

AGENDA - COUNCIL MEETING - TUESDAY - DECEMBER 4, 2007 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Green

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

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

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - DECEMBER 5, 2007 - 9:00 A. M.

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

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** relative to proposed amendments to Project and Financing Plans for Tax Increment Reinvestment Zone No. Three (Main Street/Market Square Zone)
2. **PUBLIC HEARING** relative to proposed amendments to Project and Financing Plans for Tax Increment Reinvestment Zone No. Fourteen (Fourth Ward Zone)

MAYOR'S REPORT

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

CONSENT AGENDA NUMBERS 3 through 76A

MISCELLANEOUS - NUMBERS 3 through 5

3. REQUEST from Mayor for confirmation of the appointment of **MS. VANESSA PEREZ MCCALLA** to Position Four of the **HOUSTON ARTS ALLIANCE**, for an unexpired term ending June 30, 2009
4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **PUBLIC PARKING COMMISSION**:
 - Position Eight - **MR. MARCUS L. DAVIS**, reappointment, for a term commencing on January 1, 2008 and expiring on December 31, 2009
 - Position Ten - **MR. RICARDO A. BACA MARES**, appointment, for an unexpired term ending December 31, 2007 and a term commencing on January 1, 2008 and expiring on December 31, 2009
 - Position Twelve - **MS. JOYCE CAMP**, reappointment, for a term commencing on January 1, 2008 and expiring on December 31, 2009
 - Position Fourteen - **MR. CHARLES D. REEDSTROM**, reappointment, for a term commencing on January 1, 2008 and expiring on December 31, 2009
5. RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for New Fire Station 105, WBS C-000166-0001-4 - **DISTRICT E - WISEMAN**

ACCEPT WORK - NUMBERS 6 and 7

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$924,980.00 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Chlorine Scrubber Systems at Groundwater Facilities, WBS S-000533-0005-4 - 3.47% under the original contract amount - **DISTRICTS A - LAWRENCE and B - JOHNSON**
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$704,671.36 and acceptance of work on contract with **CHIEF SOLUTIONS, INC** formerly known as **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00B8-4 0.10% under the original contract amount - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; F - KHAN; G - HOLM; H - GARCIA and I - ALVARADO**

PROPERTY - NUMBERS 8 through 10

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tracie J. Renfro and Amber Alonso, for abandonment and sale of ±5,263 square feet of Beverly Street at E. 12 ½ Street, between Lot 14, Block 31 and Lot 1, Block 32, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all located in the Corrected Plat of Stude's Second Addition, Parcels SY8-028 and DY8-024 - **APPRAISERS - DISTRICT H - GARCIA**
9. RECOMMENDATION from City Attorney to settle eminent domain lawsuit styled City of Houston v. Purvis Bearing Service, Ltd., et al; Cause No. 841,909; for a total consideration of \$373,000.00 in connection with **CENTRAL STREET GRADE SEPARATION PROJECT (Central St. Extension over Manchester Avenue to Train Yard)**; WBS/CIP N-000676-0001-2 - **DISTRICT I - ALVARADO**
10. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY3-061, located in the 10200 block of Emerald Drive, owned by West Belt 6, Ltd., a Texas limited partnership, Mohammad Ladjevardian, General Partner, for the **KEEGANS' BAYOU HIKE AND BIKE TRAIL PROJECT from Brays Bayou to Kirkwood**, N-000420-0025-2-01 - **DISTRICT C - CLUTTERBUCK**

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 24

11. **MAPPING SOLUTIONS, INC** for Mapping Software for Houston Emergency Center - \$107,585.94 Grant Fund
12. ORDINANCE appropriating \$2,999,117.00 out of Police Consolidated Construction Fund for the Emergency Elevator Modernization at 1200 Travis for the General Services Department, WBS G-000118-0001-4-01-01, providing funding for Asbestos Abatement, Air Monitoring Services and contingencies relating to construction of facilities financed by Police Consolidated Construction Fund - **DISTRICT I - ALVARADO**
 - a. **AMTECH ELEVATOR SERVICES** for spending authority to Address the Emergency Elevator Modernization at 1200 Travis for General Services Department - \$2,862,917.00 and contingencies for a total amount not to exceed \$2,988,917.00
13. **SEQUEL DATA SYSTEMS, INC** for Hewlett-Packard Computer Hardware and Software through the City's Master Agreement with the Texas Department of Information Resources (DIR) \$188,166.11 - Building Inspection Fund
14. ORDINANCE appropriating \$130,489.06 out of Equipment Acquisition Consolidated Fund for the purchase of Grounds Maintenance Equipment for Parks & Recreation Department
 - a. **POSTON EQUIPMENT SALES, INC** - \$95,280.64 and **LANSDOWNE-MOODY CO.** - \$339,225.78 for Grounds Maintenance Equipment through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Houston Airport System and Parks & Recreation Department - Parks Special Revenue and Enterprise Funds
15. ORDINANCE appropriating \$780,621.48 out of Equipment Acquisition Consolidated Fund for the purchase of Grounds Maintenance Equipment for the Parks & Recreation Department
 - a. **PROFESSIONAL TURF PRODUCTS, L.P.** - \$548,701.24, **BROOKSIDE EQUIPMENT SALES, INC** - \$181,644.25 and **JOHN DEERE COMPANY (a Division of Deere & Co.)** - \$347,707.00 for Grounds Maintenance Equipment through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative for Parks & Recreation and Public Works & Engineering Departments - Parks Special Revenue and Enterprise Funds
16. ORDINANCE appropriating \$435,811.10 out of Equipment Acquisition Consolidated Fund for Purchase of Servers and Software Licenses for the Implementation of an Enterprise Geographic Information System for the Planning & Development Department
 - a. **HEWLETT-PACKARD COMPANY** - \$270,507.10 and **SHI GOVERNMENT SOLUTIONS** - \$158,954.00 for Hardware and Software through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Planning & Development Department
17. **NORIT AMERICAS, INC** - \$6,820,000.00 for Chemical, Powdered Activated Carbon for Department of Public Works & Engineering, and payment in an amount not to exceed \$604,800.00 for emergency purchases for on-going requirements prior to approval of award Enterprise Fund
18. **AMEND MOTION #2005-286, 3/30/05, TO EXTEND** expiration date from March 30, 2008 to March 29, 2009, for Concrete, Hot Mixed Asphalt for Department of Public Works & Engineering, awarded to **G & S ASPHALT, L.P. dba AMERICAN MATERIALS**

PURCHASING AND TABULATION OF BIDS - continued

19. ORDINANCE appropriating \$355,328.00 out of Equipment Acquisition Consolidated Fund for the Purchase of Medium-Duty Trucks for Public Works & Engineering Department
 - a. **AMEND MOTION #2007-470, 5/9/07, TO PURCHASE** additional Medium-Duty Trucks for Department of Public Works & Engineering, awarded to **TOMMIE VAUGHN MOTORS, INC** - \$355,328.00 and **LONE STAR CHEVROLET** - \$421,730.00 - Enterprise Fund
20. **DEERY AMERICAN CORPORATION** for Asphalt/Concrete Crack and Joint Sealant for Department of Public Works & Engineering - \$243,675.00 - General Fund
21. **AMEND MOTION #2005-246, 3/16/05, TO INCREASE** the award amount from \$777,401.69 to \$971,752.11, for Thermoplastic Materials for Various Departments, awarded to **FLINT TRADING, INC** - General Fund
22. **AMEND MOTION #2005-1095, 11/16/05, TO INCREASE** the award amount from \$528,297.36 to \$660,371.70, for Miscellaneous Wire and Cable for Various Departments, awarded to **TURTLE AND HUGHES, INC** - General Fund
23. **ALLSTEEL, INC** - \$202,399.30, **CONTRACT RESOURCE GROUP, LLC** - \$295,519.88, **KIMBALL INTERNATIONAL** - \$66,464.24 and **THE HON COMPANY** - \$164,806.46 for Office Furniture from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Various Departments - \$729,189.88 - General, Enterprise, Grant and Special Revenue Funds
24. **XL PARTS, LP (Bid No. 21)** for Automotive Vehicle and Heavy Equipment Filters for Various Departments - \$609,771.00 minus a commission fee for Internet-based reverse auction services under contract with the Texas Procurement Center, LLC, for a net award amount not to exceed \$597,575.58 - General Fund

ORDINANCES - NUMBERS 25 through 76A

25. ORDINANCE **AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the care and control of dogs and cats; containing other provisions relating to the foregoing subject; providing an effective date; providing for severability
26. ORDINANCE consenting to the addition of 206.4 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 61**, for inclusion in its district
27. ORDINANCE establishing the north and south sides of the 600 block of Highland Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**
28. ORDINANCE establishing the west side of the 800 block of Waverly Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**
29. ORDINANCE establishing the south side of the 600 block of West Main Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS**
30. ORDINANCE approving and authorizing contract between the City of Houston, **HARRIS COUNTY** and the **HOUSTON INDEPENDENT SCHOOL DISTRICT** relating to Joint Runoff Elections to be held on December 8, 2007; providing a maximum contract - \$1,200,000.00 - General Fund

ORDINANCES - continued

31. ORDINANCE providing for the ad valorem taxation of certain tangible personal property described as "goods-in-transit" under Section 11.253 of the Texas Tax Code
32. ORDINANCE appropriating \$345,827.87 out of Fund 7509 (Sharpstown Public Improvement District Fund) for payment to the Sharpstown Economic Development Authority for certain costs and expenses associated with the implementation of the Sharpstown Public Improvement District Service and Assessment Plan - **DISTRICT F - KHAN**
33. ORDINANCE amending Ordinance No. 2004-155 to increase the maximum contract amount to Contract No. 55726 between the City of Houston and **DISCOVERY SERVICES OF TEXAS, INC** for Legal Duplicating and Litigation Support Services for the Legal Department; providing a maximum contract amount
34. ORDINANCE approving and authorizing agreement between the City of Houston and **CORINTHIAN POINTE SENIOR LIVING CORPORATION** to provide a \$3,375,670.00 Performance-Based Loan of Federal "HOME" Funds for costs to construct a senior living community in the 5800 block of West Orem, Houston, Texas, to house qualified low income residents - **DISTRICT D - EDWARDS**
35. ORDINANCE appropriating \$200,000.00 out of the Housing Special Revenue Fund (Fund 2000) for Housing Initiatives And Associated Administrative Costs
36. ORDINANCE approving and authorizing Purchase Agreement, Parking Rights License Agreement, Rear Drive Easement Agreement, and a development agreement between the City of Houston, seller and the **YOUNG MEN'S CHRISTIAN ASSOCIATION OF GREATER HOUSTON, INC ("YMCA")** for the sale of 4.968 acres of land, more or less, and subsequent development thereof by the YMCA, and to provide an easement over such 4.968 acre tract of land, and to provide for parking rights over a 2.133 area tract of land, more or less, all of which land is located in Palm Center, a subdivision recorded in Volume 339, Page 63 of the Map Records, Harris County, Texas, in consideration of such development and the payment of \$461,067.92 to the City by the YMCA - Revenue - **DISTRICT D - EDWARDS**
37. ORDINANCE approving and authorizing contract between the City and **MOTHERS AGAINST DRUNK DRIVING (MADD)** for Design and Implementation of multi-media presentations intended for student audiences in regard to the safe operation of motor vehicles - \$70,000.00 - Police Special Services Fund
38. ORDINANCE approving and authorizing first amendment to Lease Agreement between, **HOUSTON AQUARIUM, INC.**, as tenant ("Tenant"), and the City of Houston, Texas, as landlord (the "City"), consisting of 0.4383 (19,092 square feet) of land, formerly known as the Fire Alarm Building, Houston, Harris County, Texas, for redevelopment as an entertainment, retail, education, exhibit and/or restaurant use facility - Revenue - **DISTRICT I - ALVARADO**
39. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **ALLCO, INC**, to settle a lawsuit bearing Cause No. 2003-52842-A; now pending in the 281st Judicial District Court of Harris County, Texas - \$212,500.00 - Property and Casualty Fund
40. ORDINANCE approving and authorizing Compromise and Settlement Agreement with **OLD WORLD INDUSTRIES, INC (OWI)** to settle a claim - \$305,403.39 - Enterprise Fund

ORDINANCES - continued

41. ORDINANCE approving and authorizing agreement between the City of Houston and **THE GREATER HARRIS COUNTY 9-1-1 NETWORK** for Private Switch ALI Services for the Houston Airport System; providing a maximum contract amount - \$60,000.00 - Enterprise Fund **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**
42. ORDINANCE appropriating \$136,500.00 out of Airports Improvement Fund, WBS A-000486-0009-4-01 and \$228,750.00 out of HAS FAA Grants Fund, WBS A-000486-0009-4-02, and approving and authorizing Amendment No. 1 to construction contract between the City of Houston and **VANDERLANDE INDUSTRIES, INC** for Explosive Detection System Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston; (Proj. No. 612H); providing funding for contingencies relating to the construction of facilities financed by such funds **DISTRICT B - JOHNSON**
43. ORDINANCE approving and authorizing first amendment to Contract No. 54609 for Jury Notice Services between the City and **QUESTMARK INFORMATION MANAGEMENT, INC**; amending Ordinance No. 02-1098 to increase the maximum contract amount - \$33,000.00 - General Fund
44. ORDINANCE approving and authorizing contract between the City and **FOX, SMOLEN & ASSOCIATES, INC** for Audit of Commercial Solid Waste Operators Franchises; providing a maximum contract amount - 1 Year with four one-year options - \$496,230.00 - General Fund
45. ORDINANCE appropriating \$919,820.00 out of Equipment Acquisition Consolidated Fund for the Purchase of Structural Fire Fighting Gear for Houston Fire Department
46. ORDINANCE amending Ordinance No. 2002-1154 which approved contract between the City of Houston and **DOLLAR TIRE CO., INC dba PRO TIRE SERVICE** for Roadside Tire Repair Services for Various Departments to increase the maximum contract amount - \$96,750.00 General Fund
47. ORDINANCE appropriating \$50,875.00 out of Police Consolidated Construction Fund; awarding construction manager at risk contract to **GILBANE BUILDING COMPANY** for HPD Qualification Pistol Range, WBS G-000088-0003-4; providing funding for Civic Art Program financed by the Police Consolidated Construction Fund - **DISTRICT B - JOHNSON**
48. ORDINANCE awarding construction contract to **PLAYPOWER LT FARMINGTON, INC** for Playground and Site furnishings for Houston Hope Areas, WBS F-000600-0001-4; 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 and testing services, and contingencies relating to construction of facilities financed out of the Federal Government-Grants Fund - \$601,389.00 CDBG Fund - **DISTRICTS B - JOHNSON; D - EDWARDS; H - GARCIA and I - ALVARADO**
49. ORDINANCE appropriating \$1,342,000.00 out of General Improvements Consolidated Construction Fund; awarding construction contract to **THE GONZALEZ GROUP, LP** for the Miller Outdoor Theater Improvements, WBS D-000125-0001-4; 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 and testing services, construction management, additional design services, and contingencies relating to construction of facilities financed out of the General Improvements Consolidated Construction Fund - **DISTRICT D - EDWARDS**

ORDINANCES - continued

50. ORDINANCE approving and authorizing Toll Road Agreement by and between the City of Houston and **HARRIS COUNTY, TEXAS**, to facilitate the extension of the Hardy Toll Road South from its current terminus at Interstate Highway 610 to connect with U. S. Highway 59 and the northern approach to the Elysian Viaduct; authorizing the execution and delivery to Harris County of right-of-way licenses over thirty-five tracts of public street right-of-way; finding and determining that public convenience and necessity no longer require the continued use of five other tracts of public street right-of-way and vacating and abandoning those tracts while reserving and retaining easement rights for the public utilities currently in place - **DISTRICTS B - JOHNSON and H - GARCIA**
51. ORDINANCE approving and authorizing Indemnity and Maintenance Agreement between the City of Houston and **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 4** for public right-of-way improvements - **DISTRICTS A - LAWRENCE and G - HOLM**
52. ORDINANCE approving and authorizing first amendment to contract award between the City of Houston and **REPUBLIC INTELLIGENT TRANSPORTATION SERVICES, INC formerly known as Republic Electric** (approved by Ordinance No. 07-0532) for LED Retrofit Traffic Signal Upgrades in Downtown, Midtown, Texas Medical Center and other various locations, WBS N-000650-0024-4 - **DISTRICTS D - EDWARDS; E - WISEMAN; F - KHAN; G - HOLM; H - GARCIA and I - ALVARADO**
53. ORDINANCE appropriating \$1,605,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for On-Call Rehabilitation to Large Diameter Water Lines, Valves and Appurtenances Package No. 6, WBS S-000701-0005-4; 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 project management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
54. ORDINANCE approving and authorizing a second amendment to the Strategic Partnership Agreement between the City of Houston and **CHARTERWOOD MUNICIPAL UTILITY DISTRICT**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Charterwood Municipal Utility District and certain territory located in the vicinity of Charterwood Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Charterwood Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Charterwood Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent 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
55. ORDINANCE approving and authorizing an amendment to the Strategic Partnership Agreement between the City of Houston and **CYPRESS HILL MUNICIPAL UTILITY DISTRICT NO. 1**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Cypress Hill Municipal Utility District No. 1 and certain territory located in the vicinity of Cypress Hill Municipal Utility District No. 1, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Cypress Hill Municipal Utility District No. 1; imposing the sales and use tax of the City of Houston in the area within Cypress Hill Municipal Utility District No. 1 annexed for limited purposes; assigning annexed areas to adjacent 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

ORDINANCES - continued

56. ORDINANCE approving and authorizing a second amendment to the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 120**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 120, 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 Harris County Municipal Utility District No. 120 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter

57. ORDINANCE approving and authorizing an amendment to the Strategic Partnership Agreement between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Fort Bend County Municipal Utility District No. 50, 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 Fort Bend County Municipal Utility District No. 50 annexed for limited purposes; assigning annexed areas to adjacent District from which 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 the Strategic Partnership Agreement between the City of Houston and **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 2**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Cinco Southwest Municipal Utility District No. 2 and certain territory located in the vicinity of Cinco Southwest Municipal Utility District No. 2, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Cinco Southwest Municipal Utility District No. 2; imposing the sales and use tax of the City of Houston in the area within Cinco Southwest Municipal Utility District No. 2 annexed for limited purposes; assigning annexed areas to adjacent 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

59. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City Of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 146**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Fort Bend County Municipal Utility District No. 146 and certain territory located in the vicinity of Fort Bend County Municipal Utility District No. 146, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Fort Bend County Municipal Utility District No. 146; imposing the sales and use tax of the City of Houston in the area within Fort Bend County Municipal Utility District No. 146 annexed for limited purposes; assigning annexed areas to adjacent 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

ORDINANCES - continued

60. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS - FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 3**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris - Fort Bend Counties Municipal Utility District No. 3 and certain territory located in the vicinity of Harris - Fort Bend Counties Municipal Utility District No. 3, in Harris and Fort Bend Counties, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris - Fort Bend Counties Municipal Utility District No. 3; imposing the sales and use tax of the City of Houston in the area within Harris - Fort Bend Counties Municipal Utility District No. 3 annexed for limited purposes; assigning annexed areas to adjacent 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

61. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 157**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 157 and certain territory located in the vicinity of Harris County Municipal Utility District No. 157, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 157; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 157 annexed for limited purposes; assigning annexed areas to adjacent 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

62. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 167**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 167 and certain territory located in the vicinity of Harris County Municipal Utility District No. 167, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 167; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 167 annexed for limited purposes; assigning annexed areas to adjacent 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

63. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 173**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 173 and certain territory located in the vicinity of Harris County Municipal Utility District No. 173, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 173; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 173 annexed for limited purposes; assigning annexed areas to adjacent 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

ORDINANCES - continued

64. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 196**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 196 and certain territory located in the vicinity of Harris County Municipal Utility District No. 196, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 196; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 196 annexed for limited purposes; assigning annexed areas to adjacent 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
65. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 285**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 285 and certain territory located in the vicinity of Harris County Municipal Utility District No. 285, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 285; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 285 annexed for limited purposes; assigning annexed areas to adjacent 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
66. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 391**
- a. Ordinance annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 391 and certain territory located in the vicinity of Harris County Municipal Utility District No. 391, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 391; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 391 annexed for limited purposes; assigning annexed areas to adjacent 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
67. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 400**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 400 and certain territory located in the vicinity of Harris County Municipal Utility District No. 400, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 400; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 400 annexed for limited purposes; assigning annexed areas to adjacent 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

ORDINANCES - continued

68. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 406**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 406 and certain territory located in the vicinity of Harris County Municipal Utility District No. 406, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 406; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 406 annexed for limited purposes; assigning annexed areas to adjacent 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

69. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HUNTERS GLEN MUNICIPAL UTILITY DISTRICT**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Hunters Glen Municipal Utility District and certain territory located in the vicinity of Hunters Glen Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Hunters Glen Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Hunters Glen Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent 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

70. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **LAKE FOREST UTILITY DISTRICT**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Lake Forest Utility District and certain territory located in the vicinity of Lake Forest Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Lake Forest Utility District; imposing the sales and use tax of the City of Houston in the area within Lake Forest Utility District annexed for limited purposes; assigning annexed areas to adjacent 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

71. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Northwest Harris County Municipal Utility District No. 5 and certain territory located in the vicinity of Northwest Harris County Municipal Utility District No. 5, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Northwest Harris County Municipal Utility District No. 5; imposing the sales and use tax of the City of Houston in the area within Northwest Harris County Municipal Utility District No. 5 annexed for limited purposes; assigning annexed areas to adjacent 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

ORDINANCES - continued

72. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 10**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Northwest Harris County Municipal Utility District No. 10 and certain territory located in the vicinity of Northwest Harris County Municipal Utility District No. 10, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Northwest Harris County Municipal Utility District No. 10; imposing the sales and use tax of the City of Houston in the area within Northwest Harris County Municipal Utility District No. 10 annexed for limited purposes; assigning annexed areas to adjacent 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
73. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **RICEWOOD MUNICIPAL UTILITY DISTRICT**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Ricewood Municipal Utility District and certain territory located in the vicinity of Ricewood Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Ricewood Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Ricewood Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent 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
74. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **CHELFORD ONE MUNICIPAL UTILITY DISTRICT**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Chelford One Municipal Utility District, 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 Chelford One Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent District from which District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter
75. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 4**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Cinco Southwest Municipal Utility District No. 4, 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 Cinco Southwest Municipal Utility District No. 4 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter

ORDINANCES - continued

76. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 152**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 152, 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 Harris County Municipal Utility District No. 152 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 77 through 80

77. ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to vehicle dimensions and the effects of operation on City streets; declaring certain conduct to be unlawful and providing a penalty therefor; containing findings and other provisions relating to the foregoing subject; providing for severability
POSTPONED BY MOTION #2007-986, 10/3/07
This was Item 60 on Agenda of October 3, 2007
78. ORDINANCE appropriating \$1,962,279.08 out of HAS-SUB Lien Bond 1998B AMT Construction (8006) Fund, and approving and authorizing compromise and settlement agreement between the City of Houston and **EMCOR GOWAN, INC f/k/a GOWAN, INC** and **YORK INTERNATIONAL, INC** to settle a claim; a joint venture to settle a claim arising out of activities financed by the Fund, WBS A-000091-0004-4-01 - **DISTRICT B - JOHNSON**
- a. RECOMMENDATION from Director Houston Airport System and the City Attorney for approval of final contract amount of \$16,115,483.67 and acceptance of work on contract with **EMCOR GOWAN, INC f/k/a GOWAN, INC** and **YORK INTERNATIONAL, INC** for Central Plant Equipment Pre-purchase at George Bush Intercontinental Airport/Houston, Project 424D, WBS A-000091-0004-4-01, Contract No. 50637 - 4.97% over the original contract amount
DISTRICT B - JOHNSON - TAGGED BY COUNCIL MEMBER JOHNSON
These were Items 6 and 6A on Agenda of November 28, 2007
79. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **RANGE KLEEN MFG., INC** for Fat Trapper Containers and Bags for Department of Public Works & Engineering \$63,600.00 - Enterprise Fund - **TAGGED BY COUNCIL MEMBER WISEMAN**
This was Item 23 on Agenda of November 28, 2007

MATTERS HELD - continued

80. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director General Services Department to declare the following properties surplus - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; E - WISEMAN; F - KHAN; H - GARCIA and I - ALVARADO:**

| | |
|------------------------------|-------------------------------|
| 8600 Block of West Airport | Former Water Facility |
| 9002 Stella Link | Former Water Facility |
| 12500 Block of Frazier River | Former Water Facility |
| 11451 New Brook Drive | Former Water Facility |
| 1400 Block of Hussion (east) | Former Water Facility |
| 1400 Block of Hussion (west) | Former Water Facility |
| 1400 Block of Milby | Former Water Facility |
| 1400 Block of Miller | Former Water Facility |
| Edwards Drive | Former Wastewater Facility |
| 6331 Micollet | Former Water Facility |
| 7800 Block of Tidwell Road | Unused Remaining Right of Way |
| 5000 Block of Hirsch | Unused Remaining Right of Way |
| 5000 Block of Hirsch | Unused Remaining Right of Way |
| Old Galveston Road/Beltway 8 | Former Public Utility Site |
| 803 Ennis | Former Maintenance Facility |

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 70 on Agenda of November 28, 2007

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

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

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

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

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

NOTICE is hereby given that a Regular Meeting of the City Council of the City of Houston will be held **TUESDAY, DECEMBER 4, 2007 at 1:30 p.m. and WEDNESDAY, DECEMBER 5, 2007 at 9:00 a.m.** with the reading of the descriptions, captions or titles of the agenda items by the City Secretary to begin not earlier than 60 minutes before the scheduled commencement, in the Council Chamber, Second Floor, City Hall, 901 Bagby, for the purpose of conducting the regular business and affairs of the City of Houston listed on the attached Agenda.

WITNESS my official signature this the 30th day of NOVEMBER, 2007.

City Secretary

CERTIFICATE

I certify that the attached notice of meeting was posted on the Bulletin Board of the City Hall of the City of Houston, Texas, on NOVEMBER 30, 2007 at : p.m.

by _____

for Anna Russell
City Secretary

**CITY COUNCIL CHAMBER – CITY HALL 2nd FLOOR – TUESDAY
DECEMBER 4, 2007 -2:00 P.M.**

NON-AGENDA

3MIN.

3MIN.

3MIN.

MS. SHARON LANDER – 373 ½ W. 19th – 777008 – 713-206-0953 - Against Newsrack Ordinance

MR. TED WEISGAL – 5527 Hummingbird - 77096 – 281-46-6793 – Newsrack Ordinance

MS. SABRINA SINGH – 213 Hollander Ct. – League City – TX – 77573 – 281-483-2773 – D.U.N.K. – I. T.
(Darfur – Uganda, No Killing Injustice Today)

MR. JOHNNY ROBINSON – 8450 Bigwood – 77078 – 713-631-1757 – District B – Neighborhood Protection and
Public Works and Eng. - Problems

MS. FRAN PETERSON – 2715 Wesleyan – 77027 - 713-439-1184 – Solid Waste is not picking up our garbage in
our neighborhood

MR. DONALD O. SCOTT – 8507 South Meadow Dr. – 77071 – 713-270-1893 – Heavy trash in South Meadow
Subdivision need to be picked up

MR. PAUL MAGAZINER – 3773 Richmond - 77046 – 713-626-4045 – City consent from Metro

MRS. DEE SIMON – 5210 Cortelyou Lane – 77021 – 713-644-2957 - Metro

MR. RALPH SIMON – 5210 Cortelyou Lane – 77021 – 713-644-2957 - Metro

MS. TERESA O'DONNELL – 4513 Tonawanda – 77035 – 713-502-6317 – Electronic Signs on premise

MS. EMMA ADAMS – 4840 Jarmese, No. 36 – 77033 – 713-731-1989 – Need to help Houstonians more – Stop
Helping outsiders

MR. STEVEN WILLIAMS – No address – No phone – HPD reference Collier, 99¢ Store murderer of innocence

MR. JOE AMANTA – 518 Hohldale – 77091 – 713-252-4242 – HEC

MR. TIM CORNELSON – 4717 Bellefontaine – 77025 – 713-838-1001 – High Density

MS. ROSE ARNICK – 13100 Stonefield – 77014 – 281-658-7322 – Trouble with claim. Help

PREVIOUS

1MIN.

1MIN.

1 MIN.

DEC 05 2007

MOTION NO. 2007 1173

MOTION by Council Member Khan that the recommendation of Finance and Administration Department, to set a hearing date to consider the proposed amendments to Project and Financing Plans for Tax Increment Reinvestment Zone No. Three (Main Street/Market Square Zone) and Tax Increment Reinvestment Zone No. Fourteen (Fourth Ward Zone), be adopted, and a Public Hearings be set for 9:00 a.m., Wednesday, December 5, 2007, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Alvarado and carried.

Mayor White, Council Members Lawrence, Johnson,
Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado,
Brown, Lovell and Green voting aye
Nays none
Council Members Edwards, Noriega and Berry absent

PASSED AND ADOPTED this 28th day of November, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is December 4, 2007.

City Secretary

Part D: Project Plan and Reinvestment Zone Financing Plan, Reinvestment Zone Number Three (Main Street Market Square), City of Houston, Texas



Overview

Reinvestment Zone Number Three, City of Houston, Texas, also known as the Main Street Market Square Tax Increment Reinvestment Zone (TIRZ) was created by Ordinance No. 95-1323 dated December 13, 1995, covering a 9-block area. A Project Plan and Reinvestment Zone Financing Plan (Part A) for the 9-block area was adopted by City Council on September 11, 1996 by Ordinance No. 96-911. On November 11, 1998, the Board of Directors of the TIRZ recommended that the City expand the original zone boundaries by adding approximately 65 blocks primarily along the Main Street corridor, and increase project costs to reflect necessary public improvements to redevelop the enlarged zone. This enlargement of the zone ("1998 Amended Plan") was adopted by City Council on December 16, 1998 by Ordinance 98-1205 (Part B). Together, the 1996 Part A and 1998 Part B TIRZ plan elements highlighted the relevant synergies of development activities to be achieved through the financing of zone-related improvements within the zone and provided the tools needed to alleviate blight, deteriorated street and site conditions, obsolete transit services and facilities, and encourage the sound growth of the Central Business District's residential, retail, hotel and commercial sectors.

Subsequently, by Resolution No. 1999-39, dated June 30, 1999, the Houston City Council approved the creation of the Main Street Market Square Redevelopment Authority. The Authority was established to assist the City and the Zone Board of Directors in implementing the TIRZ Project Plan and Financing Plan and in promoting and developing housing, educational facilities, and the economic development of the Main St. Market Square Zone. Further, on August 9, 1999, the TIRZ Board of Directors recommended to City Council amendments to 1998 Plan ("1999 Second Amended Plan") approved by City Council on August 11, 1999 by Ordinance 1999-828 to increase the Houston Independent School District tax increment participation rate for educational facilities project costs that may be constructed either inside or outside the TIRZ boundaries.

The Third Amended Plan, Part C, was approved by City Council on September 14, 2005 (Ord. 05-1050). Part C of the TIRZ plan provided for an enlargement of the zone by the addition of two city blocks that were in use as surface parking lots. These blocks were bounded by Dallas St. to the north, Polk St. to the south, Fannin St. to the west, and Caroline St. to the east. The purpose of the enlargement of the zone was to facilitate and support the development of the Houston Pavilions Project, a mixed-use retail and office complex aimed at stimulating major investment in the southeastern portion of the Central Business District and a reallocation of project costs as set out in the 1995 Part A and the 1998 Part B elements of the plan.

The Fourth Amended Plan, Part D, approved by the Main Street Market Square Redevelopment Authority and the TIRZ Board of Directors, provides for an enlargement of the zone by the addition of the city blocks that encompass City Hall, the Jones Building and the Julia Ideson Building of the Central Library, City Hall Annex, and Sam Houston Park (see Exhibit 38). In addition, projects costs as set out in the 1998 Part B and the 2005 Part C have been reallocated. The purpose of the enlargement of the zone is to facilitate and support the improvement of the Julia Ideson Building and potentially other institutional facilities. In addition, two new specific projects within the existing zone have been defined. These projects are the financial support of

the Wortham Theater Skybridge, a skybridge connecting the Wortham Theater to the Houston Ballet’s new building on Block 36 and the development of an office and/or residential complex on the southwestern portion of the Bayou Place complex. The former project falls under the general project category defined in Part B as “Theater District: Cultural and Public Facility Improvements” and the latter falls under the general project category defined in Part D “Retail/Residential Development”.

Overview of Plan Amendments

The Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Three, City of Houston, Texas (Market Square TIRZ) sets forth the goals, expectations, plans, programs and financial projections necessary to create and support an environment attractive to private investment around the central business core of the downtown area in a manner that will ensure the long term stability and attractiveness of the entire Central Business District. This Fourth Amendment to the Final Project Plan and Reinvestment Zone Financing Plan is referenced as Part D and describes the changes to the zone project plan, including Parts A, B and C.

Parts A, B, C and D, together, provide the programs and investment strategies to help revitalize the Central Business District, improve infrastructure and alleviate deteriorated street and site conditions, promote transit services through a pedestrian-friendly environment and encourage the sound growth of residential, retail, hotel, office and other commercial development within the area.

Amendments to Part B

Part B Goals remain unchanged. Proposed Improvements for Part B are amended as follows. Resulting projects and budgets are described in Exhibit 39.

- 1. Buffalo Bayou Improvements: Funding has been reduced to a total of \$2.3 million in Part B. Together with Part A provisions, total funding for Buffalo Bayou is now \$6.3 million.

Amendments to Part C

Part C Goals remain unchanged. Proposed Improvements for Part C are amended as follows. Resulting projects and budgets are described in Exhibit 39.

- 1. Affordable Housing: Affordable housing for the downtown workforce has emerged as an important public policy goal. The funding for this has been increased to \$15,000,000 to account for increased land acquisition and construction costs.

Part D

Part D encompasses all of the geographic areas of Part A, Part B and Part C plus the proposed expanded area described below.

Proposed Expansion Area Zone Boundaries: The fourth amended zone boundaries (refer to Exhibit 38) reflect the inclusion of blocks roughly bounded by Walker on the north, Smith on the east, Lamar on the south and the existing zone boundary (approximately I-45) on the west. This area is approximately 21 acres and includes City Hall, City Hall Annex, the Jones and Julia Ideson Buildings of the Central Library and Sam Houston and Herman Square Parks.

Part D Improvements

Part D improvements along with the changes to the other parts of the plan are described in Exhibit 39.

1. Residential Site Development \$5,000,000
This would extend to the annexed areas the residential site development project already defined in Part A for the original area. This would provide for utilities and developer reimbursements for residential development in the entire zone. A subproject included within this would be the development of a residential project associated with the Bayou Place tract owned by the city.

2. Parks, Plazas and Streetscapes \$20,000,000
This would provide for the development or redevelopment of parks and plazas within the expanded zone such as Market Square Park. Other potential projects include improvements to Hermann Square Park in front of City Hall and Sam Houston Park. Additionally, this would fund public streetscape improvements such as brick pavers, street furniture, and landscaping along the public right-of-way in the expanded zone.

3. Retail/Residential Development \$14,000,000
The Authority desires to promote the development of street-level retail and residential development within the Central Business District. This could be done through developer agreements for such projects that would provide for public right-of-way improvements and could also entail the use of economic development grants similar to that utilized for the Houston Pavilions project. Such a use would require the development of a project-specific economic development program and approval by City Council. Such a program would require careful evaluation of costs and benefits to be achieved. A defined project within this category is the development of an office and/or residential complex on the southwestern portion of the Bayou Place complex.

4. Institutional Facilities \$19,500,000
The Authority will partner with a private philanthropic fundraising effort to expand and restore the Julia Ideson Building of the Central Library. Additional institutional projects may include other City of Houston facilities included in the expanded boundaries of the zone such as City Hall and City Hall Annex.

5. Property Acquisitions \$10,000,000
To promote further redevelopment within the zone, the Authority will acquire as opportunities arise properties for redevelopment. Multiple properties may be assembled over time to facilitate redevelopment.

6. Acquisition/Rehabilitation of Historic Structures \$5,000,000
To promote further redevelopment, the Authority will acquire and/or support the restoration or rehabilitation of historic structures within the zone.

Other Project Plan Provisions

Reinvestment Zone Duration: When initially created by City Council on December 13, 1995, the term of the zone was established at 30 years. No change is proposed to the zone duration.

Estimated Bonded Indebtedness: In addition to bonds issued in FY 2002, additional bond issues are projected. A financial analysis of the zone's present capacity indicates that approximately \$38 million in bonds could be issued in FY 2009 (see Tables 40 and 41). The Authority will seek as required per its Tri-Party Agreement with the city authorization for any specific issuance.

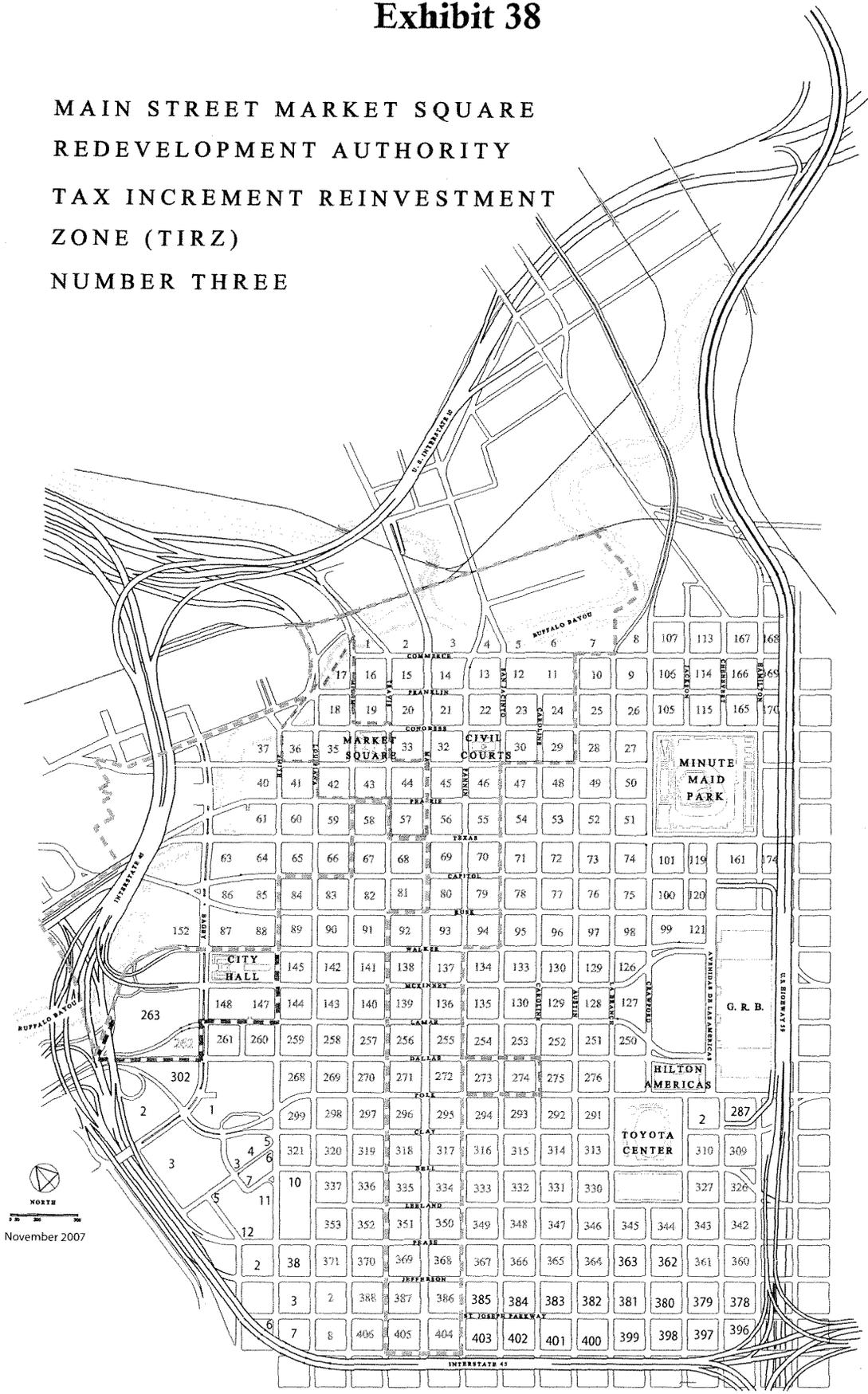
Project Plan Impacts: No displacement or relocation of residents is anticipated based on the public land use of the blocks to be annexed.

Municipal Ordinances: No changes to city codes or ordinances are proposed in this Part D amendment to the TIRZ plan.

Taxing Jurisdiction Participation: As noted previously, all the land to be annexed to the zone in Part D is publicly owned and is not presently taxed. Neither of the participation agreements with Harris County or with HISD will be affected by this Part D amendment.

Exhibit 38

MAIN STREET MARKET SQUARE
 REDEVELOPMENT AUTHORITY
 TAX INCREMENT REINVESTMENT
 ZONE (TIRZ)
 NUMBER THREE



PROPOSED EXPANSION MAP

KEY :

1996 Original TIRZ No.3 Boundary

2005 Annexed Boundary

BLOCK AND BLOCK NUMBER

1999 Annexed Boundary

2007 Proposed COH Expansion

(TYPICAL)

405

EXHIBIT 39

Project Cost Amendments: The following table includes the approved project costs for Parts A, B and C and the changes made to those through this Part D

| Part A | Estimated Costs: 1999 Plan | Estimated Costs: 2005 Plan | Estimated Costs: 2007 Plan | Change 2005 to 2007 |
|--|-------------------------------|-------------------------------|-------------------------------|------------------------|
| Buffalo Bayou Riverwalk | \$4,000,000 | \$4,000,000 | \$4,000,000 | \$0 |
| Affordable Housing | \$5,000,000 | \$5,000,000 | \$5,000,000 | \$0 |
| Rice Hotel Financial Asst. | \$18,750,000 | \$18,750,000 | \$18,750,000 | \$0 |
| Acquisition/Rehabilitation of Historic Structures | \$1,500,000 | \$1,500,000 | \$1,500,000 | \$0 |
| Sub-Total for Part A | \$29,250,000 | \$29,250,000 | \$29,250,000 | \$0 |
| Part B | | | | |
| Streetscape Enhancements, Related Roadways and Parks | \$11,675,000 | \$7,100,000 | \$7,100,000 | \$0 |
| Transit Streets | \$16,000,000 | \$10,000,000 | \$10,000,000 | \$0 |
| Retail Parking Facilities | \$15,000,000 | \$0 | \$0 | \$0 |
| Transit Improvements | \$6,750,000 | \$2,500,000 | \$2,500,000 | \$0 |
| Acquisition/Rehabilitation of Historic Structures | \$15,000,000 | \$12,000,000 | \$12,000,000 | \$0 |
| Educational Facilities (Educational Facilities paid directly to HISD (\$82,541,820)) | \$82,541,820 | \$82,541,820 | \$82,541,820 | \$0 |
| Buffalo Bayou Improvements (Bayou to be extended from Original Zone as a riverwalk and park area) | \$6,000,000 | \$6,000,000 | \$2,300,000 | (\$3,700,000) |
| Theater District, Cultural & Public Facility Improvements | \$11,500,000 | \$11,500,000 | \$11,500,000 | \$0 |
| Sub-Total for Part B | \$164,466,820 | \$131,641,820 | \$127,941,820 | (\$3,700,000) |
| Part C | | | | |
| Economic Development Grant: For projects that provide parking that is accessible to the public | \$0 | \$8,800,000 | \$8,800,000 | \$0 |
| Economic Development Grant: For projects that provide pedestrian access improvements | \$0 | \$5,500,000 | \$5,500,000 | \$0 |
| Public Parking Facilities | \$0 | \$3,100,000 | \$3,100,000 | \$0 |
| Transit Streets and Transit Center | \$0 | \$5,500,000 | \$5,500,000 | \$0 |
| Affordable Housing | \$0 | \$2,375,000 | \$15,000,000 | \$12,625,000 |
| Sub-Total for Part C | \$0 | \$25,275,000 | \$37,900,000 | \$12,625,000 |
| Part D | | | | |
| Residential Site Development | \$0 | \$0 | \$5,000,000 | \$5,000,000 |
| Parks, Plazas & Streetscapes | \$0 | \$0 | \$20,000,000 | \$20,000,000 |
| Retail/Residential Development | \$0 | \$0 | \$14,000,000 | \$14,000,000 |
| Institutional Facilities | \$0 | \$0 | \$19,500,000 | \$19,500,000 |
| Property Acquisitions/Land Assemblage | \$0 | \$0 | \$10,000,000 | \$10,000,000 |
| Acquisition/Rehabilitation of Historic Structures | \$0 | \$0 | \$5,000,000 | \$5,000,000 |
| Sub-Total for Part D | \$0 | \$0 | \$73,500,000 | \$73,500,000 |
| Estimated Financing Costs (The Rice excluded) | See Note 1 | \$21,650,000 | \$10,650,000 | (\$11,000,000) |
| Estimated Administration Costs | \$1,891,000 | \$1,891,000 | \$6,750,000 | \$4,859,000 |
| PROJECT PLAN TOTAL | \$195,607,820 | \$188,057,820 | \$275,341,820 | \$87,284,000 |

Note 1: The 1999 Amended Plan did not include Part B financing costs. This plan includes an estimate of these costs beginning in FY 2006. Because of interest rates and other variables, it is not possible to provide exact projections of these costs. This estimate does not include payments for The Rice or for FY 2002 bonds, but it does include \$2,000,000 specifically budgeted for Part A for financing costs not yet incurred as of the date of the Third Amended Plan.

Note 2: In addition to direct project costs, additional costs attributable to developer reimbursements and bonds in FY 2009 that could partially fund developer reimbursements are included in the "Financing Costs" line.

EXHIBIT 40

PROJECTION OF TAX INCREMENT FUND CASH FLOWS

Main Street / Market Square Redevelopment Authority Reinvestment Zone Number Three - City of Houston, Texas Projection of Future Growth

| Fiscal Year Ending Jun. 30 | Original Area | | | | | Less: HHFC Rice Hotel Payments | Original Area Net Cash Flow | Annexed Area | | | | Less: Net Debt Service Requirements | Less: Payments on Public Safety (b) | Less: TIRZ Admin. Expenses (b) | Interest Earnings @ 4.0% (c) | Reserve Fund Earnings @ 4.0% (c) | Annual Surplus/ (Deficit) | Fiscal Year Ending Jun. 30 |
|-------------------------------|--|--|--|--|--|--------------------------------------|--------------------------------------|--|--|--|--|---|--|---|---------------------------------------|--|---------------------------------|-------------------------------------|
| | Projected City Net Tax Collections (a) | Projected County Net Tax Collections (a) | Projected HISD Net Tax Collections (a) | Projected Total Net Tax Collections | Projected Total Net Tax Collections | | | Projected City Net Tax Collections (a) | Projected County Net Tax Collections (a) | Projected HISD Net Tax Collections (a) | Projected Total Net Tax Collections | | | | | | | |
| 2008 | 322,390 | 316,226 | 410,000 | 1,048,615 | 750,000 | 298,615 | 3,149,153 | 26,610 | 1,834,220 | 5,009,984 | 1,084,504 | 550,000 | 300,000 | 134,964 | 43,424 | 3,552,484 | 2008 | |
| 2009 | 349,904 | 346,316 | 410,000 | 1,106,220 | 750,000 | 356,220 | 4,511,437 | 34,243 | 1,834,220 | 6,379,900 | 1,081,164 | 250,000 | 300,000 | 204,198 | 43,424 | 5,352,579 | 2009 | |
| 2010 | 363,900 | 360,169 | 410,000 | 1,134,069 | 750,000 | 384,069 | 4,691,895 | 35,613 | 1,890,220 | 6,617,728 | 1,080,858 | 250,000 | 300,000 | 214,838 | 43,424 | 5,629,201 | 2010 | |
| 2011 | 378,456 | 374,575 | 410,000 | 1,163,031 | 750,000 | 413,031 | 5,769,394 | 405,416 | 2,146,220 | 8,321,029 | 1,083,123 | 250,000 | 300,000 | 284,038 | 43,424 | 7,428,400 | 2011 | |
| 2012 | 1,034,267 | 1,026,479 | 439,020 | 2,499,767 | 750,000 | 1,749,767 | 7,067,958 | 337,427 | 2,237,260 | 9,642,644 | 1,083,025 | 250,000 | 300,000 | 390,375 | 43,424 | 10,193,186 | 2012 | |
| 2013 | 1,075,638 | 1,067,539 | 439,020 | 2,582,196 | 750,000 | 1,832,196 | 7,350,676 | 350,924 | 2,237,260 | 9,938,860 | 1,081,095 | 250,000 | 300,000 | 405,598 | 43,424 | 10,588,984 | 2013 | |
| 2014 | 1,118,663 | 1,110,240 | 439,020 | 2,667,923 | 750,000 | 1,917,923 | 7,644,703 | 364,961 | 2,237,260 | 10,246,924 | 1,082,156 | 250,000 | 300,000 | 421,308 | 43,424 | 10,997,423 | 2014 | |
| 2015 | 1,163,410 | 1,154,650 | 447,084 | 2,765,144 | 750,000 | 2,015,144 | 7,950,491 | 379,559 | 2,363,340 | 10,693,390 | 1,080,710 | 250,000 | 300,000 | 443,113 | 43,424 | 11,564,361 | 2015 | |
| 2016 | 1,209,946 | 295,582 | 447,084 | 1,952,612 | 750,000 | 1,202,612 | 8,268,511 | 394,741 | 2,363,340 | 11,026,592 | 1,081,550 | 250,000 | 300,000 | 423,906 | 43,424 | 11,064,985 | 2016 | |
| 2017 | 1,258,344 | 0 | 447,084 | 1,705,428 | 750,000 | 955,428 | 8,599,251 | 410,531 | 2,363,340 | 11,373,122 | 1,084,326 | 250,000 | 300,000 | 427,769 | 43,424 | 11,165,417 | 2017 | |
| 2018 | 1,308,678 | 0 | 447,084 | 1,755,762 | 750,000 | 1,005,762 | 8,943,221 | 426,952 | 2,363,340 | 11,733,514 | 1,083,815 | 250,000 | 300,000 | 444,218 | 43,424 | 11,593,103 | 2018 | |
| 2019 | 1,361,025 | 0 | 447,084 | 1,808,109 | 750,000 | 1,058,109 | 9,300,950 | 444,030 | 2,394,380 | 12,139,361 | 1,085,004 | 250,000 | 300,000 | 462,499 | 43,424 | 12,068,389 | 2019 | |
| 2020 | 1,415,466 | 0 | 447,084 | 1,862,550 | 750,000 | 1,112,550 | 9,672,988 | 461,792 | 2,394,380 | 12,529,160 | 1,082,316 | 250,000 | 300,000 | 480,376 | 43,424 | 12,533,194 | 2020 | |
| 2021 | 1,472,085 | 0 | 447,084 | 1,919,169 | 750,000 | 1,169,169 | 10,059,908 | 480,263 | 2,426,380 | 12,966,551 | 1,080,769 | 250,000 | 300,000 | 500,198 | 43,424 | 13,048,573 | 2021 | |
| 2022 | 1,530,968 | 0 | 447,084 | 1,978,052 | 750,000 | 1,228,052 | 10,462,304 | 499,474 | 2,433,420 | 13,395,198 | 1,080,844 | 250,000 | 300,000 | 519,696 | 1,129,033 | 14,641,135 | 2022 | |
| 2023 | 1,592,207 | 0 | 447,084 | 2,039,291 | 750,000 | 1,289,291 | 10,880,796 | 519,453 | 2,529,420 | 13,929,669 | 0 | 250,000 | 300,000 | 586,758 | 0 | 15,255,718 | 2023 | |
| 2024 | 1,655,895 | 0 | 447,084 | 2,102,979 | 750,000 | 1,352,979 | 11,316,028 | 540,231 | 2,529,420 | 14,385,679 | 0 | 250,000 | 300,000 | 607,546 | 0 | 15,796,204 | 2024 | |
| 2025 | 1,722,131 | 0 | 447,084 | 2,169,215 | 750,000 | 1,419,215 | 11,768,669 | 561,840 | 2,529,420 | 14,859,929 | 0 | 250,000 | 300,000 | 629,166 | 0 | 16,358,310 | 2025 | |
| Total | 20,333,372 | 6,051,776 | 7,874,984 | 34,260,131 | | 20,760,131 | 147,408,335 | 6,674,059 | 41,106,840 | 195,189,233 | 16,235,257 | 4,800,000 | 5,400,000 | 7,580,564 | 1,736,974 | 198,631,646 | | |

- (a) Assumes 3% delinquencies and 5% City of Houston administration fee. HISD has an administration fee of \$25,000. Assumes 4% growth and City of Houston buildout assumptions. Assumes taxes are collected at beginning of fiscal year after they are levied.
- (b) Source: Estimate taken from City of Houston projections.
- (c) Earnings are estimated for the purpose of illustration.

NOTE: This is a projection of cash flows based on various assumptions, current market conditions, and a flow of funds that allows for the accumulation of reserves. These cash flows will change based on actual revenues and expenses, as well as market conditions at the time of the sale of the bonds. There are usually differences in estimated and actual revenues and expenses because events and circumstances frequently do not occur as expected, and such differences may be material.

EXHIBIT 41

PROJECTION OF SOURCES AND USES OF FUNDS

Main Street / Market Square Redevelopment Authority Reinvestment Zone Number Three - City of Houston, Texas Projection of Future Bond Sales Based on Growth

| | Series <u>2002A</u> | Series <u>2009</u> | Series <u>2011</u> | Series <u>2013</u> | Total |
|---------------------------------|------------------------|-----------------------|-----------------------|-----------------------|-------------------|
| <u>Sources of Funds:</u> | | | | | |
| Par Amount of Bonds | 12,785,000 | 38,435,000 | 14,120,000 | 2,980,000 | 68,320,000 |
| Original Issue Discount | (93,179) | | | | (93,179) |
| Other Funds | 0 | 0 | 0 | 0 | 0 |
| Total Sources of Funds | 12,691,821 | 38,435,000 | 14,120,000 | 2,980,000 | 68,226,821 |
| <u>Uses of Funds:</u> | | | | | |
| Costs of Issuance (a) | 705,511 | 2,306,100 | 847,200 | 178,800 | 4,037,611 |
| Reserve Fund Deposit (b) | 1,085,609 | 4,121,130 | 1,777,977 | 573,243 | 7,557,958 |
| Capitalized Interest (c) | 413,873 | 1,056,963 | 388,300 | 81,950 | 1,941,086 |
| Payments to HHFC (Rice Hotel) | 1,698,623 | | | | 1,698,623 |
| Metro Super Stop Project | 2,500,000 | | | | 2,500,000 |
| Available for Reimbursement | 6,288,206 | 30,950,808 | 11,106,523 | 2,146,007 | 50,491,544 |
| Total Uses of Funds | 12,691,821 | 38,435,000 | 14,120,000 | 2,980,000 | 68,226,821 |

- (a) Estimated at 6% of the par amount of the Bonds, except for Series 2002A Bonds which are based on line-item estimates.
- (b) Estimated at 100% of maximum annual debt service.
- (c) Represents 6 months of interest on the Bonds.

2

DEC 05 2007

MOTION NO. 2007 1173

MOTION by Council Member Khan that the recommendation of Finance and Administration Department, to set a hearing date to consider the proposed amendments to Project and Financing Plans for Tax Increment Reinvestment Zone No. Three (Main Street/Market Square Zone) and Tax Increment Reinvestment Zone No. Fourteen (Fourth Ward Zone), be adopted, and a Public Hearings be set for 9:00 a.m., Wednesday, December 5, 2007, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Alvarado and carried.

Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Green voting aye
Nays none
Council Members Edwards, Noriega and Berry absent

PASSED AND ADOPTED this 28th day of November, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is December 4, 2007.

City Secretary

Tax Increment Reinvestment Zone Number Fourteen
Fourth Ward Redevelopment Authority
Plan B – Amendment 2007

Part B: Project Plan and Reinvestment Zone Financing Plan, Reinvestment Zone Number Fourteen (Fourth Ward), City of Houston, Texas

A rectangular stamp with the word "DRAFT" in large, bold, capital letters. To the left of the text is a small icon of a document with a checkmark.

Overview

Reinvestment Zone Number Fourteen, City of Houston, Texas, also known as the Fourth Ward Tax Increment Reinvestment Zone (TIRZ) was created by Ordinance No. 1999-565 adopted June 9, 1999 for the purposes of development in an 119.8 acre portion of the City generally referred to as the “Fourth Ward”. A Project Plan and Reinvestment Zone Financing Plan, was adopted by City Council on July 28, 1999 by Ordinance No. 1999-818. These entities were created to facilitate the revitalization of the Historic Fourth Ward from a blighted and deteriorated neighborhood into a viable residential community with supporting commercial development. Improvements would address existing conditions consisting of substandard or deteriorating structures; inadequate or deteriorated streets, utilities and sidewalks; faulty or obsolete lot layout; safety issues; school improvements; and affordable housing.

Subsequently, by Resolution No. 1999-69, dated December 21, 1999, the Houston City Council approved the creation of the Fourth Ward Redevelopment Authority. The Authority was established to assist the City and the Zone Board of Directors in implementing the TIRZ Project Plan & Financing Plan in promoting and developing affordable housing, infrastructure improvements, educational facilities, parks, property acquisition for the preservation and restoration of historic structures within the Fourth Ward Zone, and which may be amended from time to time.

This Amended Plan, Part B, approved by the Fourth Ward Redevelopment Authority and TIRZ No. Fourteen Board of Directors provides for the enlargement of the zone by the addition of the Hopson Street right-of-way between Gillette and just to the east of Bailey Street, the Bailey Street right-of-way between Hopson and West Dallas, in addition to the annexation of approximately 13.8 acres of City of Houston Property roughly located east of Gillette Street between West Dallas and Allen Parkway (see Part B, Exhibit 1); and the reallocation of project costs as set out in the 1999 Part A Project Plan and Reinvestment Zone Financing Plan. The purpose of the enlargement of the zone is to support and facilitate the implementation of a mixed-used retail and affordable housing development on Gillette Street, the mitigation and repositioning of San Felipe Park, and provide for infrastructure improvements on Gillette, Bailey, Hopson, and West Dallas Streets. In general, the 2007 amendments to Part A are intended to clarify and redefine the goals as set out in the original Fourth Ward Project and Financing Plan, provide updated estimated project costs associated with the public infrastructure needs of the Zone, and allow for the integration of proposed recommendations and initiatives as identified in the

Tax Increment Reinvestment Zone Number Fourteen
Fourth Ward Redevelopment Authority
Plan B – Amendment 2007

Freedmen's Town / Fourth Ward TIRZ Plan prepared by Stull and Lee in February 2004. Highlights to the 2007 Part B amendments to Part A are described in the following:

- Better integration of pedestrian improvements and enhanced street lighting with proposed roadway and storm sewer improvements. Target streets identified for conversion into enhanced pedestrian corridors include Crosby between Cleveland and Allen Parkway, Gillette between West Gray and Allen Parkway, and Andrews between Heiner and Gillette.
- More flexibility for expenditures for use on Cultural/Public Facilities including the rehabilitation of the Gregory School site into an African-American Library and Archive.
- A renewed focus on Historic Preservation including the targeting of specific historical elements. These elements may include historical church façades, the community museums and associated structures, shotgun houses typical of the 4th Ward and the creation of a Historic and Preservation Restoration Grant Program.
- Remediation of environmental contamination and enhancement of San Felipe Park and the development of a new park on Webster at Gillette. In addition, enhancements and updating of Wiley Park.
- Redevelopment of a former City of Houston public works facility into a potentially mixed-income, mixed-use facility.

Plan Amendment Highlights

The Part A Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward TIRZ) was to set forth the goals, expectations, plans, programs and financial projections necessary to create and support an environment attractive to private investment in the Fourth Ward and adjacent areas in a manner that will ensure the long term stability and attractiveness of the Fourth Ward. The Zone has undertaken a limited number of projects in furtherance of its Project Plan. Most notable was the agreement the board approved in 2005 with Camden for the Bagby Apartments project. The project consists of approximately 600 apartment units of which 444 are located within the boundaries of the Zone. In addition to the Bagby Apartment project, Urban Lofts and Perry Homes have also constructed new housing developments both within and adjacent to the Zone. In 2000, the 500 unit Historic Oaks of Allen Parkway Village, located directly north of the Fourth Ward TIRZ was completed and the Housing Authority of the City of

Tax Increment Reinvestment Zone Number Fourteen
Fourth Ward Redevelopment Authority
Plan B – Amendment 2007

Houston (HACH) completed a 100-unit development on the three blocks bounded by Victor, Cleveland, Wilson and Genessee.

Despite some improvements undertaken since its creation, the Zone still presents a visibly deteriorated face with the significant amounts of deficient infrastructure and limited amenities. Additionally, public safety concerns continue to be voiced by the populace.

Currently factors still impacting the development of the Zone include:

- Poor image and appearance;
- The predominance of unusually narrow dedicated street right-of-ways have combined with public civility issues to create the perception of inadequate “safety;”
- Decayed and inadequate infrastructure; and
- Lack of green space and other public amenities.

This amendment to the Final Project Plan and Reinvestment Zone Financing Plan is referenced to as Part B and describes the changes to the zone project plan, including Part A. Proposed amendments to the Part A Project Plan include:

Crosby Outfall – A major storm sewer outfall travels underneath Crosby Street north to Buffalo Bayou. Public Works has identified it as requiring upsizing. The drainage watershed covers the 4th Ward and portions of Midtown and Neartown. Joint project between 4th Ward TIRZ, Midtown TIRZ and City of Houston.

Eastside Streets – Public Works Pavement Maintenance and Management Program database has identified several streets in the eastern portion of the TIRZ as candidates for reconstruction. Portions of Arthur, Crosby, Saulnier, Robin, and Ruthven are to be reconstructed.

Gillette Street Pedestrian Improvements – Gillette from W. Gray north to Allen Parkway would be improved for pedestrian traffic including improved sidewalks, street lighting, street furniture, etc. This will connect the western portion of the 4th Ward to the improved San Felipe Park and to the Buffalo Bayou trails complex.

Andrews Street Pedestrian Improvements – Andrews Street, because of its historic brick streets and central location, is one of the most significant streets in the Fourth Ward. Public Works, with Federal support, has designed a reconstruction of the street in keeping with its historic character.

Tax Increment Reinvestment Zone Number Fourteen
Fourth Ward Redevelopment Authority
Plan B – Amendment 2007

Gregory School/African American Archives/School Facility – The present funding designated for the rehabilitation of the Gregory School and its transformation into an African-American Library and Archive is approximately \$2 million short of present design and construction estimates. To close this gap in funding, \$2 million will be programmed for this purpose.

San Felipe Park – Presently, San Felipe Park is closed due to environmental contamination at the site. Funds programmed for this park would remediate the park and provide for enhanced park facilities including a ball field, playground area and a dog run. San Felipe Park is in the territory to be added to the existing TIRZ as described previously.

West Webster Park – This is currently an undeveloped tract of land. The preliminary design of this park includes a pavilion, playground area and dog run.

Wiley Park – This existing park requires upgrading and repair of playground and waterpark equipment.

Preservation of Historic Structures – Specific historical elements are targeted for preservation. These include historic church façades, community museums and associated structures, and shotgun houses typical of the 4th Ward. Each would be preserved and rehabilitated as appropriate and incorporated into a historical walking/biking/driving tour of the 4th Ward/Historic Freedman’s Town.

Rehabilitation Grant Program – As presently envisioned, this grant program would provide limited public funds to owners of historic 4th Ward structures that wished to rehabilitate them and apply for Historic Landmark Designation per the city’s present ordinance.

Projected TIRZ Project Costs

The amended Projected TIRZ Project Costs are detailed in Part B, Exhibit 2.

Financing Methods and Revenue Sources for Project Costs

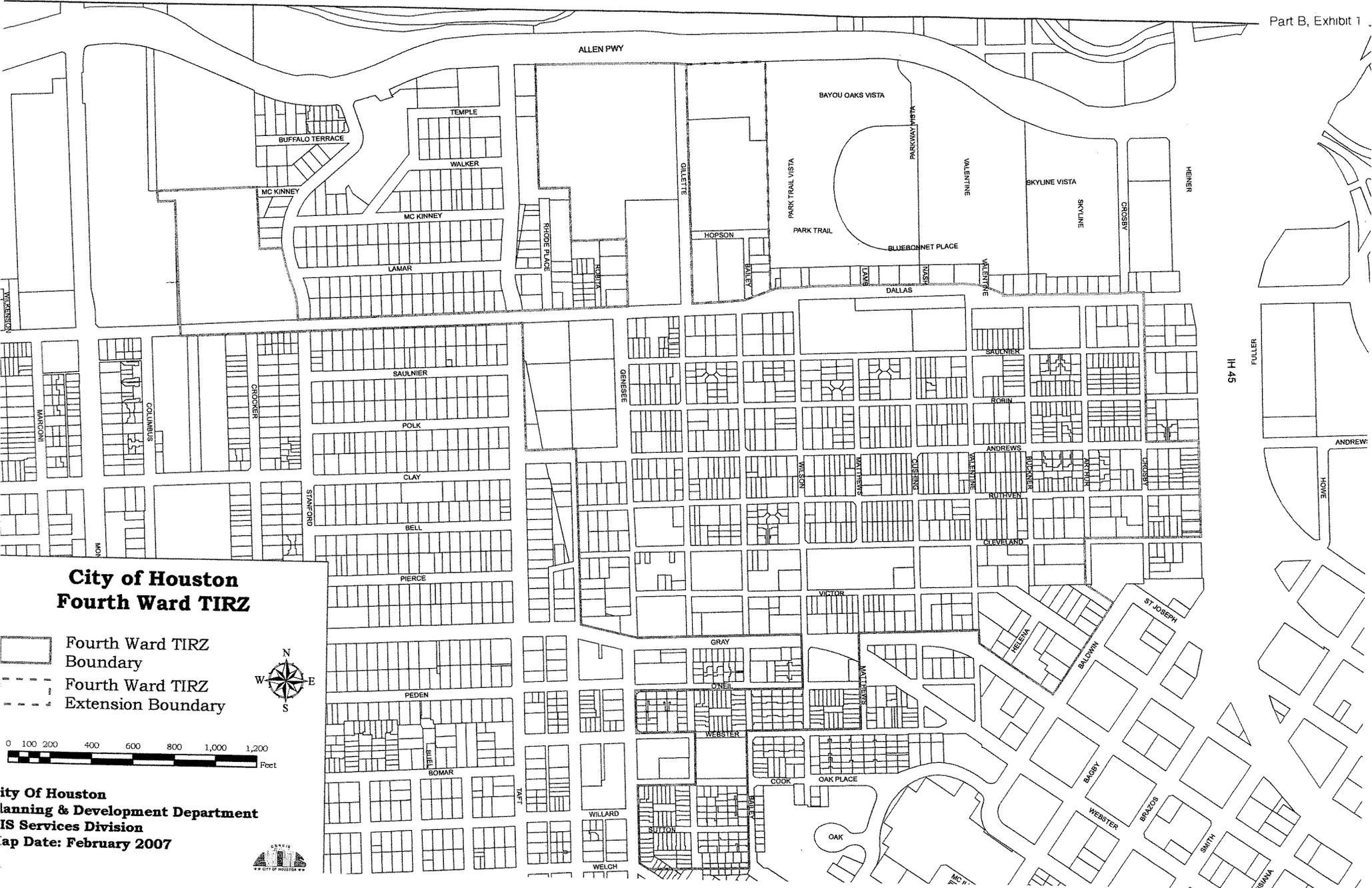
Projected revenues for the duration of the life of the TIRZ are detailed in Part B, Exhibit 3. The development which has occurred within the TIRZ since its creation and future projected development provide sufficient projected TIRZ revenues to finance the projects detailed in this Part B amendment to the Plan.

In accordance with Sec. 311.015 of the Tax Increment Financing Act, the City-created Fourth Ward Redevelopment Authority may issue tax increment bonds,

Tax Increment Reinvestment Zone Number Fourteen
Fourth Ward Redevelopment Authority
Plan B – Amendment 2007

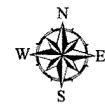
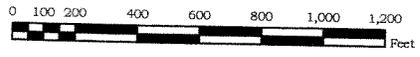
notes or other obligations payable from tax increment revenue. Proceeds from such issuances may be used to pay eligible projects costs on behalf of the Zone.

The City will participate in the expanded zone at a level sufficient to support the economic development program approved by the TIRZ and the City. The participation agreement with HISD will not be affected by this Part B amendment.



**City of Houston
Fourth Ward TIRZ**

-  Fourth Ward TIRZ Boundary
-  Fourth Ward TIRZ Extension Boundary



City of Houston
Planning & Development Department
IS Services Division
Map Date: February 2007



Part B, Exhibit 2

Project Cost Amendments: The following table includes the approved project cost for Part A and Part B and the changes made to those budgets through this Part B amendment:

| | Estimated Costs 1999 Plan | Estimated Costs 2007 Plan | Increase(Decrease) |
|---|------------------------------|------------------------------|---------------------|
| Infrastructure Improvements: | | | |
| Public Utilities - Part A | | | |
| Storm & Sanitary Sewer general | \$ 3,189,100 | \$ 3,500,000 | \$ 310,900 |
| Storm & Sanitary Sewer extensions | \$ 3,000,000 | | \$ (3,000,000) |
| Paving/Street Reconstruction | \$ 4,118,500 | \$ 7,000,000 | \$ 2,881,500 |
| Demolition | \$ 846,000 | \$ - | \$ (846,000) |
| Public Utilities - Part B | | | |
| Crosby Street (Outfall) | \$ - | \$ 2,000,000 | \$ 2,000,000 |
| Eastside Streets (portions of Aurthur, Crosby, Saulinier, Robin, Ruthven) | \$ - | \$ 2,340,000 | \$ 2,340,000 |
| Gillette Street | \$ - | \$ 1,800,000 | \$ 1,800,000 |
| Total Public Utilities - Parts A & B | \$ 11,153,600 | \$ 16,640,000 | \$ 5,486,400 |
| Roadway and Sidewalk Improvements - Part A & B | | | |
| Streetscape | \$ 3,552,400 | \$ 5,762,000 | \$ 2,209,600 |
| Streetlights | \$ 934,000 | \$ - | \$ (934,000) |
| Total Roadway and Sidewalk Improvements - Parts A & B | \$ 4,486,400 | \$ 5,762,000 | \$ 1,275,600 |
| Parks - Part A | | | |
| Parks | \$ 1,501,000 | \$ - | \$ (1,501,000) |
| Parks - Part B | | | |
| San Felipe | \$ - | \$ 3,072,000 | \$ 3,072,000 |
| West Webster | \$ - | \$ 605,000 | \$ 605,000 |
| Wiley Park | | \$ 500,000 | |
| Total Parks - Parts A & B | \$ 1,501,000 | \$ 4,177,000 | \$ 2,176,000 |
| Entry Features & Focal Points: | | | |
| Entry Features & Focal Points - Parts A & B | \$ 256,000 | \$ - | \$ (256,000) |
| Total Entry Features & Focal Points - Parts A & B | \$ 256,000 | \$ - | \$ (256,000) |
| Total Infrastructure Improvements - Parts A & B | \$ 17,397,000 | \$ 26,579,000 | \$ 8,682,000 |
| Other Project Costs: | | | |
| Historic Preservation - Part A & Part B | | | |
| Historic Preservation | \$ 3,750,000 | \$ 4,100,000 | \$ 350,000 |
| Total Historic Preservation - Parts A & B | \$ 3,750,000 | \$ 4,100,000 | \$ 350,000 |

Part B, Exhibit 2 (cont.)

Cultural & Public Facilities Improvements:

Cultural & Public Facilities Improvements - Part A

| | | | | | | |
|------------------------------|----|---|----|---|----|---|
| Cultural & Public Facilities | \$ | - | \$ | - | \$ | - |
|------------------------------|----|---|----|---|----|---|

Cultural & Public Facilities Improvements - Part B

| | | | | | | |
|-------------------------|----|---|----|-----------|----|-----------|
| Gregory School Facility | \$ | - | \$ | 2,000,000 | \$ | 2,000,000 |
|-------------------------|----|---|----|-----------|----|-----------|

| | | | | | | |
|--|-----------|----------|-----------|------------------|-----------|------------------|
| Total Cultural & Public Facilities Improvements - Parts A & B | \$ | - | \$ | 2,000,000 | \$ | 2,000,000 |
|--|-----------|----------|-----------|------------------|-----------|------------------|

TIRZ Creation & Management:

| | | | | | | |
|--|----|---------|----|-----------|----|-----------|
| TIRZ Creation & Management - Parts A & B | \$ | 800,000 | \$ | 3,500,000 | \$ | 2,700,000 |
|--|----|---------|----|-----------|----|-----------|

| | | | | | | |
|---|-----------|----------------|-----------|------------------|-----------|------------------|
| Total TIRZ Creation & Management - Parts A & B | \$ | 800,000 | \$ | 3,500,000 | \$ | 2,700,000 |
|---|-----------|----------------|-----------|------------------|-----------|------------------|

Educational Facilities Improvements:

| | | | | | | |
|--|----|------------|----|------------|----|---|
| Education Facilities Project Costs - Parts A & B | \$ | 15,300,000 | \$ | 15,300,000 | \$ | - |
|--|----|------------|----|------------|----|---|

| | | | | | | |
|--|-----------|-------------------|-----------|-------------------|-----------|----------|
| Total Educational Facilities Improvements - Parts A & B | \$ | 15,300,000 | \$ | 15,300,000 | \$ | - |
|--|-----------|-------------------|-----------|-------------------|-----------|----------|

Affordable Housing Improvements:

| | | | | | | |
|---|----|------------|----|------------|----|-----------|
| Affordable Housing Improvements Project Costs - Parts A & B | \$ | 32,900,000 | \$ | 42,700,000 | \$ | 9,800,000 |
|---|----|------------|----|------------|----|-----------|

| | | | | | | |
|--|-----------|-------------------|-----------|-------------------|-----------|------------------|
| Total Affordable Housing Improvements - Parts A & B | \$ | 32,900,000 | \$ | 42,700,000 | \$ | 9,800,000 |
|--|-----------|-------------------|-----------|-------------------|-----------|------------------|

PROJECT PLAN TOTAL

| | | | | | | |
|--|-----------|-------------------|-----------|-------------------|-----------|-------------------|
| | \$ | 70,147,000 | \$ | 94,179,000 | \$ | 23,532,000 |
|--|-----------|-------------------|-----------|-------------------|-----------|-------------------|

Part B Exhibit 3
 Fourth Ward TIRZ - Net Revenue
 Page 2

| Tax Year | COH Gross Rev | HISD Gross Rev | COH Aff Housing | HISD Aff Housing | HISD Set Aside | Admin | FRB Debt Service | COH Admin | Muni Service Charge | Gregory & Parks O&M | Net Rev | COH Net | HISD Net | Total Net | Cum Net |
|----------|---------------|----------------|-----------------|------------------|----------------|-----------|------------------|-----------|---------------------|---------------------|-------------|-------------|-----------|-------------|--------------|
| 2007 | \$1,332,661 | \$1,758,064 | \$444,220 | \$586,021 | \$586,021 | \$153,000 | \$347,432 | \$69,422 | \$150,000 | \$0 | \$754,608 | \$168,587 | \$586,021 | \$754,608 | \$754,608 |
| 2008 | \$1,459,804 | \$1,865,338 | \$486,601 | \$621,779 | \$621,779 | \$156,060 | \$361,329 | \$73,660 | \$153,000 | \$192,000 | \$658,933 | \$37,153 | \$621,779 | \$658,933 | \$1,413,540 |
| 2009 | \$1,576,829 | \$1,960,926 | \$525,610 | \$653,642 | \$653,642 | \$159,181 | \$375,782 | \$77,561 | \$156,060 | \$195,840 | \$740,436 | \$86,795 | \$653,642 | \$740,436 | \$2,153,977 |
| 2010 | \$1,836,178 | \$2,098,557 | \$612,059 | \$699,519 | \$699,519 | \$162,365 | \$390,814 | \$86,206 | \$159,181 | \$199,757 | \$925,315 | \$225,796 | \$699,519 | \$925,315 | \$3,079,292 |
| 2011 | \$2,202,876 | \$2,160,016 | \$734,292 | \$720,005 | \$720,005 | \$165,612 | \$406,446 | \$98,429 | \$162,365 | \$203,752 | \$1,151,985 | \$431,980 | \$720,005 | \$1,151,985 | \$4,231,277 |
| 2012 | \$2,487,267 | \$2,239,960 | \$829,089 | \$746,653 | \$746,653 | \$168,924 | \$422,704 | \$107,909 | \$165,612 | \$207,827 | \$1,331,854 | \$585,201 | \$746,653 | \$1,331,854 | \$5,563,131 |
| 2013 | \$2,642,262 | \$2,272,365 | \$880,754 | \$757,455 | \$757,455 | \$172,303 | \$439,612 | \$113,075 | \$168,924 | \$211,984 | \$1,413,064 | \$655,609 | \$757,455 | \$1,413,064 | \$6,976,196 |
| 2014 | \$2,756,533 | \$2,300,301 | \$918,844 | \$766,767 | \$766,767 | \$175,749 | \$457,197 | \$116,884 | \$172,303 | \$216,223 | \$1,466,099 | \$699,332 | \$766,767 | \$1,466,099 | \$8,442,295 |
| 2015 | \$2,875,375 | \$2,324,885 | \$958,458 | \$774,962 | \$774,962 | \$179,264 | \$475,485 | \$120,846 | \$175,749 | \$220,548 | \$1,519,987 | \$745,025 | \$774,962 | \$1,519,987 | \$9,962,282 |
| 2016 | \$2,998,970 | \$2,340,017 | \$999,657 | \$780,006 | \$780,006 | \$182,849 | \$494,504 | \$124,966 | \$179,264 | \$224,959 | \$1,572,778 | \$792,772 | \$780,006 | \$1,572,778 | \$11,535,060 |
| 2017 | \$3,127,509 | \$2,340,017 | \$1,042,503 | \$780,006 | \$780,006 | \$186,506 | \$514,284 | \$129,250 | \$182,849 | \$229,458 | \$1,622,664 | \$842,659 | \$780,006 | \$1,622,664 | \$13,157,724 |
| 2018 | \$3,261,190 | \$2,372,609 | \$1,087,063 | \$790,870 | \$790,870 | \$190,236 | \$534,856 | \$133,706 | \$186,506 | \$234,047 | \$1,685,645 | \$894,776 | \$790,870 | \$1,685,645 | \$14,843,370 |
| 2019 | \$3,400,219 | \$2,387,741 | \$1,133,406 | \$795,914 | \$795,914 | \$50,000 | \$556,250 | \$138,341 | \$190,236 | \$238,728 | \$1,889,172 | \$1,093,258 | \$795,914 | \$1,889,172 | \$16,732,541 |
| 2020 | \$3,544,808 | \$2,387,741 | \$1,181,603 | \$795,914 | \$795,914 | \$50,000 | \$578,500 | \$143,160 | \$194,041 | \$243,502 | \$1,949,916 | \$1,154,002 | \$795,914 | \$1,949,916 | \$18,682,457 |
| 2021 | \$3,695,181 | \$2,387,741 | \$1,231,727 | \$795,914 | \$795,914 | \$50,000 | \$601,640 | \$148,173 | \$197,922 | \$248,372 | \$2,013,261 | \$1,217,347 | \$795,914 | \$2,013,261 | \$20,695,718 |
| 2022 | \$3,851,569 | \$2,387,741 | \$1,283,856 | \$795,914 | \$795,914 | \$50,000 | \$625,705 | \$153,386 | \$201,880 | \$253,340 | \$2,079,315 | \$1,283,401 | \$795,914 | \$2,079,315 | \$22,775,032 |
| 2023 | \$4,014,212 | \$2,387,741 | \$1,338,071 | \$795,914 | \$795,914 | \$50,000 | \$650,734 | \$158,807 | \$205,918 | \$258,407 | \$2,148,190 | \$1,352,276 | \$795,914 | \$2,148,190 | \$24,923,222 |
| 2024 | \$4,183,361 | \$2,387,741 | \$1,394,454 | \$795,914 | \$795,914 | \$50,000 | \$676,763 | \$164,445 | \$210,036 | \$263,575 | \$2,220,002 | \$1,424,088 | \$795,914 | \$2,220,002 | \$27,143,224 |
| 2025 | \$4,359,276 | \$2,387,741 | \$1,453,092 | \$795,914 | \$795,914 | \$50,000 | \$703,833 | \$170,309 | \$214,237 | \$268,846 | \$2,294,872 | \$1,498,958 | \$795,914 | \$2,294,872 | \$29,438,096 |
| 2026 | \$4,542,228 | \$2,387,741 | \$1,514,076 | \$795,914 | \$795,914 | \$50,000 | \$731,987 | \$176,408 | \$218,522 | \$274,223 | \$2,372,926 | \$1,577,012 | \$795,914 | \$2,372,926 | \$31,811,022 |
| 2027 | \$4,732,497 | \$2,387,741 | \$1,577,499 | \$795,914 | \$795,914 | \$50,000 | \$761,266 | \$182,750 | \$222,892 | \$279,708 | \$2,454,296 | \$1,658,382 | \$795,914 | \$2,454,296 | \$34,265,318 |
| 2028 | \$4,930,378 | \$2,387,741 | \$1,643,459 | \$795,914 | \$795,914 | \$50,000 | \$791,717 | \$189,346 | \$227,350 | \$285,302 | \$2,539,118 | \$1,743,204 | \$795,914 | \$2,539,118 | \$36,804,436 |



BILL WHITE
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

3
DEC 05 2007

COPY TO EACH MEMBER OF COUNCIL:
CITY SECRETARY: 11-19-07
DATE
COUNCIL MEMBER: _____

November 19, 2007

The Honorable City Council
City of Houston

Dear Council Members:

I am pleased to nominate for appointment the following individual to the board of Houston Arts Alliance, subject to Council confirmation:

Ms. Vanessa Perez McCalla, appointment to Position Four, for an unexpired term ending June 30, 2009.

Résumé of the nominee is attached for your review.

Sincerely,

Bill White
Mayor

BW:CC:jsk

Attachments

cc: Ms. Jill Jewett, mayor's assistant for cultural affairs
Ms. Argentina James, president



Revised



BILL WHITE
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

4
DEC 05 2007

November 30, 2007

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to the City of Houston Ordinance No. 2007-464, Chapter 26 of the Code of Ordinances, I am appointing or reappointing the following individuals to the Public Parking Commission, subject to Council confirmation:

Mr. Marcus L. Davis, reappointment to Position Eight, for a term to commencing on January 1, 2008 and expiring on December 31, 2009;

Mr. Ricardo A. Baca Mares, appointment to Position Ten, for an unexpired term ending December 31, 2007; and a consecutive term to commence January 1, 2008 and expire December 31, 2009; ←

Ms. Joyce Camp, reappointment to Position Twelve, for a term commencing on January 1, 2008 and expiring on December 31, 2009; and

Mr. Charles D. Reedstrom, reappointment to Position Fourteen, for a term to commencing on January 1, 2008 and expiring on December 31, 2009.

The résumés of the appointees are attached for your review.

Sincerely,

Bill White

Bill White
Mayor

BW:CC:jsk

Attachments

cc: Ms. Dawn Ullrich, director, Convention and Entertainment Facilities
Ms. Liliana Rambo, chief parking official, Convention and Entertainment Facilities

| | | |
|--|-----------------------|-------------------------|
| SUBJECT: Dedication Plaque New Fire Station 105 WBS No. C-000166-0001-4 | Page 1 of 1 | Agenda Item 5 |
|--|-----------------------|-------------------------|

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|---|-------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): General Services Department | Origination Date 11/27/07 | Agenda Date DEC 05 2007 |
|---|-------------------------------------|-----------------------------------|

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|---|--|
| DIRECTOR'S SIGNATURE Issa Z. Dadoush, P.E. <i>[Signature]</i> | Council District(s) affected: E |
|---|--|

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|---|--|
| For additional information contact: Jacquelyn L. Nisby <i>[Signature]</i> Phone: (713) 247-1814 | Date and identification of prior authorizing Council action: Motion No. 83-2736, October 5, 1983 Ordinance No. 2006-944, September 13, 2006 |
|---|--|

RECOMMENDATION: Approve computer image for dedication plaque.

| | |
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| Amount and Source Of Funding: No Additional Funding Required. | F & A Budget: |
|--|--------------------------|

SPECIFIC DESCRIPTION: The General Services Department recommends that City Council pass a motion to approve a computer image for a dedication plaque (copy attached) for the New Fire Station 105.

PROJECT LOCATION: New Fire Station 105
 14014 West Lake Houston Parkway (417L)

PROJECT DESCRIPTION: The project involves construction of a 6,750 square foot new Fire Station No. 105. The scope of work includes living accommodations for nine firefighters, a two bay apparatus room, EMT areas, kitchen and lounge, locker rooms, and related parking.

REPRESENTATION: The plaque identifies the City of Houston elected officials and department heads who served when the project commenced as well as the individuals serving in those positions at the completion of the project.

IZD:JLN:WTH:MCP:JW:jw

Attachment

c: Marty Stein, Issa Z. Dadoush, P.E., Jacquelyn Nisby, Jack Williams, File

REQUIRED AUTHORIZATION CUIC# 25CONS16

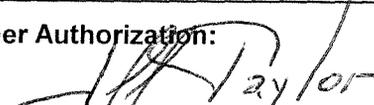
| | | |
|---|-----------------------------|--|
| Other Authorization: <i>[Signature]</i> Wendy Teas Heger, AIA Chief of Design and Construction General Services Department | Other Authorization: | Other Authorization: <i>[Signature]</i> Phil Boriskie, Chief Houston Fire Department |
|---|-----------------------------|--|

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | | |
|--|--|--|--|
| SUBJECT: Accept Work for Chlorine Scrubber Systems at Groundwater Facilities. WBS. No. S-000533-0005-4. | | Page 1 of 1 | Agenda Item # 6 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date 11-29-07 | Agenda Date DEC 05 2007 |
| DIRECTOR'S SIGNATURE: <i>MSD Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director | | Council Districts affected: A & B | |
| For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director <i>[Signature]</i> Phone: (713) 837-7074 | | Date and Identification of prior authorizing Council Action: Ord. #2006-57 dated 01/18/2006 | |
| RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$924,980.00 or 3.47% under the original Contract Amount, accept the Work, and authorize final payment. | | | |
| Amount and Source of Funding: No additional funding required. Original appropriation of \$1,075,700.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund, Fund No. 755. | | | F&A Budget: |
| SPECIFIC EXPLANATION: | | | |
| PROJECT NOTICE/JUSTIFICATION: This project was part of the City's Rehabilitation and Upgrades of the Groundwater Production Facilities Program. This program is required to increase the capacity, improve operability and to ensure compliance with the Safe Drinking Water Act requirements as promulgated by the Texas Commission on Environmental Quality (TCEQ). | | | |
| DESCRIPTION/SCOPE: The project consisted of installations of the chlorine scrubber systems and improvements at Acres Homes and Spring Branch Groundwater Facilities. Klotz Associates, Inc. designed the project with 240 calendar days allowed for construction. The project was awarded to Industrial TX Corp. with an original Contract Amount of \$958,275.00. | | | |
| LOCATION: The project areas are located at 1810 Dolly Wright Street and at 9400 Kempwood Drive in Key Map Grids 412-S and 450-K. | | | |
| CONTRACT COMPLETION AND COST: The Contractor, Industrial TX Corp. has completed the Work under the subject Contract. The project was completed beyond the established completion date and Liquidated Damages for 33 days, at the rate of \$300 per day, have been assessed and are reflected in the final payment to the Contractor. The final cost of the project, including overrun and underrun of estimated bid quantities and Liquidated Damages is \$924,980.00, a decrease of \$33,295.00 or 3.47% under the original Contract Amount. | | | |
| The decreased cost is primarily a result of the Work not requiring use of Extra Unit Price Items and Liquidated Damages. | | | |
| M/WBE PARTICIPATION: There was no M/WBE goal for this project. | | | |
| <p>MSM:JTL:CWS:WR:mq S:\E&C Construction\Facilities\Projects\S-0533-05-3 Chlorine Scrubber Sys\Closouth\RCA\RCA_CL-2.DOC</p> <p>c: Daniel W. Krueger, P.E. Velma Laws Michael Ho, P.E. File No. 10806 - Closeout</p> | | | |
| REQUIRED AUTHORIZATION | | | CUIC ID# 20MZQ014 |
| F&A Director: | Other Authorization: <i>[Signature]</i> Jeff Taylor, Deputy Director Public Utilities Division | Other Authorization: <i>[Signature]</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division | NOT |

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|---|-----------------------------|---|-----------------------------------|
| SUBJECT: Accept Work for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation WBS# R-000266-00B8-4 | | Page 1 of 1 | Agenda Item # 7 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date 11-29-07 | Agenda Date DEC 05 2007 |
| DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director | | Council District affected: A, C, D, E, F, G, H and I | |
| For additional information contact: Joseph G. Majdalani, P.E. Sr. Assistant Director Phone: (713) 641-9182 | | Date and identification of prior authorizing Council action: Ordinance No. 2004-1155 dated, 11/09/2004 | |
| RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$704,671.36, which is 0.10% under the original contract amount, accept the work, and authorize final payment. | | | |
| Amount and Source of Funding: No additional funding required. Original appropriation of \$759,773.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 755. | | | F&A Budget: |
| SPECIFIC EXPLANATION: PROJECT NOTICE/JUSTIFICATION: Under this project the contractor provided cleaning and television inspection in support of rehabilitation to deteriorated sewer collection systems throughout the City. DESCRIPTION/SCOPE: This project consisted of sanitary sewer cleaning and television inspection in support of rehabilitation. The project was awarded to Chief Environmental Surveys, Inc., who subsequently changed their name to Chief Solutions, Inc., with an original contract amount of \$705,394.92. The Notice to Proceed date was January 31, 2005 and the project had 455 calendar days for completion. LOCATION: The project was located at various locations within Council Districts A, C, D, E, F, G, H and I. CONTRACT COMPLETION AND COST: The contractor has completed the work under the contract. The contract was completed within the required time. The final cost of the project is \$704,671.36, a decrease of \$723.36 or 0.10% under the original contract amount. Fewer sewer point repairs were actually made than anticipated. M/WDBE PARTICIPATION: No M/WDBE participation goal was established for this project. | | | |
| MSM:JT:JGM:RK:FOS:mf Attachments | | | |
| c: Velma Laws Michael Ho, P.E. Craig Foster | | Project File 4277-22 REQUIRED AUTHORIZATION CUIC ID# 20JGM199 | |
| F&A Director: | Other Authorization: | Other Authorization:  Jeff Taylor, Deputy Director Public Utilities Division | |

| | | | | |
|--------------------------------|----------------|---|--------------|-----------|
| 4277-22 | | Sanitary Sewer Cleaning and Television | | |
| | | In Support of Rehabilitation | | |
| WBS No. R-000266-00B8-4 | | Chief Environmental Surveys, Inc. | | |
| | | | | |
| WORK ORDER | KEY MAP | Subdivision | BASIN | CD |
| 3 | 449Z | WILDEWOOD FOREST | NE011 | A |
| 12 | 451V,452Y | SHEPHERD FOREST | IA044 | A |
| 20 | 452P | GARDEN HOME | IA050 | A |
| 7 | 492S | GREENWAY PLAZA | NE011 | C |
| 14 | 532K | SOUTHERN OAKS | SW203 | C |
| 6 | 573B | REEDWOODS | NE011 | D |
| 9 | 571R,V | WESTHAMPTON | NE011 | D |
| 16 | 533Z | INWOOD TERRACE | NE011 | D |
| 17 | 617R,618N,618S | PIPERS MEADOW | MC001 | E |
| 22 | 496M | GREENS BAYOU PARK | NE010 | E |
| 1 | 529G | DAIRY PROPERTY | NE011 | F |
| 4 | 530P | CROW-GESSNER SHOPPING CENTER | NE011 | F |
| 21 | 530H | SHARPSTOWN IND PARK CONDO | SW080 | F |
| 5 | 489P | LAKESIDE PLACE | TK210 | G |
| 11 | 492N | OAK ESTATES | NE011 | G |
| 15 | 490N | RIVERCREST | UBP09 | G |
| 18 | 489P | EPERNAY | TK210 | G |
| 8 | 493L,M | NSBB | NE011 | H |
| 13 | 453U,453Y | IRVINGTON | NE011 | H |
| 2 | 534B | TELEPHONE RD | NE011 | I |
| 10 | 535F | SHERMANDALE | NE011 | I |
| 19 | 534B | TELEPHONE RD | SB151 | I |

| | | | |
|--|------------------------|-----------------------|-------------------------------|
| SUBJECT: Request for the abandonment and sale of ±5,263 square feet of Beverly Street at E. 12 ½ Street, between Lot 14, Block 31 and Lot 1, Block 32, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all located in the Corrected Plat of Stude's Second Addition. Parcels SY8-028 and DY8-024 | Category # 7 | Page 1 of 2 | Agenda Item # 8 |
|--|------------------------|-----------------------|-------------------------------|

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| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date 11/27/07 | Agenda Date DEC 05 2007 |
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| DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director | Council District affected: H Key Map: 492H  |
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| For additional information contact: Nancy P. Collins ^{D.O.} _{for} Phone: (713) 837-0881 Senior Assistant Director-Real Estate | Date and identification of prior authorizing Council Action: |
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RECOMMENDATION: (Summary) It is recommended City Council approve a council motion authorizing the abandonment and sale of ±5,263 square feet of Beverly Street at E. 12 ½ Street, between Lot 14, Block 31 and Lot 1, Block 32, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all located in the Corrected Plat of Stude's Second Addition. **Parcels SY8-028 and DY8-024**

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| Amount and Source of Funding: Not Applicable | F & A Budget: |
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SPECIFIC EXPLANATION:

Tracie J. Renfroe and Amber Alonso, 643 East 12 ½ Street, Houston, Texas, 77008, requested the abandonment and sale of ±5,263 square feet of Beverly Street at E. 12 ½ Street, between Lot 14, Block 31 and Lot 1, Block 32, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all located in the Corrected Plat of Stude's Second Addition. Tracie J. Renfroe and Amber Alonso, the abutting owners, plan to assemble the street being abandoned and sold with their abutting property to construct a single family residence.

This transaction is Part One of a two-step process in which the applicant will first receive a City Council authorized council 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 ±5,263 square feet of Beverly Street at E. 12 ½ Street, between Lot 14, Block 31 and Lot 1, Block 32, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all located in the Corrected Plat of Stude's Second Addition;
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 obtain a letter of no objection from each of the privately owned utility companies for the alley being abandoned and sold;

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| psm\sy8-028.rc1.doc | CUIC #20PSM8917 |
|---------------------|-----------------|

REQUIRED AUTHORIZATION

| | | |
|--------------------------|-----------------------------|---|
| F&A Director: | Other Authorization: | Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division |
|--------------------------|-----------------------------|---|

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|--------------|--|----------------------------------|-------------------------------------|
| Date: | Subject: Request for the abandonment and sale of ±5,263 square feet of Beverly Street at E. 12 ½ Street, between Lot 14, Block 31 and Lot 1, Block 32, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all located in the Corrected Plat of Stude's Second Addition. Parcels SY8-028 and DY8-024 | Originator's Initials | Page <u>2</u> of <u>2</u> |
|--------------|--|----------------------------------|-------------------------------------|

4. The Legal Department be authorized to prepare the necessary transaction documents; and
5. Inasmuch as the value of the property interest is expected to exceed \$25,000.00, that the City Council appoint the following two independent real estate appraisers to establish the value – Michael Copland and Frank Flores.

MSM: NPC:psm

c: Phil Boriskie
Raymond D. Chong, P.E., PTOE
Marlene Gafrick
Daniel W. Krueger, P.E.
Arturo G. Michel
Marty Stein
Jeff Taylor

HOUSTON INDEPENDENT SCHOOL DISTRICT

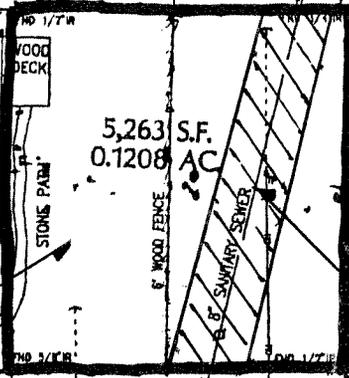


BLOCK 31
CORRECTED PLAT OF
STUDE'S SECOND ADDITION
V.S. P.51 H.C.M.R.
LOT 14

641 & 643
EAST 12-1/2 STREET
JOINT VENTURE

N2°29'43"W 76.45'

N86°54'04"E 68.50'



3 STORY
BRICK
HOUSE

5,263 S.F.
0.1208 AC

BLOCK 32
CORRECTED PLAT OF
STUDE'S SECOND ADDITION
V.S. P.51 H.C.M.R.
LOT 1

641 & 643
EAST 12-1/2 STREET
JOINT VENTURE

'29'43"E 77.17'

DY8-024

SY8-028

P.O.B.

S87°30'17"W 68.50'

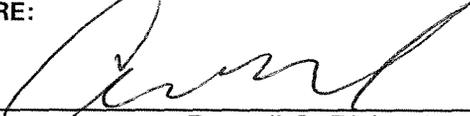
EAST 12-1/2th AVENUE
70' R-O-W

BEVERLY STREET
68.50' R-O-W

Abandonment and sale of ±5,263 square feet of Beverly Street at E. 12 1/2 Street, between Lot 14, Block 31 and Lot 1, Block 32, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all located in the Corrected Plat of Stude's Second Addition. **Parcels SY8-028 and DY8-024**

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|--|-------------------|--------------------|--|
| SUBJECT: Parcel No. AY2-041; <i>City of Houston v. Purvis Bearing Service, Ltd., et al.</i> , Cause No. 841,909; Central Street Grade Separation Project (Central St. Extension over Manchester Avenue to Train Yard); WBS/CIP No. N-000676-0001-2; L.D. No.052-0100024-021 | Category # | Page 1 of 2 | Agenda Item # <div style="text-align: right; font-size: 2em; font-weight: bold;">9</div> |
|--|-------------------|--------------------|--|

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|---|-------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): Legal Department, Real Estate Division Arturo G. Michel, City Attorney | Origination Date 10/03/07 | Agenda Date DEC 05 2007 |
|---|-------------------------------------|-----------------------------------|

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| DIRECTOR'S SIGNATURE:  | Council District affected: "1" Carol Alvarado - K.M.# 535G |
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| For additional information contact: Russell G. Richardson <i>RRR</i> Phone: 713 437-6750 <i>CP</i> (alternatively Joseph N. Quintal @ 713 437-6748) | Date and identification of prior authorizing Council action: CM#2006-221, psd. 3/22/06; BAO#2005-397,psd. 4/20/05 |
|--|--|

RECOMMENDATION: (Summary)

That the City Attorney be authorized, by Motion, to settle this eminent domain lawsuit for the total consideration of \$373,000.00 and pay the City's costs incurred during trial preparation. Funding for this matter will be provided by blanket Appropriation Ordinance No. 2005-397, psd. 4/20/05.

| | |
|--|--------------------------|
| Amount of Funding: \$26,590.50 <i>P1</i> | F & A Budget: |
|--|--------------------------|

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund

Street and Bridge Consolidated Construction Fund No. 437; SAP No. 4506

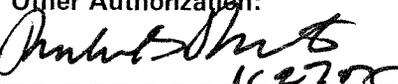
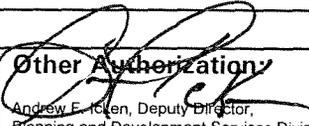
Other (Specify) Blanket Appropriation Ordinance No. 2005-397, psd. 4/20/05 *AY*

SPECIFIC EXPLANATION:

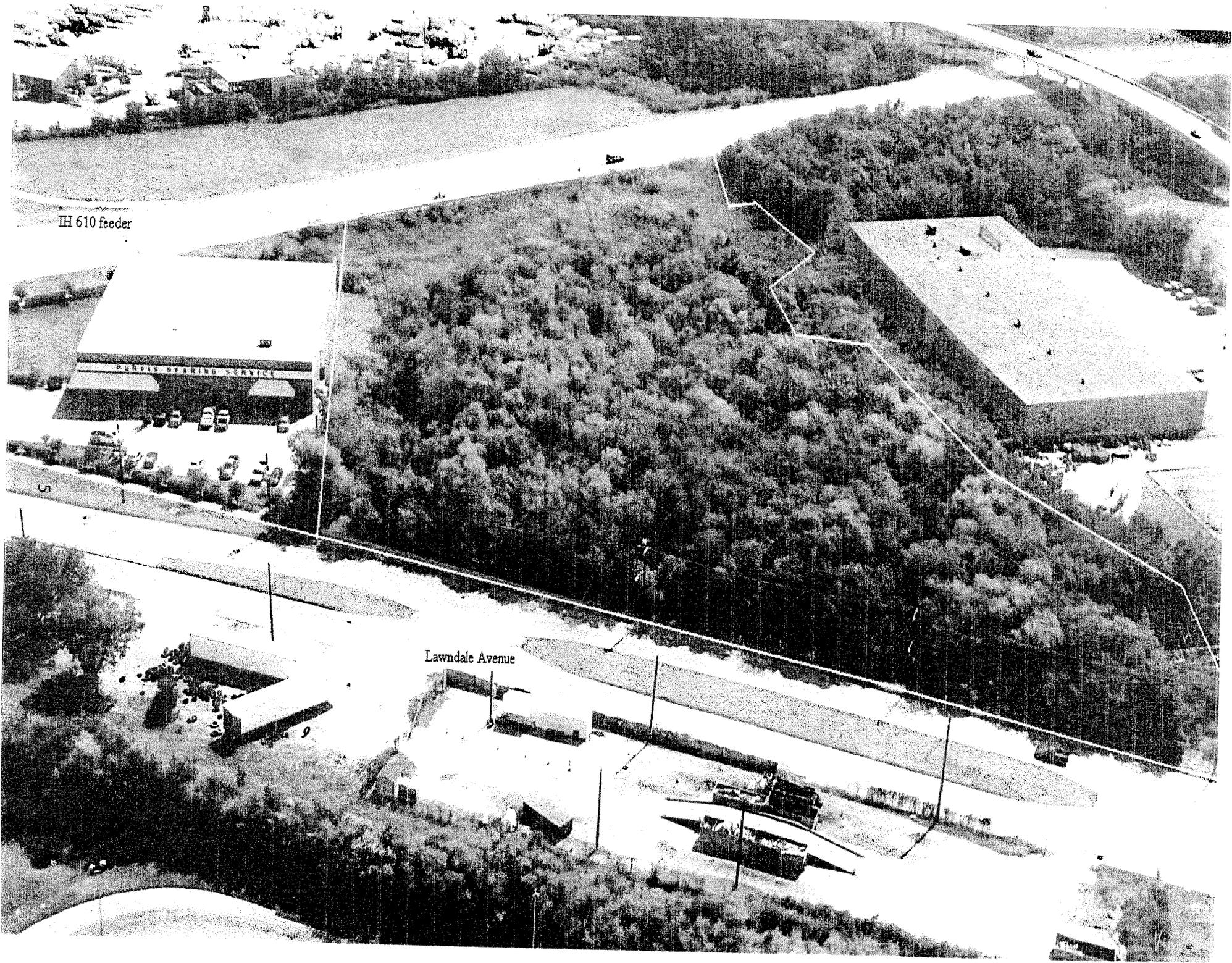
The Central Street Grade Separation Project provides for the construction of a four-lane concrete roadway grade separation over P.T.R.A. railroad tracks. The project includes paving, drainage and the necessary utility improvements. The grade separation is needed to provide area access for emergency vehicles due to the high volume of train traffic which occasionally closes all at-grade crossings.

The property which is the subject of this eminent domain proceeding is owned by Purvis Bearing Services, Ltd., Bob Purvis, President and is located at 9400 Lawndale Avenue. This eminent domain proceeding involves the fee simple title acquisition of 72,164 square feet (1.6567 acres) of land needed for street right-of-way (overpass) and a detention pond. After hearing all the evidence and testimony presented, the Special Commissioners awarded the landowner \$353,132.00 as "just compensation" for the property being acquired.

The landowner's attorney promptly filed objections to the amount of the Award of Special Commissioners and the matter was placed on the Court's trial docket. During trial preparation, the parties were able to reconcile their differences and arrive at a proposed settlement of this matter, subject to City Council's approval, wherein the City would pay the total sum of \$373,000.00, being \$19,868.00 more than the amount of the Award of Special Commissioners.

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| c:\mark\purvisettlerca REQUIRED AUTHORIZATION | | |
| F&A Director: | Other Authorization:  | Other Authorization:  Andrew E. Tolten, Deputy Director, Planning and Development Services Division |

| | | | |
|---|---|---------------------------------|----------------|
| Date 10/03/07 | Subject: Parcel AY2-041; <i>City v. Purvis Bearing Service, Ltd., et al</i> ; Central St. Grade Separation Project. L.D. File No. 052-0100024-021 | Originator's Initials RGR | Page 2 of 2 |
| <p>During the course of trial preparation, the Legal Department incurred an appraisal expense totaling \$6,722.50. This "cost of court" accounts for the monetary difference between the amount needed to settle this matter and the total amount of funds being requested herein.</p> <p>We recommend that the City Attorney be authorized, by Motion, to settle this eminent domain lawsuit for the total consideration of \$373,000.00 and pay the City's costs incurred during trial preparation. Funding for this matter will be provided by blanket Appropriation Ordinance No. 2005-397, psd. 4/20/05.</p> | | | |



IH 610 feeder

Lawndale Avenue

5

| | | | |
|---|--------------------|--------------------|--------------------------------|
| SUBJECT: PURCHASE of Parcel AY3-061, located in the 10200 block of Emerald Drive for the KEEGANS' BAYOU HIKE AND BIKE TRAIL PROJECT (from Brays Bayou to Kirkwood) N-000420-0025-2-01 OWNER: West Belt 6, Ltd., a Texas limited partnership, Mohammad Ladjevardian, General Partner | Category #7 | Page 1 of 1 | Agenda Item # 10 |
|---|--------------------|--------------------|--------------------------------|

| | | |
|---|---|---------------------------------------|
| FROM: (Department or other point of origin): Department of Public Works and Engineering | Origination Date 11-29-07 | Agenda Date DEC 05 2007 |
|---|---|---------------------------------------|

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| DIRECTOR'S SIGNATURE: <i>MSM</i>  Michael S. Marcotte, P.E., DEE, Director | Council District affected: C AK Key Map 529Z |
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| For additional information contact: Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director | Date and identification of prior authorizing Council Action: Ordinance 2006-729, passed June 28, 2006 |
|---|---|

RECOMMENDATION: (Summary) Authority be given through Council Motion to PURCHASE Parcel AY3-061.

| | |
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| Amount and Source of Funding: No additional funding required (covered under Blanket Appropriation Ordinance 2006-729, N-000420-0025-2-01) Street and Bridge Consolidated Construction Fund 4506 | F&A Budget: |
|--|------------------------|

SPECIFIC EXPLANATION:
The KEEGANS' BAYOU HIKE AND BIKE TRAIL PROJECT (from Braes Bayou to Kirkwood) provides for a safer route of travel for bicyclists and/or hikers away from the street traffic. Various trails will encourage an alternative method to commute within the City. This transaction involves the acquisition of 11,003 square feet of land located in the 10200 block of Emerald Drive for a hike and bike trail easement.

PURCHASE
The City desires to acquire 11,003 square feet of land out of improved commercial property. The City's offer was based on an appraisal completed by Gary L. Meyer, MAI, Independent Fee Appraiser. This valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

Parcel AY3-061: (Easement)
11,003 square feet x \$5.00 per square foot.....\$ 55,015.00

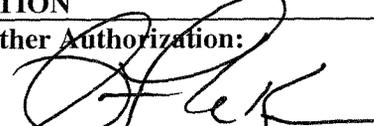
It is recommended that authority be given through Council Motion to PURCHASE Parcel AY3-061, owned by West Belt 6, Ltd., a Texas limited partnership, Mohammad Ladjevardian, General Partner. This parcel contains 11,003 square feet of land for a hike and bike trail out of a tract of land situated in the Jas. Alston Survey, A-100, Harris County, Texas, as conveyed to West Belt 6, Ltd., a Texas limited partnership by deed recorded under Harris County Clerk's File J256926, in the Official Public Records of Real Property, Harris, County, Texas, according to the City of Houston field notes.

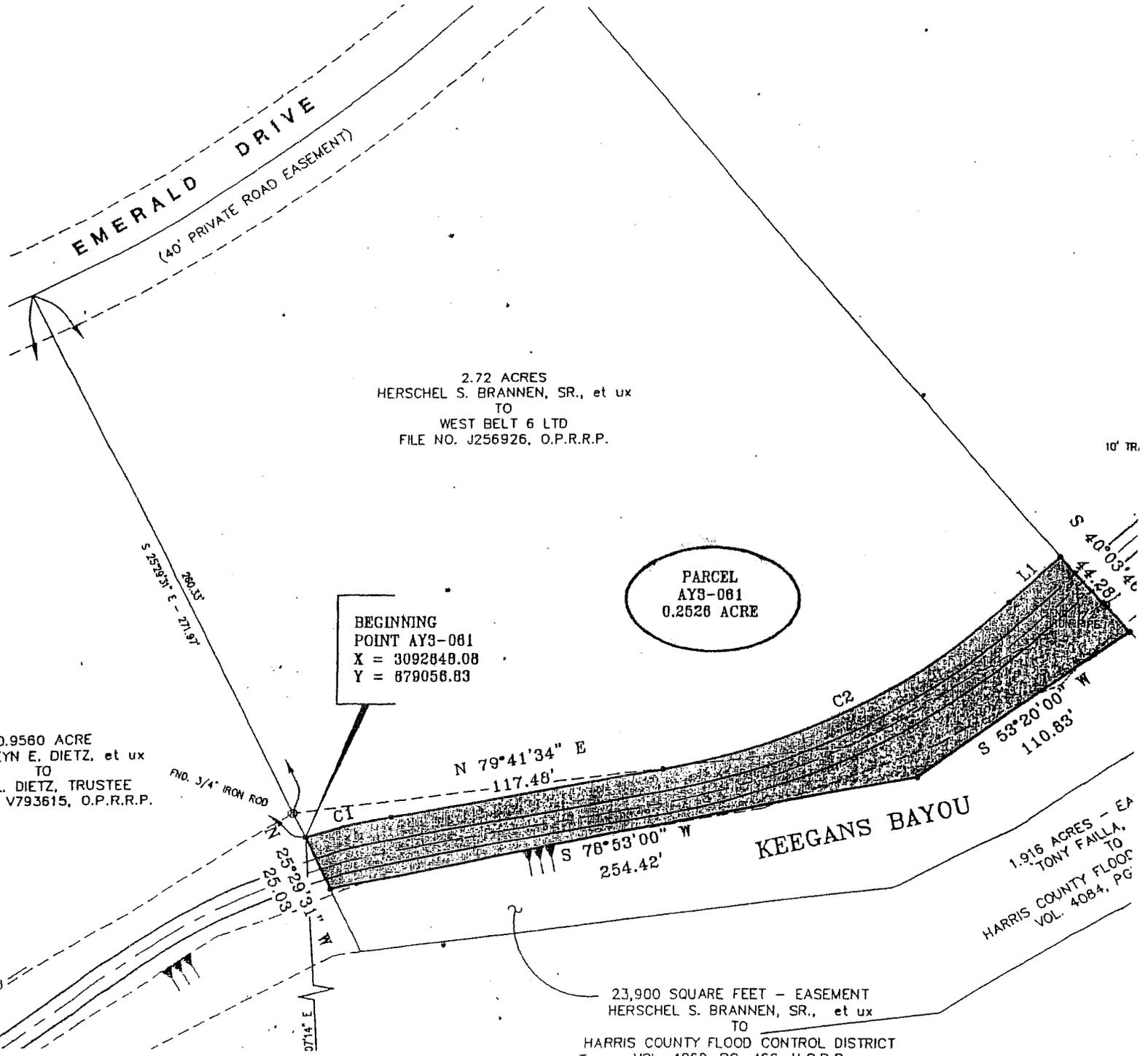
MSM:NPC:sr
S:\ROBERTSWRCA-KeegansAY3-061-Pure.doc

cc: Marty Stein

CUIC #20SDR10

REQUIRED AUTHORIZATION

| | | |
|--------------------------|-----------------------------|---|
| F&A Director: | Other Authorization: | Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division |
|--------------------------|-----------------------------|---|



2.72 ACRES
 HERSCHEL S. BRANNEN, SR., et ux
 TO
 WEST BELT 6 LTD
 FILE NO. J256926, O.P.R.R.P.

PARCEL
 AYS-081
 0.2528 ACRE

BEGINNING
 POINT AYS-081
 X = 3092848.08
 Y = 879056.83

0.9560 ACRE
 LYN E. DIETZ, et ux
 TO
 LYN E. DIETZ, TRUSTEE
 V793615, O.P.R.R.P.

1.916 ACRES - EA
 TONY FALLA,
 TO
 HARRIS COUNTY FLOOD
 CONTROL DISTRICT
 VOL. 4084, PG.

23,900 SQUARE FEET - EASEMENT
 HERSCHEL S. BRANNEN, SR., et ux
 TO
 HARRIS COUNTY FLOOD CONTROL DISTRICT
 VOL. 4084, PG. 466 H.C.D.R.

S 25°29'31" E - 271.97'

FND. 3/4" IRON ROD

N 25°29'31" W
 254.42'
 254.42'
 254.42'

N 79°41'34" E
 117.48'

S 78°53'00" W
 254.42'

S 53°20'00" W
 110.83'

S 40°03'40" W
 44.28'

10' TR.

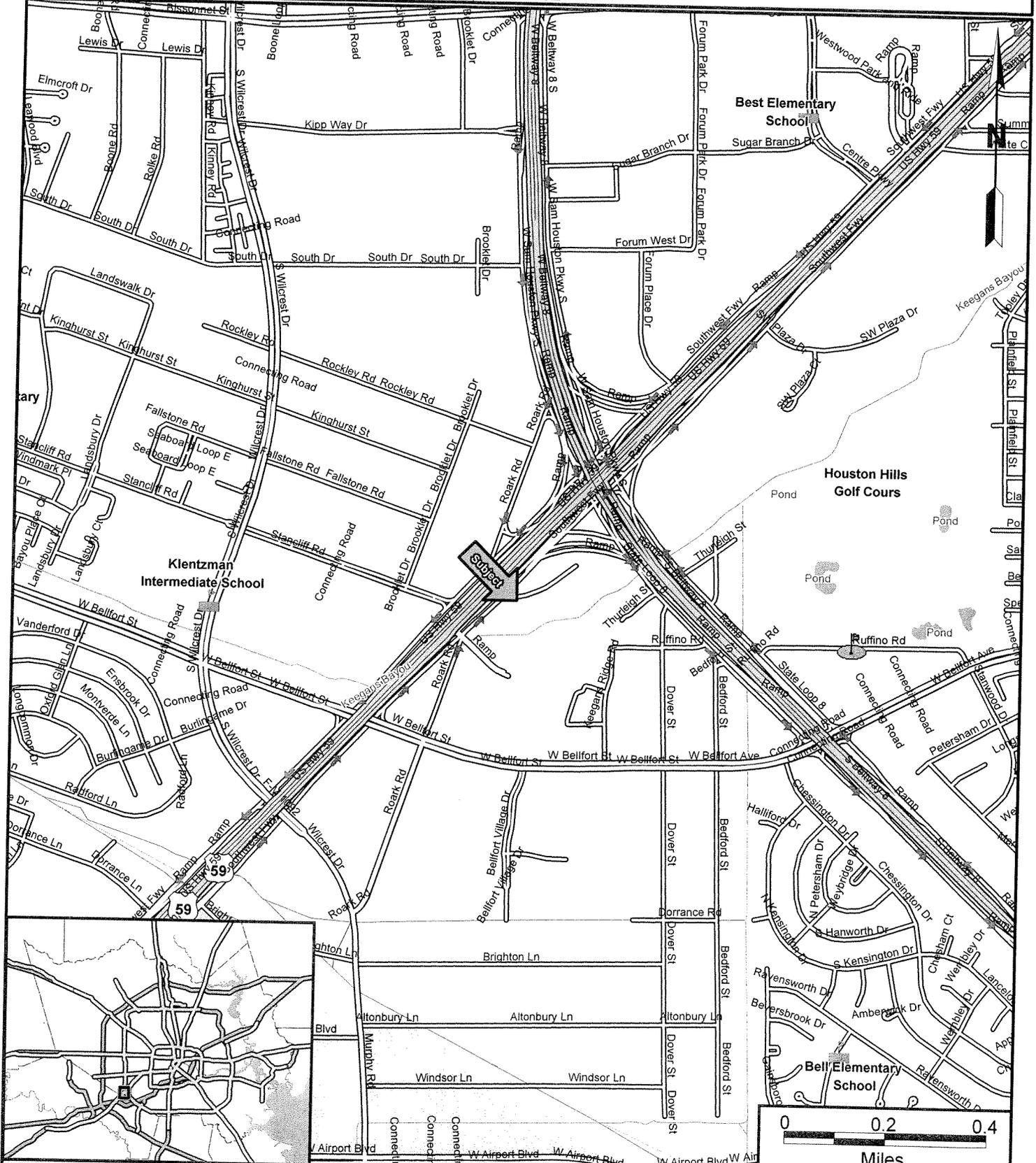
LOCATION MAP

Description: KEEGANS' BAYOU HIKE AND BIKE TRAIL PROJECT

WBS N-000420-0025-2; PARCEL AY3-061

Subject Address: 10200 Emerald Drive, Houston, TX 77074

Prepared by: City of Houston, 611 Walker, Houston, TX 77002



CAUTION:

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

Prepared by City of Houston using MapPro Service. MapPro Inc., 5353 West Alabama St, Suite 303, Houston, TX 77056 (713)789-1406

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7676

Subject: Purchase of Mapping Software for the Houston Emergency Center
S25-N22674

Category #
4

Page 1 of 1

Agenda Item

11

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

November 13, 2007

Agenda Date

DEC 05 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

Matt Hyde Phone: (832) 393-0055
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of mapping software through the Houston-Galveston Area Council (H-GAC) in the total amount of \$107,585.94 for the Houston Emergency Center.

Award Amount: \$107,585.94

F & A Budget

\$107,585.94 Federal State Local - Pass Through Fund (5030) Urban Search and Rescue Operation Grant

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of mapping software through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the total amount of \$107,585.94 for the Houston Emergency Center and that authorization be given to issue a purchase order to the H-GAC contractor, Mapping Solutions, Inc.

This purchase consists of in-vehicle mobile mapping software that will be installed in Fire Department command vehicles for use in emergency situations to locate buildings such as apartment complexes and provide information such as gate locations, access codes, management phone numbers and other useful information.

Buyer: Tom Smyer
PR 10037597

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

MS

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7587

Subject: Spending Authority to Address the Emergency Elevator Modernization at 1200 Travis for the General Services Department S25-C22599

Category #
1 & 4

Page 1 of 2

Agenda Item

12-12A

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

November 21, 2007

Agenda Date

DEC 05 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

1

For additional information contact:

Jacquelyn L. Nisby Phone: (713) 247-1814
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$2,999,117.00 out of the Police Consolidated Construction Fund (Fund 4504) and approve spending authority in the amount of \$2,862,917.00 and contingencies (4.4% for unforeseen changes within the scope of work) in the amount of \$126,000.00 for a total amount not to exceed \$2,988,917.00 to address the emergency elevator modernization at 1200 Travis for the General Services Department.

Amount of Funding: \$2,999,117.00

F & A Budget

\$2,999,117.00 Police Consolidated Construction Fund (4504) WBS G-000118-0001-4-01-01

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$2,999,117.00 out of the Police Consolidated Construction Fund (Fund 4504). It is further recommended that City Council approve spending authority in the amount of \$2,862,917.00 and contingencies (4.4% for unforeseen changes within the scope of work) in the amount of \$126,000.00 for a total amount not to exceed \$2,988,917.00 to address the emergency elevator modernization at 1200 Travis for the General Services Department and that authorization be given to issue purchase orders to Amtech Elevator Services as necessary. This project is necessary because the elevators are not working properly and must be repaired immediately to ensure the safety of Department employees and visitors to the building.

The total appropriation of \$2,999,117.00 includes funding of \$10,200.00 for asbestos abatement and air monitoring services prior to the elevator renovation that will be provided by Hazard Assessment Leaders, Inc. and Honesty Environmental Services.

Informal bids were taken in accordance with the requirements of Administrative Procedures 5-2 and 5-4 and two bids were received as outlined below:

| <u>Company</u> | <u>Total Amount</u> |
|-----------------------------|---------------------|
| 1. Amtech Elevator Services | \$2,862,917.00 |
| 2. ThyssenKrupp Elevator | \$2,950,966.00 |

The scope of work requires the contractor to provide all labor, materials, equipment, permits, supervision and transportation necessary to modernize the 16 elevators at the Police Headquarters Building, located at 1200 Travis. The modernization/renovation of the elevators will include installing new control systems, traveling cable, rope grippers, governor rope, load weighing system and wiring; refurbishing the hoist machine and brakes, and replacing as needed, the hoist ropes and guide rollers. Additionally, the contractor will refurbish the cab interiors. This project is scheduled to be completed by the end of December 2008.

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

ND

| | | | |
|---------------------|---|--------------------------------|-------------|
| Date: 11/21/2007 | Subject: Spending Authority to Address the Emergency Elevator Modernization at 1200 Travis for the General Services Department S25-C22599 | Originator's Initials TS | Page 2 of 2 |
|---------------------|---|--------------------------------|-------------|

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

The contractor will make a good faith effort to achieve a 12% M/W/SBE subcontractor participation level.

Buyer: Tom Smyer

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7494

Subject: Purchase of Computer Hardware and Software through the City's Master Agreement with the Texas Department of Information Resources (DIR)

Category #
4 & 5

Page 1 of 1

Agenda Item

13

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

September 18, 2007

Agenda Date

DEC 05 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

Nick Toparcean Phone: (713) 837-7974
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of Hewlett-Packard computer hardware, software, and support services in the total amount of \$188,166.11 through the City's Master Agreement with the Texas Department of Information Resources (DIR).

Award Amount: \$188,166.11

F & A Budget

CA 11/15/07

\$188,166.11 Building Inspection Fund (2301)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of Hewlett-Packard computer hardware, software, and support services in the total amount of \$188,166.11 through the City's Master Agreement with DIR for the Public Works & Engineering Department, and that authorization be given to issue a purchase order to DIR's Go Direct Vendor, Sequel Data Systems, Inc. a certified State of Texas Historically Underutilized Business.

This purchase consists of computer hardware components such as stabilizer kits, CPUs, high voltage modular power distribution units, Linux data starter packs and 8GB memory quads. Additionally, the contractor will be required to provide installation, startup services and one year 7x24 hardware and software support services. The hardware components will replace the current Legacy E3000 server and hierarchical image database of the Integrated Land Management System (ILMS) which is no longer supported by the manufacturer and has exceeded its life expectancy. This purchase will also include Microfocus COBOL software that will be used on the Unix/Linux host server to update the database.

The ILMS maintains the detail records of all inspections and permits issued for all private construction projects in the City. It provides the ability for other Department systems to interface with each other and with the systems outside the City through the Internet. In addition, other City departments use the system to review enforcement activities and the status of properties throughout the City. The new equipment will come with a one-year warranty, a life expectancy of ten-years, and will allow Department personnel to effectively utilize existing software applications.

Buyer: Murdock Smith III

REQUIRED AUTHORIZATION

F&A Director:

O.F. Garcia

Other Authorization:

*65 CDW 2789A
Murdock Smith III 11/16/07*

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7640

Subject: Purchase of Grounds Maintenance Equipment through the Houston-Galveston Area Council for the Houston Airport System and the Parks & Recreation Department
S34-N22643-H

Category #
1 & 4

Page 1 of 2

Agenda Item

14-14A

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

November 19, 2007

Agenda Date

DEC 05 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

Daniel Pederson Phone: (713) 845-1248
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$130,489.06 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and the purchase of grounds maintenance equipment through the Houston-Galveston Area Council (H-GAC) in the total amount of \$434,506.42 for the Houston Airport System and the Parks & Recreation Department.

Award Amount - \$434,506.42

F & A Budget

\$130,489.06 - Equipment Acquisition Consolidated Fund (Fund 1800)
\$ 95,280.64 - Park Special Revenue Fund (Fund 2100)
\$208,736.72 - HAS-AIF Capital Outlay Fund (Fund 8012)
\$434,506.42 - Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$130,489.06 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council approve the purchase of grounds maintenance equipment through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the total amount of \$434,506.42 for the Houston Airport System and the Parks & Recreation Department, and that authorization be given to issue purchase orders to the H-GAC contractors as shown below. This equipment will be used citywide by Department personnel to maintain the grounds at various City rights-of-ways and properties, which include parks, libraries, fire stations, police stations, and the William P. Hobby and George Bush Intercontinental Airports.

Poston Equipment Sales, Inc.: Approve the purchase of two 78-inch diameter, towable, stump grinders and an 18-inch cutting diameter, towable, brush chipper in the amount of \$95,280.64.

Lansdowne-Moody Co.: Approve the purchase of a 98-HP, utility tractor with an 18.5-ft cutting diameter mower attachment; five 20-foot cutting diameter, rotary wing riding mowers; and twenty-six 88-inch cutting diameter flail mower attachments in the amount of \$339,225.78.

The stump grinders will come with full warranties of one year on the grinder unit and two years on the engine, and the brush chipper will come with full warranties of three years on the chipper unit, and six years/3,000 hours on the engine. The life expectancy of the stump grinders and the brush chipper is ten years. The tractor with mower attachment will come with full warranties of two years on the tractor and one year on the mower attachment, and the life expectancy of the tractor and the mower attachment is twelve and ten years, respectively. The rotary wing riding mowers will come full with warranties of one year on the mower, two years on the driveline and five years on the gearbox. The flail mower attachments will come with a full one-year warranty. The life expectancy of the rotary wing riding mowers and the mower attachments is ten years. As detailed in the attached Equipment Usage Summary, one of the new units will be an addition to the fleet,

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

MCI

| | | | |
|---------------------|--|--------------------------------|-------------|
| Date: 11/19/2007 | Subject: Purchase of Grounds Maintenance Equipment through the Houston-Galveston Area Council for the Houston Airport System and the Parks & Recreation Department S34-N22643-H | Originator's Initials LB | Page 2 of 2 |
|---------------------|--|--------------------------------|-------------|

and the remaining new equipment will replace existing units that have reached their life expectancies and will be sent to auction for disposition.

Buyer: Larry Benka

Attachment: Equipment Usage Summary

EQUIPMENT USAGE SUMMARY
RCA 7640
GROUNDS MAINTENANCE EQUIPMENT
FOR
HOUSTON AIRPORT SYSTEM AND PARKS & RECREATION DEPARTMENT
S34-N22643-H

| Requisition No. | Qty | Description | Department/Division | | Equipment Usage | |
|-----------------|-----|--|---|--|----------------------------------|----------------------|
| | | | Fleet Usage | | Shop No. | Age |
| 10031433 | 2 | 78-Cutting Diameter Towable Stump Grinder | Parks & Recreation Department These towable stump grinders will be used citywide by Department personnel to grind stumps on City rights-of-ways, parks libraries, fire and police stations, and other City properties. | | 18513 | 16 |
| 10031434 | 1 | 18-inch Diameter Towable Brush Chipper | Parks & Recreation Department This towable brush chipper will be used citywide by Department personnel to mulch fallen trees and limbs that are on City rights-of-way, parks, libraries, fire stations and police stations, and other City properties. | | 18549 | 16 |
| 10029604 | 1 | 98-HP Utility Tractor with 18.5-ft. Cutting Width Mower Attachment | Houston Airport System This tractor and mower attachment will be used by Department personnel to mow large areas of grass at the William P. Hobby Airport. | | 22752* 21090** | 13 14 |
| 10030585 | 4 | 20-ft Cutting Width Rotary Wing Riding Mower | Houston Airport System These mowers will be used by Department personnel to mow large open areas of grass at the George Bush Intercontinental Airport. | | 27770 27772 27773 27775 | 10 10 10 10 |
| 10030586 | 1 | 20-ft Cutting Width Rotary Wing Riding Mower | Houston Airport System This mower will be used by Department personnel to mow large open areas of grass at the George Bush Intercontinental Airport. | | 27771 | 10 |

EQUIPMENT USAGE SUMMARY
RCA 7640
GROUNDS MAINTENANCE EQUIPMENT
FOR
HOUSTON AIRPORT SYSTEM AND PARKS & RECREATION DEPARTMENT
S34-N22643-H

| Requisition No. | Qty | Description | Department/Division | Equipment Usage | |
|-----------------|-----|--|--|-----------------|-----|
| | | | Fleet Usage | Shop No. | Age |
| 10031420 | 26 | 88-inch Cutting Width Flail Mower Attachment | Parks and Recreation Department | | |
| | | | These mower attachments will be attached to existing tractors and will be used citywide by Department personnel to mow large tracts of land, parks and other land areas. | 21037 | 14 |
| | | | | 21038 | 14 |
| | | | | 21043 | 14 |
| | | | | 21047 | 14 |
| | | | | 21049 | 14 |
| | | | | 21051 | 14 |
| | | | | 21055 | 14 |
| | | | | 21058 | 14 |
| | | | | 21060 | 14 |
| | | | | 21064 | 14 |
| | | | | 21067 | 14 |
| | | | | 21073 | 14 |
| | | | | 21074 | 14 |
| | | | | 21075 | 14 |
| | | | | 21076 | 14 |
| | | | | 21077 | 14 |
| | | | | 21081 | 14 |
| | | | | 23585 | 13 |
| | | | | 23587 | 13 |
| | | | | 23588 | 13 |
| | | | | 23589 | 13 |
| | | | | 23590 | 13 |
| | | | | 23591 | 13 |
| | | | | 23592 | 13 |
| | | | | 23595 | 13 |
| 23596 | 13 | | | | |

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7645

Subject: Purchase of Grounds Maintenance Equipment through the Texas Local Government Purchasing Cooperative for the Parks & Recreation and Public Works & Engineering Departments
S34-N22645-B

Category #
1 & 4

Page 1 of 2

Agenda Item

15-15A

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date
November 19, 2007

Agenda Date
DEC 05 2007

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Daniel Pederson Phone: (713) 845-1248
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)
Approve an ordinance authorizing the appropriation of \$780,621.48 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and the purchase of grounds maintenance equipment through the Texas Local Government Purchasing Cooperative in the total amount of \$1,078,052.49 for the Parks & Recreation and Public Works & Engineering Departments.

Award Amount - \$1,078,052.49

F & A Budget
[Signature]

\$ 780,621.48 - Equipment Acquisition Consolidated Fund (Fund 1800)
\$ 263,351.23 - Park Special Revenue Fund (Fund 2100)
\$ 34,079.78 - Combined Utility System General Purpose Fund (Fund 8305)
\$1,078,052.49 - Total

SPECIFIC EXPLANATION:
The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$780,621.48 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council approve the purchase of grounds maintenance equipment through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative in the total amount of \$1,078,052.49 for the Parks & Recreation and Public Works & Engineering Departments, and that authorization be given to issue purchase orders to the Texas Local Government Purchasing Cooperative contractors as shown below. This equipment will be used citywide by Department personnel to maintain the grounds at various City parks, ball fields, golf courses, wastewater treatment plants and lift stations.

Professional Turf Products, L.P.: Approve the purchase of two 16-ft. cutting width, multiwinged, riding rotary mowers; three 72-inch cutting width, riding rotary mowers; sixteen 72-inch cutting width, zero-turn radius riding rotary mowers; sixteen 60-inch cutting width, zero-turn radius riding rotary mowers; a truckster with a 200-gallon sprayer and a truckster with a granular spreader in the amount of \$548,701.24.

Brookside Equipment Sales, Inc.: Approve the purchase of two 100-inch cutting width, riding reel fairway mowers; a 72-inch cutting width, riding reel slope mower; three riding reel greens mowers and a riding bunker rake in the amount of \$181,644.25.

John Deere Company (A Division of Deere & Co.): Approve the purchase of four 81-HP utility tractors; ten 56-HP utility tractors; and a 56-HP utility tractor with a blower attachment in the amount of \$347,707.00.

The new 16-ft. rotary riding mowers; 72-inch rotary riding mowers; and 72-inch and 60-inch zero-turn radius riding mowers will come with a full five-year warranty and the life expectancy is seven years. The fairway, slope, and greens mowers; bunker rake, tractors and trucksters will come with a full two-year warranty. The life expectancy of the bunker rake, and fairway, slope, and greens mowers is seven years and the tractors

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization: *(3) MD*

MS

MD

| | | | |
|---------------------|--|--------------------------------|-------------|
| Date: 11/19/2007 | Subject: Purchase of Grounds Maintenance Equipment through the Texas Local Government Purchasing Cooperative for the Parks & Recreation and Public Works & Engineering Departments S34-N22645-B | Originator's Initials LB | Page 2 of 2 |
|---------------------|--|--------------------------------|-------------|

twelve years. As detailed in the attached Equipment Usage Summary, six of the new units will be additions to the fleet and the remaining new equipment will replace existing units that have reached their life expectancies, and will be sent to auction for disposition.

Buyer: Larry Benka

Attachment: Equipment Usage Summary

EQUIPMENT USAGE SUMMARY
RCA 7645
GROUNDS MAINTENANCE EQUIPMENT
FOR
PARKS & RECREATION AND PUBLIC WORKS & ENGINEERING DEPARTMENTS
S34-N22645-B

| Requisition No. | Qty | Description | Department/Division Fleet Usage | Equipment Usage | |
|-----------------|-----|--|--|---|---|
| | | | | Shop No. | Age |
| 10031421 | 2 | 16-ft Cutting Width, Multi-Winged, Riding Rotary Mower | Parks & Recreation Department These mowers will be used citywide by Department personnel to mow and maintain grounds at all Department facilities. | 26533 27260 | 11 10 |
| 10031428 | 1 | 72-inch Cutting Width, Riding Rotary Mower | Parks & Recreation Department This mower will be used citywide by Department personnel to mow and maintain grounds at all Department facilities, specifically open parks and ball fields. | 16893 | 17 |
| 10033922 | 2 | 72-Inch Cutting Width, Riding Rotary Mower | Public Works & Engineering Department These mowers will be used citywide by Department personnel to mow grass at 40 wastewater treatment plants and 400 lift stations. | These units are additions to the department's fleet inventory. Existing units are over 6 years old and the new units are needed to maintain mowing schedules when the older units are in the repair shop. | |
| 10031565 | 16 | 72-inch Cutting Width, Zero-Turn Radius, Riding Rotary Mower | Parks & Recreation Department These mowers will be used citywide by Department personnel to mow esplanades, parks, libraries and other city land areas in a timely and efficient manner. | 26533 29008 29467 29470 30283 30284 30291 30292 30293 30296 30297 31557* (\$3,025) 31558* (\$1,406) 31559* (\$2,364) 33016* (\$2,900) 33017* (\$2,309) | 11 9 8 8 8 8 8 8 8 8 8 6 6 6 5 5 |
| | | | | *These units have very high maintenance costs | |

EQUIPMENT USAGE SUMMARY
RCA 7645
GROUNDS MAINTENANCE EQUIPMENT
FOR
PARKS & RECREATION AND PUBLIC WORKS & ENGINEERING DEPARTMENTS
S34-N22645-B

| Requisition No. | Qty | Description | Department/Division Fleet Usage | Equipment Usage | |
|---|-----|--|---|-------------------|-----------|
| | | | | Shop No. | Age |
| 10031565 | 16 | 60-inch Cutting Width, Zero-Turn Radius, Riding Rotary Mower | Parks & Recreation Department These mowers will be used citywide by Department personnel to mow esplanades, parks, libraries and other City land areas in a timely and efficient manner. | 33018 | 5 |
| | | | | 33019 | 5 |
| | | | | 33020 | 5 |
| | | | | 33021 | 5 |
| | | | | 33022 | 5 |
| | | | | 33421 | 5 |
| | | | | 33422 | 5 |
| | | | | 33423 | 5 |
| | | | | 33424 | 5 |
| | | | | 33425 | 4 |
| | | | | 33426 | 4 |
| | | | | 33427 | 4 |
| | | | | 33428 | 4 |
| | | | | 33429 | 4 |
| | | | | 33430 | 4 |
| 33431 | 4 | | | | |
| All of these units have very high maintenance costs averaging over \$5,500 per year per unit. | | | | | |
| 10031583 | 1 | 100-inch Cutting Width, Riding Reel Fairway Mower | Parks & Recreation Department This mower will be used by Department personnel to mow fairways at the Memorial Park Golf Course. | Shop No. 22978 | Age 13 |
| 10031481 | 1 | 100-inch Cutting Width, Riding Reel Fairway Mower | Parks & Recreation Department This mower will be used by Department personnel to mow fairways at the Sharpstown Golf Course. | Shop No. 21981 | Age 14 |
| 10031584 | 1 | 72-inch Cutting Width, Riding Reel Slope Mower | Parks & Recreation Department This mower will be used by Department personnel to mow steep slopes on bunkers, greens and tees at the Memorial Park Golf Course. | Shop No. 25310 | Age 11 |

EQUIPMENT USAGE SUMMARY
RCA 7645
GROUNDS MAINTENANCE EQUIPMENT
FOR
PARKS & RECREATION AND PUBLIC WORKS & ENGINEERING DEPARTMENTS
S34-N22645-B

| Requisition No. | Qty | Description | Department/Division Fleet Usage | Equipment Usage |
|-----------------|-----|--|---|--|
| 10031437 | 1 | Riding Reel Greens Mower | Parks & Recreation Department This mower will be used by Department personnel to mow putting surfaces and tees at the Gus Wortham Park Golf Course. | This unit is an addition to the department's fleet inventory. Currently, there are no greens mowers at this course and a unit must be transported to the course daily, which severely impacts the productivity of the maintenance staff. |
| 10031557 | 2 | Riding Reel Greens Mower | Parks & Recreation Department These mowers will be used by Department personnel to mow putting surfaces and tees at the Gus Wortham Park Golf Course. | These units are additions to the department's fleet inventory. Currently, there are no greens mowers at this course and units must be transported to the course daily, which severely impacts the productivity of the maintenance staff. |
| 10031595 | 1 | 56-HP Utility Tractor with Blower Attachment | Parks & Recreation Department This tractor will be used by Department Personnel to operate multiple power train output implements (aerifiers, blowers, seeders, spreaders) at the Memorial Golf Course. | <u>Shop No.</u> 13671 <u>Age</u> 22 |
| 10031464 | 10 | 56-HP Utility Tractor | Parks & Recreation Department These tractors will be used citywide by Department personnel to maintain large tracts of land including parks, golf courses, ball fields, and other land tracts. The tractors will pull mower attachments, tillers, and graters. | <u>Shop No.</u> 18356 18358 18542 18543 18544 18546 18547 18841 20008 26155 <u>Age</u> 16 16 16 16 16 16 16 15 14 11 |

EQUIPMENT USAGE SUMMARY
RCA 7645
GROUNDS MAINTENANCE EQUIPMENT
FOR
PARKS & RECREATION AND PUBLIC WORKS & ENGINEERING DEPARTMENTS
S34-N22645-B

| Requisition No. | Qty | Description | Department/Division Fleet Usage | Equipment Usage | |
|-----------------|-----|---|---|--|----------------------|
| | | | | Shop No. | Age |
| 10031462 | 4 | 81-HP Utility Tractor | Parks & Recreation Department These tractors will be used citywide by Department personnel to maintain large tracts of land including parks, golf courses, ball fields and other land tracts. These tractors will pull mower attachments, tillers and graters. | 16987 16115 18487 18489 | 17 19 16 16 |
| 10031588 | 1 | 26.5 HP Truckster with 200 Gallon Sprayer | Parks & Recreation Department This truckster with sprayer will be used by Department personnel to spray liquid pesticides, fertilizers and organic products at the Memorial Park Golf Course. | 21733 | 14 |
| 10031589 | 1 | 26.5 HP Truckster with Granular Spreader | Parks & Recreation Department This truckster with spreader will be used by Department personnel to apply granular turf products at the Memorial Park Golf Course. | 23651 | 13 |
| 10031580 | 1 | Riding Bunker Rake | Parks & Recreation Department This bunker rake will be used by Department personnel to groom and rake bunkers daily at the Gus Wortham Park Golf Course. | This unit is an addition to the department's fleet inventory. Currently there are no bunker rakes at this course and a unit must be transported to the course daily, which severely impacts the productivity of the maintenance staff. | |

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7712

Subject: Approve an Appropriation Ordinance and Approve the Purchase of Hardware and Software through the City's Master Agreement with the Texas Department of Information Resources (Contract No. C56844)

Category #
4 & 5

Page 1 of 2

Agenda Item

1616A

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

December 05, 2007

Agenda Date

DEC 05 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Marcia Wilson Phone: (713) 837-7732
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$435,811.10 from the Equipment Acquisition Consolidated Fund (Fund 1800) and approve the purchase of hardware and software in the total amount of \$429,461.10 through the City's Master Agreement with the Texas Department of Information Resources (DIR).

Awarded Amount: \$429,461.10

F & A Budget

\$435,811.10 - Equipment Acquisition Consolidated Fund (1800) WBS # X-700001

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$435,811.10 from the Equipment Acquisition Consolidated Fund (Fund 1800) and approve the purchase of hardware and software in the total amount of \$429,461.10 through the City's Master Agreement with DIR for the Planning & Development Department and that authorization be given to issue purchase orders to the DIR's Go Direct vendors shown below.

The total appropriation of \$435,811.10 includes funding in the amount of \$6,350.00 to purchase 25 Citrix presentation server licenses from MTM Technologies.

Hewlett-Packard Company: Approve the purchase of 10 Proliant server blades, 2 storage area networks, installation services, and 5 years, 4 hours, 24x7 hardware support in the total amount of \$270,507.10.

The servers purchased from Hewlett Packard will be located at the Houston Emergency Center and 1400 Lubbock and will be used to host enterprise-wide data and application services for all City Departments. The servers will come with a one-year warranty and the life expectancy is three years.

SHI Government Solutions: Approve the purchase of 4 Structured Query Language Server Enterprise software licenses in the total amount of \$158,954.00.

The software purchased from SHI Government Solutions will allow remote users to run applications such as ArcGIS, ArcSDE, Image Server, Network Analyst, and ArcScene on the enterprise servers. The software will also consolidate and improve the quality, accessibility, and security of many types of data for all City Departments and reduce the redundancy, both in hardware systems and in data development.

The EGIS is an analytical tool that enables City Departments to transparently access, analyze, map and report citywide data. This is accomplished by making data that is centrally stored available to users throughout the City. The advantages of EGIS are many, including lower hardware costs, better utilization of computing and storage capacities, application of universal data standards and improved data transportability.

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

| | | | |
|--------------------|--|--------------------------------|-------------|
| Date: 12/5/2007 | Subject: Approve an Appropriation Ordinance and Approve the Purchase of Hardware and Software through the City's Master Agreement with the Texas Department of Information Resources (Contract No. C56844) | Originator's Initials MS | Page 2 of 2 |
|--------------------|--|--------------------------------|-------------|

EGIS will provide data to policy makers in a highly graphical environment; will help assure timely delivery of critical data to service providers such as the Houston Emergency Center, Police and Fire Departments.

An Enterprise Software Maintenance Agreement (EMA) for approximately \$500,000 for software maintenance from ESRI, Inc. as well as \$200,000 for implementation services will be presented to Council for approval at a later date.

M/WBE Participation

Hewlett-Packard Company has designated Criner-Daniels & Associates, Inc. as its Certified M/WBE subcontractor.

Buyer: Murdock Smith III

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7674

Subject: Formal Bids Received for Chemical, Powdered Activated Carbon for the Public Works & Engineering Department
S12-S22380

Category #
4

Page 1 of 2

Agenda Item

17

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date
November 13, 2007

Agenda Date
DEC 05 2007

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Dannelle Belhateche Phone: (713) 837-0847
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)
Approve an award to Norit Americas, Inc. on its low bid meeting specifications in an amount not to exceed \$6,820,000.00 for powdered activated carbon and approve payment to Norit Americas, Inc. in an amount not to exceed \$604,800.00, for the emergency purchase of powdered activated carbon for the Public Works & Engineering Department.

Estimated Spending Authority: \$7,424,800.00

F & A Budget

\$7,424,800.00 Water & Sewer System Operating Fund (8300)

McLooney 11/20/07

SPECIFIC EXPLANATION:
The City Purchasing Agent recommends that City Council approve an award to Norit Americas, Inc. on its low bid meeting specifications in an amount not to exceed \$6,820,000.00 for powdered activated carbon for the Public Works & Engineering Department. It is further requested that authorization be given to issue purchase orders, as needed, for a 60-month period. This award, consisting of approximately 5,500 tons of powdered activated carbon, will be utilized on a daily basis by the Department's Drinking Water Operations Branch to remove undesirable taste and odor-producing organic compounds during the water treatment process. Powdered activated carbon is essential to comply with the Texas Commission of Environmental Quality and Environmental Protection Agency's water quality mandates necessary to preserve and protect the public's health and safety.

The City Purchasing Agent also recommends that City Council approve payment to Norit Americas, Inc. in an amount not to exceed \$604,800.00 for the emergency purchase of 120,000 pounds of powdered activated carbon required for on-going Departmental requirements prior to City Council's approval of this award. The aforementioned recommendation is made pursuant to Chapter 252, Section 252.022 (a) (2) of the Texas Local Government Code for exempt procurements.

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

| COMPANY | TOTAL AMOUNT |
|--------------------------------|--|
| 1. F2 Industries, LLC | \$5,709,000.00 (Did Not Meet Specifications) |
| 2. Norit Americas, Inc. | \$6,820,000.00 |
| 3. Prominent Systems, Inc. | \$6,924,500.00 |
| 4. Calgon Corporation | \$8,800,000.00 |

F&A Director:

REQUIRED AUTHORIZATION
Other Authorization: *Taylor*

Other Authorization: *McLooney*
65CDW2814
NO

112613

| | | | |
|---------------------|---|--------------------------------|-------------|
| Date: 11/13/2007 | Subject: Formal Bids Received for Chemical, Powdered Activated Carbon for the Public Works & Engineering Department S12-S22380 | Originator's Initials MK | Page 2 of 2 |
|---------------------|---|--------------------------------|-------------|

Buyer: Martin L. King

Attachment: M/WBE Zero Percentage Goal Document approved by the Affirmative Action Division

Estimated Spending Authority:

| DEPARTMENT | FY 2008 | OUT YEARS | TOTAL |
|------------|----------------|----------------|----------------|
| PW&E | \$1,364,000.00 | \$5,456,000.00 | \$6,820,000.00 |



CITY OF HOUSTON

Finance & Administration Department
Strategic Purchasing Division (SPD)

Interoffice

Correspondence

To: Kevin M. Coleman, C.P.M.
Assistant Purchasing Agent

From: M.L. King

Date: 08/09/07

Subject: MWBE Participation Form

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

I am **requesting** a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes No

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

If requesting a revision, how many solicitations were received: _____

Solicitation Number: S22380

Estimated Dollar Amount: \$6,820,000.00

Anticipated Advertisement Date: 8/17/2007

Solicitation Due Date: 9/7/2007

Goal On Last Contract: 0%

Was Goal met: Yes No

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

Name and Intent of this Solicitation:

Chemical Powdered Activated Carbon to be used by the Public Works & Engineering Department to remove undesirable taste and odor causing organic compounds during the potable water treatment process.

Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):
(To be completed by SPD)

There is no potential for M/WBE participation for the subject contract because PAC is processed and shipped immediately and directly from the carbon mine(s) to the City of Houston facilities in specialized trailers, utilizing specialized particulate equipment to transfer the material at City facilities. All transfer and handling of this material is handled by certified "hazardous bulk material" personnel in special trailers designed to receive and transfer this high particulate material per the Environmental Protection Agency and Texas Commission on Environmental Quality. Also, due to the 9/11 incidents, the security of the City's vital water production plants, chemicals and facilities further limit any potential M/WBE participation.

The previous contract agreements awarded for this item also had 0% goals.

Concurrence:

SPD Initiator

Division Manager

Robert Gallegos, Deputy Assistant Director
*Affirmative Action

Kevin M. Coleman, C.P.M.
Assistant Purchasing Agent

* Signature is required, if the request is for zero percent MWBE participation, or to revise the MWBE goal.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7607

Subject: Amend Council Motion 2005-0286, Passed March 30, 2005 for Concrete, Hot Mixed Asphalt for Various Departments
SC-R-5610-038-20531-A1

Category #
4

Page 1 of 1

Agenda Item

18

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

October 09, 2007

Agenda Date

DEC 05 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

Gary Norman Phone: (713) 837-7425
Desiree Heath Phone: (713) 247-1722

Date and Identification of prior authorizing

Council Action:
Council Motion 2005-0286, passed 03/30/05

RECOMMENDATION: (Summary)

Amend Council Motion 2005-0286, passed 03/30/05 to extend the expiration date of the awarded term for concrete hot mixed asphalt for the Public Works & Engineering Department from March 30, 2008 to March 29, 2009.

No Additional Spending Authority Required

Re 11/20/07

F & A Budget

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council amend Council Motion 2005-0286, passed 03/30/05 to extend the expiration date of the awarded term for concrete hot mixed asphalt awarded to G & S Asphalt, L.P. dba American Materials for the Public Works & Engineering Department from March 30, 2008 to March 29, 2009 with no additional spending authority required.

This award began March 30, 2005 for a 36-month term in an amount not to exceed \$21,978,430.40. Expenditures as of October 09, 2007 totaled \$14,523,440.09.

This award consisted of approximately 644,954 tons of hot mixed asphalt concrete used by the Department to repair and resurface streets citywide.

This solicitation was advertised with an 11% goal for M/WBE participation, and G & S Asphalt, L.P. dba American Materials is currently exceeding the goal.

Buyer: Greg Hubbard

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

Eric Day *Michael Smith* *112008*

65CDW2798

NET

John

9-21-07

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7623

Subject: Amend Council Motion No. 2007-0470, Passed 5/9/07 to Purchase Additional Medium-Duty Trucks for the Public Works & Engineering Department
S33-N22196-A1

Category #
1 & 4

Page 1 of 2

Agenda Item

19-19A

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

October 16, 2007

Agenda Date

DEC 05 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

David Guernsey Phone: (713) 238-5241
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

CM No. 2007-0470, passed 5/9/07

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$355,328.00 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and amend Council Motion No. 2007-0470, passed May 9, 2007, to purchase additional medium-duty trucks for a total increase of \$777,058.00 for the Public Works & Engineering Department.

Award Amount: \$777,058.00

F & A Budget

\$355,328.00 - Equipment Acquisition Consolidated Fund (1800)

\$421,730.00 - PWE-Combined Utility System General Purpose Fund (8305) *Approved 11/8/07*

\$777,058.00 - Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$355,328.00 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council amend Council Motion No. 2007-0470, passed May 9, 2007, to purchase nine additional medium-duty trucks for a total increase of \$777,058.00 for the Public Works & Engineering Department, and that authorization be given to issue purchase orders to the awarded suppliers as shown below. These trucks will be used citywide by the department to transport personnel and equipment to provide services to the citizens of Houston.

Tommie Vaughn Motors, Inc.: Amend award to purchase Item No. 5, three 19,000-lb. Gross Vehicle Weight Rating (GVWR), diesel-powered cabs & chassis with 36-foot aerial manlift bodies; and Item No. 6, a 17,500-lb. GVWR, diesel-powered cab & chassis with utility stakebed body in the amount of \$355,328.00.

Lone Star Chevrolet: Amend award to purchase Item No. 8, five 35,000-lb. GVWR, crew cab, diesel-powered cabs & chassis with service utility bodies in the amount of \$421,730.00.

In February 2007, as a result of advertising this bid in accordance with the requirements of the State of Texas bid laws, bids were received from six suppliers of vehicles. The bid document included a provision that allows the City to request the purchase of additional trucks through February 2008 provided the contractor agrees to honor its original bid price. Both Tommie Vaughn Motors, Inc. and Lone Star Chevrolet have agreed, in writing, to honor their original unit bid prices for the trucks requested in this award.

The cabs & chassis will come with a full three-year/36,000-mile warranty on parts and workmanship and the bodies will come with a full one-year warranty. The life expectancy of these trucks is seven years or 100,000 miles. See Attachment No. 1, Equipment Justification Summary, for truck usage and replacement details. These trucks will replace existing units that have reached their life expectancies and will be sent to auction for disposition.

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

12/12/07 *65CDW2802*
Smully *Paul & Mot 11/308*

MS

MS

| | | | |
|---------------------|---|--------------------------------|-------------|
| Date: 10/16/2007 | Subject: Amend Council Motion No. 2007-0470, Passed 5/9/07 to Purchase Additional Medium-Duty Trucks for the Public Works & Engineering Department S33-N22196-A1 | Originator's Initials CJ | Page 2 of 2 |
|---------------------|---|--------------------------------|-------------|

Buyer: Conley Jackson

Attachments: 1. Equipment Justification Summary
2. Revised M/WBE Zero Percentage Goal Document Approved by the Affirmative Action Division

**EQUIPMENT USAGE SUMMARY
MEDIUM DUTY VEHICLES
FOR
PUBLIC WORKS & ENGINEERING DEPARTMENTS
N22196-A1
RCA 7623**

| BID ITEM NO./ DESCRIPTION | REQUISITION NO. | QTY | DEPARTMENT/DIVISION FLEET USAGE | EQUIPMENT REPLACEMENT | | |
|--|--------------------|-----|--|-----------------------|----------|---------|
| | | | | Shop No. | Age-Yrs. | Mileage |
| Item No. 5, 19,000-lb. GVWR, Diesel- Powered Cab & Chassis with 36- foot Aerial Manlift Body | 10030389 | 3 | Public Works & Engineering Department These trucks will be used citywide by the Department to transport staff and necessary supplies for the maintenance and repair of overhead signal lights and other tasks requiring a manlift truck. | 24660 | 12 | 95,538 |
| | | | | 30192 | 8 | 68,464 |
| | | | | 29411 | 8 | 142,473 |
| | | | | | | |
| Item No. 6, 17,500-lb. GVWR, Diesel- Powered Cab & Chassis with Utility Stakebed Body | 10030420 | 1 | Public Works & Engineering Department This truck will be used to citywide by the Department to transport staff and necessary supplies for signage and/or street marking repairs. | 21557 | 13 | 124,863 |
| | | | | | | |
| Item No. 8 35,000-lb. GVWR, Crew Cab, Diesel- Powered Cab & Chassis with Mounted Service Utility Body | 10030979 | 5 | Public Works & Engineering Department These vehicles will be used citywide by the Department to transport staff and necessary supplies for repair of water distribution mains and wastewater lines 16 inches or larger. | 21506 | 13 | 91,415 |
| | | | | 21507 | 13 | 102,707 |
| | | | | 24728 | 12 | 68,934 |
| | | | | 21504 | 13 | 75,249 |
| | | | | 21512 | 13 | 104,941 |



CITY OF HOUSTON

Interoffice

Finance & Administration Department
Strategic Purchasing Division (SPD)

Correspondence

To: Kevin M. Coleman, C.P.M.
Assistant Purchasing Agent

From: Louis Reznicek

Date: 10/31/2006

Subject: MWBE Participation Form

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

I am requesting a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes No

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

If requesting a revision, how many solicitations were received: _____

Solicitation Number: N22196 Estimated Dollar Amount: \$1,300,000.00

Anticipated Advertisement Date: 11/17/2006 Solicitation Due Date: 12/21/2006

Goal On Last Contract: 11% Was Goal met: Yes No

If goal was not met, what did the vendor achieve: See note below

Name and Intent of this Solicitation:
Light- and Medium-Duty Trucks for Various Departments

Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):
(To be completed by SPD)

Truck cabs & chassis are manufactured and sent to local franchise dealers for inspection, and then sent to the body subcontractors for installation of bodies before delivery to the City. The only opportunity for M/WBE participation is in the installation of after-market bodies and options. There is a minimal opportunity for participation since there is only one certified M/WBE company listed that installs truck bodies. On previous contracts, we have had to request a revised zero goal for the awarded dealers because the M/WBE company either did not response with a quote to the dealers, or their pricing was not competitive.

Concurrence:

Louis Reznicek
SPD Initiator

[Signature]
Division Manager

[Signature]
Velma Laws, Director
*Affirmative Action

[Signature]
Kevin M. Coleman, C.P.M.
Assistant Purchasing Agent

* Signature is required, if the request is for zero percent MWBE participation, or to revise the MWBE goal.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7562

Subject: Formal Bids Received for Asphalt/Concrete Crack and Joint Sealant for the Public Works & Engineering Department S35-S22432

Category #
4

Page 1 of 2

Agenda Item

20

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

October 30, 2007

Agenda Date

DEC 05 2007

DIRECTOR'S SIGNATURE

[Handwritten Signature]

Council District(s) affected

All

For additional information contact:

Gary Norman Phone: (713) 837-7425
Desiree Heath Phone: (713) 247-1722

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Deery American Corporation on its low bid in an amount not to exceed \$243,675.00 for asphalt/concrete crack and joint sealant for the Public Works & Engineering Department.

Estimated Spending Authority: \$243,675.00

F & A Budget

\$243,675.00 - General Fund (1000) *RC 11/20/07*

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Deery American Corporation on its low bid in an amount not to exceed \$243,675.00, for asphalt/concrete crack and joint sealant for the Public Works & Engineering Department. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. This award consists of approximately 675,000 pounds of asphalt/concrete crack and joint sealant to be used by the Department to repair asphalt and concrete on roadways citywide.

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

| | <u>COMPANY</u> | <u>TOTAL AMOUNT</u> |
|----|-----------------------------------|----------------------|
| 1. | Deery American Corporation | \$ 243,675.00 |
| 2. | Crafco Texas, Inc. | \$ 249,075.00 |
| 3. | 216 Resources | \$1,856,250.00 |

M/WBE Subcontractor:

This bid was issued with a 2% goal for M/WBE participation. Deery American Corp. has designated the below-named company as its certified M/WBE subcontractor:

| <u>Company</u> | <u>Scope of Service</u> | <u>Amount</u> |
|--------------------------|-------------------------|---------------|
| KIC Transportation, Inc. | Delivery | \$4,873.50 |

The Affirmative Action division will monitor this award.

Buyer: John Dearmon

REQUIRED AUTHORIZATION

65CDW2797

F&A Director:

Other Authorization:

Other Authorization:

[Handwritten Signature]

[Handwritten Signature]

NOT

11/20/07

[Handwritten mark]

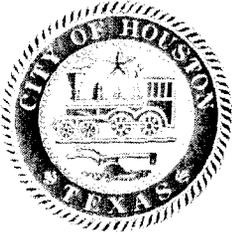
1-9-07

| | | | |
|---------------------|--|--------------------------------|-------------|
| Date: 10/30/2007 | Subject: Formal Bids Received for Asphalt/Concrete Crack and Joint Sealant for the Public Works & Engineering Department S35-S22432 | Originator's Initials JD | Page 2 of 2 |
|---------------------|--|--------------------------------|-------------|

This RCA was reviewed by the Council Committee on Minority/Women Business Enterprise, Small Contractor Development and Contract Compliance on November 27, 2007 and no action was taken because a quorum was not present.

ESTIMATED SPENDING AUTHORITY:

| DEPARTMENT | FY 08 | OUT YEARS | TOTAL |
|----------------------------|-------------|--------------|--------------|
| Public Works & Engineering | \$48,735.00 | \$194,940.00 | \$243,675.00 |



CITY OF HOUSTON
Office of the Mayor

Dejina H.

Interoffice

Correspondence –
Affirmative Action &
Contract Compliance
Division

To: Calvin D. Wells,
Director

9/12/07

From: Robert Gallegos,
Assistant Deputy Director

KIC

Date: September 10, 2007

CC: John Dearmon

✓

Subject: 0% MWBE Goal Waiver – Asphalt/Concrete
Crack and Joint Sealant

We have reviewed the 0% MWBE goal waiver on the project listed above. Sam Kearn of Deery American Corporation informed us that they have a warehouse in Houston where they plan to store the product until the city needs it. Also, Sam Kearn has been in contact with KIC Transportation (MWBE) and plans to utilize their services to deliver the product to the City. Furthermore, KIC Transportation has a signed letter of intent with Deery to deliver the product from the warehouse to the City of Houston. The price Deery American Corporation and KIC Transportation agreed on is an estimated amount of \$4500.00 which is about 2% of the total contract.

Therefore, based on the agreement between Deery American Corporation and KIC Transportation, we recommend a 2% percent MWBE Goal for this acquisition.

If you have any questions or concerns, you may contact Ric Garza at 713-837-9008.



We have
what it takes
to fill pavement cracks

Wednesday, August 01, 2007

**John Dearmon
City of Houston, Purchasing
611 Walker 20th Floor
Houston, TX 77002**

Dear John:

I hope that your day is going well. As I explained in a previous letter, there is not a lot of room in the business of supplying Hot Pour Crack Sealants for subcontractors. However, I have tried very hard and with due diligence to find a way to fulfill my obligation to the City of Houston's Contract.

I began by downloading the Freight Companies that have registered with the City of Houston as M/WBE. I have included the list for your reference. After calling though the list I found that they were all local carriers and did not go to Cheyenne, WY where my product is manufactured. Then I tried to get a company to broker a load with one of my regular carriers. I could not get anyone to give me a price and was often not called back until one day I talked with a manager and she told me that it was illegal for them to do that.

The only way that I could include one of these companies was to drop the load off at their yard. I called several of them again including LA Express, A-Rocket, and Team Transport and I either did not get a return call or was told that they would not be able to participate with me. Finally KIC Transportation agreed to the terms and gave me a price and a commitment.

I am sorry that this has taken so long and if there is any way that I can increase the amount of M/WBE participation in the contract I will. I should also explain that the more loads that you order the more participation I will be able to give to KIC Transportation. If you have any questions or need any additional information please give me a call at 800-227-4059 or by e-mail at s.kearl@deeryamerican.com.

Sincerely,

**Sam Kearl
Sales Representative**

**DEERY
AMERICAN CORPORATION**

**P.O. Box 4099 - Grand Junction, CO 81502 - 1-800-227-4059
www.deeryamerican.com**

REQUEST FOR COUNCIL ACTION

RCA# 7644

TO: Mayor via City Secretary

Subject: Amend Council Motion 2005-0246, Passed March 16, 2005, for Thermoplastic Materials for Various Departments
SC-R-9905-032-20412RA-A1

Category #
4

Page 1 of 1

Agenda Item

21

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

November 13, 2007

Agenda Date

DEC 05 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

David Guernsey Phone: (713) 238-5241
Desiree Heath Phone: (713) 247-1722

Date and Identification of prior authorizing Council Action:

Council Motion 2005-0246, passed 03/16/2005

RECOMMENDATION: (Summary)

Amend Motion 2005-0246, passed 3/16/2005, to increase the award amount from \$777,401.69 to \$971,752.11 for thermoplastic materials and supplies for the Public Works & Engineering Department.

Estimated Spending Authority: \$194,350.42

F & A Budget

\$194,350.42 General Fund (1000) *RC 11/20/07*

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council amend Council Motion 2005-0246, passed March 16, 2005, to increase the award amount for thermoplastic materials and supplies awarded to Flint Trading, Inc. from \$777,401.69 to \$971,752.11. The current spending authority is insufficient for the remaining term and an increase in an amount not to exceed \$194,350.42 is required to meet the Department's operational needs until a new award is approved.

This award was approved by Council Motion 2005-0246 for a 36-month term in an amount not to exceed \$777,401.69. Expenditures as of October 31, 2007 totaled \$775,363.33. All other terms and conditions shall remain as originally approved by City Council.

The award consisted of a price list which included various types of thermoplastic items used by City departments to mark roadways and intersections for traffic and pedestrian safety.

Buyer: Jeff D. Meekins

Attachment: M/WBE zero-percent goal document approved by the Affirmative Action Division

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Ray Chong

Other Authorization:

Paul S. Hart

65CDW2817

11/20/07

NOA

mgf



CITY OF HOUSTON

Finance & Administration Department
Strategic Purchasing Division (SPD)

Interoffice

Correspondence

To: Kevin M. Coleman, C.P.M.
Assistant Purchasing Agent

From: Jeff D. Meekins

Date: October 11, 2007

Subject: MWBE Participation Form

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

I am **requesting** a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes No

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

If requesting a revision, how many solicitations were received: _____

Solicitation Number: S40-S22552RA Estimated Dollar Amount: \$1,148,984.00

Anticipated Advertisement Date: 11/2/2007 Solicitation Due Date: 11/29/2007

Goal On Last Contract: 0% Was Goal met: Yes No

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

Name and Intent of this Solicitation:

Thermoplastic Materials for the Public Works and Engineering Department

Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):
(To be completed by SPD)

This is a renewal of a price list contract utilized by the Public Works and Engineering Department. History has shown that these thermoplastic materials are dropped shipped directly from the manufacturer to the City of Houston and therefore there is no opportunity for M/WBE participation. See attached

Concurrence:

SPD Initiator

Division Manager

Robert Gallegos, Deputy Assistant Director
*Affirmative Action

Kevin M. Coleman, C.P.M.
Assistant Purchasing Agent

* Signature is required, if the request is for zero percent MWBE participation, or to revise the MWBE goal.

RECEIVED

CITY OF HOUSTON
Affirmative Action

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7642

Subject: Amend Council Motion 2005-1095, Passed November 16, 2005, for Miscellaneous Wire and Cable for Various Departments
SC-R-6145-038-20776-A1

Category #
4

Page 1 of 1

Agenda Item

22

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

November 13, 2007

Agenda Date

DEC 05 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

David Guernsey Phone: (713) 238-5241
Desiree Heath Phone: (713) 247-1722

Date and Identification of prior authorizing Council Action:

CM2005-1095, passed 11/16/2005

RECOMMENDATION: (Summary)

Amend Council Motion 2005-1095, passed November 16, 2005, to increase the award amount for miscellaneous wire and cable for various departments from \$528,297.36 to \$660,371.70.

Estimated Spending Authority \$132,074.34

F & A Budget

\$132,074.34 General Fund (1000) *PC 11/20/07*

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council amend Council Motion 2005-1095, passed November 16, 2005, to increase the award amount for miscellaneous wire and cable awarded to Turtle and Hughes, Inc. from \$528,297.36 to \$660,371.70. The current spending authority is insufficient for the remaining term and an increase in an amount not to exceed \$132,074.34 is required to meet the Department's operational needs until a new award can be presented to City Council.

This award began November 22, 2005, for a 36-month term in an amount not to exceed \$528,297.36. Expenditures as of November 1, 2007 totaled \$528,143.01. All other terms and conditions shall remain as originally approved by City Council.

This award consisted of various types and sizes of wires and cables used by the Public Works & Engineering, Parks and Recreation, General Services and Fire Departments, and the Houston Airport System to repair and maintain traffic signals, power circuits, boosters, water well motors, faculty electrical wiring and cables in park facilities; and for servicing of various equipment citywide.

This award was issued with a 3% M/WBE participation goal, and Turtle and Hughes, Inc. is currently exceeding the goal.

Buyer: Valerie Player-Kaufman

REQUIRED AUTHORIZATION

65CDW2816

F&A Director:

Other Authorization:

Other Authorization:

for Ray Chen

Chen's ME

NOT

112102

10-11-07

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7624

Subject: Purchase of Office Furniture from the State of Texas Procurement and Support Services Contract for Various Departments S38-E22647

Category #
4

Page 1 of 2

Agenda Item

23

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

October 26, 2007

Agenda Date

DEC 05 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

B, D, G, H, I

For additional information contact:

David Guernsey Phone: (713) 238-5241
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of office furniture in the total amount \$729,189.88 from the State of Texas Procurement and Support Services Contract for various departments.

Award Amount: \$729,189.88

F & A Budget

See Page 2 of 2 for Funding Information

PLR 11/20/07

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of office furniture in the total amount of \$729,189.88 from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for various departments and that authorization be given to issue purchase orders to the State contract suppliers listed below. This office furniture will be used to furnish various offices in the Houston Airport System, and the Public Works & Engineering, Health and Human Services, General Services, Houston Emergency Communications Center, Fire and Police Departments, as detailed in the attached Furniture Distribution Summary.

Allsteel, Inc: Approve the purchase of system furniture components, bookcases, lateral file cabinets and chairs in the amount of \$202,399.30.

Contract Resource Group, LLC: Approve the purchase of system furniture components, tables, file cabinets, desks and chairs in the amount of \$295,519.88.

Kimball International: Approve the purchase of system furniture components, conference tables, chairs, and file cabinets in the amount of \$66,464.24.

The HON Company: Approve the purchase of system furniture components, tables, credenzas, chairs and file cabinets in the amount of \$164,806.46.

This purchase consists of furniture to replace existing furniture that is worn and beyond economical repair, as well as provides furnishings to support existing and new budgeted positions. The old furniture will be sent to the Property Disposal Management Office for disposition. The furniture will come with the manufacturer's standard warranty and the life expectancy is 10 to 15 years.

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.

REQUIRED AUTHORIZATION

(4) NOTES CD 10 28 07

F&A Director:

Other Authorization:

Other Authorization:

David Guernsey
APPROVED

Paul B. Smith
12/10/07

| | | | |
|---------------------|--|--------------------------------|-------------|
| Date: 10/26/2007 | Subject: Purchase of Office Furniture from the State of Texas Procurement and Support Services Contract for Various Departments S38-E22647 | Originator's Initials LF | Page 2 of 2 |
|---------------------|--|--------------------------------|-------------|

Funding Detail

| <u>DEPT</u> | <u>FUND</u> | <u>AMOUNT</u> |
|------------------------------|-------------------------------------|---------------------|
| General Services | General Fund (1000) | \$820.26 |
| Health and Human Services | General Fund (1000) | \$4,188.66 |
| Public Works and Engineering | General Fund (1000) | \$8,248.22 |
| Fire | General Fund (1000) | \$42,346.65 |
| Public Works and Engineering | CIP Salary Recovery (1001) | \$18,064.63 |
| Health and Human Services | Health Special Revenue (2202) | \$21,390.49 |
| Houston Emergency Center | Houston Emergency Center (2205) | \$10,554.23 |
| Public Works & Engineering | Sign Administration (2300) | \$4,336.87 |
| Public Works & Engineering | Building Inspection Fund (2301) | \$278,174.36 |
| Health and Human Services | Federal Grant (5000) | \$21,372.35 |
| Houston Airport System | General Revenue (8001) | \$133,466.33 |
| Public Works & Engineering | PWE Sewer Systems Operations (8300) | \$186,226.83 |
| | | |
| | Total | \$729,189.88 |

Attachment: Furniture Distribution Summary

Buyer: Lena M. Farris

**Furniture Distribution Summary
for
RCA # 7624**

| DEPT | DESCRIPTION | NEW/ REPLACE | LOCATION |
|------|--|-----------------|---------------------------------------|
| HLTH | Panel End Cover-Frabric Complete Workstations- Low profile | New | OSPHP Health & Human Services |
| HLTH | Workstations Bureau Supervisors | New | OSPHP Health & Human Services |
| HLTH | Workstations Bureau Supervisors & Cashier Stools | New | OSPHP Health & Human Services |
| HLTH | Chairs (17) | New | OSPHP Health & Human Services |
| HAS | Chair (2) | Replacement | IAH Purchasing & Warehouse Svcs. |
| HAS | Trooper Chairs (7) | Replacement | IAH Command, Control & Communications |
| HAS | High Back Chair (2) | Replacement | IAH Identification & Badging |
| HAS | High Back Chair (18) | Replacement | IAH Security Field Services |
| HAS | Task Stool (6) | Replacement | HOU Operations |
| HAS | Trooper Chairs (3) & Conf Chairs (2) | Replacement | HOU Administrative Services |
| HAS | Chairs (11) | Replacement | HAS Finance |
| HAS | Posture Chair (4) | Replacement | IAH International Services |
| HAS | Workstations | New | HOU Operations |
| HAS | Office Chairs (3) | Replacement | IAH Facilities Management |
| HAS | Workstations | New | HAS Human Resources |
| HAS | Allsteel Chair | Replacement | IAH Electrical |
| HAS | Lock core, Lat. File, Lateral top | New | HAS F&A Administration |
| HAS | Chairs (8) | Replacement | IAH Operations |
| HAS | Chairs (9) | New | HAS Public Safety Administration |
| HAS | Table (1), Trooper Chair (5) | Replacement | IAH Administrative Services |
| HAS | Hon Chair | Replacement | IAH Electrical |
| HAS | Workstations | Replacement | IAH Public Safety Administration |
| HAS | Ascoustic Tile | New | HAS F&A Administration |
| HAS | Conf. Table Base Kit (2), Conf. Chairs (12), Lateral File Cabinet (1), Sotrage Cabinet (1) & Delivery & Installation | New | IAH Security Field Services |
| HAS | Chairs (6) | Replacement | HOU Operations |
| HAS | Tables (8) & Delivery & Installation | New | IAH Operations |
| HAS | Storage Cabinet (3) | New | IAH Command, Control & Communications |
| HAS | Chairs (32) | New/Replacement | IAH Administrative Services |
| HAS | Lateral File Cabinet (1) | New | IAH Security Field Services |
| HAS | Top, File Cabinet, Credenza, Delivery & Installation, Design Services | New | IAH Management |
| HAS | Chairs (4) & Conf Table (1), Delivery & Install | New | IAH Security Field Services |
| HAS | Chairs (2) | Replacement | HOU Administrative Services |
| HAS | Sofa (3), Chair (9), | Replacement | IAH ARFF |
| HAS | Storage Cabinet (1) | New | IAH Security Field Services |
| GSD | Trooper Task Chairs | | |
| PWE | Modular Furniture | New | Public Works and Engineering |
| PWE | Allsteel Modular Furniture | New | Public Works and Engineering |
| PWE | Modular Set up (4) | New | Public Works and Engineering |
| PWE | Chairs (6) & Delivery | Replacement | Public Works and Engineering |
| PWE | Chairs (24) & Delivery | Replacement | Public Works and Engineering |
| PWE | | Replacement | Public Works and Engineering |
| PWE | Chairs (11) | Replacement | Public Works and Engineering |

**Furniture Distribution Summary
for
RCA # 7624**

| | | | |
|------|---|-------------|--------------------------------|
| PWE | Modular Furniture | Replacement | Public Works and Engineering |
| PWE | Modular Furniture | New | Public Works and Engineering |
| PWE | Modular (4) Workstations | Replacement | Public Works and Engineering |
| PWE | Desk (7) Chairs (2) Table (1) | Replacement | Public Works and Engineering |
| PWE | Chairs (12) & Delivery | New | Public Works and Engineering |
| PWE | Chairs (12) & Delivery | New | Public Works and Engineering |
| PWE | Chairs (30) & Delivery | New | Public Works and Engineering |
| PWE | Chairs (18) | New | Public Works and Engineering |
| PWE | Modular Set up (4) | New | Public Works and Engineering |
| PWE | Chairs (2) Table (1) Base (1) & Delivery | Replacement | Public Works and Engineering |
| PWE | Chairs (3) & Delivery | Replacement | Public Works and Engineering |
| PWE | Chairs (16) & Delivery | Replacement | Public Works and Engineering |
| PWE | Lateral File (1) | New | Public Works and Engineering |
| PWE | Chair (1) Ped Files (3) & Delivery | New | Public Works and Engineering |
| PWE | Modular Furniture | New | Public Works and Engineering |
| PWE | Chairs (41), File (13), Crendeza (1) Bookcase (1) Pedestal (1) | Replacement | Public Works and Engineering |
| PWE | Modular Furniture (64 stations) Conference Rooms (2) Seating (66 employees & guest) | New | Public Works and Engineering |
| PWE | Chair & Delivery | New | Public Works and Engineering |
| PWE | Chairs (8), Pedestal (2), Files (3), Bookcases (3) & Delivery | New | Public Works and Engineering |
| PWE | Chairs (13) Lateral File (1) & Delivery | New | Public Works and Engineering |
| PWE | Chairs (2) & Delivery | Replacement | Public Works and Engineering |
| PWE | Pedestal Files (2) | New | Public Works and Engineering |
| PWE | Chairs (2) & Delivery | Replacement | Public Works and Engineering |
| PWE | Chairs (11) & Delivery | Replacement | Public Works and Engineering |
| PWE | Bookcase (5) & Delivery | New | Public Works and Engineering |
| PWE | Chairs (26) Desks (2) Bookcase (2) Modular (1) & Delivery | New | Public Works and Engineering |
| PWE | Bookcases (2) | Replacement | Public Works and Engineering |
| PWE | Chairs (2) Complete Office furniture including delivery and installation | Replacement | Public Works and Engineering |
| PWE | Chair (2), Desk (1) Credenza (1) File (1) Table (1) & Delivery | New | Public Works and Engineering |
| FIRE | Desk(17), Crendezas (13), Storage Cabinets (9), File Cabinets (10), Chairs (18), Keyboard Platforms (3), Slabs (2), Bookcases (5), Table (2), Handle Kit (1), Desk Shell Bow (3), Tasklight (1), Delivery and Installation. | New | Houston Fire Department |
| HEC | Partitions, Desk, Chairs, File Cabinets, and Accessories | New | Houston Emergency Center Admin |

REQUEST FOR COUNCIL ACTION

RCA# 7604

TO: Mayor via City Secretary

Subject: Reverse Auction Bids Received for Automotive Vehicle and Heavy Equipment Filters for Various Departments
S06-S22514RA

Category #
4

Page 1 of 3

Agenda Item

24

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

November 13, 2007

Agenda Date

DEC 05 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells
For additional information contact:
Joseph Fenninger Phone: (713) 308-1708
Desiree Heath Phone: (713) 247-1722

Council District(s) affected
All

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to XL Parts, LP (Bid No. 21) on it low bid of \$609,771.00, minus a commission fee (the lesser of 2% or \$20,000.00 maximum) for Internet-based reverse auction services required under contract with the Texas Procurement Center, LLC, for a net award amount not to exceed \$597,575.58 for automotive vehicle and heavy equipment filters for various departments.

Estimated Spending Authority \$597,575.58

F & A Budget

\$597,575.58 General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to XL Parts, LP (Bid No. 21) on its low bid of \$609,771.00, minus a reverse auction commission fee (the lesser of 2% or \$20,000.00) to the Texas Procurement Center, L.L.C., for a net award amount not to exceed \$597,575.58. It is further requested that authorization be given to make purchases, as needed, for a 60-month term. This award consists of one price list for filters; which includes, but is not limited to, various types and sizes of air, oil, fuel, transmission, hydraulic, and coolant filters that will be used to repair City vehicles within the Fire, Police and Solid Waste Management Departments.

This is a price list solicitation. The best discount, which determines the low bid for a price list is the best bid received for quantities of high-use items selected as sample pricing items based on the current needs of the Departments. The bid total for sample pricing items does not represent the total amount to be purchased; rather, this award recommendation is for the total estimated expenditures projected over the 60-month term based on the low bid submitted for the representative samples.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Bids were selected using the "reverse auction" methodology, and 46 bids were received as outlined below:

| <u>COMPANY</u> | <u>SAMPLE PRICING TOTAL</u> |
|--------------------------------------|-----------------------------|
| 1. XL Parts, LP (Bid No. 21) | \$101.70 |
| 2. Houston Freightliner (Bid No. 24) | \$102.06 |
| 3. XL Parts, LP (Bid No. 20) | \$102.43 |
| 4. Houston Freightliner (Bid No. 23) | \$103.00 |
| 5. XL Parts, LP (Bid No. 19) | \$103.65 |
| 6. Houston Freightliner (Bid No. 22) | \$103.94 |
| 7. XL Parts, LP (Bid No. 18) | \$104.38 |
| 8. Houston Freightliner (Bid No. 21) | \$104.56 |
| 9. XL Parts, LP (Bid No. 17) | \$105.36 |

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

NOT

6-5-07

| | | | |
|---------------------|---|--------------------------------|-------------|
| Date: 11/13/2007 | Subject: Reverse Auction Bids Received for Automotive Vehicle and Heavy Equipment Filters for Various Departments S06-S22514RA | Originator's Initials TR | Page 2 of 3 |
|---------------------|---|--------------------------------|-------------|

| | |
|---------------------------------------|----------|
| 10. Houston Freightliner (Bid No. 20) | \$105.81 |
| 11. XL Parts, LP (Bid No. 16) | \$106.09 |
| 12. Houston Freightliner (Bid No. 19) | \$106.12 |
| 13. Houston Freightliner (Bid No. 18) | \$106.75 |
| 14. XL Parts, PL (Bid No. 15) | \$107.31 |
| 15. Houston Freightliner (Bid No. 17) | \$107.68 |
| 16. XL Parts, LP (Bid No. 14) | \$108.53 |
| 17. Houston Freightliner (Bid No. 16) | \$109.50 |
| 18. XL Parts, LP (Bid No. 13) | \$109.50 |
| 19. XL Parts, LP (Bid No. 12) | \$109.75 |
| 20. Houston Freightliner (Bid No. 15) | \$109.87 |
| 21. XP Parts, LP (Bid No. 11) | \$110.97 |
| 22. Houston Freightliner (Bid No. 14) | \$111.43 |
| 23. XL Parts, LP (Bid No. 10) | \$112.18 |
| 24. Houston Freightliner (Bid No. 13) | \$112.36 |
| 25. Houston Freightliner (Bid No. 12) | \$112.99 |
| 26. Houston Freightliner (Bid No. 11) | \$113.92 |
| 27. Houston Freightliner (Bid No. 10) | \$114.55 |
| 28. XL Parts, LP (Bid No. 9) | \$115.23 |
| 29. Houston Freightliner (Bid No. 9) | \$115.48 |
| 30. XL Parts, LP (Bid No. 8) | \$116.45 |
| 31. Houston Freightliner (Bid No. 8) | \$117.05 |
| 32. XL Parts, LP (Bid No. 7) | \$118.04 |
| 33. Houston Freightliner (Bid No. 7) | \$118.61 |
| 34. XL Parts, LP (Bid No. 6) | \$119.50 |
| 35. Houston Freightliner (Bid No. 6) | \$120.17 |
| 36. XL Parts, LP (Bid No. 5) | \$120.72 |
| 37. Houston Freightliner (Bid No. 5) | \$121.73 |
| 38. XL Parts, LP (Bid No. 4) | \$121.94 |
| 39. Houston Freightliner (Bid No. 5) | \$124.85 |
| 40. XL Parts, LP (Bid No. 30) | \$125.60 |
| 41. Houston Freightliner (Bid No. 3) | \$126.41 |
| 42. XL Parts, LP (Bid No. 2) | \$126.82 |
| 43. XL Parts, LP Bid No. 1) | \$129.26 |
| 44. Houston Freightliner (Bid No. 2) | \$129.53 |
| 45. Houston Freightliner (Bid No. 1) | \$131.09 |
| 46. Tommie Vaughn Motors | \$131.48 |

M/WBE Subcontracting:

The bid was issued with a 3% goal for M/WBE participation. XL Parts, LP has designated the below-named company as its certified M/WBE subcontractor.

| <u>NAME</u> | <u>TYPE OF SERVICE</u> | <u>AMOUNT</u> |
|---------------------------------|------------------------|---------------|
| Burnett's Package Express, Inc. | Delivery | \$17,927.26 |

The Affirmative Action Division will monitor this award.

This RCA was reviewed by the Council Committee on Minority/Women Business Enterprise, Small Contractor Development and Contract Compliance on November 27, 2007 and no action was taken because a quorum was not present.

Buyer: Tywana L. Rhone

Date:
11/13/2007

Subject: Reverse Auction Bids Received for Automotive Vehicle and
Heavy Equipment Filters for Various Departments
S06-S22514RA

Originator's
Initials
TR

Page 3 of 3

Estimated Spending Authority

| DEPARTMENT | FY2008 | OUT YEARS | TOTAL |
|------------------------|--------------------|---------------------|---------------------|
| Police | \$46,576.50 | \$202,464.36 | \$249,540.86 |
| Fire | \$21,194.00 | \$156,405.86 | \$171,712.24 |
| Solid Waste Management | \$20,416.62 | \$150,518.24 | \$170,934.86 |
| GRAND TOTAL | \$88,187.12 | \$509,388.46 | \$597,575.58 |



CITY OF HOUSTON

Finance & Administration Department
Strategic Purchasing Division (SPD)

Interoffice

Correspondence

To: Kevin M. Coleman, C.P.M.
Assistant Purchasing Agent

From: Tywana L. Rhone

Date: October 8, 2007

Subject: MWBE Participation Form

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

I am **requesting** a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes No

I am requesting a **revision** of the MWBE Goal: Yes No Original Goal: 3 New Goal: _____

If requesting a revision, how many solicitations were received: _____

Solicitation Number: S06-S22514RA Estimated Dollar Amount: \$609,771.00

Anticipated Advertisement Date: 8/3/2007 Solicitation Due Date: 8/21/2007

Goal On Last Contract: 3 Was Goal met: Yes No

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

Name and Intent of this Solicitation:

This is a renewal of automotive, vehicle & heavy equipment filters for various departments. The filters will be used to repair city vehicles.

Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):
(To be completed by SPD)

This project was advertised with a 3% goal participation. The Supplier will be supplying parts only. City personnel picks up parts on an emergency basis; therefore, there is a small potential for M/WBE participation. The Supplier utilized an accounting firm, which handles all paperwork in relation to this project. See Attached.

Concurrence:

SPD Initiator

Division Manager

Robert Gallegos, Deputy Assistant Director
*Affirmative Action

Kevin M. Coleman, C.P.M.
Assistant Purchasing Agent

* Signature is required, if the request is for zero percent MWBE participation, or to revise the MWBE goal.

REQUEST FOR COUNCIL ACTION

| | | | |
|---|-----------------|-------------|---|
| SUBJECT: Ordinance amending Chapter 6 of the Code of Ordinances, Houston, Texas, relating to the establishment of a Trap-Neuter-Release program for the management of feral cats | Category | Page | Agenda Item # 25 |
|---|-----------------|-------------|---|

| | | |
|---|---|---|
| FROM (Department or other point of origin): Department of Health and Human Services | Origination Date: November 30, 2007 | Agenda Date: DEC 05 2007 |
|---|---|---|

| | |
|--|--|
| DIRECTOR'S SIGNATURE: Stephen L Williams, Director <i>Stephen L Williams</i> | Council District affected: ALL |
|--|--|

| | |
|--|---|
| For additional information contact: Kathy Barton 713-794-9998 or 713-826-5801 | Date and identification of prior authorizing Council action: |
|--|---|

RECOMMENDATION:
Adopt ordinance amending Chapter 6 of the Code of Ordinances, Houston, Texas, relating to the establishment of a Trap-Neuter-Release program for the management of feral cats

| | |
|--|------------------------|
| Amount and source of funding: N/A | F&A Budget: |
|--|------------------------|

EXPLANATION:

The Department of Health and Human Services, Bureau of Animal Regulation and Care, requests Council approval of an ordinance amending Chapter 6 of the Code of Ordinances to establish a Trap-Neuter-Release (TNR) program to allow citizens to assist in the management of feral cat colonies. An individual participating in an authorized TNP program would be exempt from the current Code provision that prohibits the feeding or maintenance of three or more stray cats. TNR has been shown to significantly reduce the population of un-neutered feral cats, who tend to engage in nuisance behavior such as fighting, spraying and yowling.

TNR programs have been implemented in other cities with success, and the technique is endorsed by the American Veterinary Medical Association, the Humane Society of the United States, the American Humane Association, the American Society for the Prevention of the Cruelty to Animals and Texas A&M University. No City of Houston funds will be committed to the program, however it is anticipated that grant funds will be available to citizens who participate.

A redline version of the proposed amendments to Chapter 6 is attached.

REQUIRED AUTHORIZATION

| | | |
|---------------|----------------------|----------------------|
| F&A Director: | Other Authorization: | Other Authorization: |
|---------------|----------------------|----------------------|

City of Houston, Texas, Ordinance No. 2007-_____

AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO THE CARE AND CONTROL OF DOGS AND CATS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

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

Section 1. That Subsection (b) of Section 6-1 of the Code of Ordinances, Houston, Texas, is hereby amended by adding, in the appropriate alphabetical order positions, the following definitions:

"Feral cat means any homeless, wild, or untamed cat."

"Keeper means one who has the care, custody, or management of an animal."

"Owner has the meaning ascribed in section 822.041 of the Health and Safety Code, as amended from time to time."

"Trap, neuter, and return program means a program approved by the director in which feral cats are humanely trapped, evaluated, vaccinated, sterilized, and marked by an identifying notch in the left ear by a veterinarian and returned to the trap location."

Section 2. That Section 6-3 of the Code of Ordinances, Houston, Texas, is hereby amended by designating the existing text as Subsection (a) and adding a new Subsection (b) that reads as follows:

"(b) It shall be a defense to prosecution under subsection (a) above that the animal was:

- (1) A dog in an off-leash site established under section 32-11 of this Code; or

- (2) A feral cat that has been subjected to a trap, neuter, and return program approved by the director."

Section 3. That Section 6-6 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Item (12) that reads as follows:

- "(12) No animal may be restrained by a leash unless the animal is in the immediate possession of and accompanied by the animal's owner."

Section 4. That Section 6-22 of the Code of Ordinances, Houston, Texas, is hereby amended by replacing the period at the end of Item (2) with a semicolon, moving the word "and" from the end of Item (1) to the end of Item (2) and adding a new Item (3) that reads as follows:

- "(3) Are not subjected to a trap, neuter, and return program approved by the director. "

Section 5. That Section 6-101 of the Code of Ordinances, Houston, Texas, is hereby amended by redesignating Subsection (b) as Subsection (c) and inserting new Subsection (b) that reads as follows:

- "(b) It is a defense to prosecution under subsection (a) of this section that the dog was in an off-leash site established under section 32-11 of this Code,"

Section 6. 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 7. 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 immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ___ day of _____, 2007.

APPROVED this ___ day of _____, 2007.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

Prepared by Legal Dept. 
CMD:asw 10/05/2007 Assistant City Attorney 
Requested by Stephen L. Williams, Director, Health and Human Services Department
L.D. File No. 0420700095001

Redline of Amendments to Chapter 6 Animal Code

Sec. 6-1. Definitions and interpretation.

(a) The responsibility for the control of rabies within the city shall rest with the department, and the director of the department is duly designated as the local health authority for the purpose of the Rabies Control Act of 1981 (Chapter 826 of the Texas Health and Safety Code).

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

Commercial breeder means any person who:

- (1) Breeds dogs or cats for the purpose of selling; or
- (2) Sells or offers for sale unneutered or unspayed offspring of dogs or cats to another person.

Current rabies vaccination means a rabies vaccination that was administered in compliance with the requirements of Chapter 826 of the Texas Health and Safety Code and Title 25 of Chapter 169 of the Texas Administrative Code and that has not expired under the terms thereof.

Department means the department of health and human services.

Director means the director of health and human services or his designee.

Dog kennel means any lot, enclosure, premises, structure or building whereon or wherein four or more dogs over the age of six months are kept or maintained for any purpose whatsoever.

Feral cat means any homeless, wild, or untamed cat.

Humane organization means a nonprofit corporation that maintains a permanent shelter facility within the city for the care and custody of sick, injured, lost, abandoned or strayed animals and provides veterinary services for the care of the animals kept in its shelter facility under the supervision of a veterinarian who is employed or retained by the corporation.

Licensee means the person holding a license for a dog or cat issued pursuant to division 2 of article IV of this chapter.

Neuter refers to permanent sterilization to render male animals incapable of impregnating female animals by means of either surgery performed to remove the testicles or chemical sterilization by which the animals are injected with a drug approved by the United States Food and Drug Administration for that purpose.

Owner means a person who owns or has custody or control of an animal.

Running at large or *to run at large* means the going upon public or private property by an animal without the owner or person in charge thereof having direct physical control over the animal; the terms include any animal whatsoever that may be staked, tied or hobbled in any manner within the city limits in such manner as to allow such animal to go or get upon the public streets or sidewalks.

Spay refers to permanent sterilization to prevent female animals from having estrus (heat) cycles and eliminating the ability to become pregnant by means of either surgery performed on an animal to remove the ovaries and uterus or chemical sterilization by which female animals are injected with a drug approved by the United States Food and Drug Administration for that purpose.

Sterilized refers to a spayed or neutered dog or cat.

Sterilized pet license means a current and valid license issued under this chapter for a dog or cat that has been spayed or neutered.

Trap, neuter, and return program means a program approved by the director in which feral cats are humanely trapped, evaluated, vaccinated, sterilized, and marked by an identifying notch in the left ear by a veterinarian and returned to the trap location.

Unsterilized refers to a dog or cat that has not been spayed or neutered.

Unsterilized pet license means a current and valid license issued under this chapter for a dog or cat that has not been spayed or neutered.

Veterinarian means any person who is duly licensed to practice as a doctor of veterinary medicine by the licensing authority of any one or more of the 50 United States or the District of Columbia, provided that such person is acting within the course and scope of his license and practicing in a state or district in which such license is recognized for the practice of veterinary medicine.

Veterinary hospital means any place where medical and surgical treatment is administered to animals by or under the supervision of a veterinarian.

* * *

Sec. 6-3. Running at large of domestic animals or fowl prohibited.

(a) The running at large of domestic animals or domestic fowl, within the city limits is hereby declared to be a nuisance and it shall be unlawful for the owner or keeper of any such animal or fowl to permit the same to run at large within the city.

(b) It shall be a defense to prosecution under subsection (a) above that the animal was:

- (1) A dog in an off-leash site established under section 32-11 of this Code; or
- (2) A feral cat that has been subjected to a trap, neuter, and return program approved by the director.

* * *

Sec. 6-6. General regulations as to care, keeping and using of animals.

Every owner, caretaker or user of any animal within the city limits shall be required to observe the following rules, regulations, terms and conditions in connection with the care, keeping and using of such animals, and any person violating any provisions hereof shall be deemed guilty of an offense:

- (1) All stables or other enclosures in which such animal is kept and the ground upon which same is situated shall be kept and maintained in a clean and sanitary condition, and all stables and fences surrounding such lot where the animal is kept and the feed troughs and water troughs, with which such animals are fed and watered, shall be free from any projection or thing whereon or whereby such animal may be injured.
- (2) All animals shall be fed with a quantity of good, wholesome food sufficient to keep them in a good, well-nourished condition, and such food shall be served to such animals in a clean, sanitary manner.
- (3) All work and milk animals shall be fed salt at proper and regular intervals.
- (4) All horses or mules worked or used shall have good substantial shoes upon each hoof.

- (5) No animal shall be used or worked where there are any sores upon such animal's body, legs, head or shoulders.
- (6) All harness used on any work animal shall be fitted to such animal and shall be free from any wire, rivets, break, tear or anything else that will irritate or make sores on such animal.
- (7) No animal shall be worked to any wagon, which wagon has not been, and is not being kept, well-greased, or where either the pole or the singletree is in such condition as may cause injury to such animals.
- (8) No animal drawing a wagon or other vehicle which is loaded shall be driven faster than a walk.
- (9) All animals shall be provided with pure, clean water in sufficient quantities at all times.
- (10) No sick or crippled animal shall be worked or used, nor shall such animal be led or driven in, on, upon or through any street of the city.
- (11) No person shall run, or be concerned with the running, of any horse race in, along or across any public road, public square or public street in the city.
- (12) No animal may be restrained by a leash unless the animal is in the immediate possession of and accompanied by the animal's owner or keeper.

* * *

Sec. 6-22. Congregations of unconfined and unlicensed stray cats and dogs.

It shall be unlawful for any person intentionally to cause, suffer or permit the maintenance of an attractive environment for the assembly of a congregation of unconfined and unlicensed stray cats or dogs by the placement of dog food or cat food. For purposes of this section a "congregation of unconfined and unlicensed stray cats or dogs" means any three or more dogs or cats which:

- (1) Are not confined in such a manner that they cannot of their own volition enter or leave the lot, tract or parcel of land upon which the food is placed; ~~and~~
- (2) Are not wearing valid city license tags issued pursuant to Article IV of this chapter; and
- (3) Are not subjected to a trap, neuter, and return program approved by the director.

* * *

Sec. 6-101. Running at large prohibited.

(a) It shall be unlawful for any person owning or having in his possession any dog to allow such dog to be at large without the owner or person in charge thereof having direct physical control over such dog. An owner or person having in his possession a dog may allow the dog to be at large on property that does not provide the animal with access to a sidewalk or street.

(b) It is a defense to prosecution under subsection (a) of this section that the dog was in an off-leash site established under section 32-11 of this Code.

(c) It shall be unlawful for any person owning or having in his possession a dangerous dog, as defined in section 6-151 of this Code, to allow that dog to be at large. A person who violates this subsection shall, upon conviction, be assessed a fine of not less than \$500.00 nor more than \$2,000.00. Each day that any violation of this subsection continues shall constitute and be punishable as a separate offense.

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

| | | | |
|---|-------------------|--------------------|-----------------------------------|
| SUBJECT: Petition for the City's consent to the addition of ten (10) tracts of land totaling 206.4 acres to Harris County Municipal Utility District No. 61 (Key Map No. 445-Q, R & 446-K, N, P) | Category # | Page 1 of 1 | Agenda Item # <i>26</i> |
|---|-------------------|--------------------|-----------------------------------|

| | | |
|--|--|-----------------------------------|
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date <i>11/29/07</i> | Agenda Date DEC 05 2007 |
|--|--|-----------------------------------|

| | |
|---|--|
| DIRECTOR'S SIGNATURE <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE | Council District affected: "ETJ" |
|---|--|

| | |
|--|---|
| For additional information contact: Jun Chang, P.E. <i>JC</i> Senior Assistant Director Phone: (713) 837-0433 | Date and identification of prior authorizing Council action: |
|--|---|

RECOMMENDATION: (Summary)

The petition for the addition of 206.4 acres of land to Harris County Municipal Utility District No. 61 be approved.

| | |
|--|--------------------------|
| Amount of Funding: NONE REQUIRED | F & A Budget: |
|--|--------------------------|

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund

Other (Specify)

SPECIFIC EXPLANATION:

Harris County Municipal Utility District No. 61 has petitioned the City of Houston for consent to add 206.4 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 Franz Road, Elrod Road, Clay Road and Fry Road. The district desires to add 206.4 acres, thus yielding a total of 634.5709 acres. The district is served by the Williamsburg Regional Sewage Authority Treatment Plant. The other districts served by this plant are Harris County Municipal Utility District Nos. 61, 62, 63, 64, 65, West Harris County Municipal Utility District Nos. 2, 5, and Westside Ventures. The nearest major drainage facility for Harris County Municipal Utility District No. 61 is Mason Creek which flows into Buffalo Bayou and finally into the Houston Ship Channel.

Potable water is provided by the Williamsburg Regional Water Plant. 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: Marty Stein Marlene Gafrick Jeff Taylor Dan Krueger Jack Sakolosky
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

| | | |
|---------------------------|---|----------------------------------|
| F & A Director | REQUIRED AUTHORIZATION Other Authorization: <i>[Signature]</i> Andrew F. Icken Deputy Director Planning & Development Services Div. | 20JZC350 Other Authorization: |
|---------------------------|---|----------------------------------|



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

09-22-09A11:73 RCVD *[Signature]*

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 206.4 acres to Harris County MUD No. 61 under the provisions of Chapters 49 and 54, Texas Water Code.

Kara E. Richardson
Attorney for the District

Attorney: David M. Marks, P.C.

Address: 3700 Buffalo Speedway, Suite 830, Houston, Texas Zip: 77098 Phone: 713-942-9922

Engineer: A&S Engineers, Inc.

Address: 10377 Stella Link Road, Houston, Texas Zip: 77025 Phone: 713-942-2700

Owners: Please see the attached.

Address: _____ Zip: _____ Phone: _____

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

LOCATION

INSIDE CITY

OUTSIDE CITY

NAME OF COUNTY (S) Harris

Survey H & TC RR

Abstract A-438

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

North of: Franz Road

East of: Elrod Road

South of: Clay Road

West of: Fry Road

WATER DISTRICT DATA

Total Acreage of District: 428.1709

Existing Plus Proposed Land 634.5709

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

Single Family Residential 79%

Multi-Family Residential _____

Commercial 21%

Industrial _____

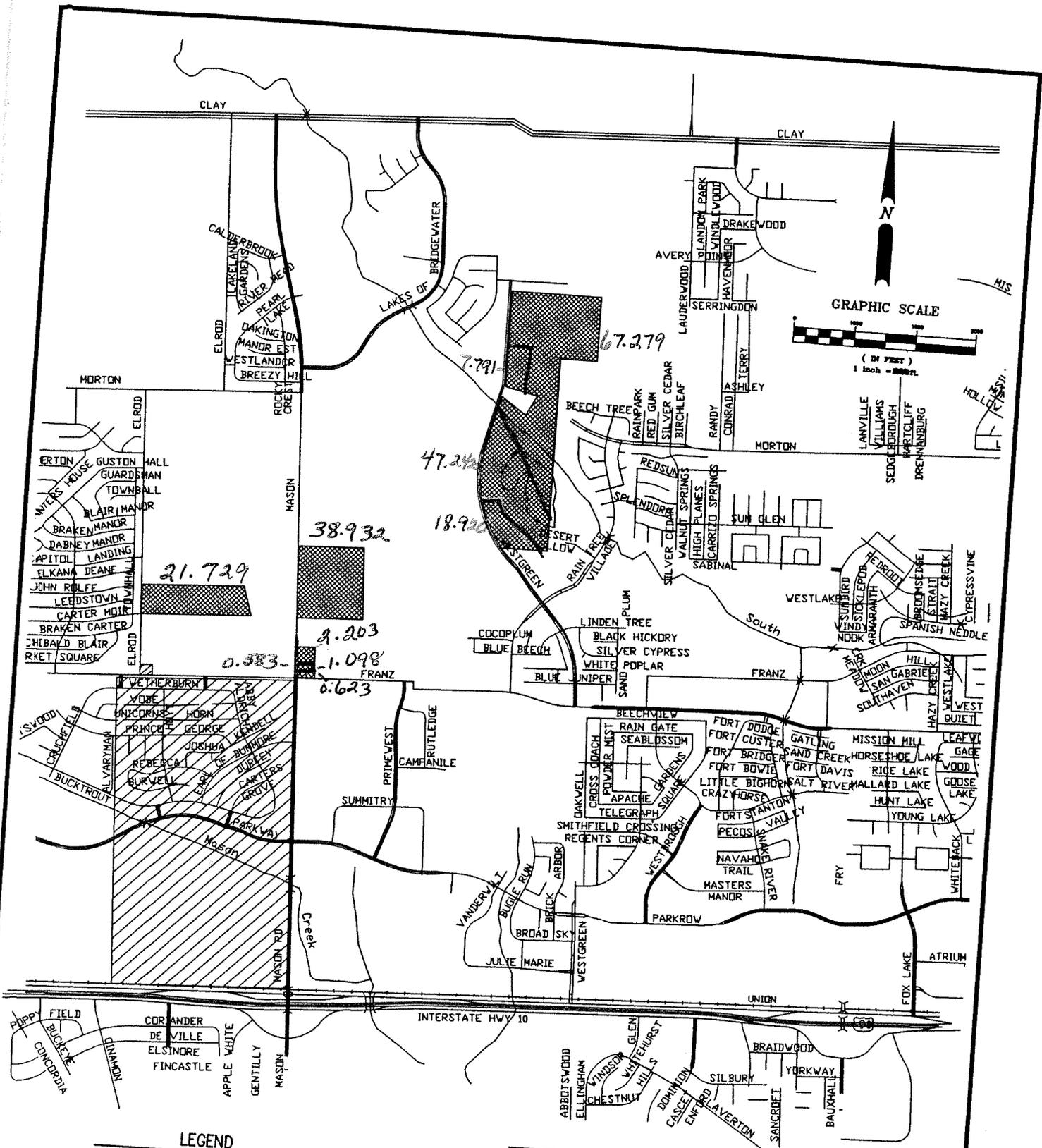
Institutional _____

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

Sewage Treatment Plant Name: Williamsburg Regional Sewage Authority

NPDES/TPDES Permit No: _____

TCEQ Permit No: WQ0011598



LEGEND

 CURRENT DISTRICT BOUNDARY

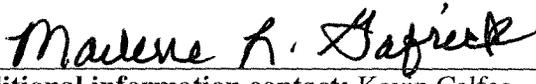
 ANNEXATION TRACTS

A&S ENGINEERS, INC.
 municipal engineering services
 10377 Stella Link Rd., Houston, TX 77025
 Phone: (713) 942-2700 Fax: (713) 942-2799

HCMUD NO. 61
 DISTRICT BOUNDARIES
 634.5709 ACRES

330

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | | | |
|---|--|---|--------------------------|-----------------------------------|
| SUBJECT: Ordinance designating the 600 block of Highland Street, north and south sides, between Northwood and Reagan Streets as a Special Building Line Requirement Area | | Category # | Page 1 of _____ | Agenda Item # 27 |
| FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department | | Origination Date 11/02/2007 | | Agenda Date DEC 05 2007 |
| DIRECTOR'S SIGNATURE: <i>MS</i>  | | Council District affected: H | | |
| For additional information contact: Kevin Calfee Phone: 713.837.7768 | | Date and identification of prior authorizing Council action: N/A | | |
| RECOMMENDATION: (Summary) Approval of an ordinance designating the 600 block of Highland Street, north and south sides, between Northwood and Reagan Streets as a Special Building Line Requirement Area, pursuant to Chapter 42 of the Code of Ordinances, and establishing an 16'-0" special building line. | | | | |
| Amount and Source of Funding: | | | F & A Budget: | |
| <p>SPECIFIC EXPLANATION: In accordance with Section 42-163 of the Code of Ordinances, the property owner of Lot 6, Block 29 of the Woodland Heights Subdivision initiated an application for the designation of a special building line requirement area. The application includes written evidence of support from owners of 84% of the area. Notification was mailed to the 13 property owners indicating that the special building line requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.</p> <p>It is recommended that the City Council adopt an ordinance establishing an 16'-0" Special Building Line for the area.</p> <p>MLG:md</p> <p>Attachments: Planning Director's Approval, Special Building Line Requirement Application & Petition, Evidence of Support, Map of the Area</p> <p>xc: Marty Stein, Agenda Director Anna Russell, City Secretary Arturo G. Michel, City Attorney Deborah McAbee, Land Use Division, Legal Department Linda Tarver, Public Works and Engineering Gary Bridges, Public Works and Engineering</p> | | | | |
| REQUIRED AUTHORIZATION | | | | |
| F & A Director: | | Other Authorization: | | Other Authorization: |

Special Building Line Requirement Area No. 123

Planning Director's Approval

Planning Director Evaluation:

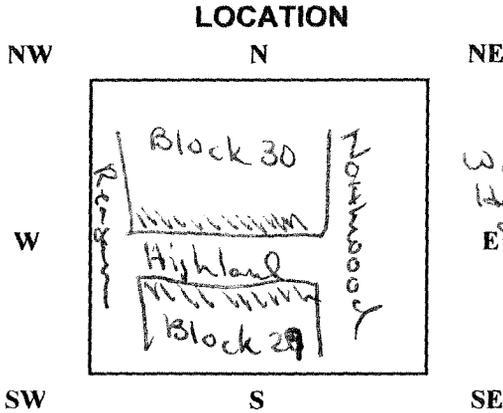
| Satisfies | Does Not Satisfy | Criteria |
|---|------------------|---|
| X | | <p><i>SBLRA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 600 block of Highland Street, north and south sides.</p> |
| X | | <p><i>More than 60% of the proposed SBLRA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>100% of the proposed application area is developed with not more than two SF residential units per property.</p> |
| X | | <p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 84% of the SBLRA.</p> |
| X | | <p><i>Establishment of the SBLRA will further the goal of preserving the building line character of the area; and,</i></p> <p>A minimum building line of 16 ft exists on ten (10) properties in the blockface.</p> |
| X | | <p><i>The proposed SBLRA has a building line character that can be preserved by the establishment of a special building line, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p>The subdivision was platted in 1907. The houses mostly originate from the 1920's. The establishment of a 16 ft minimum building line will preserve the building line character of the area.</p> |
| <p><i>The minimum building line for this application was determined by finding the current building line that represents a minimum standard for at least 70% of the application area.</i></p> <p>Ten (10) out of thirteen (13) developed properties (representing 77% of the application area) have a building line of at least sixteen (16) feet.</p> | | |

The Special Building Line Requirement Area meets the criteria.

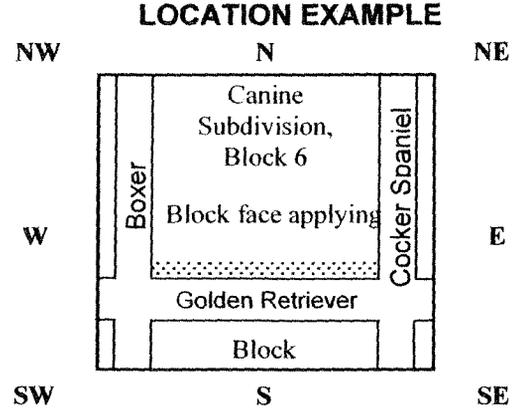

11/2/07
 Marlene L. Gafrick, Director Date

COMBINED SPECIAL MINIMUM LOT SIZE & SPECIAL MINIMUM BUILDING LII APPLICATION

To expedite this application, please complete entire application form.



Woodland Heights E Subdivision



1. BOUNDARY:

Block # 29 30
 Lot #'s 1-8 9-16
 Subdivision Name Woodland Heights
 Street Name & Side (s) North + South side of Highland St
 Lot (s) Address 600 Block of Highland
 Odd/Even Addresses Odd + Even

BOUNDARY EXAMPLE:

Block 6
 Lots 1-5
 Canine Subdivision
 North side of Golden Retriever Ln.
 800 Block Golden Retriever Ln.
 Odd Addresses

2. CONTACTS:

| | |
|--------------------------------|--|
| Applicant <u>Emily Guyre</u> | Phone # <u>713 861 5920</u> |
| Address <u>618 Highland</u> | E-mail <u>emilieguyre@protonmail.com</u> Fax # _____ |
| City <u>Houston</u> | State <u>TX</u> Zip <u>77009</u> |
| | |
| Other <u>Sharon Greiff</u> | Phone # <u>713-868-1529</u> |
| Address <u>826 WOODLAND ST</u> | E-mail <u>sgreiff@houston-tx.com</u> Fax # _____ |
| City <u>HOUSTON</u> | State <u>TX</u> Zip <u>77009</u> |

3. PROJECT INFORMATION (STAFF USE ONLY-DO NOT FILL IN):

File # MLS 268 SBL 123

Lambert # 5358 Census Tract 5103

Key Map # 493B City Council District H

Super Neighborhood 15

TIRZ _____

**Petition for Special Minimum Lot Size and Building Line
600 Block of Highland**

July 12, 2007
Date

I, Emily Guyre owner of property within the proposed boundaries of the Special Minimum Lot Size and Special Minimum Building Line Requirement Area, specifically, 29 Lot 6 Woodland Heights Subdivision, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-163 and 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes and building lines for Block 29 Lots 1-8 and Block 30 Lots 9-16 Woodland Heights Subdivision through the application of and creation of a Special Minimum Lot Size and Special Minimum Building Line Requirement Area.

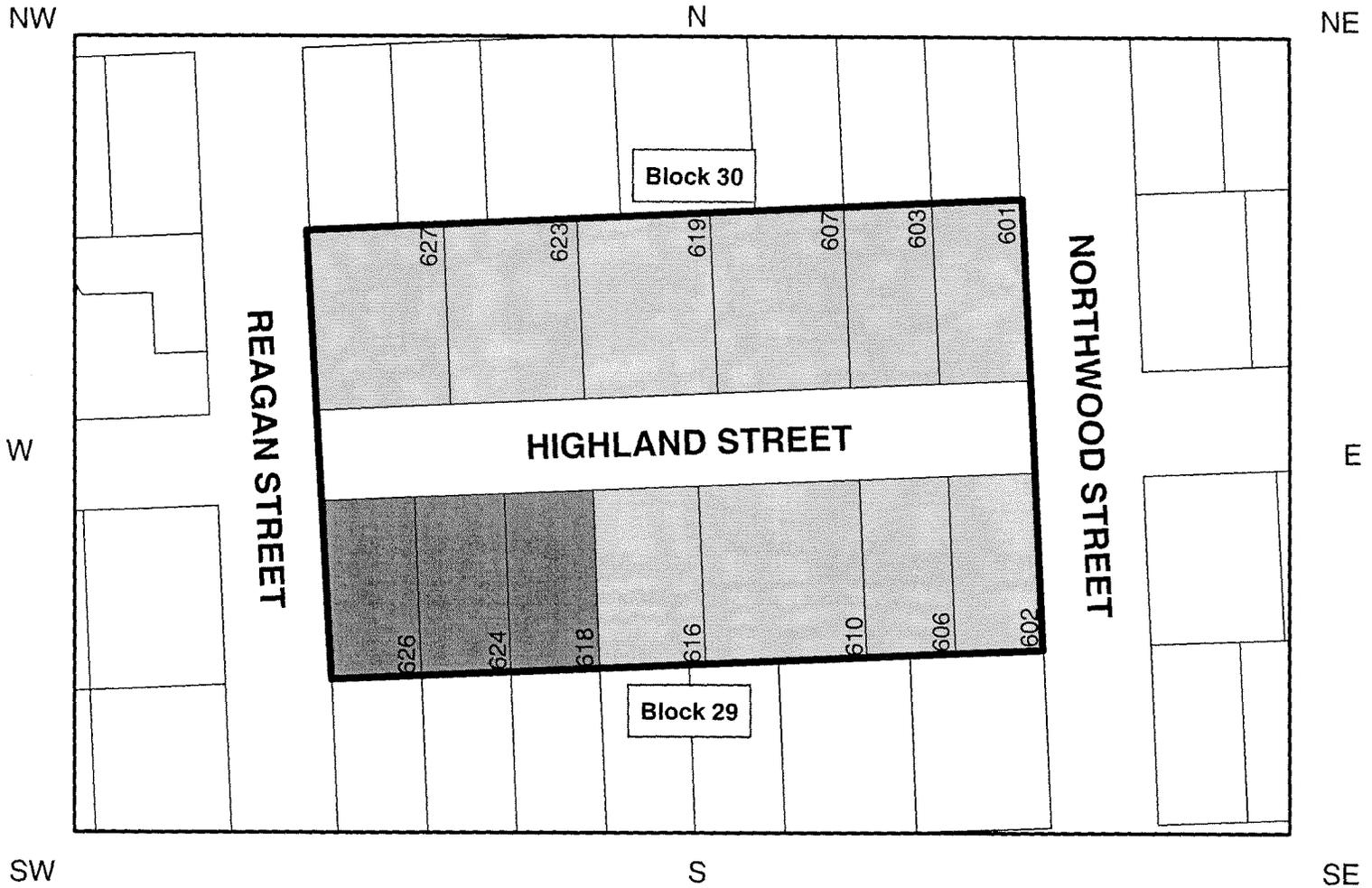


Petitioner

Emily Guyre

Printed Name of Petitioner

WOODLAND HEIGHTS



16' Special Building Line MAP/SKETCH

SBLRA No. 123

-  Properties that meet the 16' Special Building Line
-  Properties less than the 16' Special Building Line
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

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

| | | | |
|--|-------------------|------------------------|-----------------------------------|
| SUBJECT: Ordinance designating the 800 block of Waverly Street, west side, between 8 th and 9 th Streets as a Special Minimum Lot Size Area | Category # | Page 1 of _____ | Agenda Item # <i>28</i> |
|--|-------------------|------------------------|-----------------------------------|

| | | |
|---|-------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department | Origination Date 10/16/07 | Agenda Date DEC 05 2007 |
|---|-------------------------------------|-----------------------------------|

| | |
|--|--|
| DIRECTOR'S SIGNATURE: <i>MS Marlene L. Gafrick</i> | Council District affected: H |
|--|--|

| | |
|---|---|
| For additional information contact: Kevin Calfee Phone:713.837.7768 | Date and identification of prior authorizing Council action: N/A |
|---|---|

RECOMMENDATION: (Summary) Approval of an ordinance designating the 800 block of Waverly Street, west side, between 8th and 9th Streets as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

| | |
|--------------------------------------|--------------------------|
| Amount and Source of Funding: | F & A Budget: |
|--------------------------------------|--------------------------|

SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of of Lot 16, Tracts 15 & 17A, Block 240, of the Houston Heights Subdivision initiated an application for the designation of a special lot size area. The application includes written evidence of support from the owners of 33% of the area. Notification was mailed to the ten (10) property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Three written protests were filed. The Houston Planning Commission considered the protest on August 2, 2007 and voted to recommend that the City Council establish the Special Minimum Lot Size Requirement Area.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 4,356 sf.

MLG:jh

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

xc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo G. Michel, City Attorney
Deborah McAbee, Land Use Division, Legal Department

REQUIRED AUTHORIZATION

| | | |
|----------------------------|-----------------------------|-----------------------------|
| F & A Director: | Other Authorization: | Other Authorization: |
|----------------------------|-----------------------------|-----------------------------|

July 17, 2007

William Davenport
819 Waverly St.
Houston, TX 77007
713 863-0148

To the Planning Commission, City of Houston:

I am writing to protest the designation of the west side of the 800 block of Waverly St. as a special minimum lot size area.

Preservation of the neighborhood's character is not an issue. When I moved into my home in 1999, my lot, at 6000 sf, would have been the minimum. There were no smaller lots on this block. The street was a mix of vacant land, one-story single family homes, light industrial buildings and a multi-unit apartment complex. I liked it that way.

Since then, most of the vacant land has been sold, subdivided, and new, multi-story houses have been wedged onto the new narrower lots that are to be the new "minimum lot size". The trees have been cut down, the alley behind my house paved. I'm not happy about it, but it's their land, and their right. I have the same right to subdivide my lot, and I want to keep it.

I will be appearing at the public hearing on this issue on August 2.

Thank you for your attention,

Bill Davenport

**J. RICHARD PICKERING
817 WAVERLY ST.
HOUSTON, TEXAS 77007
(713) 862-8266**

July 18, 2007

Mr. Keith Wilson
City of Houston Planning & Development Dept.
611 Walker, 6th floor
Houston, Texas 77002

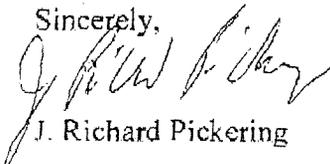
**Re: Special Minimum Lot Size Application
800 block of Waverly Street, west side,
Between 8th and 9th Streets.**

Dear Mr. Wilson:

I have lived on Waverly street for almost twenty years and have seen a lot of change in the neighborhood. Some of the changes have been good and some not so good. The Heights is a neighborhood in transition.

I am *not* in favor of the "MINIMUM LOT SIZE APPLICATION". Houston is a city with no zoning and that is just a fact that we have to deal with! At one time I would have supported such an application. I went as far a deed restricting my own property in the early 90's, which was a mistake. In doing so, I signed away my rights to do with my property as I wish. When I signed my deed restrictions, I was under the impression that I could resend them at any time. I found out from the Houston Heights Association recently, that they pushed legislation that made those restrictions permanent. **Therefore I can not support any land use restrictions that would limit a property owners right to decide what to do with their property.**

Sincerely,


J. Richard Pickering

July 23, 2007

Planning Commission, City of Houston
PO Box 1562, Houston, TX 77251-1562

To the Planning Commission:

I am writing to protest the designation of the West side of the 800 block of Waverly St. as a special minimum lot size area. As a property owner in this block, I do not want any new restrictions on my lot.

Thank you,

Johnny S. Cantera
Bylicia Cantera

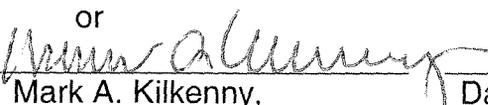
Special Minimum Lot Size Area No. 254

Planning Commission Approval

Planning Commission Evaluation:

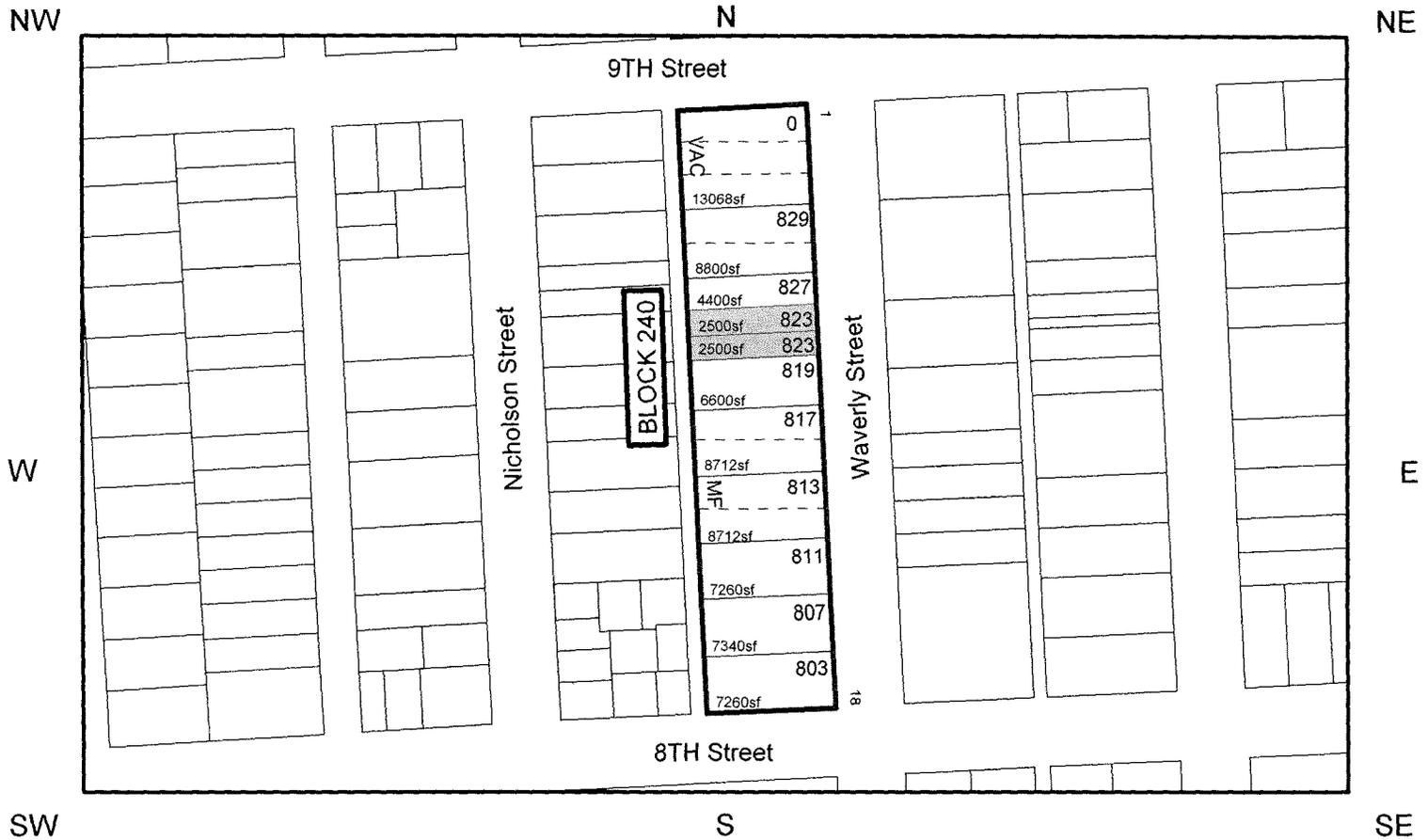
| Satisfies | Does Not Satisfy | Criteria |
|---|------------------|--|
| X | | <p><i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 800 block of Waverly Street, west side.</p> |
| X | | <p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>72% of the proposed application area is developed with not more than two SF residential units per property.</p> |
| X | | <p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 33% of the SMLSA.</p> |
| X | | <p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p>A minimum lot size of 4,356 sq ft exists on fourteen (14) lots in the blockface.</p> |
| X | | <p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p>The subdivision was platted in 1892. The houses originate from the 1910's. The establishment of a 4,356 sf minimum lot size will preserve the lot size character of the area.</p> |
| <p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p>Fourteen (14) out of sixteen (16) lots (representing 94% of the application area) are at least 4,356 square feet in size.</p> | | |

The Special Minimum Lot Size Area meets the criteria.

 Carol Lewis, Chair Date
 or


 Mark A. Kilkenny, Date
 Vice-Chair

HOUSTON HEIGHTS



4,356sf Special Minimum Lot Size

MAP/SKETCH

SMLSA No. 254

- Lots that meet the 4,356sf Special Minimum Lot Size
- Lots less than the 4,356sf Special Minimum Lot Size
- MF** Multi-Family
- COM** Commercial
- VAC** Vacant
- EXE** Excluded

CITY OF HOUSTON

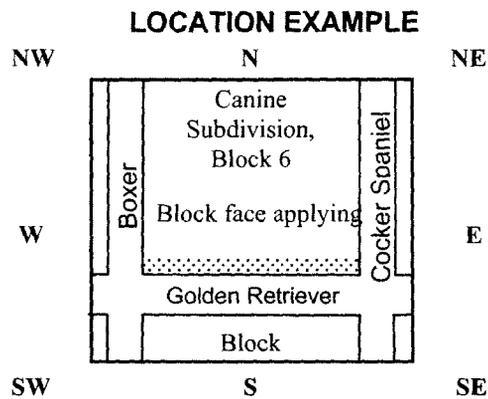
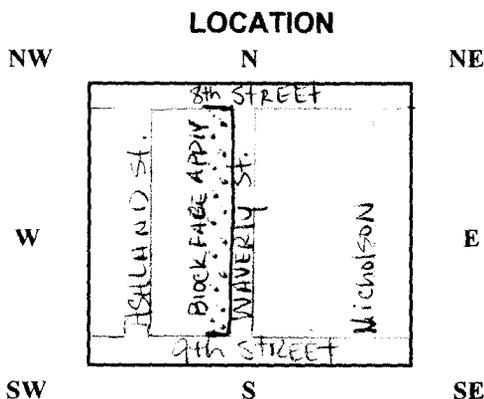
HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

SPECIAL MINIMUM LOT SIZE APPLICATION

Complete
6/6/07

To expedite this application, please complete entire application form.



1. BOUNDARY:

Block # 240
 Lot #'s 1-18
 Subdivision Name Houston Heights
 Street Name & Side (s) WESTSIDE Waverly
 Lot (s) Address 300 BIK Waverly
 Odd/Even Addresses 803-835 Waverly
ODD

BOUNDARY EXAMPLE:

Block 6
 Lots 1-5
 Canine Subdivision
 North side of Golden Retriever Ln.
 800 Block Golden Retriever Ln.
 Odd Addresses

2. CONTACTS:

Applicant Clint Sepolio Phone # 713-416-8887
 Address 307 Waverly St. E-mail [REDACTED] Fax # [REDACTED]
 City Houston State TX Zip 77007
 Other Laura Rowley Phone # [REDACTED]
 Address 307 Waverly St E-mail [REDACTED] Fax # [REDACTED]
 City Houston State TX Zip 77007

3. PROJECT INFORMATION (STAFF USE ONLY-DO NOT FILL IN):

File # 254 Census Tract 5105
 Lambert # 5358 City Council District 14
 Key Map # 492D
 Super Neighborhood 15
 TIRZ [REDACTED]

SPECIAL MINIMUM LOT SIZE APPLICATION

4. SUBMITTAL REQUIREMENTS:

Please Check

- Completed application form (page 2)
- Signed petition (s) (page 5)
- Evidence of support from the property owners within the boundary (page 6)
- Signed deed restriction statement (page 9)
- Copy of deed restrictions, if applicable (page 9)
- Map or sketch showing the address and land use, including of all lots within boundary from www.hcad.org
- Data showing the actual size of each lot

Note: Owner of lot 1,2,3 is an out of state owner and could not be reached.

May 1, 2007

I, Clinton B. Sepolio owner of property within the proposed boundaries of the Special Minimum Lot Size Requirement Area, specifically, Block 240, Lot 16, Tract 15 and 17(A), of Houston Heights, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes for Block 240, Lots 1-18 in Houston Heights through the application of and creation of a Special Minimum Lot Size Requirement Area.

A handwritten signature in black ink, appearing to read "Clinton B. Sepolio", written over a horizontal line.

Clinton B. Sepolio
Petitioner

SPECIAL MINIMUM LOT SIZE DEED RESTRICTION STATEMENT

I have personal knowledge of the facts set forth in this deed restriction statement, each of which is true and correct.

Initial (1), (2), or (3) as applicable:

- 1. _____ All properties in the proposed Special Minimum Lot Size Area do not have deed restrictions.
- 2. _____ All of the properties have deed restrictions; however, the deed restrictions do not address minimum lot size (attach copy of Deed Restrictions).
- 3. 02 Some, but not all, of the properties have deed restrictions (attach copy of Deed Restrictions).

Clinton B. Sepolid 5/23/2007
 Applicant's Signature Date

Clinton B. Sepolid 807 Waverly St Houston TX
 Applicant's Printed Name Address 77007

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | | | |
|--|--|---|--------------------------|--|
| SUBJECT: Ordinance designating the 600 block of West Main Street, south side, between Greely and Jack Streets as a Special Minimum Lot Size Area | | Category # | Page 1 of _____ | Agenda Item # <i>29</i> |
| FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department | | Origination Date 9/28/2007 | | Agenda Date <i>DEC 05 2007</i> |
| DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i> | | Council District affected: D | | |
| For additional information contact: Kevin Calfee Phone: 713.837.7768 | | Date and identification of prior authorizing Council action: N/A | | |
| RECOMMENDATION: (Summary) Approval of an ordinance designating the 600 block of West Main Street, south side, between Greely and Jack Streets as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances. | | | | |
| Amount and Source of Funding: | | | F & A Budget: | |
| <p>SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of of Tracts 1A, 2A & 3A Block 7, of the Lockhart Connor & Barziza Subdivision initiated an application for the designation of a special lot size area. The application includes written evidence of support from the owners of 80% of the area. Notification was mailed to the five property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. One written protest was filed. The Houston Planning Commission considered the protest on August 30, 2007 and voted to recommend that the City Council establish the Special Minimum Lot Size Requirement Area.</p> <p>It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 6,000 sf.</p> <p>MLG:jh</p> <p>Attachments: Planning Commission's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area, Protest Letters</p> <p>xc: Marty Stein, Agenda Director Anna Russell, City Secretary Arturo G. Michel, City Attorney Deborah McAbee, Land Use Division, Legal Department</p> | | | | |
| REQUIRED AUTHORIZATION | | | | |
| F & A Director: | | Other Authorization: | | Other Authorization: |

KIM G. YELTON, PC
Kim G. Yelton
Attorney at Law
1714 California
Houston, Texas 77006

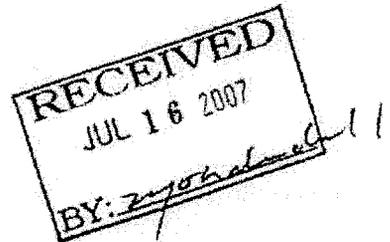
Phone: 713.942.8575
Fax: 713.533.0388

Board Certified, Residential Real Estate Law
Texas Board of Legal Specialization

July 16, 2007

via messenger delivery
and email: mohdudul.huq@cityofhouston.net

City of Houston Planning and Development Department
Attn: Mohdudul Huq
611 Walker, 6th Floor
Houston, Texas 77002



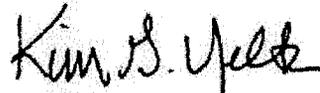
Re: Protest of Special Minimum Lot Size Area and
Special Building Line Requirement Area
Application
600 block of West Main Street, South side
between Greely and Jack Streets

Dear Mr. Huq:

I represent Jessie M. Young, Jr., who is the owner of the West ½ of Lots 9 and 10 and the adjoining West ½ of the North 20 feet of Lot 8, Block 7 of the Lockhart, Connor and Barziza Addition, in Harris County, Texas, according to the map recorded in Volume 1, Page 42 of the Map Records of Harris County, Texas. Mr. Young has received notice of a Special Minimum Lot Size Area and Special Building Line Requirement Area Application (the "Application") described above.

This letter is a protest of the Application and request that a hearing be scheduled before the Houston Planning Commission to contest the application. At the hearing Mr. Young will establish that the Application (1) is incomplete and/or (2) does not satisfy the criteria required by Chapters 42-163 and 42-194 of the City of Houston Code of Ordinances and that his property should not be affected by the Application.

Sincerely,


Kim G. Yelton

cc: Jessie M. Young, Jr.

**Special Minimum Lot Size Area No. 259
Planning Commission Approval**

Planning Commission Evaluation:

| Satisfies | Does Not Satisfy | Criteria |
|---|------------------|---|
| X | | <p><i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 600 block of West Main Street, south side.</p> |
| X | | <p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>80% of the proposed application area is developed with not more than two SF residential units per property.</p> |
| X | | <p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 80% of the SMLSA.</p> |
| X | | <p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p>A minimum lot size of 6,000 sq ft exists on five (5) lots in the blockface.</p> |
| X | | <p>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</p> <p>The subdivision was platted in 1902, and most of the houses were constructed in the 1920's. The housing style was developed primarily with Prairie and Craftsman architectural influence. The Prairie style of architectural was popularized by the Chicago School of Architects like Frank Lloyd Wright and Louis Sullivan. This style was very popular throughout America from 1900 to 1925. In Houston, the style was a hallmark of the City's newer "streetcar suburbs" developed in the Montrose area neighborhoods like Avondale, Courtland Place, Audubon Place, etc. There is no recent platting activity. The proposed METRO rail alignment along Richmond Street will have an impact on the neighborhood.</p> |
| <p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p>Five (5) out of five (5) lots (representing 100% of the application area) are at least 6,000 square feet in size.</p> | | |

The Special Minimum Lot Size Area meets the criteria.

Carol A. Lewis 9/7/07
Carol Lewis, Chair Date
or

Mark A. Kilkenny, Date
Vice-Chair

CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

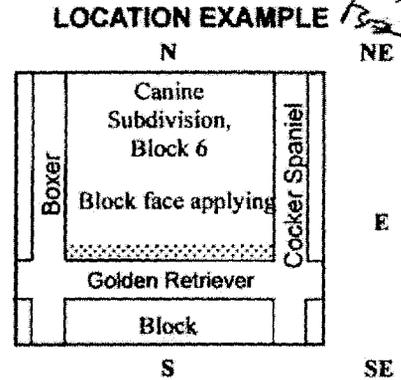
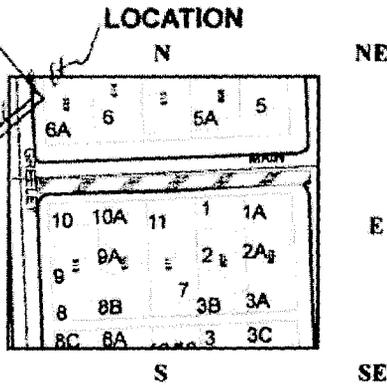
COMBINED SPECIAL MINIMUM LOT SIZE & SPECIAL MINIMUM BUILDING LINE APPLICATION

To expedite this application, please complete entire application form.

COMPLETED

6/14/07

RECEIVED
JUN 16 2007
BY: *22703*



1. BOUNDARY:

Block # Block 7
 Lot #'s All Lots on South Side of 600 Block of W Main St
 Subdivision Name Lockhart Connor & Barziza
 Street Name & Side (s) South side of W Main St.
 Lot (s) Address 600 Block of WQ Main St.
 Odd/Even Addresses Odd Addresses

BOUNDARY EXAMPLE:

Block 6
 Lots 1-5
 Canine Subdivision
 North side of Golden Retriever Ln.
 800 Block Golden Retriever Ln.
 Odd Addresses

2. CONTACTS:

Applicant Stephen Longmire Phone # 713-523-5165
 Address 603 W Main St. E-mail ~~Stephen.Longmire@cityofhouston.com~~ Fax # 713-523-5165
 City Houston State Texas Zip 77006
 Other _____ Phone # _____
 Address _____ E-mail _____ Fax # _____
 City _____ State _____ Zip _____

3. PROJECT INFORMATION (STAFF USE ONLY-DO NOT FILL IN):

File # MLSA # 259
MBL # 119
 Lambert # 5356
 Key Map # 4935
 Super Neighborhood 24
 TIRZ _____
 Census Tract 4107
 City Council District D

FIRST MONTROSE COMMONS, INC.

NEIGHBORHOOD ASSOCIATION

ESTABLISHED 1994

"A COMMON EFFORT FOR AN UNCOMMON NEIGHBORHOOD"



PETITION

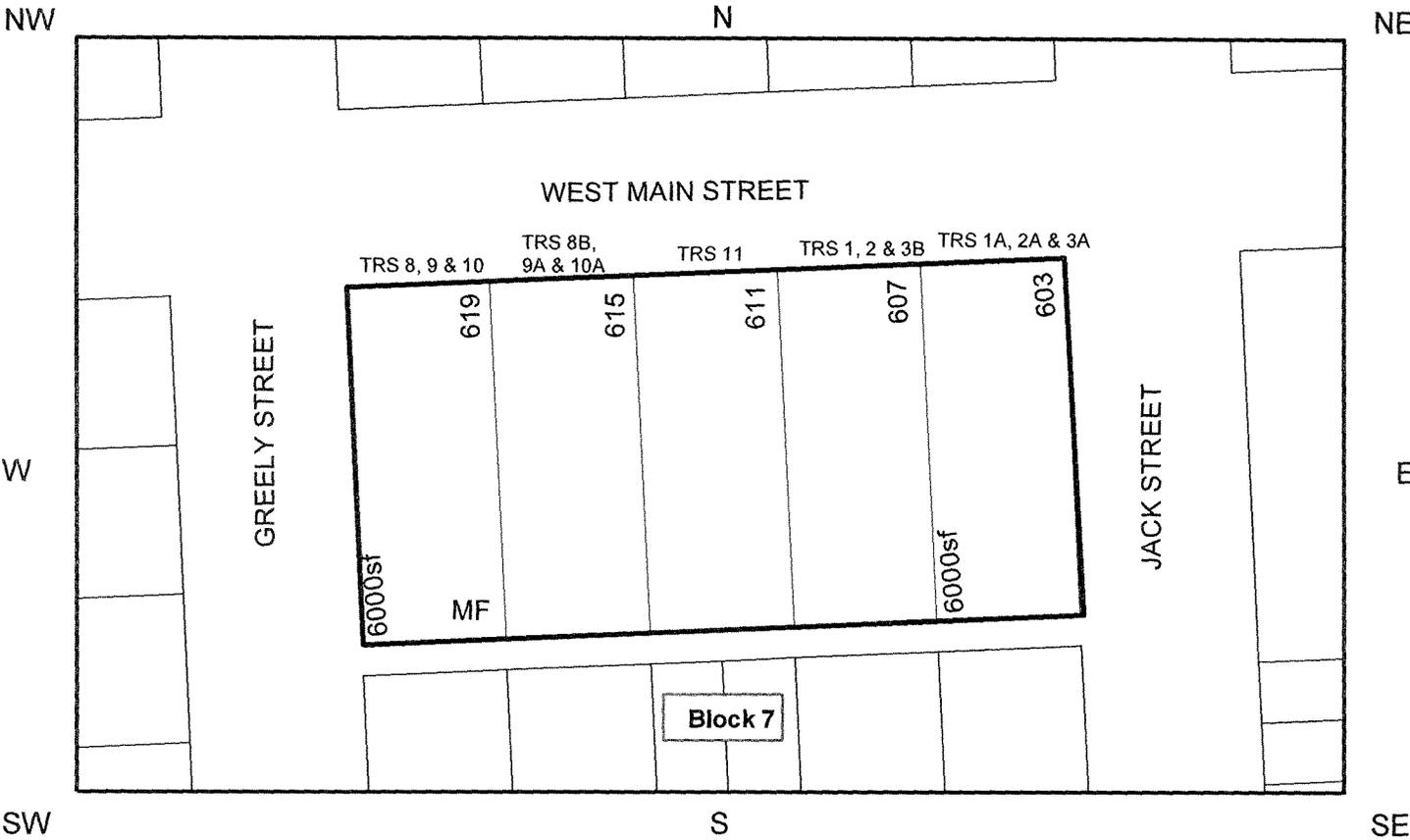
June 8, 2007

I (We), Stephen Longmire, owner(s) of property within the proposed boundaries of the special minimum lot size requirement area, specifically, Block 7, Lot (TRS 1A 2A & 3A), of Lockhart Connor & Barziza, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sec. 42-163 and 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes and building lines for Block 7, Lot(s) (TRS 1A 2A & 3A), (TRS 12 & 3B), (TR 11), (TRS 8B 9A & 10A), AND (TRS 8 9 & 10) in Lockhart Connor & Barziza through the application of and creation of a Special Minimum Lot Size and Special Minimum Building Line Requirement area.



Stephen Longmire, 6/8/2007
DATE SIGNED

LOCKHART CONNOR & BARZIZA



6000sf Special Minimum Lot Size

MAP/SKETCH

SMLSA No. 259

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

| | | | |
|--|-------------------|-----------------------|--------------------------------|
| SUBJECT: Ordinance Authorizing an Agreement between Harris County, Houston Independent School District ("HISD"), and the City of Houston relating to joint runoff elections to be held on December 8, 2007. | Category # | Page 1 of 1 | Agenda Item # 30 |
|--|-------------------|-----------------------|--------------------------------|

| | | |
|--|---|---------------------------------------|
| FROM (Department or other point of origin): Legal Department | Origination Date 11/29/07 | Agenda Date DEC 05 2007 |
|--|---|---------------------------------------|

| | |
|---|--|
| DIRECTOR'S SIGNATURE:  | Council District affected: All |
|---|--|

| | |
|--|---|
| For additional information contact: Don Cheatham Phone: (713) 437-6738 | Date and identification of prior authorizing Council action: N/A |
|--|---|

RECOMMENDATION: (Summary)
The City Council approve, and allocate funding for, an Agreement between Harris County, HISD and the City of Houston for the December 8, 2007 joint runoff election.

| | |
|---|--------------------------|
| Amount of Funding: \$672,000 [Original Allocation] \$1,200,000 [Maximum Contract Amount] | F & A Budget: |
|---|--------------------------|

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund

Other (Specify) Fund 1000

SPECIFIC EXPLANATION:

The proposed ordinance approves the Agreement under which Harris County will conduct a joint runoff election on December 8, 2007. Each participating entity will pay a pro rata share of costs for polling locations and personnel expenses. The City Council is requested to allocate funds (up to \$1,200,000) for the City's share of the total cost of the December 8, 2007 runoff election, which is approximately \$1,165,326.48. The Agreement contains no maximum amount and the City is obligated to reimburse the County for the City's pro rata share of actual runoff election expenses.

G:\CONTRACT\LKHO1\21401a.WPD

REQUIRED AUTHORIZATION

| | | |
|--------------------------|-----------------------------|-----------------------------|
| F&A Director: | Other Authorization: | Other Authorization: |
|--------------------------|-----------------------------|-----------------------------|

REQUEST FOR COUNCIL ACTION

| | | | |
|--|--|---|--|
| TO: Mayor via City Secretary | | RCA # | |
| SUBJECT: An ordinance to prevent a new property tax exemption applied to certain goods-in-transit from taking effect on January 1, 2008 | | Category # | Page 1 of 2 |
| FROM: (Department or other point of origin): Judy Gray Johnson, Director Finance and Administration | | Origination Date November 21, 2007 | Agenda Item# 31 Agenda Date DEC 05 2007 |
| DIRECTOR'S SIGNATURE:  | | Council Districts affected: All | |
| For additional information contact: Michelle Mitchell, Assistant Director Phone: 713-221-0935 Phone: | | Date and identification of prior authorizing Council Action: | |

RECOMMENDATION: (Summary) That City Council approve an ordinance preventing a new property tax exemption for goods-in-transit from taking effect on January 1, 2008.

| | |
|---------------------------|--------------------------|
| Amount of Funding: | F & A Budget: |
|---------------------------|--------------------------|

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

SPECIFIC EXPLANATION:

On January 1, 2008, a new property tax exemption will automatically take effect unless the city takes prior action to prevent it. This exemption will cost the City of Houston approximately \$19 million in property tax (\$18 million) and industrial district revenue (\$1 million) in FY 2009 and up to \$50-60 million annually in later years. Therefore, it is recommended that City Council pass an ordinance to prevent this exemption from taking effect. The city can change its position on the exemption in the future.

The new "Super Freeport" law covers all goods-in-transit, expanding the existing "Freeport" exemption that covers export goods only. To qualify, the owner of the property in which the goods in transit are located must not have a direct or indirect ownership interest in the goods themselves. This provision would allow any business owner to qualify their inventory items for the exemption by locating them off-site at another property owner's warehouse, thereby increasing the initial revenue loss substantially over time. When introduced, the bill applied only to El Paso County, but was expanded statewide late in the legislative session. The fiscal note attached to the final bill as passed and signed by the Governor indicated a \$6.5 million revenue loss to cities statewide in FY 2009.

Five major cities contacted (Dallas, Fort Worth, San Antonio, Austin, El Paso) estimate a collective revenue loss of \$39 million, and are moving to call the required public hearing as well as consider an ordinance to preempt the exemption. The potential revenue loss and the open ended-nature of the exemption is a statewide concern. According to information provided by Houston ISD, only one school district in Harris County is considering allowing the exemption to take effect. Few school districts have taken action, but, like the larger cities, are planning to do so over the next 45-60 days.

Approval of the ordinance is recommended.

cc: Arturo Michel, City Attorney
Marty Stein, Agenda Director

REQUIRED AUTHORIZATION

| | | |
|--------------------------|-----------------------------|-----------------------------|
| F&A Director: | Other Authorization: | Other Authorization: |
|--------------------------|-----------------------------|-----------------------------|

To: Darrin Hall, COH Mayor's Office
From: David Turkel, Harris County

EXECUTIVE SUMMARY

PUBLIC HEARING TANGIBLE PERSONAL PROPERTY IN TRANSIT

HB621, Tangible Personal Property in Transit ("Goods-In-Transit") becomes effective January 1, 2008. This new law goes beyond the scope of Freeport Exemption ("Freeport") by adding an altogether new section to the Texas Property Tax Code. Freeport is discussed in Chapter 11.251, but HB 621 adds a new section, Chapter 11.253, for goods-in-transit.

"Freeport" refers to inventory stored up to 175 days that is in the stream of interstate commerce (destined for delivery outside of Texas). "Goods in Transit" refers to inventory stored up to 175 days that is in the stream of interstate or intrastate commerce (for delivery anywhere) and is stored in a third-party warehouse.

The language of the new goods-in-transit section requires that all governing bodies will need to take official action in order to continue taxing goods-in-transit after January 1, 2008, by opting out of this exemption category (see 11.253 (j)). This bill has a much broader impact than Freeport, in that Freeport inventory is now only a subset of goods-in-transit.

In order to qualify for this new exemption, a company would simply have to move its inventory to another location that it does not own or control – this can be next door or across the street. Accordingly, a company could choose to store its inventory in a third-party warehouse, or alternatively, to sell its own warehouse to a third party and contract to store inventory at the very same location. Selling facilities to a third party to enhance cash flow is commonplace in local industry.

Before opting to tax such goods-in-transit, a governing body is *required* to hold a public hearing. The current hearing pertains to Harris County, the Harris County Flood Control District and the Harris County Hospital District. Based on estimates provided by the Harris County Appraisal District, should these bodies not opt out, the annual losses in tax revenue for 2007 would be as follows: for Harris County the loss would be as much as \$27,302,496; for the Hospital District \$11,064,573; and for Flood Control \$1,788,435; for a total of \$40,155,504. If the Port of Houston Authority does not opt out, the revenue loss increases by \$827,425 per year, with the total annual loss increasing to \$40,982,929.

November 14, 2007
Community & Economic Development Department
Economic Development Division

Service Request # 07-00361839

Activity:

Image Type: Other

Details: 1 OF 6

CORP



Paul Bettencourt

Harris County Tax Assessor-Collector

Mayor Bill White
City of Houston
900 Bagby,
Houston, TX 77002

Re: House Bill 621, Tangible Personal Property In Transit

Dear Mayor Bill White,

I am writing to make you aware of House Bill 621 (attached), passed during the 80th Legislative Session of the Texas Legislature, that requires your attention and potentially your action before the end of this year. The bill amended the Texas Tax Code to provide a new exemption for goods-in-transit, nicknamed the "Super Port" exemption, is similar to the Freeport exemption.

Under the new Tax Code § 11.253, "goods-in-transit" are described in part as tangible personal property that is stored and moved within the state or outside the state within 175 days. The wording of the bill may allow owners to move goods multiple times within the state every 175 days, even across the street, and maintain the good's exempt status.

The bill will take effect January 1, 2008. However, the governing body of a taxing unit may opt-out of this new exemption by passing a resolution/ordinance by December 31, 2007 to continue taxing these goods-in-transit. As a part of the opt-out process, the bill also requires the taxing unit to conduct a public hearing as described by the Texas Constitution Article VIII, § 1-n(d). If passed, the resolution/ordinance will remain in effect and these goods will remain subject to taxation unless your governing body rescinds their action. Unlike the Freeport exemption, choosing to opt-out (tax the goods) is not permanent.

Before year-end, your taxing unit should thoroughly review this ability to opt-out. The Harris County Appraisal District has projected the potential 2008 taxable value loss to Harris County only from the exemption at \$7.6 billion, which would equate to \$29 million in reduced property taxes. The potential taxable value loss to HISD is \$1.3 billion or \$11.4 million in reduced property taxes, and for the City of Houston, who has not yet set its tax rate, \$1.8 billion in taxable value loss. An estimate for your taxing unit can be provided upon request.

Should you have any questions regarding this bill or its impact, please do not hesitate to contact Trajuana Phillips with my office at 713-368-2544.

Sincerely,

A handwritten signature in cursive script that reads "Paul Bettencourt".

Paul Bettencourt
Tax Assessor-Collector
Harris County, Texas

H.B. No. 621

AN ACT

relating to the exemption from ad valorem taxation of tangible personal property held temporarily at a location in this state for assembling, storing, manufacturing, processing, or fabricating purposes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 11, Tax Code, is amended by adding Section 11.253 to read as follows:

Sec. 11.253. TANGIBLE PERSONAL PROPERTY IN TRANSIT. (a) In this section:

(1) "Dealer's motor vehicle inventory," "dealer's vessel and outboard motor inventory," "dealer's heavy equipment inventory," and "retail manufactured housing inventory" have the meanings assigned by Subchapter B, Chapter 23.

(2) "Goods-in-transit" means tangible personal property that:

(A) is acquired in or imported into this state to be forwarded to another location in this state or outside this state;

(B) is detained at a location in this state in which the owner of the property does not have a direct or indirect ownership interest for assembling, storing, manufacturing, processing, or fabricating purposes by the person who acquired or imported the property;

(C) is transported to another location in this state or outside this state not later than 175 days after the date the person acquired the property in or imported the property into this state; and

(D) does not include oil, natural gas, petroleum products, aircraft, dealer's motor vehicle inventory, dealer's vessel and outboard motor inventory, dealer's heavy equipment inventory, or retail manufactured housing inventory.

(3) "Location" means a physical address.

(4) "Petroleum product" means a liquid or gaseous material that is an immediate derivative of the refining of oil or natural gas.

(b) A person is entitled to an exemption from taxation of the appraised value of that portion of the person's property that consists of goods-in-transit.

(c) The exemption provided by Subsection (b) is subtracted from the market value of the property determined under Section 23.01 or 23.12, as applicable, to determine the taxable value of the property.

(d) Except as provided by Subsections (f) and (g), the chief appraiser shall determine the appraised value of goods-in-transit under this subsection. The chief appraiser shall determine the percentage of the market value of tangible personal property owned by the property owner and used for the production of income in the preceding calendar year that was contributed by goods-in-transit. For the first year in which the exemption applies to a taxing unit, the chief appraiser shall determine that percentage as if the exemption applied in the preceding year. The chief appraiser shall apply that percentage to the market value of the property owner's tangible personal property used for the production of income for

the current year to determine the appraised value of goods-in-transit for the current year.

(e) In determining the market value of goods-in-transit that in the preceding year were assembled, stored, manufactured, processed, or fabricated in this state, the chief appraiser shall exclude the cost of equipment, machinery, or materials that entered into and became component parts of the goods-in-transit but were not themselves goods-in-transit or that were not transported to another location in this state or outside this state before the expiration of 175 days after the date they were brought into this state by the property owner or acquired by the property owner in this state. For component parts held in bulk, the chief appraiser may use the average length of time a component part was held by the owner of the component parts during the preceding year at a location in this state that was not owned by or under the control of the owner of the component parts in determining whether the component parts were transported to another location in this state or outside this state before the expiration of 175 days.

(f) If the property owner was not engaged in transporting goods-in-transit to another location in this state or outside this state for the entire preceding year, the chief appraiser shall calculate the percentage of the market value described in Subsection (d) for the portion of the year in which the property owner was engaged in transporting goods-in-transit to another location in this state or outside this state.

(g) If the property owner or the chief appraiser demonstrates that the method provided by Subsection (d) significantly understates or overstates the market value of the property qualified for an exemption under Subsection (b) in the current year, the chief appraiser shall determine the market value of the goods-in-transit to be exempt by determining, according to the property owner's records and any other available information, the market value of those goods-in-transit owned by the property owner on January 1 of the current year, excluding the cost of equipment, machinery, or materials that entered into and became component parts of the goods-in-transit but were not themselves goods-in-transit or that were not transported to another location in this state or outside this state before the expiration of 175 days after the date they were brought into this state by the property owner or acquired by the property owner in this state.

(h) The chief appraiser by written notice delivered to a property owner who claims an exemption under this section may require the property owner to provide copies of property records so the chief appraiser can determine the amount and value of goods-in-transit and that the location in this state where the goods-in-transit were detained for assembling, storing, manufacturing, processing, or fabricating purposes was not owned by or under the control of the owner of the goods-in-transit. If the property owner fails to deliver the information requested in the notice before the 31st day after the date the notice is delivered to the property owner, the property owner forfeits the right to claim or receive the exemption for that year.

(i) Property that meets the requirements of this section constitutes goods-in-transit regardless of whether the person who owns the property on January 1 is the person who transports the property to another location in this state or outside this state.

(j) The governing body of a taxing unit, in the manner required for official action by the governing body, may provide for the taxation of goods-in-transit exempt under Subsection (b) and not exempt under other law. The official action to tax the

Before acting to tax the exempt property, the governing body of the taxing unit must conduct a public hearing as required by Section 1-n(d), Article VIII, Texas Constitution. If the governing body of a taxing unit provides for the taxation of the goods-in-transit as provided by this subsection, the exemption prescribed by Subsection (b) does not apply to that unit. The goods-in-transit remain subject to taxation by the taxing unit until the governing body of the taxing unit, in the manner required for official action, rescinds or repeals its previous action to tax goods-in-transit, or otherwise determines that the exemption prescribed by Subsection (b) will apply to that taxing unit.

(k) A property owner who receives the exemption from taxation provided by Subsection (b) is not eligible to receive the exemption from taxation provided by Section 11.251 for the same property.

SECTION 2. Section 26.012(15), Tax Code, is amended to read as follows:

(15) "Lost property levy" means the amount of taxes levied in the preceding year on property value that was taxable in the preceding year but is not taxable in the current year because the property is exempt in the current year under a provision of this code other than Section 11.251 or 11.253, the property has qualified for special appraisal under Chapter 23 ~~(of this code)~~ in the current year, or the property is located in territory that has ceased to be a part of the unit since the preceding year.

SECTION 3. Section 403.302(d), Government Code, is amended to read as follows:

(d) For the purposes of this section, "taxable value" means the market value of all taxable property less:

(1) the total dollar amount of any residence homestead exemptions lawfully granted under Section 11.13(b) or (c), Tax Code, in the year that is the subject of the study for each school district;

(2) one-half of the total dollar amount of any residence homestead exemptions granted under Section 11.13(n), Tax Code, in the year that is the subject of the study for each school district;

(3) the total dollar amount of any exemptions granted before May 31, 1993, within a reinvestment zone under agreements authorized by Chapter 312, Tax Code;

(4) subject to Subsection (e), the total dollar amount of any captured appraised value of property that:

(A) is within a reinvestment zone created on or before May 31, 1999, or is proposed to be included within the boundaries of a reinvestment zone as the boundaries of the zone and the proposed portion of tax increment paid into the tax increment fund by a school district are described in a written notification provided by the municipality or the board of directors of the zone to the governing bodies of the other taxing units in the manner provided by Section 311.003(e), Tax Code, before May 31, 1999, and within the boundaries of the zone as those boundaries existed on September 1, 1999, including subsequent improvements to the property regardless of when made;

(B) generates taxes paid into a tax increment fund created under Chapter 311, Tax Code, under a reinvestment zone financing plan approved under Section 311.011(d), Tax Code, on or before September 1, 1999; and

(C) is eligible for tax increment financing under

Chapter 311, Tax Code;

(5) for a school district for which a deduction from taxable value is made under Subdivision (4), an amount equal to the taxable value required to generate revenue when taxed at the school district's current tax rate in an amount that, when added to the taxes of the district paid into a tax increment fund as described by Subdivision (4)(B), is equal to the total amount of taxes the district would have paid into the tax increment fund if the district levied taxes at the rate the district levied in 2005;

(6) the total dollar amount of any exemptions granted under Section 11.251 or 11.253, Tax Code;

(7) the difference between the comptroller's estimate of the market value and the productivity value of land that qualifies for appraisal on the basis of its productive capacity, except that the productivity value estimated by the comptroller may not exceed the fair market value of the land;

(8) the portion of the appraised value of residence homesteads of individuals who receive a tax limitation under Section 11.26, Tax Code, on which school district taxes are not imposed in the year that is the subject of the study, calculated as if the residence homesteads were appraised at the full value required by law;

(9) a portion of the market value of property not otherwise fully taxable by the district at market value because of:

(A) action required by statute or the constitution of this state that, if the tax rate adopted by the district is applied to it, produces an amount equal to the difference between the tax that the district would have imposed on the property if the property were fully taxable at market value and the tax that the district is actually authorized to impose on the property, if this subsection does not otherwise require that portion to be deducted; or

(B) action taken by the district under Subchapter B or C, Chapter 313, Tax Code;

(10) the market value of all tangible personal property, other than manufactured homes, owned by a family or individual and not held or used for the production of income;

(11) the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.06, Tax Code;

(12) the portion of the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.065, Tax Code; and

(13) the amount by which the market value of a residence homestead to which Section 23.23, Tax Code, applies exceeds the appraised value of that property as calculated under that section.

SECTION 4. This Act applies only to taxes imposed for a tax year beginning on or after the effective date of this Act.

SECTION 5. This Act takes effect January 1, 2008.

President of the Senate

Speaker of the House

I certify that H.B. No. 621 was passed by the House on April 4, 2007, by the following vote: Yeas 134, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 621 on May 23, 2007, by the following vote: Yeas 145, Nays 0, 2

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7721

Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract No. C55726 for Legal Duplicating & Litigation Support Services for the Legal Department
LC-R-0275-039-20173-A1

Category #
4

Page 1 of 1

Agenda Item

33

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

December 03, 2007

Agenda Date

DEC 05 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

Jo Wiginton Phone: (713) 247-2054
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

Ord. No. 2004-155; Passed March 3, 2004

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the maximum contract amount for the contract between the City of Houston and Discovery Services of Texas, Inc. from \$281,808.75 to \$352,260.93 for legal duplicating and litigation support services for the Legal Department.

Maximum Contract Increased by: \$70,452.18

F & A Budget

\$70,452.18 - Property & Casualty Fund (1004)

SPECIFIC EXPLANATION:

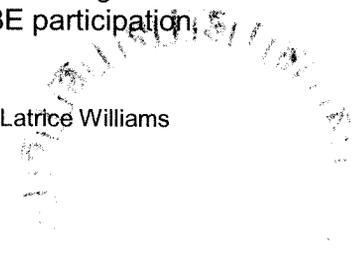
The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount for the contract between the City of Houston and Discovery Services of Texas, Inc. from \$281,808.75 to \$352,260.93 for legal duplicating and litigation support services for the Legal Department.

The contract was awarded on March 3, 2004 by Ordinance No. 2004-155 for a one-year term, with four one-year options to extend, for a total five-year term in the amount of \$281,808.75. Expenditures as of December 3, 2007 totaled \$281,808.75. Additional spending authority is needed to sustain the Department until the end of the contract term.

The scope of work requires the contractor to furnish all labor, materials, supplies, transportation and supervision necessary to provide legal duplicating and litigation support services. Services to be provided include, but are not limited to, reproduction of original evidentiary documents, documents numbering, exhibit enlargements, audio/video duplicating, on-site copying, camera negatives/plate production and tape transfers from micro tapes to regular tapes and videos.

This contract was awarded with a 5% M/WBE participation goal and the contractor is currently achieving 2.69% of its goal. The Affirmative Action Division will continue to monitor this contract to ensure maximum M/WBE participation.

Buyer: Latrice Williams



REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

TO: Mayor via City Secretary

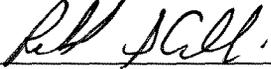
REQUEST FOR COUNCIL ACTION

HCD07-199

07- Corinthian

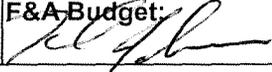
| | | | |
|---|-------------------|-----------------------|---------------------------------------|
| SUBJECT: An ordinance approving and authorizing a \$3,375,670 contract between the City of Houston and Corinthian Pointe Senior Living Corporation, using Federal HOME funds to assist in the development of a 122-unit affordable senior housing apartment complex. | Category # | Page 1 of 2 | Agenda Item # 34 |
|---|-------------------|-----------------------|---------------------------------------|

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| FROM (Department or other point of origin): Richard S. Celli, Director Housing and Community Development Department | Origination Date: 11/27/07 | Agenda Date: DEC 05 2007 |
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| DIRECTOR'S SIGNATURE:  | Council District affected: "D" - CM Ada Edwards |
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| For additional information contact: Donald Sampley, Asst. Director Phone: 713-868-8458 | Date and identification of prior authorizing Council action: None |
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RECOMMENDATION: (Summary)
The Department recommends approval of an ordinance authorizing a \$3,375,670 contract between the City of Houston and Corinthian Pointe Senior Living Corporation, using Federal HOME funds to assist in the development of a 122-unit affordable senior housing apartment complex.

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| Amount of Funding: \$3,375,670 | F&A Budget:  |
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify) HOME FUNDS

SPECIFIC EXPLANATION:

Corinthian Pointe Senior Living Corporation is a 501 C, 3, non-profit corporation formed on November 13, 2003 for the purpose of sponsoring, developing, and owning Corinthian Village Senior Community which will provide housing for low, and very low income seniors. The development is located in District "D" on approximately 6.0 acres in the 5800 block of West Orem, Houston, Texas. The Corinthian Village Senior Community development will be a three-story, 122 unit mid-rise apartment community. Two buildings containing the living units will be attached via interior corridors to the main common area building. The main common area building will feature a 2,800 square foot community great room, an 800 square foot fitness room, a 620 square foot clubroom, a computer/education room, a beauty/barbershop, and a library. An application is currently pending with HUD to provide the primary financing through the Section 221(d)4 new construction Multifamily Accelerated Processing program.

The Department proposes providing a \$3,375,670 Performance Based Loan (PBL) to assist in the construction of the 122-unit apartment development. The City PBL will be secured by a 2nd lien on the subject property. The City Land Use Restriction Agreement will be superior to the HUD 221(d)4 first lien loan.

The development will be occupied by independent, unassisted seniors, age 62 and older. Approximately thirty-two percent (32%) or 40 units will be restricted as affordable housing units for a period of twenty years. Of the 40 restricted units, 8 units will be restricted to families whose annual income does not exceed 50% of AMI, and 32 units will be restricted to families whose income does not exceed 60% of AMI.

The Corinthian Pointe Senior Living Corporation Board of Directors are Grace L. Butler, Board President, Lee J. Frazier, Tracy A. Dargan, Tull Thorton, and Booker T. Caldwell.

| REQUIRED AUTHORIZATION | | |
|--------------------------|-----------------------------|-----------------------------|
| F&A Director: | Other Authorization: | Other Authorization: |
| | | <i>NOT</i> |

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|--|---|--|-------------------------------------|-----------------------------------|--------------|-------------|-----------|-----------------------|----------------|-----------------------|----------------------|---------------|----------------------|
| Date 11/27/07 | Subject: An ordinance approving and authorizing a \$3,375,670 contract between the City of Houston and Corinthian Pointe Senior Living Corporation, using Federal HOME funds to assist in the development of a 122-unit affordable senior housing apartment complex. | Originator's Initials <i>PSC</i> | Page <u>2</u> of <u>2</u> | | | | | | | | | | |
| <p>Sources of Funds:</p> <table> <tr> <td>1st Lien HUD 221(d)4:</td> <td>\$ 6,474,500</td> </tr> <tr> <td>City PBL</td> <td>3,375,670</td> </tr> <tr> <td>Owner's Equity (Land)</td> <td>635,000</td> </tr> <tr> <td>Owner's Equity (Cash)</td> <td><u>47,026</u></td> </tr> <tr> <td>TOTAL:</td> <td>\$ 10,532,196</td> </tr> </table> | | | | 1 st Lien HUD 221(d)4: | \$ 6,474,500 | City PBL | 3,375,670 | Owner's Equity (Land) | 635,000 | Owner's Equity (Cash) | <u>47,026</u> | TOTAL: | \$ 10,532,196 |
| 1 st Lien HUD 221(d)4: | \$ 6,474,500 | | | | | | | | | | | | |
| City PBL | 3,375,670 | | | | | | | | | | | | |
| Owner's Equity (Land) | 635,000 | | | | | | | | | | | | |
| Owner's Equity (Cash) | <u>47,026</u> | | | | | | | | | | | | |
| TOTAL: | \$ 10,532,196 | | | | | | | | | | | | |
| <p>Uses of Funds:</p> <table> <tr> <td>Hard Costs:</td> <td>\$ 7,831,536</td> </tr> <tr> <td>Soft Costs:</td> <td>2,065,660</td> </tr> <tr> <td>Land:</td> <td><u>635,000</u></td> </tr> <tr> <td>TOTAL:</td> <td>\$ 10,532,196</td> </tr> </table> | | | | Hard Costs: | \$ 7,831,536 | Soft Costs: | 2,065,660 | Land: | <u>635,000</u> | TOTAL: | \$ 10,532,196 | | |
| Hard Costs: | \$ 7,831,536 | | | | | | | | | | | | |
| Soft Costs: | 2,065,660 | | | | | | | | | | | | |
| Land: | <u>635,000</u> | | | | | | | | | | | | |
| TOTAL: | \$ 10,532,196 | | | | | | | | | | | | |
| <p>Terms of the City's Performance Based Loan shall be:</p> <ol style="list-style-type: none"> Amount \$3,375,670 (2nd lien); Term shall be concurrent with the term of the affordability period of twenty (20) years; The Performance Based Loan shall not bear interest; and The Performance Based Loan shall be provided with no obligation for repayment provided the owner fully and timely complies with all of its obligations under the loan documents. | | | | | | | | | | | | | |
| <p>The development is consistent with the City's Consolidated Plan to provide affordable housing for low, and very low Income seniors.</p> | | | | | | | | | | | | | |
| <p>The Housing and Community Development Committee reviewed this item on August 14, 2007 and voted to forward it for full Council consideration with recommendation.</p> | | | | | | | | | | | | | |
| <p>The Department recommends approval of an ordinance approving and authorizing a \$3,375,670 contract between the City of Houston and Corinthian Pointe Senior Living Corporation, using Federal HOME Housing Funds to assist in the development of a 122-unit affordable senior housing apartment complex.</p> | | | | | | | | | | | | | |
| <p>RC:DS:JR Attachment</p> | | | | | | | | | | | | | |
| <p>Cc: Mayor's Office City Secretary Legal Department CityController</p> | | | | | | | | | | | | | |

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

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| SUBJECT: An Ordinance appropriating \$200,000 out of the Housing Special Revenue Fund (Fund 2000) for housing initiatives and associated administrative costs which are emergent in nature. | Category # | Page 1 of 1 | Agenda Item # 35 |
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| FROM (Department or other point of origin): Richard S. Celli, Director Housing and Community Development Department | Origination Date November 29, 2007 | Agenda Date DEC 05 2007 |
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| DIRECTOR'S SIGNATURE: <i>MS</i>  | Council District affected: All Districts |
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| For additional information contact: Renee Carrington Phone: (713) 868-8338 | Date and identification of prior authorizing Council action: |
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RECOMMENDATION: (Summary)
An Ordinance appropriating \$200,000 out of the Housing Special Revenue Fund (Fund 2000) for housing initiatives and associated administrative costs which are emergent in nature.

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| Amount of Funding: \$200,000.00 | F&A Budget:  |
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify) Housing Special Revenue Fund (Fund 2000)

SPECIFIC EXPLANATION:

Housing and Community Development Department (HCDD) requests City Council approve an appropriation of \$200,000 out of Housing Special Revenue Fund (Fund 2000) for housing initiatives and associated administrative costs.

In an effort to support "Neighborhoods to Standard," the Mayor's campaign to improve Houstonians' quality of living and increase the quantity of affordable homes and respond quickly to emergent housing needs, HCDD anticipates costs for relocation, rental assistance, emergent meals, related items, etc. Because of federal funding guidelines and limitations and due to the expediency and critical nature of these situations HCDD will use these appropriated funds to cover these costs.

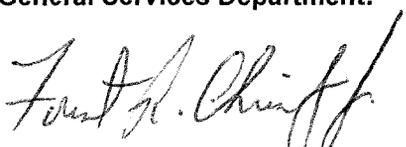
HCDD recommends that City Council approve the ordinance.

RC/RC

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

REQUIRED AUTHORIZATION

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| F&A Director: | Other Authorization: | Other Authorization: |
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| SUBJECT: Purchase Agreement between the City of Houston (Seller) and The Young Men's Christian Association of the Greater Houston Area (Buyer) for the purchase of 4.968 acres, being a portion of the land known as "Palm Center" for the Housing and Community Development Department, Parcel SY7-049 | | Page 1 of 2 | Agenda Item 36 |
| FROM (Department or other point of origin): General Services Department | | Origination Date 11-30-07 | Agenda Date DEC 05 2007 |
| DIRECTOR'S SIGNATURE: <i>Jssa Z. Dadoush</i> 11/28/07 Jssa Z. Dadoush, P.E. | | Council District affected: D | |
| For additional information contact: Jacquelyn L. Nisby 713-247-1814 | | Date and identification of prior authorizing council action: | |
| RECOMMENDATION: 1) Declare surplus and authorize the sale of Parcel SY7-049 and 2) Approve and authorize a Purchase Agreement between The City of Houston (Seller) and The Young Men's Christian Association of the Greater Houston Area (Buyer), for the purchase of 4.968 acres, being a portion of the land known as "Palm Center" for the Housing and Community Development Department (HCD). | | | |
| Amount and Source Of Funding: Revenue- \$461,067.92 | | F&A Budget: | |
| <p>SPECIFIC EXPLANATION: The Young Men's Christian Association of the Greater Houston Area (YMCA), a Texas non-profit corporation, desires to purchase 4.968 acres, being a portion of the land known as "Palm Center" located at 5400 Griggs Road, for a purchase price of \$461,067.92. The property is located in the western portion of the "Palm Center" bordered by Martin Luther King Boulevard and Griggs Road. HCD has determined that the property is surplus to its needs.</p> <p>The YMCA will acquire the property for the purpose of developing a YMCA Facility for non-profit community related programs and activities, including, but not limited to youth sports, aquatics, gymnastics, parent/child activities, summer day camps, adult sports, fitness and wellness programs, and health and injury rehabilitation. Once constructed, the YMCA is obligated to own and operate a YMCA facility, for a period of twenty years. If the YMCA sells the property before the end of the twenty-year restricted use period and fails to reinvest 90% of the net proceeds from such a sale in the construction of a new facility located in the City of Houston, the YMCA must reimburse the City a portion of the value of the property. The YMCA must begin construction within one-year following the Closing, or upon written demand of the City, the YMCA shall reconvey the property to the City in exchange for a return of the purchase price.</p> <p>The sale is in accordance with Section 272.001(b) (4) of the Texas Local Government Code, which permits a political subdivision to sell real property to an independent foundation for development, and is subject to the City's billboard restrictions; all easements and public utilities; and the applicable covenants, conditions and restrictions.</p> <p>Therefore, the General Services Department recommends that City Council declare surplus and authorize the sale of Parcel SY7-049, approve and authorize a Purchase Agreement with the YMCA to purchase the above-described property at a purchase price of \$461,067.92, which represents the appraised fair market value.</p> | | | |
| REQUIRED AUTHORIZATION | | CUIC ID# 25 JES 11 | |
| General Services Department:  Forest R. Christy, Jr., Director Real Estate Division | | Housing and Community Development Department:  Richard Celli, Director | |

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|-------------|---|-------------------------------------|-----------------------|
| Date | SUBJECT: Purchase Agreement between The Young Men's Christian Association of the Greater Houston Area (Buyer) and the City of Houston (Seller) for the purchase of 4.968 Acres, being a portion of the land known as the "Palm Center" for the Housing and Community Development Department, Parcel SY7-049 | Originator's Initials JES | Page 2 of 2 |
|-------------|---|-------------------------------------|-----------------------|

It is further recommended that City Council authorize the Mayor to execute and the City Secretary to attest a Special Warranty Deed conveying the property to the YMCA.

The sale proceeds will be directed to the CDBG Fund.

IZD:BC:JLN:JES

xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby and Richard Celli

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| SUBJECT: A professional services contract with Mothers Against Drunk Driving (MADD) for the design and implementation of multi-media presentations intended for student audiences. | | Category # | Page 1 of 1 | Agenda Item # 37 |
| FROM: (Department or other point of origin): Houston Police Department | | Origination Date 11-30-07 | | Agenda Date DEC 05 2007 |
| DIRECTOR'S SIGNATURE: Harold L. Hurtt, Chief of Police  | | Council Districts affected: All | | |
| For additional information contact: Executive Asst. Chief M> I. Montalvo (Phone 713-308-1840) | | Date and identification of prior authorizing Council Action: | | |

RECOMMENDATION: (Summary)
 Approve an ordinance authorizing a professional services contract with Mothers Against Drunk Driving (MADD) for the design and implementation of multi-media presentations for student audiences that provide education and promote good decision making in regards to the safe operation of motor vehicles

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| Amount of Funding: \$70,000 | F & A Budget: |
|------------------------------------|--------------------------|

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund
 Other (Specify) Fund 2201 Police Special Services Fund
 Funding will come from Red Light Camera Enforcement

SPECIFIC EXPLANATION

The Houston Police Department is recommending approval of a professional Services Agreement (contract) with the Mothers Against Drunk Driving (MADD) under which MADD is responsible for the design and implementation of a multi-media presentation that will be shown to students in up to 100 Intermediate, Middle and High Schools. The schools were identified as being attended by the students who are residents of the City of Houston. These programs will inform the students of the hazards of poor decisions in regards to the use of alcohol and drugs, provide them with information necessary to make good decisions, and educate them on the importance of those decisions in regard to the safe operation of a motor vehicle. Additionally, information will be provided on safe driving practices such as entering intersections controlled by traffic signals safely and minimizing distractions such as talking on cell phones while driving. Although High Schools will be the primary target because those audiences will have licensed or soon to be licensed drivers, Intermediate and Middle Schools will be included in an effort to intervene before certain life style habits are formed.

It is the position of the Houston Police Department that this expenditure of funds is in compliance with the intent of the recently enacted Transportation Code §707.008(a)(2) which sets out that revenues derived from photographic traffic signal enforcement systems are to be used to fund traffic safety programs, including public safety programs. A program with an intent to educate students on the dangers of driving while in an impaired state will serve to make the public streets safer as these students hopefully will make better decisions about not driving while impaired and about taking steps to keep others from driving while impaired as well.

REQUIRED AUTHORIZATION

| | | |
|--------------------------|-----------------------------|-----------------------------|
| F&A Director: | Other Authorization: | Other Authorization: |
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- The base rent will increase from \$150,000 per year to \$250,000 per year with the addition of the Fir Alarm property.
- Houston Aquarium, Inc. will pay all costs and expenses for constructing new improvements, including a costs for any environmental remediation and asbestos removal.
- The City will approve the design of the improvements for the property.
- The property must be used for a purpose that complements the Aquarium.
- The City will have no obligation to make infrastructure improvements in the area around the property.
- Additional rent will begin immediately upon approval of the First Amendment.

The proposed First Amendment provides the City with comparable economic benefits to a sale and converts a currently unused City asset in the Central Business District to use as a retail property, thereby contributing to the efforts to increase the appeal of downtown as a destination for Houstonians and tourists.

CEFD recommends that City Council approve the subject first amendment.

DU:SWL:dv

HARCA- Lease and Develop Aquarium.doc

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| SUBJECT: That council adopt an ordinance approving and authorizing the execution of a Compromise and Settlement Agreement ("CSA") between the City of Houston ("Houston") and Allco, Inc. ("Allco") to settle a lawsuit bearing Cause No. 2003-52842-A; now pending in the 281 st Judicial District Court of Harris County, Texas. | Category # 6 | Page 1 of 1 | Agenda Item # 39 |
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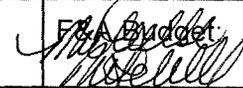
| | | |
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| FROM (Department or other point of origin): Legal Department | Origination Date 11-29-07 | Agenda Date DEC 05 2007 |
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| DIRECTOR'S SIGNATURE:  | Council District affected: All Legal Department |
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| For additional information contact: Cora Garcia Phone: (713) 247-2709 | Date and identification of prior authorizing Council action: |
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RECOMMENDATION: (Summary)

That Council adopt an ordinance that approves and authorizes a Compromise and Settlement Agreement ("CSA") between the City of Houston ("Houston") and Allco, Inc. ("Allco") to settle a lawsuit bearing Cause No. 2003-52842-A; now pending in the 281st Judicial District Court of Harris County, Texas.

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| AMOUNT OF FUNDING: \$212,500.00 | <i>F&A Budget</i>  |
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SOURCE OF FUNDING: [] General Fund [] Grant Fund [] Enterprise Fund
[x] Other (Specify) Fund : Property & Casualty Fund (1004)

SPECIFIC EXPLANATION:

FOR SETTLEMENT PURPOSES, ONLY

In September 1997, pursuant to Houston Ordinance 97-1081, Houston entered into a contract identified as Contract No. 38270, GFS No. R-1026-07-3, Project No. 4250-58R, ("Northside Contract") with Allco for Allco to perform sewer rehabilitation services ("Services"). Allco filed suit against Houston in Cause No. 2003-52842-A; now pending in the 281st Judicial District Court of Harris County, Texas alleging breach of contract claims against Houston seeking \$421,000.00 in damages.

Allco has offered to settle the entire lawsuit regarding the Northside Contract for \$212,500.00. After a thorough review, the Legal Department recommends that City Council accept Allco's offer of settlement and authorize the execution of the CSA with payment to be made to Allco, Inc. in the amount of \$212,500.00.

| REQUIRED AUTHORIZATION | | |
|------------------------|----------------------|----------------------|
| F&A Director: | Other Authorization: | Other Authorization: |

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|---|-------------------|-----------------------|--------------------------------|
| SUBJECT: An Ordinance approving and authorizing a Compromise and Settlement Agreement between the City of Houston and Old World Industries, Inc., (OWI) in the amount of \$305,403.39 dollars to settle a dispute. | Category # | Page 1 of 1 | Agenda Item # 40 |
|---|-------------------|-----------------------|--------------------------------|

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|---|-------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): Public Works and Engineering Department | Origination Date 11-29-07 | Agenda Date DEC 05 2007 |
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| DIRECTOR'S SIGNATURE: <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE | Council District affected: |
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| For additional information contact: Arturo G. Michel (713) 247-1155 | Date and identification of prior authorizing Council action: Motion 2004-0482 - 5/11/04 Motion 2005-0853 - 8/31/05 |
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RECOMMENDATION: (Summary)

That Council approve an ordinance authorizing a Compromise and Settlement Agreement between the City of Houston and Old World Industries (OWI) and allocating funds.

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| Amount of Funding: \$305,403.39 | F&A Budget: <i>Michael S. Marcotte</i> |
|--|--|

SOURCE OF FUNDING:

Water and Sewer System Operating Fund No. 8300

SPECIFIC EXPLANATION:

FOR SETTLEMENT PURPOSES ONLY

On May 5, 2004, by Motion #2004-0482, Houston's City Council authorized a Blanket Purchase-Order (the BPO) to OWI, for the purchase of caustic soda chemicals for Houston's Department of Public Works and Engineering (PWE) in the original amount of \$1,246,569.38. On August 31, 2005, the contract was amended by Ordinance 2005-0853, increasing the contract by an additional twenty-five percent for a total amount of \$1,558,211.73.

OWI claims that PWE continued to receive chemicals after the total funds allocated to the BPO had been exhausted (the Claim). As a result of the Claim, a dispute has arisen between Houston and OWI as to the value of the Claim, if any, as well as to Houston's liability therefore, if any (the Dispute).

OWI has offered to settle the Claim and the Dispute for the total sum of \$305,403.39. After careful consideration, the Department of Public Works & Engineering recommends that Council accept OWI's Settlement offer and authorize the execution of a Compromise and Settlement Agreement with OWI.

REQUIRED AUTHORIZATION

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|--------------------------|---|---|
| F&A Director: | Other Authorization: <i>Jeff Taylor</i> | City Attorney: <i>[Signature]</i> |
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|---|---|--------------------|----------------------------|
| SUBJECT: Agreement between the Houston Airport System and the Greater Harris County 9-1-1 Network for "Private Switch ALI Services." | Category # | Page 1 of 2 | Agenda Item # 41 |
| | (Empty space for category, page, and agenda item details) | | |

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|--|--|-----------------------------------|
| FROM (Department or other point of origin): Houston Airport System | Origination Date November 12, 2007 | Agenda Date DEC 05 2007 |
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| DIRECTOR'S SIGNATURE: <i>[Signature]</i> | Council District affected: B, E, I |
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| For additional information contact: Mark V. Mancuso <i>[Signature]</i> Phone: 281/233-7329 Frank Haley <i>[Signature]</i> 281/233-1835 | Date and identification of prior authorizing Council action: N/A |
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| | |
|--|-------------------------------------|
| AMOUNT & SOURCE OF FUNDING: HAS Revenue Fund \$60,000.00 (8001) | Prior appropriations: N/A |
|--|-------------------------------------|

RECOMMENDATION: (Summary)

Enact an ordinance to approve and authorize an interlocal agreement between the Houston Airport System and the Greater Harris County 9-1-1 Network for "Private Switch ALI Services."

SPECIFIC EXPLANATION:

An agreement is proposed between the Greater Harris County 9-1-1 Network and the Houston Airport System to provide Private Switch ALI Services. The proposed agreement is for two years with three one-year options.

Traditionally, location information for 911 calls is derived from the billing address for the telephone line that makes a call. This methodology can present emergency response challenges for campus environments where telephone service may be provided from one location to multiple buildings with different physical addresses. Many states have legislated the requirement for telephone system owners to maintain detailed location information about each device served by their system, and to regularly transmit that information to the local telephone company and/or 911 agency. This is commonly categorized as "Enhanced 911" or E911. The Greater Harris County 9-1-1 Network refers to this specific service as "Private Switch ALI Services."

Although the State of Texas has not mandated E911 compliance, HAS implemented E911 internally in an effort to provide immediate assistance to passengers, employees, and tenants using the HAS telephone system in emergency situations. With the internal E911 solution, specific location data is transmitted to HAS command centers at the same time the 911 call is processed by the Public Safety Answering Point (PSAP). This permits HAS to dispatch appropriate personnel to expedite assistance to the caller by meeting and escorting the emergency responders. In cases where the caller's telephone service is hosted by a system in another building, HAS can notify the PSAP to re-direct the emergency responders to the correct physical address.

Council approval is requested to further enhance the HAS E911 solution by subscribing to database services that will synchronize the HAS location data with the Greater Harris County 9-1-1 database on a daily basis. 911 call takers

| REQUIRED AUTHORIZATION | | |
|--|-----------------------------|-----------------------------|
| F&A Budget: <i>[Signature]</i> | Other Authorization: | Other Authorization: |

Date
November 12, 2007

Subject: Agreement between the Houston Airport System and the Greater Harris County 9-1-1 Network for "Private Switch ALI Services."

**Originator's
Initials**
LK

Page
2 of 2

will receive more accurate location information immediately upon receiving the 911 call rather than HAS personnel having to place return calls and providing escort personnel.

HAS requests \$60,000.00 be allocated to this contract to cover the first two-year term and subsequent option years three, four, and five.

The IT Steering Committee has approved this project.

RMV:MVM:FH:LK

Attachments

cc: Ms. Marty Stein Ms. Velma Laws Mr. David K. Arthur
Mr. Anthony W. Hall, Jr. Mr. Richard M. Vacar Ms. Kathy Elek
Mr. Arturo G. Michel Mr. Mark V. Mancuso Mr. Frank Haley

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

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|--|-------------------|--------------------|-------------------------|
| SUBJECT: Amendment No. 1 to a Construction Contract with Vanderlande Industries Inc. for the Explosive Detection System Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston, Project No. 612H; WBS #A-000486-0009-4-01 and #A-000486-0009-4-02; Contract #4600007776. | Category # | Page 1 of 2 | Agenda Item # 42 |
|--|-------------------|--------------------|-------------------------|

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|--|--|-----------------------------------|
| FROM (Department or other point of origin): Houston Airport System | Origination Date November 12, 2007 | Agenda Date DEC 05 2007 |
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| DIRECTOR'S SIGNATURE: <i>Kad</i> <i>da</i> | Council District affected: B |
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| For additional information contact: Mark V. Mancuso <i>for</i> Phone: 281/233-7309 Eric R. Potts Phone: 281/233-1999 | Date and identification of prior authorizing Council action: 5/2/07 (O) 2007-0526 |
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| AMOUNT & SOURCE OF FUNDING: CIP # A-0486.40.3 \$136,500.00 Airports Improvement Fund (8011) CIP # A-0486.40.3 \$228,750.00 FAA AIP # 3-48-0111-47-03 (8000) \$365,250.00 Total | Prior appropriations: CIP # A-0486 \$139,782.00 AIF CIP # A-0486 \$349,454.00 FAA Grant Funds Total \$489,236.00 |
|--|--|

RECOMMENDATION: (Summary)
Enact an ordinance to approve Amendment No. 1 to a construction contract with Vanderlande Industries, Inc. and appropriate the necessary funds to finance the cost of the amendment.

SPECIFIC EXPLANATION:

PROJECT LOCATION: Terminal D at George Bush Intercontinental Airport/Houston (IAH) at 3701 North Terminal Road.

PROJECT SUMMARY: A Contract was awarded to Vanderlande Industries, Inc. on May 2, 2007 in the amount of \$465,939.00 for Terminal D Explosive Detection System (EDS) Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston (IAH). The project included the following:

- Installation of temporary baggage conveyors and lifters for the existing EDS machines
- Installation of cooling units and lighting to reduce risk of worker injury and fatigue in EDS areas
- Installation of fencing to separate TSA baggage screening from airlines' baggage systems

In order to continue with full implementation of secure baggage processing, additional improvements are required. The scope of this amendment consists of modification and extension of a new conveyor at the west end of Terminal D to allow interim EDS screening of outbound baggage at the west baggage make-up carousel. Additionally, four (4) existing EDS machines will be re-positioned, which will balance the baggage volume, reducing processing time.

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| REQUIRED AUTHORIZATION | | | NDT |
| F&A Budget: <i>Mark V. Mancuso</i> | Other Authorization: | Other Authorization: | |

| | | | |
|----------------------------------|--|------------------------------------|-----------------------|
| Date November 12, 2007 | Subject: Amendment No. 1 to a Construction Contract with Vanderlande Industries Inc. for the Explosive Detection System Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston, Project No. 612H; WBS #A-000486-0009-4-01 and #A-000486-0009-4-02; Contract #4600007776. | Originator's Initials TY | Page 2 of 2 |
|----------------------------------|--|------------------------------------|-----------------------|

The Department is requesting an amendment to increase the contract scope, term and price. These increases will ensure that the additional work conforms to TSA dictates.

The Legal Department has determined that this project qualifies as a health and safety exception under Section 252.022 (a) (2) of the Texas Local Government Code.

DBE PARTICIPATION: Notice to proceed for this project was issued on May 11, 2007. Due to protracted coordination difficulties with other administrative agencies, an initial invoice for work already in progress has not been received from the Contractor, Vanderlande Industries, Inc., and therefore no DBE participation has been recorded at this time. The DBE participation plan originally submitted will fulfill the goal for this project, which is 20.1% of the contract price including amendments.

The following certified DBE firm has been submitted to fulfill the 20.1% goal for this project:

| Firm | Type of Work | | Amount | % of Bid |
|------------------------|-------------------------|----|-------------------|-----------------|
| The Gonzales Group, LP | Construction Management | \$ | <u>202,500.00</u> | <u>24.82 %</u> |
| | Total | \$ | 202,500.00 | 24.82 % |

RMV:MVM:TY:CW

Attachments

cc: Ms. Marty Stein Mr. Richard M. Vacar Mr. Todd Young Mr. J. Goodwille Pierre
Mr. Anthony W. Hall, Jr. Mr. Mark V. Mancuso Ms. Kathy Elek
Mr. Arturo G. Michel Mr. Eric R. Potts Ms. Carolyn Walker
Ms. Velma Laws Mr. David K. Arthur

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|---|-------------------|--------------------|----------------------------|
| SUBJECT: Ordinance approving amendment to extend the contract with Questmark Information Management, Inc. the current provider of jury summoning services, for a period of one hundred and eighty-days (180). | Category # | Page 1 of 1 | Agenda Item # 43 |
|---|-------------------|--------------------|----------------------------|

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| FROM (Department or other point of origin): Director and Presiding Judge, Berta A. Mejia Municipal Court Judicial Department | Origination Date November 27, 2007 | Agenda Date DEC 05 2007 |
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| DIRECTOR SIGNATURE:  Berta A. Mejia, Director and Presiding Judge | Council District affected: ALL |
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| For additional information contact: Judge Berta A. Mejia Phone: 713.247.5464 | Date and identification of prior authorizing Council action: ORD #2002-1098 (November 26, 2002) |
|--|---|

RECOMMENDATION: (Summary)
 Adopt an ordinance amending the current contract with Questmark Information Management, Inc. for jury summons issuance to extend the term for one hundred and eighty-days (180).

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| Amount of Funding: \$33,000 General Fund (1000) | F & A Budget: |
|--|--------------------------|

General Fund

SPECIFIC EXPLANATION:

In November 2002, City Council approved a contract with Questmark Information Management, Inc. for the creation and mailing of jury summons for the Municipal Courts. The original contract term was for one year, with four (4) one-year options, with a maximum contract amount of \$221,112. The current contract will expire on December 9, 2007.

The procurement process for a new contract is currently underway but not yet completed. In order to avoid an interruption to the issuance of jury summons, the Municipal Courts Judicial Department requests that Council approve a one hundred and eighty (180) day extension of the current contract.

The scope of services requires Questmark to periodically obtain prospective jury information from Harris County, and "clean" the pool by comparing it to other data bases in order to eliminate ineligible persons. They then prepare, print, bar code, affix postage and mail the summons. On average, there are 2,650 summons mailed per week at an average cost per summons, including postage, of \$0.479.

This funding request will ensure uninterrupted jury summoning services for the Courts until a new, long-term contract is in place.

REQUIRED AUTHORIZATION

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| F&A Director: | Other Authorization: | Other Authorization: |
|--------------------------|-----------------------------|-----------------------------|

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7613

Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Audit of Commercial Solid Waste Operators Franchises for the Finance & Administration Department S29-T22500

Category # 4

Page 1 of 2

Agenda Item

44

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

November 08, 2007

Agenda Date

DEC 05 2007

DIRECTOR'S SIGNATURE

Council District(s) affected
All

For additional information contact:

Tina Paez Phone: (713) 837-9630
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to the best respondent, Fox, Smolen & Associates, Inc. in an amount not to exceed \$496,230.00 for audit of commercial solid waste operator franchises for the Finance & Administration Department.

Maximum Contract Amount \$496,230.00

F & A Budget

\$496,230.00 General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a one-year contract, with four one-year options to extend, for a total five-year term, to the best respondent, Fox, Smolen & Associates, Inc. in an amount not to exceed \$496,230.00 for audit of commercial solid waste operator franchises for the Finance & Administration Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all labor, materials, equipment, transportation and supervision necessary to audit multiple non-exclusive franchise agreements. The audit is to ensure and determine whether the commercial solid waste transporters and haulers are in compliance with the requirements set forth in the franchise agreements, specifically related to payments to the City and financial reporting. The \$496,230.00 proposed fee is the not-to-exceed amount for several audits over the proposed five-year term of the engagement; however, the contract has been drafted with an initial term of only one year and four optional renewals to allow the City the flexibility to decide whether or not to continue with the audit process annually, based on the progress of each audit and an annual cost/benefit analysis and evaluation of the contractor's performance and findings.

The Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws, and as a result, proposals were received from Fox, Smolen & Associates, Inc.; Accretive Solutions; Null Lairson, P.C.; Mir, Fox & Rodriguez; and Adams Harris. The evaluation committee consisted of four Finance & Administration Department employees. The proposals were evaluated based on the following criteria:

1. Expertise, Experience and Qualifications
2. Proposed Strategy and Operational Plan
3. Conformance to RFP Requirements
4. Financial Strength
5. Local Government Auditing Experience

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

NDT

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|--------------------|--|--------------------------------|-------------|
| Date: 11/8/2007 | Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Audit of Commercial Solid Waste Operators Franchises for the Finance & Administration Department S29-T22500 | Originator's Initials DM | Page 2 of 2 |
|--------------------|--|--------------------------------|-------------|

Fox, Smolen & Associates, Inc. received the highest overall score.

M/WBE Subcontractor:

This RFP was issued as a goal-oriented contract with a 24% M/WBE participation level. Fox, Smolen & Associates, Inc. has designated the below-named company as its certified M/WBE subcontractor:

| <u>Name</u> | <u>Type of Work</u> | <u>Dollar Amount</u> | <u>Percent</u> |
|---|---------------------|----------------------|----------------|
| Hidalgo, Banfill, Zlotnik & Kermali, P.C. | Auditing | \$145,080.00 | 29% |

Funding Information

Estimated Spending Authority

| <u>DEPARTMENT</u> | <u>FY 2008</u> | <u>OUT YEARS</u> | <u>TOTAL</u> |
|--------------------------|----------------|------------------|--------------|
| Finance & Administration | \$100,000.00 | \$396,230.00 | \$496,230.00 |

Buyer: Douglas Moore

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7717

Subject: The Houston Fire Department requests approval of an Ordinance to appropriate funds from the FY08 Equipment Acquisition Fund for the purchase of structural firefighting gear from Lion Apparel for the Houston Fire Department.

Category #
4

Page 1 of 1

Agenda Item

45

FROM (Department or other point of origin):

Phil Boriskie
Fire Chief
Fire

WJD

Origination Date

November 27, 2007

Agenda Date

DEC 05 2007

DIRECTOR'S SIGNATURE

[Handwritten Signature]

NO

Council District(s) affected

All

For additional information contact:

Karen Dupont Phone: (713) 859-4934
Jack Williams Phone: (713) 247-8793

Date and Identification of prior authorizing

Council Action:
Motion # 2007-0534; Ordinance # 2005-166

RECOMMENDATION: (Summary)

The Houston Fire Department requests that City Council approve an Ordinance to appropriate funds from the FY08 Equipment Acquisition Fund to purchase structural firefighting gear from Lion Apparel for the Houston Fire Department.

\$919,820.00
FY08 Equipment Acquisition Fund 1800

F & A Budget

[Handwritten Signature]

SPECIFIC EXPLANATION:

The Fire Chief requests that City Council approve an Ordinance to appropriate funds from the FY08 Equipment Acquisition Fund to purchase structural Firefighting gear from Lion Apparel (Ordinance # 05-166, 2/23/2005) for the Houston Fire Department.

Each firefighter is fitted and assigned a set of structural firefighting gear. This request is specifically for coats, pants and suspenders for structural firefighting. Each time a firefighter responds to a call for service that may include exposure to a hazardous environment, he or she must don the apparel. "Bunker gear" is worn to protect the firefighter from exposure to super heated atmospheres, smoke, and surfaces that would cause injury to unprotected skin while engaging in rescue, fire extinguishment or salvage operations. It is the protective "skin" that enables us to walk where others cannot.

All firefighting apparel must meet the minimum standards set forth in "National Fire Protection Academy (NFPA) 1971 - Protective Clothing for Structural Firefighting" and federal standards set forth in "OSHA CFR 1910." Bunker gear has an average life expectancy of six years. We replace approximately 1/6th of our workforce's bunker gear annually. All firefighters exiting the Academy will receive a set of bunker gear upon being assigned to a station.

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7660

Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract No. C54622 for Roadside Tire Repair Services for Various Departments
LC-R-0769-039-13468-A1

Category #
4

Page 1 of 1

Agenda Item

46

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

November 15, 2007

Agenda Date

DEC 05 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

Daniel Pederson Phone: (713) 845-1248
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing

Council Action:
Ord. 2002-1154; Passed December 11, 2002

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the maximum contract amount between the City of Houston and Dollar Tire Co., Inc. dba Pro Tire Service from \$582,894.40 to \$679,644.40 for roadside tire repair services for various departments.

Maximum Contract Increased by: \$96,750.00

F & A Budget

\$96,750.00 - General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount between the City of Houston and Dollar Tire Co., dba Pro Tire Service from \$582,894.40 to \$679,644.40 for roadside tire repair services for various departments.

This contract was awarded on December 11, 2002 by Ordinance No. 2002-1154 for a three-year term, with two one-year options to extend, for a total five-year term in the amount of \$582,894.40. Expenditures as of October 15, 2007 totaled \$582,894.40. The additional spending authority is needed to sustain the departments until the end of the contract term.

The scope of work requires the contractor to provide all supervision, labor, materials, supplies, and transportation necessary to perform roadside tire repair services. This service includes the repair of flat tires, replacement of non-reparable tires and replacement of tubes and boots on a 24-hour, seven-day-per-week, on-call basis. The service area ranges from inside the City's 610 Loop to outside the Beltway. Tire repairs include passenger cars, light-duty trucks and trailers, ambulances, heavy-duty vehicles, fire trucks and tractors.

Buyer: Douglas Moore

Attachment: M/WBE zero-percent goal document approved by the Affirmative Action Division.

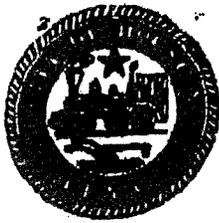
REQUIRED AUTHORIZATION

NDT

F&A Director:

Other Authorization:

Other Authorization:



CITY OF HOUSTON
Finance & Administration Department

Interoffice
Correspondence

To: Calvin D. Wells - City Purchasing Agent

From: Teresa Clark - Specification Analyst

Date: June 27, 2002

Subject: MWBE 0% Goal Request
Roadside Tire Repair Services for
Various Departments
Bid #LC-R-0769-039-13468

Is this to establish a goal for advertisement? YES

When is it scheduled to be advertised? July 12, 2002

When are bids due? August 8, 2002

Items or Scope of Bid:
Provide roadside tire repair services for the City.

The total dollar value is approximately \$400,000.00

I am requesting approval of 0 % goal.

Justification:

This contract is 95% labor and there are no Certified MWBE'S who can perform the scope of services. Scope of services includes 24 hours per day on-call. There is no profit margin on this contract without selling new tires or having a guaranteed number of calls per night. Some vendors only do in-house repairs and do not make site calls. Sole bid. MWBE'S contacted stated that they could not participate on this contract.

Concur:

Deputy Assistant Director

Approved:

Contract Compliance Officer

Approved:

Calvin D. Wells
City Purchasing Agent

Approved:

John DeLeon
Director- Affirmative Action

| | | |
|--|-----------------------|--------------------------|
| SUBJECT: Award Construction Manager at Risk Contract Gilbane Building Company HPD Qualification Pistol Range WBS No: G-000088-0003-4 | Page 1 of 2 | Agenda Item 47 |
|--|-----------------------|--------------------------|

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|---|-------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): General Services Department | Origination Date 11/29/07 | Agenda Date DEC 05 2007 |
|---|-------------------------------------|-----------------------------------|

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| DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P. E. <i>Issa Z. Dadoush 10/25/07</i> | Council District affected: B |
|---|-------------------------------------|

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| For additional information contact: Jacquelyn L. Nisby <i>JL Nisby</i> Phone: 713-247-1814 | Date and identification of prior authorizing Council action: Motion No. 2007-0297; March 21, 2007 |
|--|---|

RECOMMENDATION: Award Construction Manager at Risk contract and appropriate funds for the project.

| | |
|--|-----------------------------------|
| Amount and Source of Funding: \$50,875.00 Police Consolidated Construction Fund (4504) | F&A Budget: <i>ASL</i> |
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council award a Construction Manager At Risk Contract to Gilbane Building Company to provide pre-construction and construction phase services for the Qualification Pistol Range at the Houston Police Academy. The requested appropriation will fund pre-construction phase services. City Council will be requested to appropriate funds for construction phase services and approve the Guaranteed Maximum Price (GMP) under a separate RCA.

On March 21, 2007, City Council approved a Motion delegating authority to the director of the General Services Department (GSD) to determine which alternative project delivery method provides the best value for the City for the construction of Police, Fire, Parks, Solid Waste Management, Convention and Entertainment, Library, and Health Facilities. The director determined that the Construction Manager At Risk method provides the best value for the City for this project because the contractor's input during design will produce more accurate budget estimates and enhance the quality of design.

On March 23, 2007 and March 30, 2007, GSD advertised a Request for Qualifications containing selection criteria that ranked the respondents on experience, technical approach and quality assurance program. The Statements of Qualifications were due on April 16, 2007, and three firms responded. GSD evaluated the respondents and interviewed the three firms. Gilbane Building Company received the most points and offers the best value for the City based on the advertised criteria.

PROJECT LOCATION: Houston Police Academy
 17000 Aldine Westfield (373 H)

PROJECT DESCRIPTION: The project provides for construction of a new state of the art training facility with accidental discharge protection, bullet recovery, and mobile target systems. The construction manager will provide pre-construction services during the design phase, which include budgetary estimating, constructability and material selection.

REQUIRED AUTHORIZATION

CUIC ID # 25CONS05

| | |
|--|--|
| General Services Department: <i>Wendy Teas Heger</i> Wendy Teas Heger, AIA Chief of Design & Construction Division | Houston Police Department: <i>NOT</i> <i>Harold Hurtt</i> Harold Hurtt Chief of Police |
|--|--|

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|-------------|--|---|-----------------------|
| Date | SUBJECT: Award Construction Manager at Risk Contract Gilbane Building Company HPD Qualification Pistol Range WBS No: G-000088-0003-4 | Originator's Initials JBW | Page 2 of 2 |
|-------------|--|---|-----------------------|

AWARD: It is recommended that City Council award a Construction Manager at Risk Contract to Gilbane Building Company and appropriate funds for pre-construction phase services.

FUNDING SUMMARY:

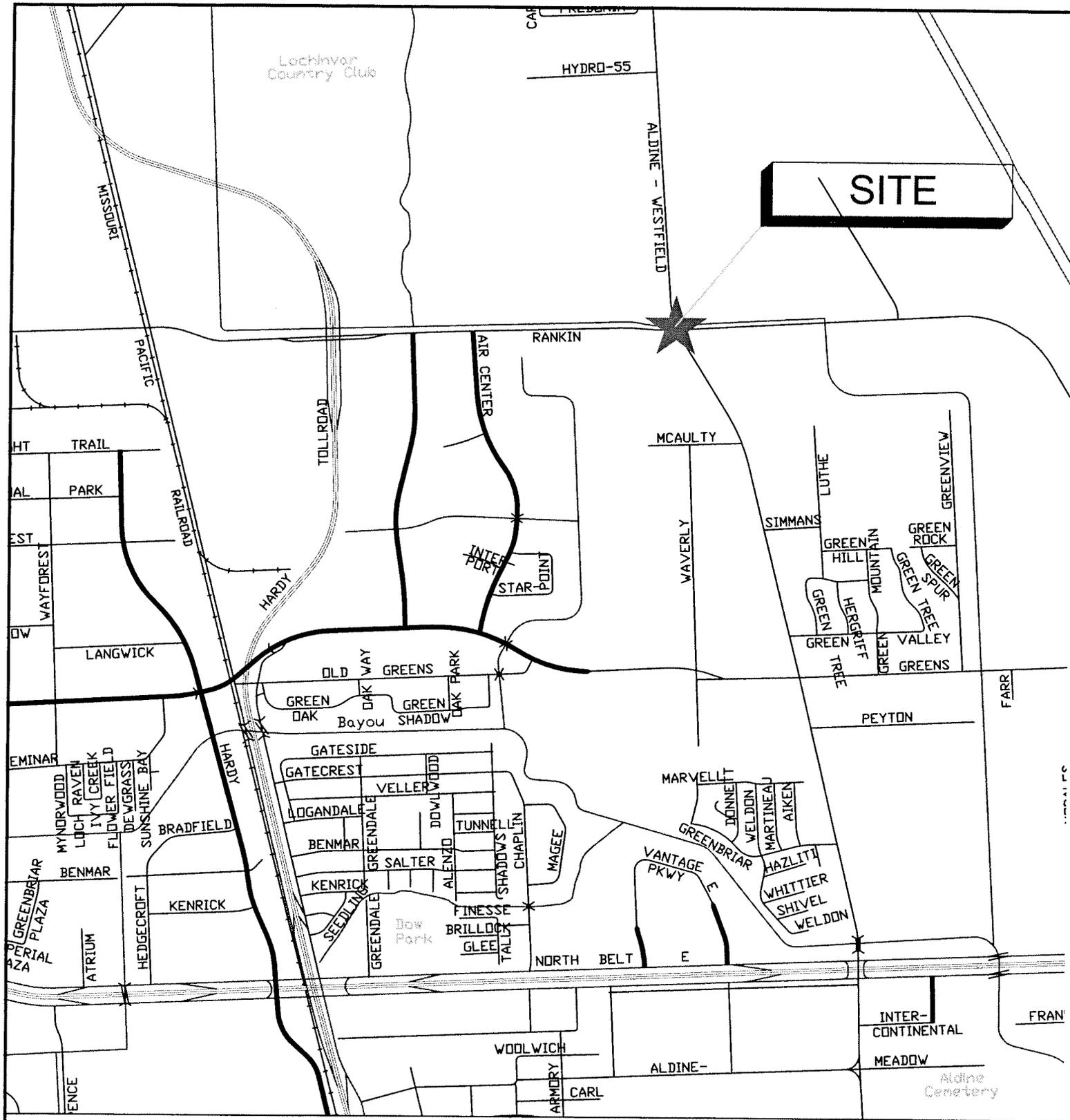
| | |
|---------------------|--|
| \$ 28,000.00 | Pre-Construction |
| \$ 12,000.00 | Pre-Construction Phase Additional Services and Reimbursable Expenses |
| \$ 10,000.00 | * Termination Fee |
| <hr/> | |
| \$ 50,000.00 | Total Contract Services |
| \$ 875.00 | Civic Art (1.75%) |
| <hr/> | |
| \$ 50,875.00 | Total Funding |

* The contract provides for a Termination Fee to be paid to the construction manager if the City elects not to proceed with construction.

MM

IZD:WTH:JLN:JBW:

c: Marty Stein
Jacquelyn L. Nisby
Michael Shannon
Gabriel Mussio
Velma Laws
Rhea Brown Lawson, PhD
File



**HPD Qualification Pistol Range
at Houston Police Academy
17000 ALDINE WESTFIELD**

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|---|-----------------------|--------------------------|
| SUBJECT: Award Construction Contract PlayPower LT Farmington, Inc. Playground and Site Furnishings for Houston Hope Areas WBS No. F-000600-0001-4 | Page 1 of 2 | Agenda Item 48 |
|---|-----------------------|--------------------------|

| | | |
|---|----------------------------------|-----------------------------------|
| FROM (Department or other point of origin): General Services Department | Origination Date 11-30-07 | Agenda Date DEC 05 2007 |
|---|----------------------------------|-----------------------------------|

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| DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush</i> | Council District(s) affected: B,D,H and I |
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|--|---|
| For additional information contact: Jacquelyn L. Nisby Phone: 713-247-1814 | Date and identification of prior authorizing Council action: |
|--|---|

RECOMMENDATION: Award construction contract and allocate funds for the project.

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|---|--|
| Amount and Source of Funding: \$601,389.00 Federal Government – Grants Funded (5000) CDBG | F & A Budget: <i>[Signature]</i> |
|---|--|

SPECIFIC EXPLANATION: The General Services Department recommends that City Council award a construction contract to PlayPower LT Farmington, Inc. on its low bid amount of \$565,132.00 for construction services in connection with the playground and site furnishing installation for parks in the Houston Hope Area for the Parks and Recreation Department.

PROJECT LOCATIONS:

| FACILITY NAME | ADDRESS | DISTRICT | KEY MAP |
|---------------------------|------------------|----------|---------|
| Boyce Dorian Park | 2000 Erastus | B | 494C |
| Busby Park | 6700 Hirsch | B | 454T |
| Calloway Park/Southland | 6502 Allegheny | D | 533L |
| Darien Park | 7100 Darien | B | 455J |
| Elbert Park | 7400 Bayan | B | 455J |
| Finnigan Park | 4900 Providence | H | 577C |
| Highland Park | 3316 DeSoto | B | 451D |
| Hill, (E.P.) Park | 4800 Gloryland | D | 533V |
| Houston Gardens Park | 6901 Apache | B | 454R |
| Independence Heights Park | 601 East 35th St | H | 453N |
| Kerr Park | 4620 Arlington | H | 453J |
| Lincoln Park | 979 Grenshaw | B | 412Q |
| MacGregor Park | 5225 Calhoun | D | 534E |
| Peggy Park (% Lease) | 4101 Alameda | I | 493X |
| Pelham Park | 7500 Fountaine | B | 454M |
| Rosewood Park | 8200 Darien | B | 455E |
| Swiney Park | 2812 Cline | B | 494J |
| Taylor (Hobart) Park | 8100 Kenton | B | 455P |
| Trinity Gardens Park | 4903 Bennington | B | 454Q |
| Tuffly Park | 3200 Russell | B | 494B |

REQUIRED AUTHORIZATION

CUIC ID# 25PARK08 **NOT**

General Services Department:

Wendy Teas Heger

Wendy Teas Heger, AIA
Chief of Design and Construction Division

Housing and Community Development Department:

Richard Celli

Richard Celli, Director

Parks and Recreation Department:

Joe Turner

Joe Turner, Director

| | | | |
|-------------|---|------------------------------------|-----------------------|
| Date | Subject: Award Construction Contract PlayPower LT Farmington, Inc. Playground and Site Furnishings for Houston Hope Areas WBS No. F-000600-0001-4 | Originator's Initials LJ | Page 2 of 2 |
|-------------|---|------------------------------------|-----------------------|

PROJECT DESCRIPTION: The scope of work includes the installation of park equipment, primarily benches, picnic tables and grills. Tuffly Park and Boyce Dorian Park will receive playground equipment and Swiney Park will receive a swing unit. All necessary fall surfacing and edging will also be included. A portion of the sites will receive bleachers, kiosks, and soccer goals.

The contract duration for this project is 100 calendar days. Clark Condon Associates is the design consultant for this project.

BIDS: The following two bids were received on March 22, 2007:

| <u>Bidder</u> | <u>Bid Amount</u> |
|----------------------------------|-------------------|
| 1. PlayPower LT Farmington, Inc. | \$ 565,132.00 |
| 2. Resicom, Inc. | \$ 682,750.00 |

AWARD: It is recommended that City Council award the construction contract to PlayPower LT Farmington, Inc. and allocate funds for the project, including an additional allocation of \$8,000.00 for engineering testing services under the existing contract with HVJ Associates, Inc.

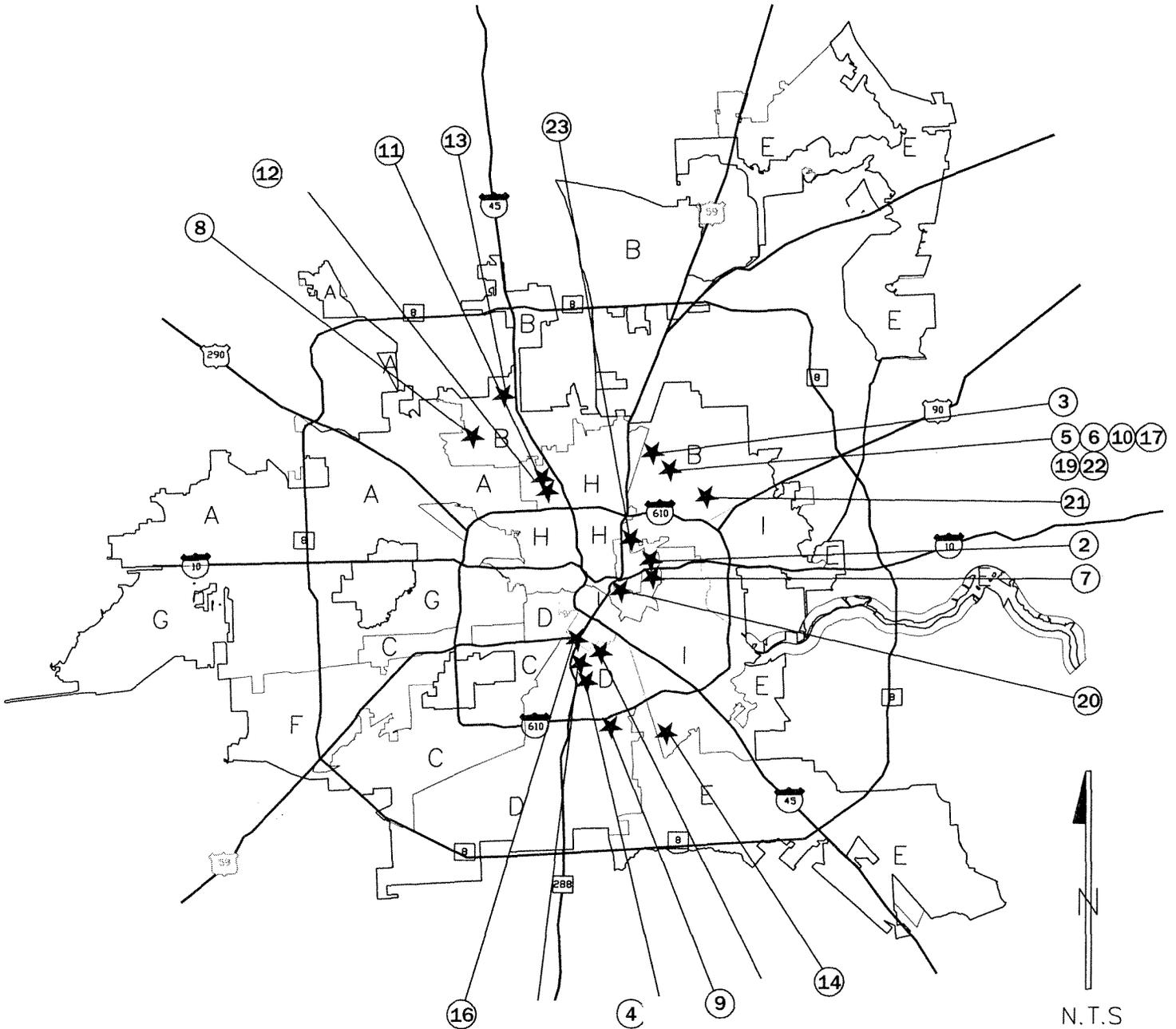
FUNDING SUMMARY:

| | |
|----------------------|--------------------------------|
| \$ 565,132.00 | Construction Contract |
| \$ 28,257.00 | 5% Contingency |
| <u>\$ 593,389.00</u> | Total Contract Services |
| \$ 8,000.00 | Engineering Testing |
| <u>\$ 601,389.00</u> | Total Funding |

714 88
IZD:WTH:JLN:LJ:ps

c: Issa Dadoush
Mark Ross
Lisa Johnson
Gayve Anklesaria
Pirooz Farhoomand
Richard Celli
James Tillman IV
Gabriel Mussio
File

**CITY OF HOUSTON
HARRIS COUNTY, TEXAS**



- | | | |
|-------------------------------------|--------------------------------------|---------------------------------|
| 2. Boyce Dorian Park | 9. Hill (E.P.) Park | 17. Pelham Park |
| 3. Busby Park | 10. Houston Gardens Park | 19. Rosewood Park |
| 4. Calloway Park/Southerland | 11. Independence Heights Park | 20. Swiney Park |
| 5. Darien Park | 12. Kerr Park | 21. Taylor (Hobart) Park |
| 6. Elbert Park | 13. Lincoln Park | 22. Trinity Gardens Park |
| 7. Finnigan Park | 14. MacGregor Park | 23. Tuffly Park |
| 8. Highland Park | 16. Peggy Park | |

| | | |
|---|-----------------------|--------------------------|
| SUBJECT: Award Construction Contract The Gonzalez Group, LP Miller Outdoor Theatre Improvements WBS No. D-000125-0001-4 | Page 1 of 2 | Agenda Item 49 |
|---|-----------------------|--------------------------|

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|---|-------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): General Services Department | Origination Date 11-29-07 | Agenda Date DEC 05 2007 |
|---|-------------------------------------|-----------------------------------|

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| DIRECTOR'S SIGNATURE: <i>Issa Z. Dadoush</i> 11/21/07 Issa Z. Dadoush, P.E. | Council District(s) affected: D |
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|---|---|
| For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 713-247-1814 | Date and identification of prior authorizing Council action: |
|---|---|

RECOMMENDATION: Award construction contract and appropriate funds for the project.

| | |
|---|----------------------------|
| Amount and Source of Funding \$ 1,342,000.00 General Improvements Consolidated Const. Fund (4509) | F&A Budget: |
|---|----------------------------|

SPECIFIC EXPLANATION: The General Services Department recommends that City Council award a construction contract to The Gonzalez Group, LP on the low bid amount of \$1,180,000.00 to provide construction services for improvements at the Miller Outdoor Theatre for the Convention and Entertainment Facilities Department.

PROJECT LOCATION: Miller Outdoor Theatre, Hermann Park
100 Concert Drive (533A)

PROJECT DESCRIPTION: The project will address accessibility issues in and around the covered seating area; improve the pedestrian traffic flow between the canopy seating area and the grass seating area; reconfigure the audio/visual control stations; and provide additional electrical service for pathway lighting. The construction elements necessary to achieve these improvements will be in the areas of earthwork, concrete paving, plumbing, electrical, and landscaping. These improvements are necessary to increase public safety during the large performances.

The contract duration for this project is 120 calendar days. The design consultant for this project is Stern and Bucek Architects.

BIDS: The following five bids were received on November 1, 2007:

| <u>Bidder</u> | <u>Total Bid Amount</u> |
|-------------------------------|-------------------------|
| 1. The Gonzalez Group, LP. | \$ 1,180,000.00 |
| 2. Jerdon Enterprises, L.P. | \$ 1,454,454.00 |
| 3. Meridian Commercial, L.P. | \$ 1,457,000.00 |
| 4. Carrera Construction, Inc. | \$ 1,477,777.00 |
| 5. Resicom, Inc. | \$ 1,565,000.00 |

REQUIRED AUTHORIZATION CUIC ID # 25CONS17

| | | |
|---|--|---|
| General Services Department: Wendy Teas Heger, AIA Chief of Design and Construction Division | | Convention and Entertainment Facilities Department: <i>MD</i> Dawn R. Ullrich, Director |
|---|--|---|

| | | | |
|------|--|---|---------------------------|
| Date | SUBJECT: Award Construction Contract The Gonzalez Group, LP. Miller Outdoor Theatre Improvements WBS No. D-000125-0001-4 | Originator's Initials JJR | Page 2 of 2 |
|------|--|---|---------------------------|

AWARD: It is recommended that City Council award the construction contract to The Gonzalez Group, LP and appropriate funds for the project, including additional appropriations of \$40,000.00 for engineering testing services under the existing contract with Professional Service Industries, Inc., \$42,000.00 for construction management services under the existing contract with Stern and Bucek Architects, and \$21,000 for additional design services under the existing contract with Stern and Bucek Architects.

FUNDING SUMMARY:

| | |
|------------------------|--------------------------------|
| \$ 1,180,000.00 | Construction Contract Services |
| \$ 59,000.00 | 5% Contingency |
| \$ 1,239,000.00 | Total Contract Services |
| \$ 40,000.00 | Engineering Testing |
| \$ 42,000.00 | Construction Management |
| \$ 21,000.00 | Additional Design Services |
| \$ 1,342,000.00 | Total Funding |

CONSTRUCTION GOALS: An MBE goal of 14%, SBE goal of 5%, and WBE goal of 5% have been established for this contract. The contractor has submitted the following certified subcontractors to achieve the goals:

| <u>Firm (MBE)</u> | <u>Scope of Work</u> | <u>Amount</u> | <u>% of Contract</u> |
|-------------------------------|----------------------|----------------------|----------------------|
| ✓ LandPRO, Inc. | Landscaping | \$ 102,761.00 | 8.70% |
| ✓ Houston Electrical Concepts | Electrical | \$ 125,000.00 | 10.59% |
| TOTAL | | \$ 227,761.00 | 19.29% |

| <u>Firm (WBE)</u> | <u>Scope of Work</u> | <u>Amount</u> | <u>% of Contract</u> |
|--------------------------------|----------------------|---------------|----------------------|
| ✓ MEK Interiors & Floors, Inc. | Pavers | \$ 60,000.00 | 5.08% |

| <u>Firm (SBE)</u> | <u>Scope of Work</u> | <u>Amount</u> | <u>% of Contract</u> |
|-----------------------------------|----------------------|---------------------|----------------------|
| ✓ Environmental Allies, L.P. | SWPPP | \$ 4,982.00 | 0.42% |
| ✓ Chavez Services Companies, Inc. | Handrails/Concrete | \$ 55,000.00 | 4.66% |
| TOTAL | | \$ 59,982.00 | 5.08% |

IZD:WTH:JLN:^{ck}CRC:MCP:JJR:jr

c: Marty Stein, Issa Z. Dadoush P.E., Dawn R. Ullrich, Jacquelyn L. Nisby, Mario Ariza, Brenda Bazan, James Tillman IV, Joseph Kurian, Kim Nguyen, File 813



Miller Outdoor Theatre

100 Concert Dr. Houston, TX

| | | |
|---|-----------------------|--------------------------------|
| SUBJECT: Toll Road Agreement between the City of Houston and Harris County for the Construction of Hardy Toll Road Extension from its current terminus at IH-610 to connect with US-59 and the northern approach to the Elysian Viaduct; WBS No. N-000396-0013-4. | Page 1 of 2 | Agenda Item # 50 |
|---|-----------------------|--------------------------------|

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| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date 11-29-07 | Agenda Date DEC 05 2007 |
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| DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director | Council District affected: B & H <i>REM</i> |
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| For additional information contact:  Reid K. Mrsny, P.E. Senior Assistant Director Phone: (713) 837-0452 | Date and identification of prior authorizing Council action: N/A |
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RECOMMENDATION: (Summary)
 Adopt an ordinance approving and authorizing a Toll Road Agreement between the City of Houston and Harris County.

Amount and Source of Funding:
 N/A

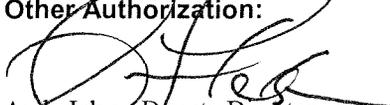
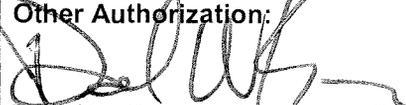
PROJECT NOTICE/JUSTIFICATION: Harris County (County) desires to extend Hardy Toll Road South from its current terminus at IH-610 to connect with US-59 and the northern approach to the Elysian Viaduct. This extension will provide access between Hardy Toll Road and the downtown area, improving mobility and air quality due the resultant traffic congestion mitigation.

DESCRIPTION/SCOPE: Hardy Toll Road Extension is being designed and constructed as a four lane divided limited access road and will connect the current terminus at IH-610 with US-59 and the northern approach to the Elysian Viaduct. The Project also provides fencing, grading, temporary and permanent roadwork, any and all changes to public and private utilities and appurtenances and any alterations to or construction of drainage facilities.

LOCATION: The project is located from the existing terminus of the Hardy Toll Road at IH610 to the proposed connection with US-59 and the northern approach to the Elysian Viaduct. It is located in Key Map Grid Nos. 453 R, V & Z; 454 S & W; 493 D, H & M; 494 A, E & J.

SCOPE OF THIS AGREEMENT: Under the terms of this agreement, this project will be designed and constructed by the County. The City of Houston (City) will grant and deliver to the County Right-of-Way Licenses for thirty-five tracts of public streets right-of-way listed in Exhibit C. The City will abandon and close certain public street rights-of-way set forth on Exhibit D while reserving and retaining easement rights to the public utilities currently in place. The County shall acquire all rights-of-way other than those for which license is given by the City that are necessary for the project. The County is also responsible for the necessary City utility relocations and/or adjustments and the cost associated with it. The County will submit plans and specifications to the City for review and comment at 90% and 100% completion. Any approval of plans and specifications by the City shall not obligate the City in any manner with respect to the finished product design and/or construction. The County shall ensure that all connections of the project to the City's streets are built to the City's standard and do not impede traffic flow.

REQUIRED AUTHORIZATION CUIC ID # 20TAA011

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| F&A Director: | Other Authorization:  Andy Icken, Deputy Director Planning and Development Services Division | Other Authorization:  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division |
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|-------------|---|--|--------------------------------------|
| Date | SUBJECT: Toll Road Agreement between the City of Houston and Harris County for the Construction of Hardy Toll Road Extension from its current terminus at IH-610 to connect with US-59 and the northern approach to the Elysian Viaduct; WBS No. N-000396-0013-4. | Originator's Initials TAA | Page <u>2</u> of <u>2</u> |
|-------------|---|--|--------------------------------------|

Upon the completion of the project, the County shall provide the City with one set of record drawings and all supporting calculations. The County will own and maintain the Hardy Toll Road Extension roadway, highway approaches, lighting, project drainage improvements, and all appurtenances thereto within the Right-of-Way Easement areas.

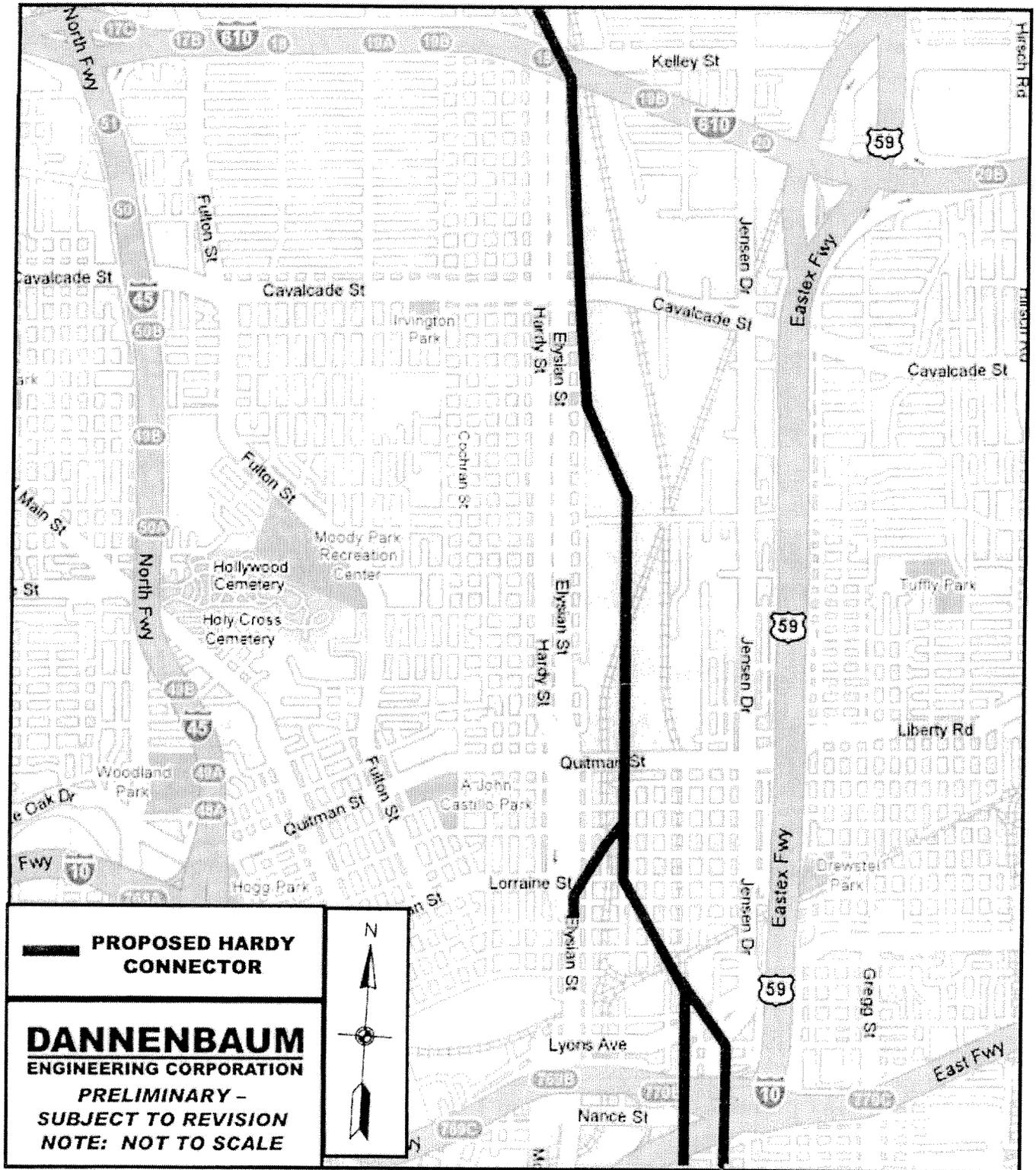
ACTION RECOMMENDED: It is recommended that the City Council adopt an ordinance approving and authorizing a Toll Road Agreement between the City of Houston and Harris County.

MSM:DWK:RKM:TAA:KDT

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C: Marty Stein
Susan Bandy
Velma Laws
Craig Foster
File – Harris County – Hardy Toll Road Extension

THE HARDY CONNECTOR - OVERVIEW



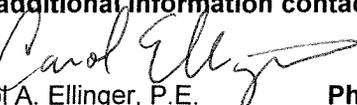
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|---|-----------------------|--------------------------------|
| SUBJECT: Indemnity and Maintenance Agreement between the City of Houston and Harris County Improvement District #4 (HCID #4) for Public Right-of-way Improvements. | Page 1 of 2 | Agenda Item # 51 |
|---|-----------------------|--------------------------------|

| | | |
|---|--------------------------------------|------------------------------------|
| FROM: (Department or other point of origin): Department of Public Works and Engineering | Origination Date: 11-29-07 | Agenda Date: DEC 05 2007 |
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| DIRECTOR'S SIGNATURE: <i>MS</i>  Michael S. Marcotte, P.E. DEE | Council District affected: G, A |
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| For additional information contact:  Carol A. Ellinger, P.E. Phone: (713) 837-7658 Senior Assistant Director | Date and identification of prior authorizing Council action: |
|---|---|

RECOMMENDATION: (Summary)

It is recommended that City Council pass an ordinance authorizing an Indemnity and Maintenance Agreement between the City of Houston and the Harris County Improvement District #4.

Amount and Source of Funding:

Not Applicable

PROJECT NOTICE/JUSTIFICATION: The HCID #4 was created in 2001 by the Texas Legislature to focus on improving and enhancing the quality of life for the neighborhoods and businesses in its service area. HCID #4, also known as the Energy Corridor District, has created a master plan that includes long and short term improvements; which support improved mobility, address traffic congestion, and create landscape and urban design elements that enhance the community.

DESCRIPTION/SCOPE: Currently projects in the District include enhancements to sidewalks along Eldridge with pavers and wider sidewalks, District wayfinding and traffic signs, and landscaping improvements.

LOCATION: The improvement area is located in HCID #4 service area which is bounded by I-10 to the North, Dairy Ashford to the east, Highway 6 to the west, and Briar Forest to the south. The improvement area is located in Key Map 488

SCOPE OF THIS AGREEMENT: HCID #4 has agreed to maintain certain improvements and embellishments within the boundary of its improvement area that are beyond those already covered by existing maintenance provisions of the City Code of Ordinances. The City has agreed to allow certain improvements with the understanding that HCID #4 will assume the responsibility of maintaining the improvements. The City and HCID #4 have agreed to their respective duties and obligations concerning the ownership, operation, maintenance, repair, replacement, and cost sharing of the improvements.

MS

REQUIRED AUTHORIZATION CUIC ID #20CAE08

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|------------------------|---|--|
| F&A Budget: | Other Authorization:  Eric Dargan, Deputy Director Right-Of-Way and Fleet Maintenance Division | Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division |
|------------------------|---|--|

DWK

| | | | |
|-------------|--|------------------------------|------------------------------|
| Date | Subject: Indemnity and Maintenance Agreement between the City of Houston (City) and Harris County Improvement District #4 (HCID #4) for Public Right-of-way Improvements. | Originator's Initials | Page 2 of 2 |
|-------------|--|------------------------------|------------------------------|

SCOPE OF THIS AGREEMENT: (CON'T)

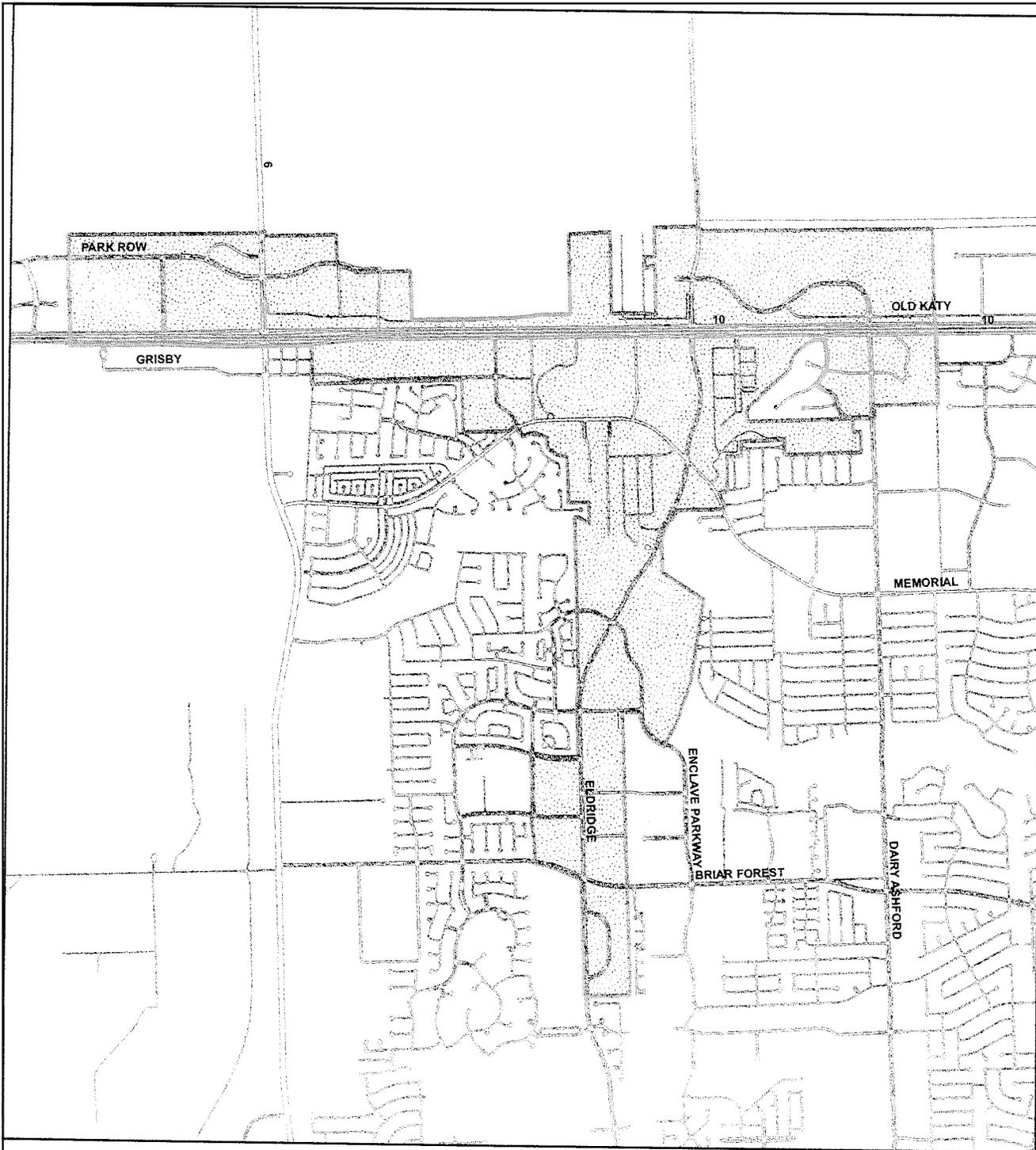
The HCID #4 will also pay to the City \$89,907.75 for the additional concrete cost for wider sidewalks along Eldridge. HCID#4 has committed to the installation of brick pavers along portions of Eldridge as part of their landscaping plan. The City's sidewalk project will assist in the implementation of the Districts overall Master Plan.

MSM:AFI:CAE:pl

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c: Susan Bandy
File: 2007-T25-01,
WBS No. N-00610A-00E3-4

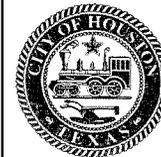
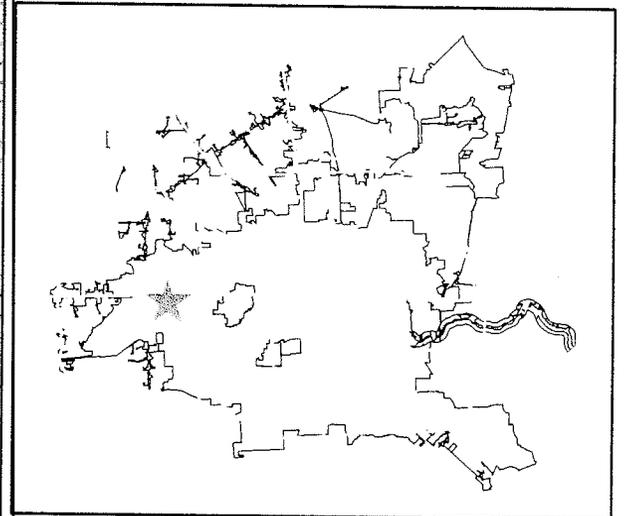
Energy Corridor HCID #4 Service Area



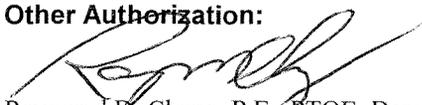
Legend

-  Energy Corridor
-  Waterways
-  City Limits

Locational Map



This map represents the best information available to the City.
The City does not warrant its accuracy or completeness.
Field verifications should be performed as necessary.

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|--|---|---|--------------------------------|
| SUBJECT: First Amendment to Contract Award for LED Retrofit Traffic Signal Upgrades in Downtown, Midtown, Texas Medical Center and other various locations with Republic Intelligent Transportation Services, Inc. formally known as Republic Electric. WBS No. N-000650-0024-4. | | Page 1 of <u>2</u> | Agenda Item # 521 |
| FROM (Department or other point of origin): Public Works and Engineering Department | Origination Date 11-29-07 | Agenda Date DEC 05 2007 | |
| DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E. DEE | Council District affected: D, E, F, G,H, & I | | |
| For additional information contact: Jeffrey Weatherford, P.E., Assistant Director (713) 881-3044 | Date and identification of prior authorizing Council action: Ordinance #2007-532 dated 05-08-07 | | |
| RECOMMENDATION: (Summary) Approve and Authorize a First Amendment to Construction Contract with Republic ITS. | | | |
| Amount and Source of Funding: No Funding Required | | | |
| PROJECT NOTICE/JUSTIFICATION: The City desires to participate in the CenterPoint Energy Standard Offer Program, which provides a rebate to the City based upon the amount of energy and peak demand savings achieved through the installation of energy efficiency measures. The original contract with Republic ITS must be amended to add indemnity language and insurance requirements for CenterPoint Energy in order for the City to participate in the Standard Offer Program. | | | |
| DESCRIPTION/SCOPE: This project is comprised of upgrading traffic signals at 358 intersections primarily in the Downtown, Midtown and Texas Medical Center areas to enhance their visibility and increase their useful life. This project consists of retrofitting 5,901 existing traffic signal indications with new Light Emitting Diode (LED) technology and 2,509 pedestrian signal indications with new countdown LED technology. The LED technology requires far less electricity to operate than the bulb technology that it is replacing. The project also includes upgrading 316 existing 8-inch signal heads with new 12- inch polycarbonate signal heads, retrofitting 21 intersections currently with Pedestrian School Bells to new Accessible Pedestrian Signals along with miscellaneous other work, including traffic control, required for the performance of this contract. The Contract duration for this project is 365 calendar days. This project was designed by the City's Traffic and Transportation Division. | | | |
| LOCATION: The project area is generally bound by Interstate Highway 10 on the north, Holcombe Blvd. on the south, US 59 on the east and Bagby Street on the west along with various other locations throughout the City of Houston. | | | |
| REQUIRED AUTHORIZATION | | CUIC ID #20JSW07A | |
| F&A Budget: | Other Authorization: | Other Authorization:  Raymond D. Chong, P.E., PTOE, Deputy Director Traffic And Transportation Division | |

| | | | |
|-------------|--|----------------------------------|-------------------------------------|
| Date | Subject: First Amendment to Contract Award for LED Retrofit Traffic Signal Upgrades in Downtown, Midtown, Texas Medical Center and other various locations with Republic Intelligent Transportation Services, Inc. formally known as Republic Electric. WBS No. N-000650-0024-4. | Originator's Initials | Page <u>2</u> of <u>2</u> |
|-------------|--|----------------------------------|-------------------------------------|

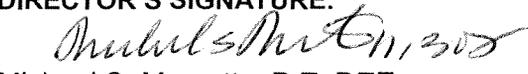
M/WBE PARTICIPATION: There is no MWBE participation goal for this project.

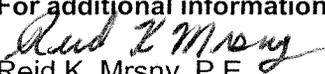
JSW:LHM

c: Marty Stein
 Daniel W. Krueger
 Susan Bandy
 Michael Ho, P.E.
 Gary Norman
 Craig O. Foster
 LaVerne Hollins-McGlothen
 Felix Johnson
 File No. (SB9260)

| | | |
|---|-----------------------|--------------------------------|
| SUBJECT: Contract Award for On-Call Rehabilitation to Large Diameter Water Lines, Valves and Appurtenances Package No. 6. WBS No. S-000701-0005-4 | Page 1 of 2 | Agenda Item # 53 |
|---|-----------------------|--------------------------------|

| | | |
|---|--------------------------------------|------------------------------------|
| FROM: (Department or other point of origin): Department of Public Works and Engineering | Origination Date: 11/17/07 | Agenda Date: DEC 05 2007 |
|---|--------------------------------------|------------------------------------|

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|---|---|
| DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E. DEE | Council District affected: "All"  |
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| For additional information contact:  Reid K. Mrsny, P.E. Phone: (713) 837-0452 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: \$1,605,000.00 from the Water and Sewer System Consolidated Construction Fund No. 8500
 10/24/07

PROJECT NOTICE/JUSTIFICATION: This project includes on-call construction or rehabilitation to primarily large diameter (24 inches in diameter and greater) water lines, valves and appurtenances at various locations in the city. The scope of work includes mobilizing and cooperating with city personnel to develop appropriate rehabilitation solutions, install remedies, provide bedding and backfilling of utilities, and restore surface around area of work. City will issue work orders over a 12-month period. Amount of work to be performed may vary from no construction activity to times when multiple crews are necessary to meet requirements.

DESCRIPTION/SCOPE: This contract is for rehabilitation to primarily large diameter water line utilities in various locations throughout the City of Houston. The scope of work will be determined by work order from time to time on an as-needed basis. The location of the work cannot be determined at the time of bid, but will be established by work order. Drawings, appropriate specifications and geotechnical and environmental reports, as required or as available, will be provided with each work order.

The contract duration for this project is 365 calendar days. This project was designed by Lockwood, Andrews and Newnam, Inc.

LOCATION: In various locations to be determined by work order. The project is located in various Key Map grids including but not limited to the City of Houston, extra territorial jurisdictions, and strategic partnership agreements.

BIDS: Bids were received on September 6, 2007. The contract price is \$1,500,000.00. The two (2) bids based on adjustment factor are as follows:

| <u>Bidder</u> | <u>Adjustment Factor</u> |
|--|--------------------------|
| 1. Reytec Construction Resources, Inc. | 1.190 |
| 2. George Construction, Inc. | 1.325 |

REQUIRED AUTHORIZATION CUIC# 20BLL16 NDT

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| F&A Budget:  | Other Authorization:  Jeff Taylor, Deputy Director Public Utilities Division | Other Authorization:  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division |
|--|---|--|

| | | | |
|-------------|---|---|-----------------------|
| Date | Subject: Contract Award for On-Call Rehabilitation to Large Diameter Water Lines, Valves and Appurtenances Package No. 6. WBS No. S-000701-0005-4 | Originator's Initials <i>BS</i> | Page 2 of 2 |
|-------------|---|---|-----------------------|

AWARD: It is recommended that this construction contract be awarded to Reytec Construction Resources, Inc. with a low bid of \$1,500,000.00 (Adjustment Factor 1.190).

PROJECT COST: The total cost of this project is \$1,605,000.00 to be appropriated as follows:

| | | |
|---|--------------------|----------------|
| • | Bid Amount | \$1,500,000.00 |
| • | Contingencies | \$ 75,000.00 |
| • | Project Management | \$ 30,000.00 |

M/WBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 14% MBE goal, 5% WBE goal and 3% SBE goal for this project.

| <u>MBE - Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Contract</u> |
|-----------------------------|--------------------------|---------------------|----------------------|
| 1. Access Data Supply, Inc. | Concrete Reinforced Pipe | \$100,000.00 | 6.67% |
| 2. Tandem Truck Service | Trucking Services | \$ 30,000.00 | 2.00% |
| 3. Traffic Control Products | Traffic Control | \$ 35,000.00 | 2.33% |
| 4. Ecung Construction | Site Restoration | <u>\$ 45,000.00</u> | <u>3.00%</u> |
| | TOTAL | \$210,000.00 | 14.00% |

| <u>WBE - Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Contract</u> |
|---|--------------------------------|---------------------|----------------------|
| 1. Deanie Hayes, Inc. | Concrete Construction Supplies | \$ 37,500.00 | 2.50% |
| 2. CBIC Construction & Development, Llc | Concrete Construction | <u>\$ 37,500.00</u> | <u>2.50%</u> |
| | TOTAL | \$ 75,000.00 | 5.00% |

| <u>SBE - Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Contract</u> |
|--|-------------------------------|---------------------|----------------------|
| 1. Lazer Construction Company, Inc | Asphalt & Minor Concrete Work | \$ 25,000.00 | 1.66% |
| 2. Chief Solutions, Inc | Hydraulic Excavation | \$ 10,000.00 | 0.67% |
| 3. Reliable Signal & Lighting Solutions, LLC | Traffic Signal Work | <u>\$ 10,000.00</u> | <u>0.67%</u> |
| | TOTAL | \$ 45,000.00 | 3.00% |

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

W. Stein
MSM:DWK:RKM:HH:BLL:JP JP

- c:** Marty Stein
Velma Laws
Susan Bandy
Craig Foster
Michael Ho, P.E.
File S-000701-0005-3 (3.7)

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | | |
|--|-------------------|-----------------------|-----------------------------------|
| SUBJECT: Ordinances Approving Strategic Partnership Agreements with Various Utility Districts and Annexing Territory for Limited Purposes | Category # | Page 1 of 2 | Agenda Item # 54 to 76A |
|--|-------------------|-----------------------|-----------------------------------|

| | | |
|---|--|-----------------------------------|
| FROM (Department or other point of origin): Planning and Development Department | Origination Date November 26, 2007 | Agenda Date DEC 05 2007 |
|---|--|-----------------------------------|

| | |
|---|--|
| DIRECTOR'S SIGNATURE: <i>Margaret Wallace</i> | Council District affected: ALL |
|---|--|

| | |
|--|--|
| For additional information contact: Margaret Wallace Phone: 713-837-7826 | Date and identification of prior authorizing Council action: Public Hearings: Nov. 7, Nov 14, 2007 |
|--|--|

RECOMMENDATION: (Summary)
That City Council approve Strategic Partnership Agreements with the Utility Districts listed below, for the annexation for limited purpose of territory within and in the vicinity of those districts, and for the assignment of such territory to City Council Districts.

| | |
|---|--------------------------|
| Amount and Source of Funding: NA | F & A Budget: |
|---|--------------------------|

SPECIFIC EXPLANATION:

The Planning and Development Department has negotiated Strategic Partnership Agreements between the City of Houston and the following utility districts.

In each of these Districts, the City is only annexing 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 the following Districts, the City will enforce the fireworks ban in the area to be annexed. In the case of the amendments, the City also will enforce the ban in the area covered by the original agreement.

New Agreements:

- | | |
|------------------------------|-------------------------------------|
| Chelford One MUD | Harris County MUD No. 391 |
| Cinco Southwest MUD 2 | Harris County MUD No. 400 |
| Cinco Southwest MUD 4 | Harris County MUD No. 406 |
| Fort Bend County MUD No. 146 | Harris-Fort Bend Counties MUD No.3 |
| Harris County MUD No. 152 | Hunters Glen MUD |
| Harris County MUD No. 157 | Lake Forest Utility District |
| Harris County MUD No. 167 | Northwest Harris County MUD No. 5 |
| Harris County MUD No. 173 | Northwest Harris County MUD No. 10 |
| Harris County MUD No. 196 | Ricewood Municipal Utility District |
| Harris County MUD No. 285 | |

Amendments to existing Agreements:

- | | |
|------------------------------|-------------------------------------|
| Charterwood MUD Amendment 2 | Harris County MUD 120 Amendment 2 |
| Cypress Hill MUD Amendment 1 | Fort Bend County MUD 50 Amendment 1 |

Council District assignments of the newly annexed areas are detailed on the accompanying memorandum.

Copy: Marty Stein, Agenda Director
Arturo G. Michel, City Attorney
Phil Boriskie, Fire Chief
Anna Russell, City Secretary

REQUIRED AUTHORIZATION

| | | |
|----------------------------|-----------------------------|-----------------------------|
| F & A Director: | Other Authorization: | Other Authorization: |
|----------------------------|-----------------------------|-----------------------------|



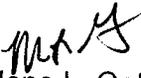
CITY OF HOUSTON

Planning & Development
Department

Interoffice

Correspondence

To: Arturo G. Michel, City Attorney

From: 
Marlene L. Gafrick, Director

Date: November 27, 2007

Subject: **Assignment of Newly Annexed Areas**

The City is currently annexing parts of 23 utility districts for limited purposes. I am proposing the following assignment to Council Districts for the newly annexed areas. In each case, I am referring to only the portion of the election precinct that has been newly annexed. Each of these precincts is assigned to its adjacent District. Please let me know if you need additional information.

District A

Ricewood MUD: 521, 618, 813
HCMUD 67: 551, 601, 648
Cypresshill MUD: 734
HCMUD 391: 111, 734
HCMUD 173: 149, 616, 651, 803
NWHCMUD 10: 300, 370, 481, 688
Charter wood MUD: 668
HCMUD 196: 149, 709
NWHCMUD 5: 173, 442, 768, 828
HCMUD 167: 305, 617, 712, 804
Lake Forest UD: 442, 479, 602, 691, 805, 828
HCMUD 157: 149, 553, 617, 651, 712
HCFBCMUD 3: 362, 720 (Harris), 3014 (Fort Bend)

District B

HCMUD 406: 358, 864
Hunters Glen MUD: 457, 587, 599
HCMUD 400: 83, 363, 847

District E

HCMUD 152: 388, 659, 764
HCMUD 285: 353, 413, 460, 605, 725

District F

Chelford One MUD: 524, 646
HCMUD 120: 814

District G

FBCMUD 50: 3082 (Fort Bend)
FBCMUD 146: 3082 (Fort Bend)
Cinco Southwest MUD 2: 3005, 3038, 3082 (Fort Bend)
Cinco Southwest MUD 4: 3038 (Fort Bend)

MFG/gmd

cc: Marty Stein, Agenda Director
Don Cheatham, Legal Department
Dan Doherty, Legal Department
Sameera Mahendru, Legal Department

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

| | | | |
|---|------------|-------------|---------------|
| SUBJECT: An ordinance amending Chapter 45 of the Code of Ordinances, Houston, Texas, relating to Commercial Vehicle Weight, Width, Length and Height; Declaring Certain Conduct to be Unlawful and Providing a Penalty | Category # | Page 1 of 1 | Agenda Item # |
|---|------------|-------------|---------------|

| | | |
|----|--------|------|
| 60 | 1 of 1 | 5645 |
|----|--------|------|

FROM (Department or other point of origin):
 Harold L. Hurtt, Chief Of Police
 Houston Police Department

| | |
|------------------------------------|--|
| Origination Date 7/09/07 | Agenda Date AUG 01 2007 JUL 18 2007 |
|------------------------------------|--|

DIRECTOR'S SIGNATURE: *C. A. McClelland*
 C. A. McClelland
 Acting Chief of Police

Council District affected:
 All
~~JUL 03 2007~~
 DEC 05 2007

Requested by: Teresa Curry, Sergeant Phone: 713-247-4034
For additional information contact:
 Vicki King, Assistant Chief Phone: 713-308-1560
Approved by: *Joseph A. Fenninger*
 Joseph A. Fenninger, Deputy Director Phone: 713-308-1708

Date and identification of prior authorizing Council action:
 Sec. 45-271 Dated: 1968
C. A. McClelland

RECOMMENDATION: Approve an ordinance amending Chapter 45 of the Code of Ordinances, relating to Vehicle weight, width, length, and height; Declaring Certain Conduct to be Unlawful and Providing a Penalty

Amount and Source of Funding: None

F & A Budget:

SPECIFIC EXPLANATION:

The Chief of Police recommends that City Council approve an ordinance modifying Chapter 45 of the Code of Ordinances to include restrictions for Weight, Width, Length and Height, issuance of permits, route designation, and peace officer escorts for movement of commercial vehicle loads over the maximum limits.

Modifications to the ordinance are as follows:

PERMITS REQUIRED for any person desiring to operate a commercial vehicle on city streets carrying a load in excess of the **weight, width, length or height limits**. It sets out the application process, the contents of each permit (including a description of the load to be carried), and the permit fee structure for each type of permit, as well as establishing a review of the permit fee structure on an annual basis.

It further provides that F & A, in consultation with the Chief of Police (or his designee) and the Director of Public Works and Engineering (or his designee), shall promulgate application and permit forms and develop written rules and regulations for the administration of the article.

PERMIT FEE DISTRIBUTION between Houston Police Department (for truck enforcement), Public Works and Engineering (for street and infrastructure maintenance) and Finance and Administration (for permit issuance and administrative services associated with permit issuance).

Said permits will be issued through Finance and Administration, upon approval by HPD and PWE.

REQUIRED AUTHORIZATION

| | | |
|----------------------------|-----------------------------|-----------------------------|
| F & A Director: | Other Authorization: | Other Authorization: |
|----------------------------|-----------------------------|-----------------------------|

REDLINE

ARTICLE VII. RESERVED VEHICLE DIMENSIONS

DIVISION 1. GENERALLY

Sec. 45-161. 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:

Axle load means the total load transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

Enforcement tolerance means an allowance of up to five percent of the maximum gross weight allowed under section 45-163 of this article.

Motorcycle escort means a full-time peace officer who has completed the appropriate training to perform motorcycle escort services under this article, as provided in rules promulgated by the chief of police.

Police official means the chief of police or such other person as he may designate to act as the official primarily responsible for the administration of this article or the said official's designees.

Ready-mixed concrete truck means a concrete pump truck or a vehicle designed exclusively to transport or manufacture ready-mixed concrete, which is a perishable product, and includes a vehicle designed exclusively to transport and manufacture ready-mixed concrete.

Tandem axles means two or more axles spaced 40 inches or more apart from center to center having at least one common point of weight suspension.

Towing device means a device used to tow a vehicle behind a motor vehicle by supporting one end of the towed vehicle above the surface of the road and permitting the wheels at the other end of the towed vehicle to remain in contact with the road.

Truck-tractor means a motor vehicle designed or used primarily for drawing another vehicle and that is not constructed to carry a load other than a part of the weight of the vehicle and load being drawn; or that is engaged with a semitrailer in

the transportation of automobiles or boats and that transports the automobiles or boats on part of the truck-tractor.

Truck-trailer means a combination of a truck or commercial vehicle and trailer, as defined in article I of this chapter.

Sec. 45-272: 162. Weight, width, length, and height limits on specific streets.

(a) When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the streets or parts of streets so signed. Under this section, as vehicle weight is indicated by the number of axles supporting such vehicles, signs limiting the number of axles on through vehicles shall be official.

(b) When Notwithstanding any of the foregoing provisions regarding maximum weight, width, length, or height, when signs are erected stating "No Through Trucks," no person shall operate any commercial vehicle exceeding 3,000 pounds gross weight or posted width, length, or height, determined upon the basis of an engineering and traffic investigation conducted by the department, at any time upon any of the streets or parts of streets so signed, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise or for vehicle storage and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

Sec. 45-274: Generally: 163. Maximum weight.

(a) Except as otherwise provided by law, no person shall operate a commercial motor vehicle, truck-tractor, truck-trailer, trailer or semitrailer, nor or combination of such vehicles, shall be operated over, on, or upon the public streets and highways within the corporate limits of the city, having a weight carrying a load or equipment and weighing in excess of one or more of the following limitations:

- (1) No such vehicle nor or combination of vehicles shall have a greater weight than 20,000 pounds load or equipment consisting of a weight greater than 16,000 pounds on high-pressure tires on any one axle; or 20,000 pounds on low-pressure tires carried on any one axle, including all enforcement tolerances; or within a tandem axle weight in excess of 34,000 pounds, including all enforcement tolerances; or with an overall gross weight on a group of two or more consecutive axles produced by application of heavier than the weight computed using the following formula and rounding the result to the nearest 500 pounds:

$$W = 500 \frac{LN}{N-1} + 12N + 36$$

Where:

W = Overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds;

L = Distance in feet between the extreme of any group of 2 or more axles; and

N = The number of axles in the group under consideration.

Notwithstanding the above, two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, that such overall gross weight may not exceed 80,000 pounds, including all enforcement tolerances.

Also notwithstanding the provisions above, a ready-mixed concrete truck may be operated over, on, or upon the public streets within the corporate limits of the city if the tandem axle weight is 46,000 pounds or less and the single axle weight is 23,000 pounds or less.

- (2) No such ~~vehicles~~ vehicle nor combination of vehicles shall have a load weight greater ~~weight~~ than 600 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and using high-pressure tires, and a greater weight than 650 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and using low-pressure tires, and no wheel shall carry a load in excess of 8,000 pounds on high-pressure tires and 10,000 pounds on low-pressure tires, nor any axle a load in excess of 16,000 pounds on high pressure tires, and 20,000 pounds on low-pressure tires.
- (3) ~~Nothing in this section shall be construed as permitting size or weight limits on the national system of interstate and defense highways within the corporate limits of the city in excess of those permitted under 23 U.S.C. section 127. If the federal government prescribes or adopts vehicle size or weight limits greater than those prescribed by 23 U.S.C. section 127 for the national system of interstate and defense highways, the increased limits shall become effective on the national system of interstate and defense highways within the corporate limits of the city.~~

Notwithstanding item (1) of this section relating to overall gross weight on a group of two or more consecutive axles, two consecutive sets of tandem axles may carry a gross load of not more than 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets is 36 feet or more. The overall gross weight on a group of two or more consecutive axles may not be heavier than 80,000 pounds, including all enforcement

tolerances, regardless of tire ratings, axle spacing (bridge), and number of axles.

(4) Nothing in this section shall be construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated on a highway or road of this state upon the highways and roads within the corporate limits of the city on December 16, 1974, or vehicles operated exclusively at a private port of entry, on a private road associated with a port of entry, and across a public highway between private roads associated with the port of entry under a contract under Section 623.052 of the Texas Transportation Code.

~~(5) In this section, an axle load is defined as the total load transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle. Tandem axle group is defined as two or more axles spaced 40 inches or more apart from center to center having at least one common point of weight suspension.~~

~~(b) [The first paragraph of this subsection moved to Sec. 45-170 and revised as shown below.]~~

~~[The second paragraph of this subsection moved to Sec. 45-171(a) and revised as shown below.]~~

~~[The third paragraph of this subsection moved to Sec. 45-171(b) and revised as shown below.]~~

~~(c) [This subsection moved to Sec. 45-167 and revised as shown below.]~~

~~(d) [This subsection moved to Sec. 45-168© and revised as shown below.]~~

~~(e) [This subsection moved to Sec. 45-203 and revised as shown below.]~~

~~(f) [This subsection moved to Sec. 45-204 and revised as shown below.]~~

~~(g) The driver, owner, operator, or other person operating or driving any commercial motor vehicle, truck, tractor, trailer or semitrailer or combination of such vehicles, over, on, or upon city streets or public highways within the limits of the city, who fails to comply with the provisions of this section, shall be guilty of a misdemeanor which shall be punishable, upon conviction, by a fine of not less than \$100.00 and not more than \$200.00.~~

~~(h) All persons have the affirmative duty to comply with all provisions of this article, and it shall not be a defense to prosecution of such persons that they were acting without a culpable mental state.~~

Sec. 45-164. **Maximum width.**

Except as otherwise provided by law, no person shall operate a commercial vehicle, truck-tractor, truck-trailer, trailer or semitrailer, nor combination of such vehicles, having a width greater than 102 inches, including a load on the vehicle but excluding any safety device determined by the United States Department of Transportation or the Texas Department of Public Safety to be necessary for the safe and efficient operation of motor vehicles of that type, over, on, or upon the public streets within the corporate limits of the city.

Sec. 45-165. **Maximum length.**

(a) Except as otherwise provided by law, including Section 622.902 of the Texas Transportation Code or its successor pertaining to length exceptions, no person shall operate a semitrailer in a truck-tractor and semitrailer combination, other than a truck-tractor combination, having a length in excess of 65 feet, excluding the length of the towing device or safety device determined by regulation of the United States Department of Transportation or rule of the Texas Department of Public Safety for the safe and efficient operation of motor vehicles, over, on, or upon the public streets within the corporate limits of the city. Nothing in this subsection shall be construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated in this state on December 1, 1982.

(b) Except as otherwise provided by law, no person may operate a commercial vehicle or combination of commercial vehicles carrying a load that extends more than three feet beyond its front or more than four feet beyond its rear over, on, or upon the public streets within the corporate limits of the city unless:

- (1) It is a commercial vehicle actively engaged in collecting garbage, rubbish, refuse, or recyclable materials; or
- (2) The load extends four feet beyond the rear of the trailer and consists of a motor vehicle that:
 - a. Is designed or intended to be carried at the rear of the trailer;
 - b. Is used or intended to be used to load or unload goods or equipment on or off the trailer;
 - c. Does not extend more than seven feet beyond the rear of the trailer; and
 - d. Complies with each applicable federal motor vehicle carrier safety regulation.

Sec. 45-166. Maximum height.

Except as otherwise provided by law, no commercial motor vehicle, truck-tractor, truck-trailer, trailer or semitrailer, nor combination of such vehicles, having a height in excess of 14 feet, shall be operated over, on, or upon the public streets within the corporate limits of the city. An operator of a vehicle that is higher than 13 feet 6 inches shall ensure that the vehicle will pass through each vertical clearance of a structure in its path without touching the structure. Any damage to a bridge, underpass, or similar structure that is caused by the height of a vehicle is the responsibility of the owner of the vehicle.

Sec. 45-167. Permits required.

~~© Any person desiring to operate a vehicle on city streets in excess of the limits set out herein shall first obtain a special permit from the finance and administration department. It shall be unlawful for any person to operate or direct another to operate a vehicle on city streets carrying a load that cannot be reasonably dismantled and transported separately, in excess of the weight, width, length, or height limits set out in this article without first obtaining a permit. A permit issued under this article may not be transferred.~~

Sec. 45-168. Exceptions.

(a) **House moving.** The limitation as to weight, width, length or height prescribed by this article shall not apply to moving of houses pursuant to article III of chapter 10 of this Code.

(b) **Commercial solid waste franchises.** The limitations as to weight, width, length or height prescribed by this article shall not apply to the collection, hauling or transportation of solid waste or industrial waste pursuant to article VI of chapter 39 of this Code.

(d) (c) **Road making and road repairing machinery operated by a governmental entity.** The limitation as to weight, width, length, or height prescribed by this ~~section~~ article shall not apply to road rollers or other road making or road repairing machinery being moved or used on a street by the United States, the state, any political subdivision of the state, the city, or any contractor moving or using such road machinery in the performance of or preparatory to the performance of a contract with any one of the United States, the state, any political subdivision of the state, or the city, but in the event of any such road making or road repairing machinery of a weight in excess of the limit set out herein being moved or used over the streets or bridges in the city, the person in charge thereof shall first obtain from the ~~city engineer~~ director a permit for such movement, which permit shall designate the route or streets and also the bridges over which such movement shall take

place, and such machinery may then be moved, but not elsewhere than over such designated routes, except as provided in subsection (b) of section 45-202 of this Code.

Sec. 45-169. Rules; forms.

The director of finance and administration, in consultation with police official and the director, may issue rules and regulations for the operation of this article and shall promulgate application and permit forms.

Sec. 45-170. Authority to weigh or measure vehicle.

~~(b)¶1~~ Any police officer having reason to believe that operation of a motor vehicle within the city is unlawful by virtue of the gross weight or axle load of the loaded motor vehicle or the width, length or height of the vehicle is authorized to weigh or measure the same by means of portable or stationary scales or other devices approved by the police department of the city for such use, or the police officer may cause the loaded motor vehicle to be weighed or measured by any public weigher or measurer and may require such vehicle to be driven to the nearest available scales for the purpose of weighing or measuring.

Sec. 45-171. Unloading vehicle if axle load exceeded; exceptions.

~~(b)¶2~~ (a) If, upon weighing or measuring of the vehicle, a police officer determines that the gross weight, width, length or height of a motor vehicle or an axle load exceeds the maximum permitted by law plus an enforcement tolerance allowance of five percent of the gross weight authorized by law, such police officer may require the operator to unload or rearrange the load to conform to law without proceeding if the police officer determines that such work may be safely accomplished at the site where the vehicle was weighed or measured or may require the operator to proceed to a location where the cargo can be unloaded or rearranged safely without causing disruption to traffic. Such location shall be the nearest such place on authorized city property, on property under the control of the driver or his principal, or on property where consent has been given for such loading and where it is feasible to unload or rearrange such cargo.

~~(b)¶3~~ (b) Notwithstanding the other provisions of this article, the operator or owner of a vehicle is not required to unload any part of the vehicle's load under this section if the vehicle is loaded with: ~~if the load of a motor vehicle~~

- (1) consists of Livestock, in which case the operator shall be permitted to proceed to his destination without unloading;
- (2) Raw wood, timber, or pulp wood in their natural state being transported from the place of production to the place of marketing or first processing;

- (3) Agricultural products in their natural state being transported from the place of production to the place of marketing or first processing;
- (4) Ready-mixed concrete;
- (5) Milk;
- (6) Groceries; or
- (7) Any other perishable good or product.

Sec. 45-172. Duty to comply.

All persons have the affirmative duty to comply with all provisions of this article, and it shall not be a defense to prosecution of such persons that they were acting without a culpable mental state.

Sec. 45-173. Penalty for violation.

The driver, owner, operator, or other person operating or driving any commercial vehicle, truck, tractor, trailer or semitrailer or combination of such vehicles, over, on, or upon public streets within the limits of the city, who fails to comply with the provisions of this article, shall be guilty of a misdemeanor which shall be punishable, upon conviction, by a fine of not less than \$200 and not more than \$500.

Secs. 45-174--45-180. Reserved.

DIVISION 2. PERMITS

Sec. 45-181. Display of permits.

(a) A permittee shall display his permits in accordance with rules promulgated by the director of finance and administration or his designee for inspection by any peace officer. Failure to comply with this subsection is unlawful.

(b) **Contents of permit.** A permit under this section shall include:

- a. The name of the applicant;
- b. The date of issuance;
- c. The signature of the director of finance and administration or his designee;

- d. A statement of the kind of equipment to be transported over the street, the weight and dimensions of the equipment, and a description and weight of the commodity or load to be transported; and
- e. A statement of any condition on which the permit is issued.

Sec. 45-182. Application.

Each permit application shall be in writing, filed with the director of finance and administration, and include the following information:

- (1) The kind of equipment to be operated;
- (2) Description of the equipment;
- (3) The weight and dimensions of the equipment;
- (4) The width, height, and length of the equipment;
- (5) A description of goods or equipment to be transported and the weight of the total load;
- (6) Date and signature of the applicant;
- (7) The address of the final destination of the goods or equipment;
- (8) A proposed trip route over which the load or equipment is to be carried, if the application is for a single trip permit, or the region or area which the load or equipment is to be carried, if the application is for other than a single trip permit;
- (9) An approximate date and time of travel;
- (10) Proof of valid insurance in the amount required under regulations established by the director; and
- (11) A statement regarding whether the goods or equipment can be reasonably dismantled to facilitate transport.

Sec. 45-183. Fees.

(a) Upon approval of the application the director of finance and administration or his designee shall prescribe the appropriate fees based on the following fee schedules:

| <u>Type of Permit/Term</u> | <u>Permit Fee</u> | <u>Roadway Maintenance Fee</u> | <u>Processing/Administrative Fee</u> | <u>Total</u> |
|--|-------------------|--------------------------------|--------------------------------------|-------------------|
| <u>Overweight - Single Trip</u> | <u>\$25.00</u> | <u>\$110.00</u> | <u>\$10.00</u> | <u>\$145.00</u> |
| <u>Overweight - 30 Day</u> | <u>\$25.00</u> | <u>\$140.00</u> | <u>\$10.00</u> | <u>\$175.00</u> |
| <u>Overweight - 60 Day</u> | <u>\$25.00</u> | <u>\$315.00</u> | <u>\$10.00</u> | <u>\$350.00</u> |
| <u>Overweight - 90 Day</u> | <u>\$25.00</u> | <u>\$490.00</u> | <u>\$10.00</u> | <u>\$525.00</u> |
| <u>Overweight - Super Heavy</u> | <u>\$25.00</u> | <u>\$795.00</u> | <u>\$10.00</u> | <u>\$830.00</u> |
| <u>Overweight - Annual</u> | <u>\$25.00</u> | <u>\$1,840.00</u> | <u>\$10.00</u> | <u>\$1875.00</u> |
| <u>Mobile Crane - Single Trip</u> | <u>\$25.00</u> | <u>\$110.00</u> | <u>\$10.00</u> | <u>\$145.00</u> |
| <u>Mobile Crane - 30 Day</u> | <u>\$25.00</u> | <u>\$155.00</u> | <u>\$10.00</u> | <u>\$190.00</u> |
| <u>Mobile Crane - 60 Day</u> | <u>\$25.00</u> | <u>\$285.00</u> | <u>\$10.00</u> | <u>\$320.00</u> |
| <u>Mobile Crane - 90 Day</u> | <u>\$25.00</u> | <u>\$335.00</u> | <u>\$10.00</u> | <u>\$470.00</u> |
| <u>Mobile Crane - Annual</u> | <u>\$25.00</u> | <u>\$915.00</u> | <u>\$10.00</u> | <u>\$950.00</u> |
| <u>Overlength or overwidth - Single Trip</u> | <u>\$25.00</u> | <u>\$60.00</u> | <u>\$10.00</u> | <u>\$95.00</u> |
| <u>Overlength or overwidth - 30 Day</u> | <u>\$25.00</u> | <u>\$100.00</u> | <u>\$10.00</u> | <u>\$135.00</u> |
| <u>Overlength or overwidth - 60 Day</u> | <u>\$25.00</u> | <u>\$235.00</u> | <u>\$10.00</u> | <u>\$270.00</u> |
| <u>Overlength or overwidth - 90 Day</u> | <u>\$25.00</u> | <u>\$370.00</u> | <u>\$10.00</u> | <u>\$405.00</u> |
| <u>Overlength or overwidth - Annual</u> | <u>\$25.00</u> | <u>\$1,465.00</u> | <u>\$10.00</u> | <u>\$1500.00</u> |
| <u>Overheight - Single Trip</u> | <u>\$25.00</u> | <u>\$150.00</u> | <u>\$10.00</u> | <u>\$185.00</u> |
| <u>Annual Package Permit</u> | <u>\$25.00</u> | <u>\$2,000.00</u> | <u>\$10.00</u> | <u>\$2,035.00</u> |
| <u>Semi-Annual Package Permit</u> | <u>\$25.00</u> | <u>\$1,200.00</u> | <u>\$10.00</u> | <u>\$1,235.00</u> |

The director of finance and administration or his designee shall not issue a permit until the fee for that permit has been paid in full to the director of finance and administration or his designee. A permittee who has paid the requisite fees is not entitled to a refund of those fees.

(b) The fee schedule shall be reviewed and approved by the director of finance and administration on an annual basis and adjusted to fully recover the city's costs, taking into account permit issuance and renewal costs, inspection and oversight services that may be required, and equipment and resource utilization, provided that no fee increase in excess of 15 percent shall be implemented without prior approval of the city council.

(c) The director may also establish fees for road maintenance for overweight, overlength, and overwidth trucks, tractors, trailers or semitrailers or combination of such vehicles, under this section, which fees shall be reviewed and adjusted on an annual basis in the manner established in the preceding subsection.

(d) All fees charged pursuant to this article shall be set out in a fee schedule approved by the director and the police official, and a copy of which shall be kept in the offices of the police official, the director, the director of finance and administration and the city secretary for public inspection. The police official shall consider the actual and direct costs of services provided in determining amounts to be charged pursuant to this article. In accordance with the fee schedule set forth in subsection (a) of this section, all fees collected under this article shall be allocated as follows:

- (1) All permit fees shall be distributed to the police department for truck enforcement;
- (2) All roadway maintenance fees shall be distributed to the department of public works and engineering for right-of-way, street and infrastructure maintenance and repair; and
- (3) All administrative/processing fees shall be directed to the department of finance and administration for administrative and processing fees associated with administration of this article.

Sec. 45-184. Rejection or revocation.

The director of finance and administration or his designee may reject an original application or revoke an existing permit, if, as a result of consideration of the information in the application by the finance and administration department, the police official, or the director it is determined that:

- (1) The application does not meet the requirements of this article;
- (2) The overall weight, length, width, or height of the trucks, tractors, trailers or semitrailers or combination of such vehicles, exceeds the weight capacity or permissible length, width, or height of a street, bridge, culvert or other infrastructure of the city within the proposed route and the director is unable to designate an alternate route over which such vehicle may travel; or
- (3) The permittee violates a requirement of his permit.

Sec. 45-185. Notice.

If the director of finance and administration or his designee rejects an application or revokes an existing permit, the director of finance and administration or his designee

shall give written notice to the applicant in the same manner in which the application was received. The notice shall specifically set forth the reasons for the rejection or revocation.

Sec. 45-186. Appeal.

The applicant shall have 10 days from the date of the receipt of the notice of rejection or revocation to appeal the rejection to the director of finance and administration or his designee. Upon receipt of such notice, the director or finance or administration shall notify the applicant of the date and time of the hearing, to be held at the earliest time practicable.

Sec. 45-187. Hearing.

(a) All hearings shall be held before a hearing officer appointed by the director of finance and administration who shall not designate any person to perform the duties of hearing officer under this section who has prior knowledge of the circumstances regarding the rejection, refusal, or revocation of the license. The hearing officer may, prior to the hearing, receive a copy of the notice given to the applicant.

(b) An assistant city attorney may be present at the hearing to advise the hearing officer as to procedural matters; however, the attorney shall not participate in any determination of the facts.

(c) All hearings shall be conducted under rules established by the director of finance and administration that are consistent with the informal nature of the proceedings; provided, however, the following rules shall apply to all hearings:

- (1) All parties shall have the right to representation by an attorney licensed to practice in Texas though an attorney is not required.
- (2) Each party may present witnesses in his own behalf.
- (3) Each party has the right to cross-examine all witnesses.
- (4) Only evidence presented before the hearing officer at the hearing shall be considered in rendering the decision.

(d) The hearing officer may affirm or reverse a permit rejection, refusal or revocation. The decision of the hearing officer shall be final and shall be delivered in writing to the applicant or license holder in the same manner as a notice under section 45-278 of this Code.

Secs. 45-188--45-200. Reserved.

Sec. 45-201. Motorcycle escort required.

(a) If upon review of the permit application and any rules and regulations established under section 45-169, the police official determines that the capacity or contour of the road, street or bridge, or the load or equipment to be transported, requires one or more motorcycle escorts then the permittee shall, before carrying a load or equipment over the roads, streets or bridges of the city, engage at the permittee's own expense, the services of the number of required motorcycle escorts.

(b) If the permittee engages an off-duty peace officer of the city as a motorcycle escort such off-duty peace officer shall not use city-owned vehicles or equipment while engaged in the service of such permittee.

(c) The motorcycle escort is hereby empowered to stop a permitted vehicle which is being moved at any time for the purpose of inspecting the rigging, trucks, and lighting in order to ensure the safety of the move with a minimum of exposure to danger or damage to property.

(d) The motorcycle escort is required to report any damage to persons or property caused by the permittee's vehicle or operation thereof to the director as soon as practicable in a manner approved by the director.

Sec. 45-202. Truck route established.

(a) Prior to issuance of the permit, the police official will approve or deny the prospective trip route over which the load or equipment is to be carried after consultation with the director, if necessary.

(b) If the proposed route is approved, it shall be unlawful for the operator of the commercial vehicle, truck-tractor, truck-trailer, trailer or semitrailer, or combination of such vehicles, to operate such vehicle over, on, or upon any public streets within the corporate limits of the city street not designated as part of the approved route, unless:

- (1) The applicant receives prior written approval from the police official; or
- (2) The operator of the truck is directed to travel on an alternate route by the police official, another peace officer of the State of Texas, a peace officer escort, by signage indicating a detour from the approved route or a closed street or road on the approved route.

(c) If the proposed route is denied, the police official shall provide the applicant with an alternate route, and it shall be unlawful for the operator of the commercial vehicle, truck-tractor, truck-trailer, trailer or semitrailer, or combination of such vehicles, to operate such vehicle over, on, or upon any public streets within the corporate limits of the city street not designated as part of the approved route, unless:

| | | | |
|--|------------------------------------|---------------------------|--|
| <p>SUBJECT: That Council adopt an ordinance approving and authorizing the execution of a Compromise & Settlement Agreement ("CSA") between the City of Houston and EMCOR Gowan, Inc. f/k/a Gowan, Inc. ("Gowan"), and York International, Inc. ("York"), to settle a claim and appropriating the sum of \$1,962,279.08 and pass a motion to accept work on the Central Plant Equipment Pre-purchase at George Bush Intercontinental Airport/Houston, Project 424D, WBS# A-000091-0004-4-01, Contract No. 50637.</p> | <p>Category # 6 & 7</p> | <p>Page 1 of 2</p> | <p>Agenda Item #</p> <p style="font-size: 2em; border: 1px solid black; padding: 5px; display: inline-block;">78-78A 6-6A</p> |
|--|------------------------------------|---------------------------|--|

| | | |
|---|--|---|
| <p>FROM (Department or other point of origin):</p> <p>Legal Department</p> | <p>Origination Date</p> <p>11/16/07</p> | <p>Agenda Date</p> <p>DEC 05 2007 NOV 28 2007</p> |
|---|--|---|

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|---|---|
| <p>DIRECTOR'S SIGNATURE:</p>  | <p>Council District affected:</p> <p>B</p> |
|---|---|

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|--|--|
| <p>For additional information contact:</p> <p>Malinda York Crouch - Legal Phone: 713.247.2015 Eric R. Potts - HAS <i>ncp</i> Phone: 281.233.1999 John S. Kahl - HAS Phone: 281.233.1941</p> | <p>Date and identification of prior authorizing Council action:</p> <p>07/14/1999 (O) 1999-0719</p> |
|--|--|

RECOMMENDATION: (Summary)

That Council adopt an ordinance approving and authorizing the execution of a Compromise & Settlement Agreement ("CSA") between the City of Houston and EMCOR Gowan, Inc. f/k/a Gowan, Inc. ("Gowan"), and York International, Inc. ("York"), to settle a claim and appropriating the sum of \$1,962,279.08 and pass a motion to accept work on the Central Plant Equipment Pre-purchase to install and retrofit chillers at George Bush Intercontinental Airport/Houston, Project 424D, CIP No. A-0091, approving the final contract amount of \$16,115,483.67 or 4.97% more than the original contract amount.

| | |
|--|-------------------------------|
| <p>AMOUNT OF FUNDING</p> <p>\$1,962,279.08 A.0091.24</p> | <p>F&A Budget:</p> |
|--|-------------------------------|

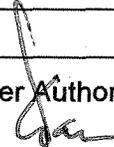
SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund
 Other (Specify) HAS-Sub Lien Bond 1998B AMT Construction (8006)

SPECIFIC EXPLANATION:

FOR SETTLEMENT PURPOSES ONLY

The Contractor, Gowan, Inc., ("Gowan"), has completed all the work required under their contract dated July 27, 1999 in the amount of \$15,352,000.00 for Central Plant Pre-purchase at George Bush Intercontinental Airport/Houston. During construction, Othon, Inc. inspected this project. The inspector was Mr. Jeff Jackson.

Gowan presented a claim for damages for alleged delays in the construction for Gowan and its subcontractors, including its subcontractor, York International, Inc., ("York"), to the City Engineer in the amount of \$6,864,676.28. The City Engineer awarded \$1,852,278.08 to Gowan, but Gowan refused to accept the award and filed a lawsuit on the claim. Gowan has offered to settle this claim for \$1,962,279.08 (the amount of the Engineer's Decision plus \$110,000.00). After thoroughly investigating the claim, the Legal Department and the Houston Airport System recommend that Council adopt an ordinance approving and authorizing a CSA between Gowan, York and the City of Houston to settle the claim and that Council appropriate the sum of \$1,962,279.08 to fund the CSA. The Legal Department has prepared the documents necessary to settle the claim.

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|---|-----------------------------|--|-----|
| REQUIRED AUTHORIZATION | | | NOT |
| <p>F&A Director: <i>Budget</i></p>  | <p>Other Authorization:</p> | <p>Other Authorization: <i>Kae</i></p>  | |

| | | | |
|-------------|---|------------------------------|-------------------------------------|
| Date | Subject: That Council adopt an ordinance approving and authorizing the execution of a Compromise & Settlement Agreement ("CSA") between the City of Houston and EMCOR Gowan, Inc. f/k/a Gowan, Inc. ("Gowan"), and York International, Inc. ("York"), to settle a claim and appropriating the sum of \$1,962,279.08 and pass a motion to accept work on the Central Plant Equipment Pre-purchase at George Bush Intercontinental Airport/Houston, Project 424D, WBS# A-000091-0004-4-01, Contract No. 50637. | Originator's Initials | Page <u>2</u> of <u>2</u> |
|-------------|---|------------------------------|-------------------------------------|

The final amount of the contract, including Change Orders Nos. 1-3 in the amount of \$763,483.67 and excluding the CSA will be \$16,115,483.67 which is 4.97% more than the original contract. The changes were for modification of the chilled water supply and return, modification of the evaporators and furnishing of an extended warranty on four chillers.

Gowan did not meet its 0.65% M/WBE goal. According to the Office of Affirmative Action and Contract Compliance, Gowan's final participation was 0.59%. The Office of Affirmative Action and Contract Compliance awarded Gowan a "Satisfactory" rating.

- cc: Ms. Marty Stein
 Mr. Anthony W. Hall, Jr.
 Ms. Susan T. Taylor
 Ms. Velma Laws
 Mr. Richard M. Vacar
 Mr. Eric R. Potts
 Mr. David Arthur
 Ms. Kathy Elek
 Mr. Frank D. Crouch
 Mr. John S. Kahl
 Mr. Adil Godiwalla
 Mr. Dara N. Umrigar
 Ms. Janice Phillips
 Mr. J. Goodwille Pierre

79

DEC 05 2007

MOTION NO. 2007

MOTION by Council Member Khan that the recommendation of the Finance and Administration Department, on bids received for Fat Trapper Containers and Bags for the Department of Public Works and Engineering, S23-N22575, be adopted, and authority is hereby given to issue a purchase order to Range Kleen Mfg., Inc., on their sole bid in the amount of \$63,600.00.

Seconded by Council Member Alvarado

Council Members Garcia and Berry absent

On 11/28/07 the above motion was tagged by Council Member Wiseman.

cr

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7658

Subject: Formal Bid Received for Fat Trapper Containers and Bags for the Public Works & Engineering Department
S23-N22575

Category #
4

Page 1 of 1 Agenda Item

79 | 23

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

October 23, 2007

Agenda Date

DEC 05 2007
~~NOV 28 2007~~

DIRECTOR'S SIGNATURE

MS
Calvin D. Wells

Council District(s) affected

All

For additional information contact:

David Guernsey Phone: (713) 238-5241
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Range Kleen Mfg., Inc. on its sole bid in the amount of \$63,600.00 for fat trapper bags and containers for the Public Works & Engineering Department

Award Amount: \$63,600.00

F & A Budget

\$63,600.00 PWE-W&S System Operating Fund (8300)

MUNIZ 11/8/07

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Range Kleen Mfg., Inc. on its sole bid in the amount of \$63,600.00 for fat trapper bags and containers (holders) for the Public Works & Engineering Department and that authorization be given to issue a purchase order. These bags will be used by residents of Houston in their homes to properly store and dispose of used cooking grease.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Eight prospective bidders viewed the solicitation document on SPD's e-bidding website and one bid was received. Only one bid was received for these items due to the specialized nature and usage of the containers and bags and the fact that Range Kleen Mfg., Inc. holds the trade mark and sells direct.

This purchase consists of 30,000 foil lined 4 inch X 7 inch bags and 15,000 plastic bag holders which will be distributed as part of the City's "Corral the Grease" public education program to encourage residents to separate and properly dispose of used cooking grease as a solid waste rather than pouring it in the drains. These bags will be imprinted with the "Corral the Grease" four-color logo and are capable of storing hot cooking grease for eventual proper disposal.

Buyer: Roy Breaux

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Charles P. E.
111302

Other Authorization:

65 CDW 2805 NOK
11/21/07

ang

040

Norman, Gary - PWE

From: Norman, Gary - PWE
Sent: Wednesday, November 28, 2007 8:51 AM
To: Stein, Marty - MYR
Cc: Crinejo, Marta - MYR; Hernandez, Benjamin - CNL
Subject: Agenda Item #23 - Purchase of fat trapper containers and bags from Range Kleen Mfg. Inc.

During Monday's Agenda Briefing Session as the above-listed agenda item was being discussed, Ben Hernandez asked what our future plans are for marketing the Corral the Grease program. Additional marketing activities include:

- Presentations to Super Neighborhood groups.
- Working with Comcast Cable Company to run Public Service Announcements.
- Additional marketing of the Corral the Grease website at CorraltheGrease.org.
- Holding a contest among all schools within the city of Houston to name the Corral the Grease mascot. The winning class will receive a pizza party, free bus transportation to the PWE sponsored Waterfest water conservation fair and a \$50 gift certificate for the teacher of the winning class.

Gary Norman

80

DEC 05 2007

MOTION NO. 2007

MOTION by Council Member Khan that the recommendation of the Director of General Services Department, that City Council declare the following properties surplus, be adopted, and that City Council declares the following properties surplus to the City's needs:

| <u>Parcel No.</u> | <u>Address</u> | <u>Description</u> |
|-------------------|------------------------------|-------------------------------|
| SY7-100 | 8600 Block of West Airport | Former Water Facility |
| SY7-101 | 9002 Stella Link | Former Water Facility |
| SY7-102 | 12500 Block of Frazier River | Former Water Facility |
| SY7-103 | 11451 New Brook Drive | Former Water Facility |
| SY7-122 | 1400 Block of Hussion (east) | Former Water Facility |
| SY7-123 | 1400 Block of Hussion (west) | Former Water Facility |
| SY7-124 | 1400 Block of Milby | Former Water Facility |
| SY7-125 | 1400 Block of Miller | Former Water Facility |
| SY7-142 | Edwards Drive | Former Wastewater Facility |
| SY8-018 | 6331 Micollet | Former Water Facility |
| SY7-131 | 7800 Block of Tidwell Road | Unused Remaining Right of Way |
| SY8-016 | 5000 Block of Hirsch | Unused Remaining Right of Way |
| SY8-017 | 5000 Block of Hirsch | Unused Remaining Right of Way |
| SY6-020 | Old Galveston Road/Beltway 8 | Former Public Utility Site |
| SY7-017 | 803 Ennis | Former Maintenance Facility |

Seconded by Council Member Alvarado

Council Members Edwards and Berry absent

On 11/28/07 the above motion was tagged by Council Member Wiseman.

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|----|-------------|-----------------------------|
| 80 | Page 1 of 1 | Agenda Item 1040 |
|----|-------------|-----------------------------|

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| SUBJECT: Declare City of Houston properties surplus | | |
| FROM (Department or other point of origin): General Services Department | Origination Date 11-9-07 | Agenda Date DEC 05 2007 NOV 14 2007 |
| DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. <i>[Signature]</i> 11/7/07 | Council Districts affected: B, C, E, F, H and I NOV 20 2007 | |
| For additional information contact: Jacquelyn L. Nisby 713 -247-1814 | Date and identification of prior authorizing council action: | |

RECOMMENDATION: Declare the properties described in Exhibit "A" surplus to the City's needs.

Amount and Source Of Funding: N/A

F&A Budget:

SPECIFIC EXPLANATION: The owning departments have declared the parcels of land described in Exhibit "A" surplus to their needs and available for sale. All City departments with land needs have been canvassed and it has been determined that the properties are not needed for City purposes.

Therefore, the General Services Department recommends that City Council declare the properties described in Exhibit "A", surplus to the City's needs.

IZD:BC:JLN:JES:ddc

xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby and Andrew F. Icken

FOR BACK UP see Item 10 ON 11-14-07

REQUIRED AUTHORIZATION

CUIC ID# 25 JES 10

| | | |
|---|--|--|
| General Services Department: <i>[Signature]</i> Forest R. Christy, Jr., Director Real Estate Division | | Department of Public Works & Engineering: <i>[Signature]</i> Michael S. Marcotte, P.E., DEE Director |
|---|--|--|

FD
NOV 14 2007

EXHIBIT A

Surplus Property Available For Disposition

Deleted

| Item No. | Fund | Dpt. | Address | Parcel No. | Description | Land Size (SF) | Canvassed | Key Map | Council District | HCAD No. |
|--------------|----------------|---------------------|--------------------------------------|--------------------|----------------------------------|------------------------|-------------------|-----------------|------------------|--|
| 1 | Ent | PW&E | 6000 Block of Yale Street | SY7-098 | Former Water Facility | 2,066 acres | 8/8/07 | 452D | H | 0222460000210 |
| 2 | Ent | PW&E | 8600 Block of West Airport | SY7-100 | Former Water Facility | 31,341 sq. ft. | 8/8/07 | 570C | C | 0430620000059 |
| 3 | Ent | PW&E | 9002 Stella Link | SY7-101 | Former Water Facility | 61,354 sq. ft. | 8/8/07 | 532N | C | 0841600000011 |
| 4 | Ent | PW&E | 12500 Block of Frazier River | SY7-102 | Former Water Facility | 91,900 sq. ft. | 8/8/07 | 415E | B | 0420970000038 |
| 5 | Ent | PW&E | 11451 New Brook Drive | SY7-103 | Former Water Facility | 39,659 sq. ft. | 8/8/07 | 529P | F | 0462200000087 |
| 6 | Ent | PW&E | 1400 Block of Hussion (east) | SY7-122 | Former Water Facility | 5,000 sq. ft. | 8/8/07 | 494S | I | 0563100010011 |
| 7 | Ent | PW&E | 1400 Block of Hussion (west) | SY7-123 | Former Water Facility | 8,355 sq. ft. | 8/8/07 | 494S | I | 0352190000048 |
| 8 | Ent | PW&E | 1400 Block of Milby | SY7-124 | Former Water Facility | 6,080 sq. ft. | 8/8/07 | 494S | I | 0352180000008 |
| 9 | Ent | PW&E | 1400 Block of Miller | SY7-125 | Former Water Facility | 5,347 sq. ft. | 8/8/07 | 494S | I | 0261090010001 |
| 10 | Ent | PW&E | Edwards Drive | SY7-142 | Former Wastewater Facility | 10,800 sq. ft. | 8/8/07 | 375S | B | 0731850000374 |
| 11 | Ent | PW&E | 6331 Micollet | SY8-018 | Former Water Facility | 24,289 sq. ft. | 8/8/07 | 414N | B | 0913930000020 |
| 12 | Gen | PW&E | 7800 Block of Tidwell Road | SY7-131 | Unused Remaining Right of Way | 32,823 | 8/8/07 | 455B | B | 0761180310481 0761180310482 0761180310483 0761180310484 |
| 13 | Gen | PW&E | 5000 Block of Hirsch | SY8-016 | Unused Remaining Right of Way | 31,238 | 8/8/07 | 454T | B | 0661080050173 0661080050174 0661080050175 |
| 14 | Gen | PW&E | 5000 Block of Hirsch | SY8-017 | Unused Remaining Right of Way | 13,647 sq. ft. | 8/8/07 | 454T | B | 0661080120195 |
| 15 | Ent | PW&E | Old Galveston Road/ Beltway 8 | SY6-020 | Former Public Utility Site | 151 Acres | 9/21/05 | 576Q | E | 0612120000007 0151210190017 |
| 16 | Gen | GSD | 803 Ennis | SY7-017 | Former Maintenance Facility | 49,009 sq. ft. | 8/1/06 | 494N | H | 0022410000001 |