* means wholly without foundation in law or fact, or done solely for the purpose of harassment.

**Secs. 17-113--17-120. Reserved.**

#### DIVISION 4. EXEMPTIONS

**Sec. 17-121. Certain sales and rentals exempted.**

(a) Except as provided in subsection (b) of this section, and in accordance with federal law:

- (1) The sale or rental of a single-family house sold or rented by an owner does not constitute an unlawful action under this article if the owner does not:
  - a. Own more than 3 single-family houses at any one time; or
  - b. Own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to any part of the proceeds from the sale or rental of more than 3 single family houses at any time; and
- (2) The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than 4 families living independently of each other does not constitute an unlawful act under this article if the owner maintains and occupies one of the living quarters as the owner's residence.

(b) The exemption in item (1) of subsection (a) of this section applies only when there is one sale or rental in a 24-month period, if:

- (1) The owner was not the most recent resident of the house at the time of or prior to the sale or rental;
- (2) The private, bona fide individual owner has sold or rented the house without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

- (3) The private, bona fide individual owner has sold or rented the dwelling without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the federal Fair Housing Act.

Nothing in this section shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other professional assistance as necessary to perfect transfer of title.

**Sec. 17-122. Religious organizations and private clubs exemption.**

(a) This article does not prohibit a religious organization or a nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization from, in accordance with federal law:

- (1) Limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or
- (2) Giving preference to persons of the same religion, unless membership in the religion is restricted because of a protected characteristic.

(b) This article does not prohibit a private club not open to the public that, as an incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of that lodging to its members or from giving preference to its members.

**Sec. 17-123. Housing for the elderly exempted.**

The provisions of this article relating to familial status, age and pregnancy do not apply to housing for older persons.

**Sec. 17-124. Appraisal exemption.**

This article does not prohibit a person engaged in the business of furnishing appraisals of residential real property from taking into consideration factors other than a protected characteristic.

**Sec. 17-125. Effect on other law.**

This article does not affect a requirement of nondiscrimination in any other ordinance or state or federal law.

**Sec. 17-126. Effect on deed restrictions and other laws.**

This article shall not be interpreted to interfere with the enforcement of a lawful deed restriction or a limitation on the number of persons who may occupy a dwelling unit that is otherwise permissible under federal or state law.

**Secs. 17-127--17-130. Reserved.**

**DIVISION 5. ADMINISTRATIVE/COURT ENFORCEMENT**

**Sec. 17-131. Complaints.**

(a) Complaints may be filed not later than one year after an alleged discriminatory housing practice has occurred or terminated. Any aggrieved person may file a complaint. The complaint may be filed with the assistance of an authorized representative of an aggrieved person, including any organization acting on behalf of an aggrieved person. The fair housing administrator may also file a complaint if he has reasonable cause to believe that a person has committed a discriminatory housing practice. If the complaint, other than a complaint referred pursuant to subsection (b) of this section, states a claim that is within the jurisdiction of a federal or state agency, the fair housing administrator may refer the complaint to the appropriate agency for further action and discontinue the investigation of the complaint.

(b) The fair housing administrator shall treat complaints referred by the Secretary of Housing and Urban Development or the Attorney General of the United States under the federal Fair Housing Act or by the Texas Workforce Commission, Civil Rights Division, under the Texas Fair Housing Act as though filed under subsection (a) above.

(c) A complaint must be made:

- (1) In writing; and
- (2) Under oath or affirmation by an aggrieved person, or by an individual on behalf of an aggrieved person, stating: "I declare under penalty of perjury that the foregoing is true and correct."

(d) Each complaint must contain substantially the following information:

- (1) The name and address of the respondent.
- (2) Name, address and signature of the complainant.
- (3) The name and address of the aggrieved person if different from the complainant.

- (4) Date of the occurrence or termination of the discriminatory housing practice and the date of filing of the complaint.
  - (5) A description and address of the dwelling that is involved in a discriminatory housing practice.
  - (6) A concise statement of the facts constituting the alleged discriminatory housing practice, including the basis for the discrimination (specifying the relevant protected characteristic).
- (e) A complaint may be reasonably and fairly amended at any time.
- (f) Except as to complaints that are referred to a federal or state agency, within 10 days after the filing of a complaint, the fair housing administrator shall:
- (1) Give the complainant, and the aggrieved person if different from the complainant, written notice that the complaint has been received; and
  - (2) Advise the complainant, and aggrieved person if different from the complainant, of the time limits applicable to the complaint and of any rights and choice of forums under this article.
- (g) Not later than the 10<sup>th</sup> day after the filing of the complaint, the fair housing administrator shall serve on each respondent:
- (1) A written notice that a complaint alleging the commission of a discriminatory housing practice has been filed against the respondent; identifying the alleged discriminatory housing practice; advising the respondent of the procedural rights and obligations of a respondent under this article, including the right to file a written, signed and verified informal answer to the complaint within 10 days after service of notice of the complaint; and setting out the rights and remedies of the aggrieved person under the article; and
  - (2) A copy of the original complaint.

**Sec. 17-132. Answer.**

- (a) Not later than the 10<sup>th</sup> day after receipt of the notice and copy of the complaint under subsection (g) of section 17-131 of this Code, a respondent shall file an answer to the complaint.

(b) An answer to a complaint:

- (1) Must be made in writing;
- (2) May include the assertion of any defense that might be available to a defendant in a court of law;
- (3) Must be signed and affirmed by the respondent; and
- (4) Must include an affirmation that states: "I declare under penalty of perjury that the foregoing is true and correct."

(c) An answer may be reasonably and fairly amended at any time before the fair housing administrator refers the matter to the city attorney for prosecution. The fair housing administrator shall furnish a copy of each amended complaint or answer, respectively, to each respondent or complainant, and to any aggrieved person who is not the complainant, as promptly as is practicable.

(d) The filing of an answer does not inhibit the investigation of a complaint.

#### **Sec. 17-133. Investigation.**

(a) If the federal government or the state of Texas has referred a complaint to the fair housing office or has deferred jurisdiction over the subject matter of a complaint to the fair housing office, the fair housing office shall initiate an investigation of the allegations set forth in the complaint.

(b) The fair housing office shall investigate all complaints within 30 days after a complaint is filed, and, except as provided by subsection (c) of this section, shall complete an investigation within 100 days after the date of filing of the complaint, and shall dispose of all administrative proceedings related to the investigation not later than one year after the date the complaint is filed.

(c) The fair housing administrator shall seek the voluntary cooperation of any person to:

- (1) Obtain access to premises, records, documents, individuals, and any other possible source of information;
- (2) Examine, record, and copy necessary materials; and
- (3) Take and record testimony or statements of any person reasonably necessary for the furtherance of the investigation.

(d) If the fair housing office is unable to complete an investigation within the time periods prescribed by subsection (b) of this section the fair housing administrator shall notify the complainant and the aggrieved person, if different from the complainant, and the respondent, in writing, of the reasons for the delay.

(e) The fair housing administrator shall assist in the investigation of complaints submitted to the fair housing office, and in preparing reports required under this article.

(f) Upon completion of an investigation where the fair housing administrator has made a determination that a discriminatory housing practice has in fact occurred, if the fair housing administrator is unable to secure from the respondent an acceptable conciliation agreement, then the fair housing administrator shall refer matters within the jurisdiction of HUD to HUD and refer all other matters to the city attorney for appropriate action in accordance with this article.

(g) The fair housing administrator and the city attorney are authorized and encouraged to cooperate with the Secretary of Housing and Urban Development pursuant to the provisions of Title VIII of the Federal Fair Housing Act and may render such service to the secretary as they shall deem appropriate to further the policies of this article and may accept reimbursement from the Secretary for services rendered to assist in carrying out the provisions of the above cited federal law.

(h) An investigation shall remain open until a reasonable cause determination is made under section 17-137 of this Code, a conciliation agreement is executed and approved under section 17-135 of this Code, or the complaint is dismissed under section 17-139 of this Code. Unless impracticable to do so, the fair housing administrator shall complete the investigation within the 100-day period prescribed in subsection (b) of this section.

(i) This section does not limit the authority of the fair housing administrator to conduct such other investigations or to use such other lawful enforcement procedures as the fair housing administrator considers necessary to enforce this article.

(j) The fair housing administrator shall prepare a final investigative report showing:

- (1) The names of and dates of contact with witnesses;
- (2) A summary, including dates, of correspondence and other contacts with the aggrieved person and the respondent;
- (3) A summary description of other pertinent records;
- (4) A summary of witness statements; and

- (5) Answers to interrogatories, if any.

**Sec. 17-134. Additional or substitute respondent.**

(a) The fair housing administrator may join a person not named in the complaint as an additional or substitute respondent if, in the course of the investigation, the fair housing administrator determines that the person should be accused of a discriminatory housing practice. Within 10 days after the fair housing administrator's determination, any additional or substitute respondent shall be served with notice and a copy of the complaint, as provided in subsection (g) of section 17-131 of this Code.

(b) In addition to the information required in the notice under subsection (c) of section 17-91 of this Code the fair housing administrator shall include in the notice to a respondent joined under this section an explanation of the basis for the determination that the person is properly joined as a respondent. The added respondent shall be given an opportunity to file an answer to the complaint within 10 days after receipt of the notice, as provided in section 17-132 of this Code.

**Sec. 17-135. Conciliation.**

(a) The fair housing administrator shall, during the period beginning with the filing of a complaint and ending with issuance of charge under section 17-138 of this Code, the dismissal of complaint under section 17-139 of this Code, or the dismissal of a criminal action in municipal court, after consulting with the city attorney, where feasible, engage in conciliation with respect to the complaint. In conciliating a complaint, the administrator shall try to achieve a just resolution and obtain assurances that the respondent will satisfactorily remedy any violation of the aggrieved person's rights and take action to assure the elimination of both present and future discriminatory housing practices.

(b) The fair housing administrator shall conduct a conciliation negotiation of any complaint received by the fair housing office, provided that all final conciliation agreements shall be submitted to the city attorney for review and approval.

(c) If a conciliation agreement is executed under this section, a party to the agreement may not be prosecuted in municipal court, nor may the fair housing administrator issue a charge against a party, for the discriminatory housing practice specified in the conciliation agreement under this section unless the fair housing administrator determines that the agreement has been violated and notifies the city attorney in writing of the violation.

(d) A conciliation agreement must be in writing in the form approved by the city attorney and must be signed and verified by the respondent, the complainant, and the aggrieved person if different from the complainant, subject to approval of the fair housing administrator who shall indicate approval by signing the agreement. A

conciliation agreement is deemed executed upon its signing and verification by all parties to the agreement.

(e) A conciliation agreement executed under this section must contain:

- (1) Identification of each discriminatory housing practice and each corresponding respondent that gives rise to the conciliation agreement under this section that the parties agree to make subject to the limitation on prosecution in subsection (c) of this section;
- (2) An identification of the housing accommodation subject to the conciliation agreement;
- (3) A statement that each party entering into the conciliation agreement agrees not to violate this article or the conciliation agreement; and
- (4) Any other term or condition agreed to by the parties.

(f) The conciliation agreement may provide for binding arbitration or other method of dispute resolution. Dispute resolution resulting from a conciliation agreement may authorize appropriate relief, including monetary relief (in the form of damages, including humiliation and embarrassment, and attorney fees) and equitable relief (such as access to the housing accommodation at issue, or to a comparable housing accommodation, and provision of services at facilities in connection with a housing accommodation).

(g) Nothing said or done in the course of conciliation may be made public or used as evidence in a subsequent proceeding under this article without the written consent of the persons concerned.

(h) After completion of the investigation, the fair housing administrator shall make available to the aggrieved person and the respondent, at any time, information derived from the investigation as well as the final investigative report.

(i) A conciliation agreement may be made public, unless the aggrieved person and the respondent request non-disclosure and the fair housing administrator determines that disclosure is not required to further the purposes of this article. Notwithstanding a determination that disclosure of a conciliation agreement is not required, the fair housing administrator may publish tabulated descriptions of the results of all conciliation efforts.

(j) If the aggrieved person brings a civil action under a local, state, or federal law seeking relief for the alleged discriminatory housing practice and the trial in the action begins, the fair housing administrator shall terminate efforts to conciliate the complaint

unless the court specifically requests assistance from the fair housing administrator. The fair housing administrator may also terminate efforts to conciliate the complaint if:

- (1) The respondent fails or refuses to confer with the fair housing administrator;
- (2) The aggrieved person or the respondent fails to make a good faith effort to resolve any dispute; or
- (3) The fair housing administrator finds, for any reason, that voluntary agreement is not likely to result.

**Sec. 17-136. Violation of conciliation agreement.**

(a) A person commits an offense if, after the person executes a conciliation agreement under section 17-135 of this Code, he or she violates any term or condition contained in the agreement.

(b) It is no defense to criminal prosecution in municipal court under this section that, with respect to a discriminatory housing practice that gave rise to the conciliation agreement under section 17-135 of this Code:

- (1) The respondent did not commit the discriminatory housing practice; or
- (2) The fair housing administrator did not have probable cause to believe the discriminatory housing practice was committed.

(c) If the fair housing administrator determines that a conciliation agreement has been violated, the fair housing administrator shall give written notice to all parties subject to the agreement.

(d) When the fair housing administrator has reasonable cause to believe that a respondent has breached a conciliation agreement, the fair housing administrator shall refer the matter to the city attorney for appropriate action in accordance with this article.

**Sec. 17-137. Reasonable cause determination.**

(a) A panel consisting of a fair housing investigator representative, the city attorney, and the fair housing administrator, shall determine based on all the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur.

(b) The panel shall make the determination under subsection (a) of this section not later than the 100<sup>th</sup> day after the date a complaint is filed unless:

- (1) It is impracticable to make the determination; or
- (2) The city attorney has approved a conciliation agreement relating to the complaint.

(c) If it is impracticable to make the determination within the time period provided by subsection (b) of this section, the panel shall notify the complainant, and the aggrieved person if different from the complainant, and the respondent, in writing, of the reasons for the delay.

(d) If the city attorney determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred, the city attorney shall issue to the fair housing administrator a short and plain written statement of the facts upon which the city attorney based the no reasonable cause determination. If the city attorney issues such a statement, the panel shall automatically determine that no reasonable cause exists to believe that a discriminatory practice has occurred or is about to occur.

(e) If the panel determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the city attorney shall proceed with appropriate enforcement action.

**Sec. 17-138. Charge.**

(a) A charge issued under section 17-137 of this Code:

- (1) Must consist of a short and plain statement of the facts upon which the fair housing administrator and the city attorney have found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;
- (2) Must be based on the final investigative report; and
- (3) Need not be limited to the facts or grounds alleged in the complaint.

(b) Not later than the twentieth day after the fair housing administrator issues a charge, the fair housing staff shall send a copy of the charge to:

- (1) Each respondent; and
- (2) Each aggrieved person on whose behalf the complaint was filed.

### **Sec. 17-139. Dismissal.**

(a) A complaint shall be dismissed by the fair housing administrator during the investigation and prior to referral to the city attorney when the fair housing administrator determines that:

- (1) The complaint was not timely filed;
- (2) The location of the alleged discriminatory housing practice is not within the city's jurisdiction;
- (3) The alleged discriminatory housing practice is not a violation of this article;
- (4) The complainant, or the aggrieved person if different from the complainant, refuses to cooperate with the fair housing administrator in the investigation of the complaint or enforcement of the executed conciliation agreement; or
- (5) The complainant, or the aggrieved person if different from the complainant, cannot be located after the fair housing administrator has performed a reasonable search.

(b) A criminal action may be dismissed by a municipal judge upon motion of the city attorney, if after the city attorney files the action charging a respondent with a discriminatory housing practice, a conciliation agreement is executed under section 17-135 of this Code before the trial begins in municipal court.

(c) The fair housing administrator shall notify the complainant, the aggrieved person if different from the complainant, and the respondent of the dismissal of the complaint, including a written statement of facts, and may make public disclosure of the dismissal unless the respondent requests that no public disclosure be made.

### **Sec. 17-140. Criminal penalties for violation.**

(a) A person who violates a provision of this chapter commits a criminal offense, a Class C misdemeanor. A person is guilty of a separate criminal offense for each day or part of a day during which a violation is committed, continued, or permitted.

(b) A criminal offense under this article is punishable in municipal court by a fine of not less than \$250.00 nor more than \$500.00. In no event shall the aggregate of all fines relating to the same complaint filed by a complainant exceed \$5000.00.

(c) A person prosecuted for a violation of this article shall be entitled to a trial by jury in municipal court.

# **EXHIBIT B**

## **Sec. 15-17. Equal employment opportunity clause.**

All contracts entered into by the city involving the expenditure of \$10,000.00 or more of city funds ("nonexempt city contracts") shall incorporate an equal employment opportunity clause, which shall read as follows:

### **"EQUAL EMPLOYMENT OPPORTUNITY**

- "1. The contractor, subcontractor, vendor, supplier, or lessee will not discriminate against any employee or applicant for employment because of sex, race, color, ethnicity, national origin, age, familial status, marital status, military status, religion, disability, sexual orientation, genetic information, gender identity, pregnancy, or any other legally protected characteristic. The contractor, subcontractor, vendor, supplier, or lessee will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their sex, race, color, ethnicity, national origin, age, familial status, marital status, military status, religion, disability, sexual orientation, genetic information, gender identity, pregnancy, or any other legally protected characteristic. Such action will include, but not be limited to, the following: employment; upgrading; demotion or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training, including apprenticeship. The contractor, subcontractor, vendor, supplier, or lessee agrees to post in conspicuous places available to employees, and applicants for employment, notices to be provided by the city setting forth the provisions of this equal employment opportunity clause.
- "2. The contractor, subcontractor, vendor, supplier, or lessee states that all qualified applicants will receive consideration for employment without regard to sex, race, color, ethnicity, national origin, age, familial status, marital status, military status, religion, disability, sexual orientation, genetic information, gender identity, pregnancy, or any other legally protected characteristic.
- "3. The contractor, subcontractor, vendor, supplier, or lessee will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding a notice to be provided by the agency contracting officer advising the said labor union or workers' representative of the contractor's and subcontractor's commitments under Section 202 of Executive Order No. 11246, as amended or superseded, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- "4. The contractor, subcontractor, vendor, supplier, or lessee will comply with all provisions of Executive Order No. 11246, as amended or superseded, and the rules, regulations, and relevant orders of the secretary of labor or other federal agency responsible for enforcement of the equal opportunity and affirmative action provisions applicable and will likewise furnish all information and reports

required by the mayor and/or contract administrator(s) for purposes of investigation to ascertain and effect compliance with this program.

- "5. The contractor, subcontractor, vendor, supplier, or lessee will furnish all information and reports required by Executive Order No. 11246, as amended or superseded, and by the rules, regulations, and orders of the secretary of labor, or pursuant thereto, and will permit access to all books, records, and accounts by the appropriate city and federal officials for purposes of investigations to ascertain compliance with such rules, regulations, and orders. Compliance reports filed at such times as directed shall contain information as to the employment practice policies, program, and workforce statistics of the contractor, subcontractor, vendor, supplier, or lessee.
- "6. In the event of the contractor's, subcontractor's, vendor's, supplier's, or lessee's noncompliance with the nondiscrimination clause of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part, and the contractor, subcontractor, vendor, supplier, or lessee may be declared ineligible for further city contracts in accordance with procedures provided in Executive Order No. 11246, as amended or superseded, and such other sanctions may be imposed and remedies invoked as provided in the said executive order, or by rule, regulation, or order of the secretary of labor, or as may otherwise be provided by law.
- "7. The contractor shall include the provisions of paragraphs 1—8 of this equal employment opportunity clause in every subcontract or purchase order unless exempted by rules, regulations, or orders of the secretary of labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, as amended or superseded, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontractor or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event the contractor becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.
- "8. The contractor shall file and shall cause each of his subcontractors, if any, to file compliance reports with the city in the form and to the extent as may be prescribed by the mayor. Compliance reports filed at such times as directed shall contain information as to the practices, policies, programs, and employment policies and employment statistics of the contractor and each subcontractor."