

AGENDA - COUNCIL MEETING - TUESDAY - MAY 1, 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 - MAY 2, 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. Pursuant to Section 370.002 of the Texas Local Government Code, City Council will conduct a public hearing regarding the Juvenile Curfew Ordinance (Ch. 28, Art. V, City of Houston Code of Ordinances) to determine whether the Curfew Ordinance should be continued. Copies of the Curfew Ordinance and data provided by the Houston Police Department are available for inspection in the Office of the City Secretary. To reserve time to appear and testify call the Office of the City Secretary (713) 247-1840 prior to the commencement of the public hearing. Alternatively, written comments may be submitted to the Office of the City Secretary.
 - a. ORDINANCE modifying and continuing the City's Juvenile Curfew Ordinance; containing findings and other provisions relating to the foregoing subject; providing for severability
2. **PUBLIC HEARING** on proposed amendments to Chapter 42, Code of Ordinances, Houston, Texas, relating to Section 42-40 basic subdivision plat submittal requirements
 - a. ORDINANCE **AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Solid Waste Collection

MAYOR'S REPORT - TIRZ Issues

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 and a Quarterly Investment Report by the City Controller

CONSENT AGENDA NUMBERS 3 through 40

MISCELLANEOUS - NUMBERS 3 and 4

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON CLEAN CITY COMMISSION**:

- Position 1 - **MS. PENNY BUTLER**, reappointment, for a term to expire 2/1/2009
- Position 3 - **MR. DONALD L. POARCH**, reappointment, for a term to expire 2/1/2009
- Position 5 - **MR. W. J. BOWEN**, reappointment, for a term to expire 2/1/2009
- Position 7 - **MS. ADRIANA TAMEZ**, reappointment, for a term to expire 2/1/2009
- Position 9 - **MS. MARIE D. ARCOS**, appointment, for a term to expire 2/1/2009
- Position 11 - **MS. TANAZ CHOUDHURY**, reappointment, for a term to expire 2/1/2009
- Position 13 - **MS. CHARLOTTE ANN HAYNES**, reappointment, for a term to expire 2/1/2009
- Position 15 - **MR. ROBERT A. RIDGE**, reappointment, for a term to expire 2/1/2009
- Position 17 - **MS. CARLA LENA' WYATT**, reappointment, for a term to expire 2/1/2009
- Position 21 - **MR. MICHAEL E. LAVENGCO**, reappointment, for a term to expire 2/1/2009
- Position 25 - **MR. KEIJI ASAKURA**, reappointment, for a term to expire 2/1/2009
- Position 27 - **MS. KATHERINE BUI**, reappointment, for a term to expire 2/1/2009
- Position 28 - **MR. PATRICK CASTILLO**, appointment, for an unexpired term ending 2/1/2008
- Position 29 - **MR. JOSÉ GRIÑÁN**, reappointment, for a term to expire 2/1/2009
- Position 31 - **MS. SUSAN J. CITA**, reappointment, for a term to expire 2/1/2009
- Position 33 - **MR. DARRYL KING**, reappointment, for a term to expire 2/1/2009
- Position 35 - **MR. DARRYL LAMBERT**, appointment, for a term to expire 2/1/2009
- Position 37 - **MR. MICHAEL HATLEY**, reappointment, for a term to expire 2/1/2009
- District A - **MS. JANICE GABRIEL**, reappointment, for a term to expire 2/1/2008
- District B - **MS. THERESA CARMOUCHE-LEDE**, appointment, for a term to expire 2/1/2008
- District C - **MS. JANICE S. ROSE**, reappointment, for a term to expire 2/1/2008
- District D - **MS. BESSIE M. SWINDLE**, reappointment, for a term to expire 2/1/2008
- District E - **MR. PAUL KEVIN DIX**, reappointment, for a term to expire 2/1/2008
- District F - **MS. L'TISHA M. MICHAELS**, appointment, for a term to expire 2/1/2008
- District G - **MR. HARRY J. PHILLIPS, JR.**, reappointment, for a term to expire 2/1/2008
- District H - **MR. JOSE A. MEDRANO**, reappointment, for a term to expire 2/1/2008
- District I - **MR. RAMIRO FONSECA**, reappointment, for a term to expire 2/1/2008

4. REQUEST from Mayor for confirmation of the reappointment of the following to the **MILLER THEATER ADVISORY BOARD**, for terms to expire April 24, 2011:

- Position 2 - **MR. GREG SCOTT MARSHALL**, representing Rice University
- Position 3 - **MR. JASON OBY**, representing Texas Southern University
- Position 14 - **MS. ANTOINETTE M. "TONI" JACKSON**
- Position 15 - **MS. TERRYLIN G. NEALE**
- Position 17 - **MS. BARBARA J. SNYDER**
- Position 19 - **MR. FRANK E. HOOD, JR.**
- Position 21 - **MR. RODNEY E. NATHAN**

AGENDA - MAY 2, 2007 - PAGE 3

DAMAGES - NUMBER 5

5. RECOMMENDATION from City Attorney for settlement of lawsuit styled **SOUTHWESTERN BELL TELEPHONE, L.P.** vs. City of Houston; in the Civil District Court 270th Judicial District of Harris County, Texas, Cause No. 2005-45703 - \$100,000.00 - Property and Casualty Fund

PROPERTY - NUMBERS 6 through 10

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kenneth W. Powell, President, Creative Care Corporation, for sale of ±5,720-square-foot of excess fee-owned property within the Kempwood Water Well site, adjacent to 9601 Kempwood Drive, in exchange for conveyance to the City of a sanitary control easement over the entire area being sold, out of the A. T. Miles Survey, A-556, Parcels SY7-056 and QY7-004 - **STAFF APPRAISERS - DISTRICT A - LAWRENCE**
7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Rick Sitts, West Belt Surveying, Inc., on behalf of LG Law Limited Partnership, a Texas Limited Partnership [Gables Realty GP, LLC, a Texas Limited Liability Company (Ben Pisklak, Regional Vice President), General Partner], for abandonment and sale of a 10-foot-wide storm sewer easement from Post Oak Place Drive south, ±290 feet to its terminus, located within Unrestricted Reserve "A", Forty-Six Hundred Fifteen Post Oak Place Subdivision, out of the William White Survey, A-836, Parcel SY7-029 - **APPRAISERS DISTRICT G - HOLM**
8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Debi Bates-Tribble of Tetra Surveys, on behalf of M. D. Holdings, LLC (Marc Diamond, President), for abandonment and sale of a prescriptive sanitary sewer easement located in Lot 5, Block 12, Weston Subdivision, out of the Obedience Smith Survey, Parcel SY7-071 - **STAFF APPRAISERS - DISTRICT D - EDWARDS**
9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Barry Hunsworth, Gene Carroll & Assoc., L.P., on behalf of Highland Village Limited Partnership (Village Holding, Inc. (Haidar Barbouti, President), General Partner], for abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61, Parcels SY7-072 and DY7-036 **STAFF APPRAISERS - DISTRICT G - HOLM**
10. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY6-043, located at 7811 Long Point, owned by Banco Popular NA, Texas, for the **LONG POINT AT WIRT INTERSECTION IMPROVEMENTS PROJECT from Pine Chase to Johanna), N-000674-0001-2-01-10 - DISTRICT A - LAWRENCE**

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 and 12

11. **AAR, INCORPORATED** for Asbestos Abatement, Demolition and Site Clean-up Services for Police Department - \$81,500.00 and contingencies for a total amount not to exceed \$85,575.00 Dangerous Building Consolidated Fund - **DISTRICTS B - JOHNSON; D - EDWARDS; H - GARCIA and I - ALVARADO**
12. **WAUKESHA-PEARCE INDUSTRIES, INC** for Generator through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Police Department \$193,096.65 - Grant Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 13 through 40

13. RESOLUTION in support of proposed amendment to the "State of Texas Partial Action Plan for Disaster Recovery to use Community Development Block Grant (CDBG) Funding to assist with the recovery of distressed areas related to the consequences of Hurricanes Katrina, Rita and Wilma in the Gulf of Mexico in 2005"
14. ORDINANCE **AMENDING ARTICLE VI OF CHAPTER 21 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a new Division 3 relating to concrete crushing sites; establishing a schedule of fees for permits issued in connection therewith
15. ORDINANCE **AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Solid Waste Collection in the City; repealing Ordinance No. 85-842 relating to Solid Waste Sponsorship Agreements; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability
16. ORDINANCE making a general appropriation of certain revenues of the City in support of annual budgets for Fiscal Year 2007; authorizing transfers in support of the annual budgets of the City for Fiscal Year 2007
 - a. ORDINANCE declaring the intention of the City to Reimburse Dangerous Building Demolition Project Expenditures from future proceeds of Certificates of Obligation, appropriating \$3,500,000 from the General Fund Fund Balance for the purpose of making a cash advance to the Dangerous Building Demolition Fund, appropriating \$3,500,000 from the Dangerous Building Demolition Fund/Dangerous Building Consolidated Fund for the cost of demolition of dangerous buildings
17. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds in one or more series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain Combined Utility System Commercial Paper Notes; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for certain Escrowed Securities; authorizing Bond Insurance, a Reserve Fund Surety Policy, Escrow Verification and Engagement of an Escrow Agent, a Co-Bond Counsel Agreement, Special Disclosure Co-Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency
18. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds in one or more series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the refunding, final payment, and discharge of the City's obligations under an amended and restated Treated Water Supply Contract to pay debt service requirements on outstanding bonds of the Houston Area Water Corporation; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for certain Escrowed Securities; authorizing Bond Insurance, a Reserve Fund Surety Policy, Escrow Verification and Engagement of an Escrow Agent, a Bond Counsel Agreement, Special Disclosure Co-Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency

RESOLUTIONS AND ORDINANCES - continued

19. ORDINANCE amending a Chart in City of Houston, Texas, Ordinance No. 2007-225 relating to effective dates of the Newsrack Ordinance
20. ORDINANCE determining the population of the City and the population of each of the Council Districts and determining that the existing City Council Districts are not materially unbalanced
 - a. ORDINANCE establishing the boundaries of single member districts from which District Council Members are elected; containing findings and other provisions related to the foregoing subject; containing a severability provision
21. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of the Lawn Street Cul-de-sac right of way and a 10-foot-wide water main easement containing an aggregate of 31,360 square feet of land, more or less, Parcels SY6-079A and SY6-079B, both parcels being out of Lincoln Park Apartments, recorded in Volume 166, Page 92, Harris County Map Records, and situated in the H.&T.C.R.R. Co. Survey, Section 10, Block 1, A-1068; vacating and abandoning said parcels of land to the Houston Housing Authority, the abutting owner, in consideration of owner's payment of \$26,500.00 and other consideration to the City - **DISTRICT B - JOHNSON**
22. ORDINANCE appropriating \$465,125.00 out of Tax Increment Fund for Reinvestment One Number Ten, City of Houston, Texas (Lake Houston Zone) for Administrative Expenses and payment of project costs as provided herein - **DISTRICT E - WISEMAN**
23. ORDINANCE approving and authorizing lease agreement (Parking) between the City of Houston, Texas, as landlord (the "City"), and **HOUSTON ASSOCIATION OF REALTORS, INC** ("Tenant") for approximately 3,600 net rentable square feet of parking space located beneath the Edloe Street overpass at the SW Freeway, Houston, Harris County, Texas 77027, for five (5) years at a monthly rental of \$250.00 - **DISTRICT C - CLUTTERBUCK**
24. ORDINANCE approving and authorizing Lease Agreement between **BRAYS OAKS TOWERS, LTD.**, a Texas Limited Partnership, as landlord ("Landlord"), and the City of Houston, Texas, as tenant (the "City"), for approximately 10,409 square feet of net rentable office space at 10103 Fondren, Suite 100, Houston, Harris County, Texas 77096, for use by the Houston Public Library Department - **DISTRICT C - CLUTTERBUCK**
25. ORDINANCE approving and authorizing first amendment to Lease Agreement between **CA NEW PLAN ASSET PARTNERSHIP IV, L.P.**, a Delaware Limited Partnership, as landlord ("Landlord"), and the City of Houston, Texas, as tenant (the "City"), for approximately 11,900 square feet of net rentable office space at 5198 Aldine Mail Route, Houston, Harris County, Texas 77039, for use by the Department of Health & Human Services WIC Program
26. ORDINANCE approving and authorizing contract between the City of Houston and **BAYLOR COLLEGE OF MEDICINE** for Professional Staffing Services for the Houston Fire Department Base Station (Telemetry Operations); providing a maximum contract amount - 5 Years \$15,026,464.00 - General Fund
27. ORDINANCE awarding contract to **INDUSTRIAL TX CORP.** for Maintenance and Repair of Sludge Dewatering and Drying Equipment Services for the Public Works & Engineering Department; providing a maximum contract amount - 1 Year with two one-year options \$5,962,915.00 - Enterprise Fund

RESOLUTIONS AND ORDINANCES - continued

28. ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing Professional Materials Engineering Laboratory Contract between the City of Houston **DAE AND ASSOCIATES, LTD., D/B/A GEOTECH ENGINEERING AND TESTING**, for Miscellaneous Projects with the Houston Airport System (Project No. 615E; WBS A-000138-0014-4-01) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**
29. ORDINANCE appropriating \$1,370,454.00 out of Airports Improvement Fund, WBS A-000486-0008-4-01, \$3,426,134.00 from Federal Aviation Administration Grant Funds, WBS A-000486-0008-4-02; awarding construction contract to **VANDERLANDE INDUSTRIES, INC** for Terminal A Explosive Detection System Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston (IAH), (Project No. 612G); setting a deadline for Vanderlande Industries, Inc's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City holding Vanderlande Industries, Inc in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of the facilities financed by such fund - **DISTRICT B - JOHNSON**
30. ORDINANCE appropriating \$139,782.00 out of Airports Improvement Fund, WBS A-000486-0009-4-01, \$349,454.00 from Federal Aviation Administration Grant Funds, WBS A-000486-0009-4-02; awarding construction contract to **VANDERLANDE INDUSTRIES, INC** for Terminal D Explosive Detection System Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston (IAH), (Project No. 612H); setting a deadline for Vanderlande Industries, Inc's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding Vanderlande Industries, Inc in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of the facilities financed by such fund - **DISTRICT B - JOHNSON**
31. ORDINANCE appropriating \$141,138.19 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **PMI SCOTT, LP** for Construction of Sanitary Sewer Lines along Scott Street, WBS R-000802-0049-4 - **DISTRICT D - EDWARDS**
32. ORDINANCE appropriating \$100,000.00 out of General Improvements Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract for Work Order Contract between the City of Houston and **ARCHI*TECHNICS/3, INC** for All Departments, WBS D-000115-0004-3; providing a maximum contract amount
33. ORDINANCE appropriating \$608,200.00 out of Drainage Improvements Commercial Paper Series F, Fund No. 4030 as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for Design of Drainage Improvement at Grade Separations (approved by Ordinance No. 03-0591), WBS M-000241-0002-3; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F, Fund No. 4030 - **DISTRICTS D - EDWARDS; H - GARCIA and I - ALVARADO**
34. ORDINANCE appropriating \$690,800.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **NATHELYNE A. KENNEDY & ASSOCIATES** for Design of the Reconstruction of Buffalo Speedway from North Braeswood Blvd. to Holcombe Blvd., WBS N-000847-0001-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK**

RESOLUTIONS AND ORDINANCES - continued

35. ORDINANCE appropriating \$1,739,110.00 out of Water & Sewer System Consolidated Construction Fund as additional funding for an Engineering Services Agreement between the City of Houston and **CORRPRO COMPANIES, INC** for the Corrosion Prevention and Rehabilitation Program for Water and Wastewater Mains, WBS S-000037-0002-3
36. ORDINANCE appropriating \$385,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **MALCOLM PIRNIE, INC** for Design of Rehabilitation of Ground Storage Tanks at Plant 3, Improvements to Chemical Storage and Improvements to plant entrances at East Water Purification Plant, WBS S-000056-0045-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT E - WISEMAN**
37. ORDINANCE appropriating \$333,000.00 out of Street & Bridge Consolidated Construction Fund, awarding construction contract to **REPUBLIC ELECTRIC** for LED Retrofit Traffic Signal Upgrades in Downtown, Midtown, Texas Medical Center and 21 various locations, WBS N-000650-0024-4; 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 contingencies and project management relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICTS D - EDWARDS; E - WISEMAN; F - KHAN; G - HOLM; H - GARCIA and I - ALVARADO**
38. ORDINANCE appropriating \$3,800,773.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS R-000266-00G2-4; 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, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
39. ORDINANCE appropriating \$1,735,374.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for Wastewater Collection System Rehabilitation and Renewal, WBS R-000266-00G4-4; 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, project management, and contingencies relating to construction of facilities financed out of the Water & Sewer System Consolidated Construction Fund
40. ORDINANCE No. 2007-489, passed second reading April 25, 2007
ORDINANCE granting to **CENTERPOINT ENERGY RESOURCES CORPORATION, DBA CENTERPOINT ENERGY TEXAS GAS OPERATIONS**, the right, privilege and franchise to construct, install, retire, operate, and maintain its facilities within the public rights-of-way of the City of Houston, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; containing a repealer; providing for severability and providing an effective date - **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 41 through 45

NOTE: Item 41 is presented for the first time and is taggable.

41. MOTION to amend Item 41B as follows:

1. By amending Subsection (b) of Section 47-416 in **Section 9** of the proposed Ordinance to read as follows:
(b) The city official is authorized to issue citations charging the violation of any of the provisions of this article."
2. By amending Subsection (e) of Section 47-512 in **Section 35** of the proposed Ordinance to read as follows:
(e) The health officer shall waive compliance with the requirements of subsection (b) of this section if the generator submits to the health officer a completed "Notice of Waiver (NOW)" form as provided by the health officer, which may be in an electronic format, unless the NOW is denied within 30 days of receipt by the health officer. If the health officer denies the notice of waiver of the requirements of subsection (b) of this section, the NOW shall be returned to the generator and the health officer shall state the reasons for the denial, which shall be consistent with this article. An approved NOW shall remain in effect until revoked by the health officer. Revocation of the NOW must be based on violation of this article. A generator may not resubmit a NOW form until six months from the date of revocation. The NOW form shall recite the elements of this subsection (e) and will include the following certifications:
 - (1) The generator section of the form shall require the generator to certify that it has not had any overflow or discharge at the site during the previous 12-month period; and
 - (2) The generator's transporter section of the form shall require the transporter to certify that, based on the transporter's judgment, at the generator's site, the frequency of cleaning is sufficient to:
 - a. Produce an effluent in consistent compliance with the discharge parameters in this article, or
 - b. Demonstrate that less than 25% of the wetted height of the entire grease trap or interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases. "

a. WRITTEN Motion by Council Member Wiseman to amend Item 41B below:

I would like to make a motion to Amend Item 15 to read:

AMENDMENT TO ORDINANCE NO. 47-512

1. Purpose and Intent

Section 47-512 of the City of Houston Code of Ordinances would require generators to change their operations while waiting for the approval of an exemption. Section 47-512 currently does not define the period in which a health officer is required to grant or deny an exemption. It does not outline a method for a generator or the city to demonstrate the requirements of section 47-512(4)(a) and (b). Section 47-512 subjects generators to the costly and burdensome expenses of unneeded grease trap evacuations and demonstrating the requirements of section 47-512(4)(a) and (b). In the interest of fairness, generators who, in good faith, are meeting the requirements for an exemption should not have to pay for an increased frequency in evacuating their grease traps while waiting for a health officer's approval of their exemption.

2. Amendment

1. The health department shall make available applications for exemption under section 47-512(e) via a website or world wide web-based form.
2. A generator, who has filed an exemption in good faith, as set forth in section 47-512(e), shall be exempted from the requirement of section 47-512(c), unless a health officer denies such exemption based on the criteria set forth in section 47-512(e). In any event, a generator shall evacuate a grease trap or holding tank a least once every 180 days, as forth under section 47-512(f)

TAGGED BY COUNCIL MEMBERS KHAN, WISEMAN, ALVARADO, LOVELL and GARCIA

MATTERS HELD – continued

Item 41 - continued

- b. **ORDINANCE AMENDING CHAPTERS 47 AND 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to transportation and treatment of certain wastes; establishing a schedule of fees for permits issued in connection therewith; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability
TAGGED BY COUNCIL MEMBERS KHAN, LOVELL and JOHNSON
This was Item 15 on Agenda of April 25, 2007
42. **ORDINANCE** adopting guidelines and criteria, making certain elections regarding eligibility, and **AMENDING ARTICLE IV OF CHAPTER 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS** relating to Tax Abatements - **TAGGED BY COUNCIL MEMBERS GARCIA, HOLM, JOHNSON, CLUTTERBUCK, KHAN, GREEN and WISEMAN**
This was Item 17 on Agenda of April 25, 2007
43. **ORDINANCE** relating to Health Benefits for Employees of City Contractors and Responsibility of bidders on certain City contracts - **TAGGED BY COUNCIL MEMBERS HOLM, JOHNSON, WISEMAN, GARCIA and BROWN**
This was Item 18 on Agenda of April 25, 2007
44. **ORDINANCE** approving and authorizing an amendment to the City of Houston's Citizen Participation Plan - **TAGGED BY COUNCIL MEMBER WISEMAN**
This was Item 30 on Agenda of April 25, 2007
45. **ORDINANCE** appropriating \$85,743.39 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **KB HOME LONE STAR, LP** for Construction of Water & Sanitary Sewer Lines to serve Section Six of the Sky View Park Subdivision, WBS S-000802-0048-4 & R-000802-0048-4
DISTRICT D - EDWARDS - **TAGGED BY COUNCIL MEMBER BROWN**
This was Item 34 on Agenda of April 25, 2007

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Lovell 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, MAY 1, 2007 at 1:30 p.m. and WEDNESDAY, MAY 2, 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 27th day of APRIL, 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 APRIL 27, 2007 at : p.m.

by _____

for Anna Russell
City Secretary

**CITY COUNCIL CHAMBER – CITY HALL 2nd FLOOR – TUESDAY
MAY 1, 2007 2:00 P.M.**

AGENDA

3MIN.

3MIN.

3MIN.

NON-AGENDA

3MIN.

3MIN.

3MIN.

MS. MELANIE WOLFRAN – 1331 Neeley – 77055 – 713-465-7303 – Property at 1460 Rosalie

MR. NAVID REZANEJAD – 12338 Barry Knoll Ln. – 77024 – 832-755-7469 – Property Tax fraud

MR. ROBERT ROBERTSON – Post Office Box 7020 – 77248 – 7020 – Bring back Police Pal

MR. MARK HOGUE – 9307 Meadow Glen – 77063 -832-277-6000 – Trash Police harrassment

MR. RALPH YOUNG – 5402 Goldspere – 77091 -713-683-1717 – City Contractor damaged property

MR. JOSEPH BALLARD – 6302 Rocky Nook – Humble – TX – 77336 – 281-850-0388 – Community

MR. WEST TIPTON – 4314 Faegan – 77007 – 281-932-8951 – Placement of unnessary utility poles on his street

MR. CHRIS PASSMORE – 2425 Sage, No. 11 – 77056 – 832-443-4024 – Recycling

MR. ANDRES ORTIZ – 6909 Bonham – 77020 – 713-672-2931 – Underman under represented manpower of
B. A. R. K.

PREVIOUS

1MIN.

1MIN.

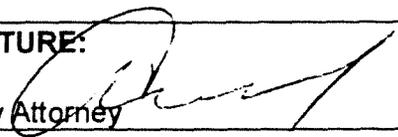
1 MIN.

MR. TRENT WINTERS – 7967 W. Airport – 77071 – 832-882-7761 - Immigration

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 - 832-453-6376 –144.375M – City
Hall – Stolen w/FEMA w/HACH – USHUD w/Bush Jr. – Release – Me

MS. SUE KINNEY – 17435 Imperial Valley – 77060 – 281-405-8394 – Money, Apartment and all problems
I have all names in 9/11

REQUEST FOR COUNCIL ACTION

SUBJECT: Public hearings regarding whether to continue the Juvenile Curfew Ordinance	Category	Page	Agenda Item #
FROM (Department or other point of origin): Legal Department	Origination Date: April 20, 2007	Agenda Date: MAY 02 2007	
DIRECTOR'S SIGNATURE:  Arturo G. Michel, City Attorney	Council District affected: ALL		
For additional information contact: Kuruvilla Oommen 713-247-2736	Date and identification of prior authorizing Council action: Ord. 2004-384 May 4, 2004		

RECOMMENDATION:

Conduct public hearings to determine whether to continue juvenile curfew ordinance

Amount and source of funding: N/A

F&A Budget:

EXPLANATION:

State law requires cities that have adopted juvenile curfew ordinances to conduct hearings and determine whether to continue or modify curfew restrictions every three years. City Council last acted to continue the current juvenile curfew ordinance in May 2004. Thus, the City's current ordinance must be continued prior to May 11, 2007, or the current ordinance will expire. In accordance with state law, two public hearings before City Council will be held on April 25, 2007 and May 2, 2007. The proposed ordinance will be presented for Council consideration on May 2, 2007.

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization:
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1418

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending Chapter 28 of Code of Ordinances, Houston, Texas related Juvenile Curfew Ordinance		Category	Page	Agenda Item # <i>1A</i>
FROM (Department or other point of origin): Houston Police Department		Origination Date: April 26, 2007	Agenda Date: MAY 02 2007	
<i>MS</i> DIRECTOR'S SIGNATURE:  Arturo G. Michel, City Attorney	Council District affected: ALL			
	For additional information contact: Assistant City Attorney Kuruvilla Oommen (713-247-2736) <i>710</i> Executive Assistant Chief M. W. Thaler (713-308-1577)		Date and identification of prior authorizing Council action: Ord. 2004-384 May 4, 2004	
RECOMMENDATION: Adopt ordinance amending the Code of Ordinances to modify the juvenile curfew ordinance				
Amount and source of funding: N/A			F&A Budget:	
EXPLANATION: <p>State law requires cities that have adopted juvenile curfew ordinances to conduct hearings and determine whether to continue or modify curfew restrictions every three years. Council last acted to continue the current juvenile curfew ordinance in May 2004. Thus, the City's current juvenile curfew ordinance must be continued before May 11, 2007, or it will expire.</p> <p>The Houston Police Department recommends that City Council continue the current ordinance, with a few revisions. State law requires that two public hearings be held before City Council. The first was held on April 25th, and the second is scheduled for May 2nd.</p> <p>The proposed ordinance amendments would make juveniles under the age of 17 (16 and under) subject to curfew restrictions. The current provision is for juveniles under the age of 18.</p> <p>New curfew hours would be established as follows:</p> <ul style="list-style-type: none"> • Weekdays: Sunday through Thursday, from 11 p.m. until 6 a.m. the following day • Weekends: Saturday and Sunday, from 12 a.m. until 6 a.m. • School Hours: Monday through Friday, from 9 a.m. to 2:30 p.m., excluding school holidays and summer vacation periods. <p>Proposed revisions would also extend curfew restrictions to restaurants, theaters, game rooms and shopping centers.</p> <p>All existing exceptions to juvenile curfew restrictions would remain. The proposed ordinance would allow the later curfew (12 a.m.) on days before a school holiday and would provide a defense for minors attending or traveling to or from certain recreational activities.</p>				
REQUIRED AUTHORIZATION				
F&A Director:		Other Authorization:		Other Authorization:

IA
MAY 02 2007

ARTICLE V. JUVENILE CURFEW

Sec. 28-171. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Curfew hours means the period between the hours of 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 6:00 a.m. of the following day, between the hours of 12:00 a.m. (midnight) and 6:00 a.m. on any Saturday or Sunday, or between the hours of 9:00 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday.

Emergency shall means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include but not be limited to a fire, natural disaster, vehicular accident, or a serious medical condition of sudden onset.

Guardian shall means the person who, under a court order, is the guardian of the person of a minor or the public or private agency with whom a minor has been placed by a court.

Minor shall means any person under ~~18~~ 17 years of age.

Parent shall means the natural mother or father or adoptive mother or father of a minor.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartments, ~~houses~~, office buildings, transport facilities, and restaurants, theaters, game rooms, shops and shopping centers.

Sec. 28-172. Offenses.

(a) It shall be unlawful for any minor to knowingly remain, walk, run, stand, drive or ride about, in or upon any public place in the city during curfew hours ~~between the hours of 12:00 at night (midnight) and 6:00 a.m. on any day of the week or between the hours of 9:00 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday.~~

(b) It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed in section 28-172(a) of this Code.

(c) Violations of this section shall be punishable as provided in section 1-6 of this Code.

Sec. 28-173. Defenses.

It is a defense to prosecution under section 28-172 of this Code that:

- (a~~1~~) The minor was accompanied by his or her parent or guardian;
- (b~~2~~) The minor was accompanied by an adult designated by his or her parent or guardian;
- (c~~3~~) The minor was on an errand made necessary by an emergency;
- (d~~4~~) The minor was attending a school, religious, or government-sponsored activity or was traveling to or from a school, religious, or government-sponsored activity;
- (e~~5~~) The minor was engaged in an lawful employment activity or was going directly to or coming directly from lawful employment;
- (f~~6~~) The minor was on the sidewalk directly in front of the place where he or she resides;
- (g~~7~~) The minor was on an errand directed by his or her parent or guardian;
- (h~~8~~) The minor was in a motor vehicle involved in intrastate or interstate transportation;
- (i~~9~~) The minor was engaged in, participating in, or traveling to or from any event, function or activity for which the application of section 28-172 of this Code would contravene his or her rights protected by the Texas or United States Constitutions;
- (j~~10~~) The minor was married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code; or

- (~~k~~11) With respect to the hours between 9:00 a.m. and 2:30 p.m. ~~only, that the offense occurred during the school summer vacation break period of the school in which the minor is enrolled or on a holiday observed by the closure of classes in the school in which the minor is enrolled or that the minor has graduated from high school or received a high school equivalency certificate;~~
- (12) With respect to the hours between 11:00 p.m. and 12:00 a.m. (midnight), the day following the offense is a holiday observed by the closure of classes in the school in which the minor is enrolled; or
- (13) The minor was attending or was traveling to or from a recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor.

Sec. 28-174. Supplemental effect.

The provisions of this article are supplemental and shall be cumulative with all other laws and ordinances applicable in any manner to juveniles.

Sec. 28-175. Enforcement.

Notwithstanding the penal effect of this article the chief of police is encouraged to develop alternative enforcement strategies, which may include but need not be limited to the return of minors to their residences or schools, counseling with minors and their parents or guardians, the issuance of warning citations to minors or their parents or guardians, or the referral of instances that appear to also involve the violation of school attendance laws to those officers who are responsible for the enforcement of those laws. The enforcement strategies shall be promulgated in writing to members of the police department so that this article may be enforced in a uniform manner.

Secs. 28-176--28-200. Reserved.

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

AN ORDINANCE MODIFYING AND CONTINUING THE CITY'S JUVENILE CURFEW ORDINANCE; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City has a Juvenile Curfew Ordinance that is codified as Article V of Chapter 28 of the Code of Ordinances; and

WHEREAS, Section 370.002 of the Texas Local Government Code, which became effective on May 31, 1995, requires that municipalities conduct review hearings at three year intervals with respect to their Juvenile Curfew Ordinances, and the City Council last continued the Juvenile Curfew Ordinance by adopting Ordinance 2004-384 on May 5, 2004, following a review and hearings conducted in 2004; and

WHEREAS, the City Council conducted hearings with respect to the need for modification of the Juvenile Curfew Ordinance on April 25, 2007, and May 2, 2007, and in connection with those hearings has reviewed the Juvenile Curfew Ordinance's effects on the community and on problems the ordinance was intended to remedy; and

WHEREAS, based upon the hearings, the City Council is of the opinion that the Juvenile Curfew Ordinance should be continued with certain modifications; **NOW, THEREFORE**,

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

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

Section 2. That the City's Juvenile Curfew Ordinance, which is codified as Article V of Chapter 28 of the Code of Ordinances, Houston, Texas, and was originally adopted as Ordinance 91-1543, is hereby continued with the modifications adopted in this Ordinance.

Section 3. That Section 28-171 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 28-171. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Curfew hours means the period between the hours of 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 6:00 a.m. of the following day, between the hours of 12:00 a.m. (midnight) and 6:00 a.m. on any Saturday or Sunday, or between the hours of 9:00 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday.

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include but not be limited to a fire, natural disaster, vehicular accident, or a serious medical condition of sudden onset.

Guardian means the person who, under a court order, is the guardian of the person of a minor or the public or private agency with whom a minor has been placed by a court.

Minor means any person under 17 years of age.

Parent means the natural mother or father or adoptive mother or father of a minor.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartments, office buildings, transport facilities, restaurants, theaters, game rooms, shops and shopping centers."

Section 4. That Subsection (a) of Section 28-172 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) It shall be unlawful for any minor to knowingly remain, walk, run, stand, drive or ride about, in or upon any public place in the city during curfew hours."

Section 5. That Section 28-173 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 28-173. Defenses.

It is a defense to prosecution under section 28-172 of this Code that:

- (1) The minor was accompanied by his or her parent or guardian;
- (2) The minor was accompanied by an adult designated by his or her parent or guardian;
- (3) The minor was on an errand made necessary by an emergency;
- (4) The minor was attending a school, religious, or government-sponsored activity or was traveling to or from a school, religious, or government-sponsored activity;
- (5) The minor was engaged in a lawful employment activity or was going directly to or coming directly from lawful employment;
- (6) The minor was on the sidewalk directly in front of the place where he or she resides;
- (7) The minor was on an errand directed by his or her parent or guardian;
- (8) The minor was in a motor vehicle involved in intrastate or interstate transportation;
- (9) The minor was engaged in, participating in, or traveling to or from any event, function or activity for which the application of section 28-172 of this Code would contravene his or her rights protected by the Texas or United States Constitution;
- (10) The minor was married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code;
- (11) With respect to the hours between 9:00 a.m. and 2:30 p.m., the offense occurred during the school summer vacation break period of the school in which the minor is enrolled or on a holiday observed by the closure of classes in the school in which the minor is enrolled or that the minor has graduated from high school or received a high school equivalency certificate;

- (12) With respect to the hours between 11:00 p.m. and 12:00 a.m. (midnight), the day following the offense is a holiday observed by the closure of classes in the school in which the minor is enrolled; or
- (13) The minor was attending or was traveling to or from a recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor.”

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.

KO:asr 04/20/07

Requested by Harold L. Hurtt, Chief of Police

L.D. File No. 062060073001

Guerrilla Tommer
Assistant City Attorney *HT*

2

MAY 02 2007

MOTION NO. 2007 0405

MOTION by Council Member Khan that the recommendation of the Planning and Development Department, to set a hearing date on proposed amendments to Chapter 42, Code of Ordinances, Houston, Texas, relating to Section 42-40 basic subdivision plat submittal requirements, be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, May 2, 2007, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Alvarado and carried.

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

Council Member Lawrence absent on City Business

PASSED AND ADOPTED this 25th day of April, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is May 1, 2007.

City Secretary

2-21

SUBJECT: Ordinance approving amendments to Chapter 42 relating to a solid waste collection plan.		Category #	Page 1 of 1	Agenda Item # <i>2A</i>
FROM (Department or other point of origin): Department of Planning and Development		Origination Date 04-25-07		Agenda Date MAY 02 2007
DIRECTOR'S SIGNATURE: <i>MS Marlene P. Gafrick</i>		Council District affected: All		
For additional information contact: Marlene Gafrick Phone: x7-7760		Date and identification of prior authorizing Council action: 3/24/99, Ord. No. 99-262 12/12/01, Ord. No. 2001-1100		
RECOMMENDATION: (Summary) Approval of an ordinance to amend Chapter 42 relating to Section 42-40 basic subdivision plat submittal requirements				
Amount and Source of Funding: NA			F & A Budget:	
SPECIFIC EXPLANATION: The Solid Waste Task Force made recommendations on an amendment to Chapter 42 requiring a single-family residential plat inside the city to be accompanied by a solid waste collection plan. A note shall be placed on the face of the plat indicating whether the development is eligible for solid waste collection provided by the city. A hearing was held by the Council Committee on Regulation, Development and Neighborhood Protection. The Committee approved the Task Force's Recommendation on this item and has forwarded this amendment to City Council for Consideration. cc: Marty Stein Arturo Michel, City Attorney Deborah McAbee, City Legal Don Cheatham, City Legal Buck Buchanan, Solid Waste Department Director				
REQUIRED AUTHORIZATION				
F & A Director:		Other Authorization:		Other Authorization:

HOUSTON CODE OF ORDINANCES

Chapter 42. Subdivisions, Developments and Platting

[PROPOSED AMENDMENTS - DEFINITIONS; PLATTING REQUIREMENTS]

Sec. 42-1. Definitions

Director of solid waste means the director of the department of solid waste management or his designee.

Solid waste collection plan means a plan that is filed with a single-family subdivision plat application for property located within the city that includes the following provisions to allow (i) the collection of solid waste without hindrance or obstruction of any adjacent public street, (ii) the frequency of solid waste collection as necessary to avoid a health hazard caused by the accumulation of solid waste, (iii) heavy trash removal, and (iv) one or more sites for the placement of trash cans to serve all units within the subdivision without infringing on any required open space or parking areas required by this chapter.

Sec. 42-40. Basic subdivision plat submittal requirements.

(a) An application for the approval of a subdivision plat shall be filed with the department in the form prescribed by the director for the respective class of subdivision plat, and shall:

- (1) Be made on an application form provided by the department;
- (2) Provide all required materials, in the quantity and manner prescribed by the director, on paper, on a computer disc or on electronic media;
- (3) Be accompanied by an affidavit of the owner, or the owner's authorized agent with duty to inquire, regarding all contiguous land under common ownership or control;
- (4) Meet the graphic and legal requirements of sections 42-41 through 42-45 of this Code, as applicable; and
- (5) Be accompanied by the applicable filing fee.

(b) An application for the approval of a subdivision plat that is a replat shall also

be accompanied by a current title report and shall comply with the notice provisions of section 42-49 of this Code, where applicable.

(c) A class III plat shall be first submitted for review as a preliminary plat in accordance with the requirements below.

(d) The application to plat a single-family subdivision inside the city must be accompanied by a solid waste collection plan, as defined in this chapter, which plan shall be subject to the approval of the director of solid waste. The existence of the plan must be noted on the plat or identify the document filed with the plat containing the elements of the plan, as follows: A note shall be placed on the face of the plat indicating whether the development is eligible or ineligible for solid waste collection provided by the city, as applicable, utilizing one of the following forms.

- (1) THE RESIDENTIAL UNITS OR LOTS ENCOMPASSED BY THIS PLAT ARE INELIGIBLE FOR SOLID WASTE COLLECTION SERVICES PROVIDED BY THE CITY AT THE TIME OF THE FILING OF THE PLAT. THE OBLIGATION TO PROVIDE SOLID WASTE COLLECTION SERVICES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF PROPERTY IN THE SUBDIVISION. NOTWITHSTANDING THE FOREGOING, THE CITY RESERVES THE RIGHT TO AMEND THE LEVEL OF SOLID WASTE COLLECTION SERVICES IT PROVIDES; or
- (2) THE RESIDENTIAL UNITS OR LOTS LOCATED IN THIS SUBDIVISION ARE ELIGIBLE FOR SOLID WASTE COLLECTION SERVICES BY THE CITY AT THE TIME OF THE FILING OF THE PLAT . NOTWITHSTANDING THE FOREGOING, THE CITY RESERVES THE RIGHT TO AMEND THE LEVEL OF SOLID WASTE COLLECTION SERVICES IT PROVIDES.

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

AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO SOLID WASTE COLLECTION; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, in 2006, the Mayor's Solid Waste Task Force ("Task Force") was appointed by Mayor Bill White to study various issues relating to the City's Solid Waste Management Department and its services; and

WHEREAS, on April 2, 2007, in a special meeting of the City Council, the Task Force presented its final report and recommendations for changes to the City's solid waste operations; and

WHEREAS, the Task Force recommended that the Code of Ordinances ("Code") be amended to require that the developer be required to include in any future plats submitted for the development of residential properties information on the face of the plat in the form set forth in Appendix B-1 of the Task Force Final Report to the City Council; and

WHEREAS, the City Council adopts such recommendation and desires to amend Chapter 42 of the Code to implement such recommendation; **NOW, THEREFORE,**

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

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

Section 2. That Section 42-1 of the Code of Ordinances, Houston, Texas, is hereby amended by adding, in the appropriate alphabetical order positions, the following terms:

"Director of solid waste means the director of the department of solid waste management or his designee."

"*Solid waste collection plan* means a plan that is filed with a single-family subdivision plat application for property located within the city that includes the following provisions to allow (i) the collection of solid waste without hindrance or obstruction of any adjacent public street, (ii) the frequency of solid waste collection as necessary to avoid a health hazard caused by the accumulation of solid waste, (iii) heavy trash removal, and (iv) one or more sites for the placement of trash cans to serve all units within the subdivision without infringing on any required open space or parking areas required by this chapter."

Section 3. That Section 42-50 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Subsection (d) that reads as follows:

"(d) The application to plat a single-family subdivision inside the city must be accompanied by a solid waste collection plan, as defined in this chapter, which plan shall be subject to the approval of the director of solid waste. The existence of the plan must be noted on the plat or identify the document filed with the plat containing the elements of the plan, as follows: A note shall be placed on the face of the plat indicating whether the development is eligible or ineligible for solid waste collection provided by the city, as applicable, utilizing one of the following forms.

- (1) **THE RESIDENTIAL UNITS OR LOTS ENCOMPASSED BY THIS PLAT ARE INELIGIBLE FOR SOLID WASTE COLLECTION SERVICES PROVIDED BY THE CITY AT THE TIME OF THE FILING OF THE PLAT. THE OBLIGATION TO PROVIDE SOLID WASTE COLLECTION SERVICES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF PROPERTY IN THE SUBDIVISION. NOTWITHSTANDING THE FOREGOING, THE CITY RESERVES THE RIGHT TO AMEND THE LEVEL OF SOLID WASTE COLLECTION SERVICES IT PROVIDES;**
or
- (2) **THE RESIDENTIAL UNITS OR LOTS LOCATED IN THIS SUBDIVISION ARE ELIGIBLE FOR SOLID WASTE COLLECTION SERVICES BY THE CITY AT THE TIME OF THE FILING OF THE PLAT . NOTWITHSTANDING THE FOREGOING, THE CITY RESERVES THE RIGHT TO AMEND THE LEVEL OF SOLID WASTE COLLECTION SERVICES IT PROVIDES."**

Section 4. 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 5. 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. _____

RDC:asw 04/27/2007

Senior Assistant City Attorney

Requested by

L.D. File No. 0420600101005



BILL WHITE
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

3

MAY 02 2007

April 12, 2007

COPY TO EACH MEMBER OF COUNCIL:
CITY COUNCIL: 4-18-07
DATE
COUNCIL MEMBER:

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to sec. 39-30, et. Seq. of the Code of Ordinances, I am nominating the following individuals for appointment or reappointment to the Houston Clean City Commission, subject to Council confirmation:

- Ms. Penny Butler, reappointment to Position One, for a term to expire February 1, 2009;
- Mr. Donald L. Poarch, reappointment to Position Three, for a term to expire February 1, 2009;
- Mr. W. J. Bowen, reappointment to Position Five, for a term to expire February 1, 2009;
- Ms. Adriana Tamez, reappointment to Position Seven, for a term to expire February 1, 2009;
- Ms. Marie D. Arcos, appointment to Position Nine, for a term to expire February 1, 2009;
- Ms. Tanaz Choudhury, reappointment to Position Eleven, for a term to expire February 1, 2009;
- Ms. Charlotte Ann Haynes, reappointment to Position Thirteen, for a term to expire February 1, 2009;
- Mr. Robert A. Ridge, reappointment to Position Fifteen, for a term to expire February 1, 2009;
- Ms. Carla Lena' Wyatt, reappointment to Position Seventeen, for a term to expire February 1, 2009;
- Mr. Michael E. Lavengco, reappointment to Position Twenty-One, for a term to expire February 1, 2009;
- Mr. Keiji Asakura, reappointment to Position Twenty-Five, for a term to expire February 1, 2009;
- Ms. Katherine Bui, reappointment to Position Twenty-Seven, for a term to expire February 1, 2009;
- Mr. Patrick Castillo, appointment to Position Twenty-Eight, for an unexpired term ending February 1, 2008;
- Mr. José Griñán, reappointment to Position Twenty-Nine, for a term to expire February 1, 2009;
- Ms. Susan J. Cita, reappointment to Position Thirty-One for a term to expire February 1, 2009;

Mr. Darryl King, reappointment to Position Thirty-Three, for a term to expire February 1, 2009;
Mr. Darryl Lambert, appointment to Position Thirty-Five, for a term to expire February 1, 2009;
Mr. Michael Hatley, reappointment to Position Thirty-Seven, for a term to expire February 1, 2009;
Ms. Janice Gabriel, reappointment to represent District A, for a term to expire February 1, 2008;
Ms. Theresa Carmouche-LeDe, appointment to represent District B, for a term to expire February 1, 2008;
Ms. Janice S. Rose, reappointment to represent District C, for a term to expire February 1, 2008;
Ms. Bessie M. Swindle, reappointment to represent District D, for a term to expire February 1, 2008;
Mr. Paul Kevin Dix, reappointment to represent District E, for a term to expire February 1, 2008;
Ms. L'Tisha M. Michaels, appointment to represent District F, for a term to expire February 1, 2008;
Mr. Harry J. Phillips, Jr., reappointment to represent District G, for a term to expire February 1, 2008;
Mr. Jose A. Medrano, reappointment to represent District H, for a term to expire February 1, 2008; and
Mr. Ramiro Fonseca, reappointment to represent District I, for a term to expire February 1, 2008.

The résumés are attached for your review.

Sincerely,



Bill White
Mayor

BW:CC:jsk

Attachments

cc: Ms. Robin Blut, Executive Director, w/attachments





BILL WHITE
MAYOR

April 12, 2007

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

4
COPY TO EACH MEMBER OF COUNCIL: MAY 02 2007
CITY SECRETARY: H-18-07
DATE
COUNCIL MEMBER: _____

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to Houston Code of Ordinances, Sections 32-243 through 32-252, I am nominating the following individuals for reappointments to the Miller Theater Advisory Board, subject to Council confirmation:

Mr. Gregory Scott Marshall, reappointment to Position Two, representing Rice University, for a term to expire April 24, 2011;
Mr. Jason Oby, reappointment to Position Three, representing Texas Southern University, for a term to expire April 24, 2011;
Ms. Antoinette M. "Toni" Jackson, reappointment to Position Fourteen, for a term to expire April 24, 2011;
Ms. Terrylin G. Neale, reappointment to Position Fifteen, for a term to expire April 24, 2011;
Ms. Barbara J. Snyder, reappointment to Position Seventeen, for a term to expire April 24, 2011;
Mr. Frank E. Hood, Jr., reappointment to Position Nineteen, for a term to expire April 24, 2011; and
Mr. Rodney E. Nathan, reappointment to Position Twenty-One, for a term to expire April 24, 2011.

Résumés of these nominees are attached for your review.

Sincerely,

Bill White

Bill White
Mayor

BW:CC:jsk

Attachments

cc: Mary Lowery, Executive Director, w/attachments
Frank Hood, Chair, w/attachments



SUBJECT: Request for the sale of ±5,720-square-feet of excess fee-owned property within the Kempwood Water Well site, adjacent to 9601 Kempwood Drive, in exchange for conveyance to the City of a sanitary control easement over the entire area being sold, out of the A. T. Miles Survey, A-556. Parcels SY7-056 and QY7-004	Category # 7	Page <u>1</u> of <u>1</u>	Agenda Item # 6
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 4-26-07	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director	Council District affected: A Key Map 450P 
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For additional information contact: Nancy P. Collins 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 sale of ±5,720-square-feet of excess fee-owned property within the Kempwood Water Well site, adjacent to 9601 Kempwood Drive, in exchange for conveyance to the City of a sanitary control easement over the entire area being sold, out of the A. T. Miles Survey, A-556. **Parcels SY7-056 and QY7-004**

Amount and Source of Funding: Not Applicable	F & A Budget:
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SPECIFIC EXPLANATION:
 Kenneth W. Powell, President, Creative Care Corporation, 1639 Blalock, Houston, Texas, 77080, requested the sale of ± 5,720-square-feet of excess fee-owned property within the Kempwood Water Well site, adjacent to 9601 Kempwood Drive, out of the A. T. Miles Survey, A-556. Creative Care Corporation, the abutting property owner, plans to use the subject property for vehicle parking and playground area. Currently it leases the subject property from the City for vehicle parking and playground area. The subject property is under the jurisdiction of the Public Utilities Division (PUD). PUD has determined that the subject portion of the well site is surplus and available for sale subject to the City obtaining a sanitary control easement over the entire area to be sold. The purpose of the easement is to protect the water supply of the City's water well.

This 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 sale. The Joint Referral Committee reviewed and approved this request subject to the applicant conveying to the City a sanitary control easement over the entire area being sold. Therefore, it is recommended:

1. The City sell ±5,720-square-feet of excess fee-owned property within the Kempwood Water Well site, adjacent to 9601 Kempwood Drive, in exchange for conveyance to the City of a sanitary control easement over the entire area being sold, out of the A. T. Miles Survey, A-556;
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 Legal Department be authorized to prepare the necessary transaction documents; and
4. Inasmuch as the value of the property is not expected to exceed \$25,000.00, that the value be established by staff appraisal, according to City policy.

MSM:NPC:dob

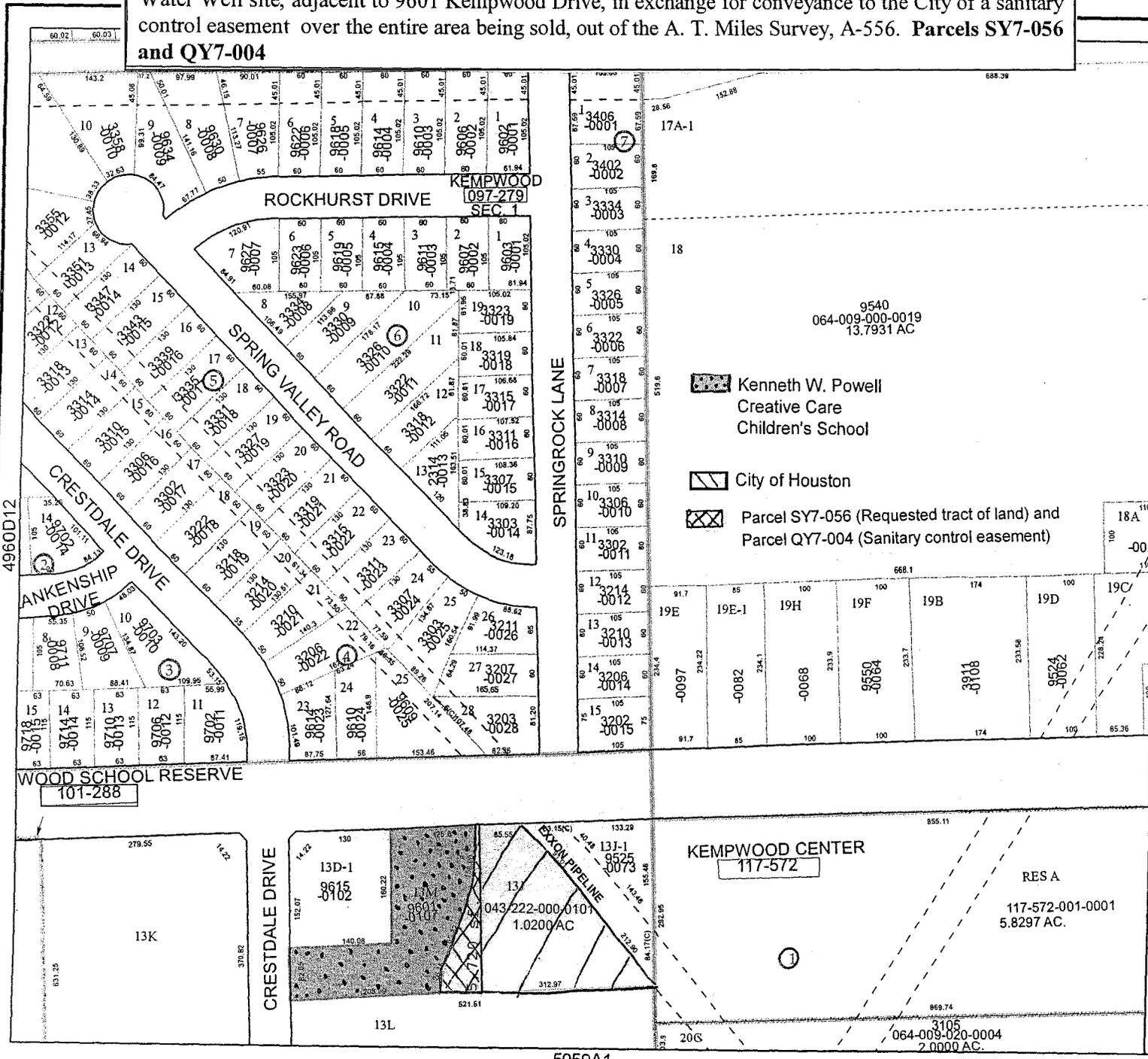
c: Phil Boriskie Daniel W. Krueger, P.E. Marty Stein
 Marlene Gafrick Arturo G. Michel Jeff Taylor

s:\dob\sy7-056.rcl.doc CUIC #20DOB8830

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division
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SUBJECT: Request for the sale of ±5,720-square-feet of excess fee-owned property within the Kempwood Water Well site, adjacent to 9601 Kempwood Drive, in exchange for conveyance to the City of a sanitary control easement over the entire area being sold, out of the A. T. Miles Survey, A-556. **Parcels SY7-056 and QY7-004**

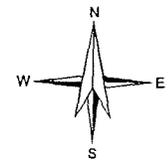


-  Kenneth W. Powell
Creative Care
Children's School
-  City of Houston
-  Parcel SY7-056 (Requested tract of land) and
Parcel QY7-004 (Sanitary control easement)

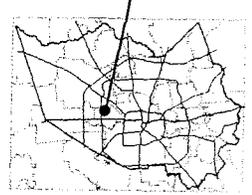
Harris County Appraisal District



0 100 200
PUBLICATION DATE:
3/16/2006



MAP LOCATION



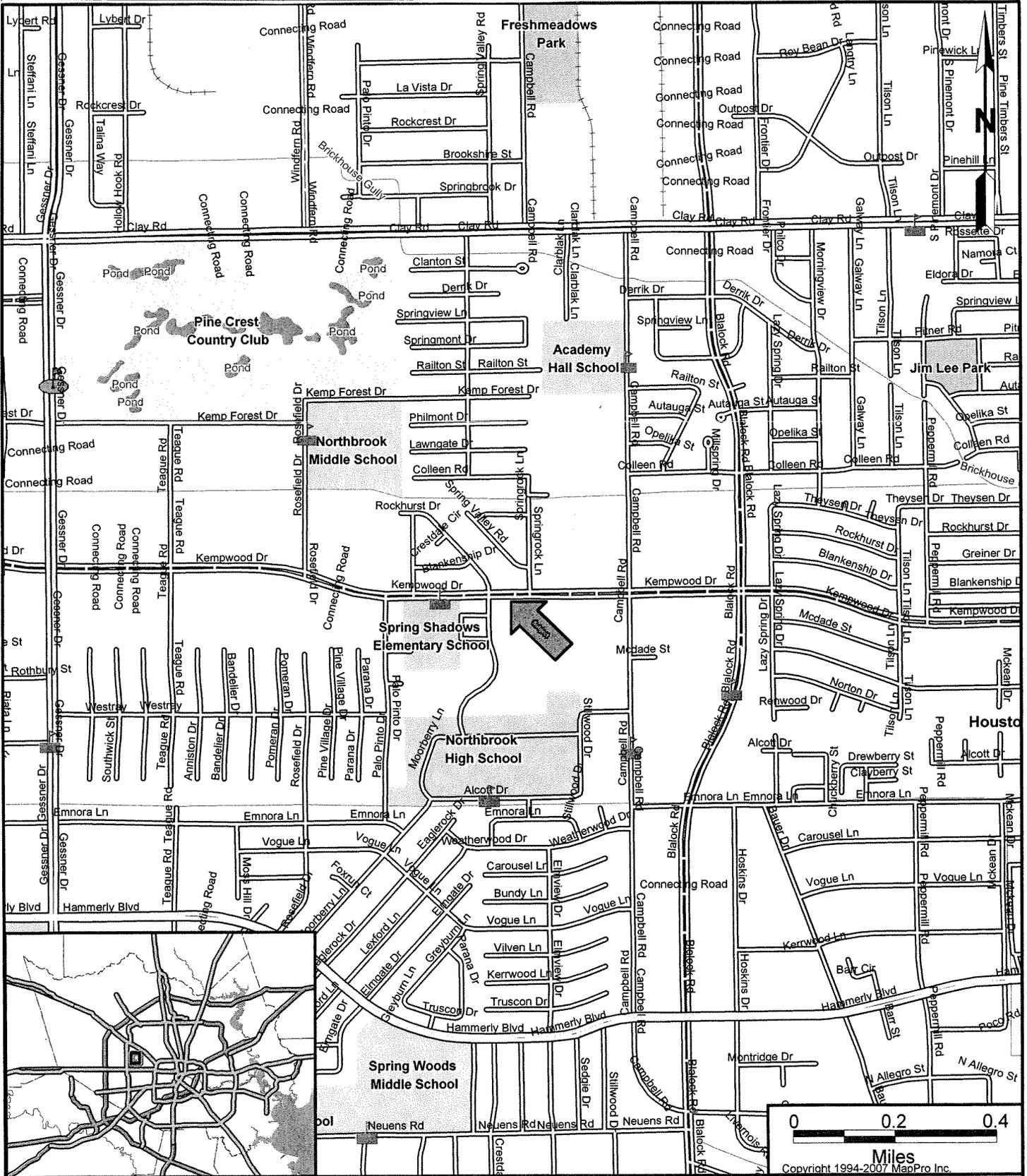
FACET 5060C

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5059A1

LOCATION MAP

SUBJECT: Request for the sale of ±5,720-square-foot of excess fee-owned property within the Kempwood Water Well site, adjacent to 9601 Kempwood Drive, in exchange for conveyance to the City of a sanitary control easement over the entire area being sold, out of the A. T. Miles Survey, A-556. **Parcels SY7-056 and QY7-004**



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.

SUBJECT: Request for the abandonment and sale of a 10-foot-wide storm sewer easement from Post Oak Place Drive south, ±290 feet to its terminus, located within Unrestricted Reserve "A", Forty-Six Hundred Fifteen Post Oak Place Subdivision, out of the William White Survey, A-836. Parcel SY7-029	Category # 7	Page 1 of <u>1</u>	Agenda Item # 7
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 4/26/07	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE: <i>MSD Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director	Council District affected: G Key Map 491R <i>DU</i>
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For additional information contact: Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director-Real Estate <i>UPC</i>	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 a 10-foot-wide storm sewer easement from Post Oak Place Drive south, ±290 feet to its terminus, located within Unrestricted Reserve "A", Forty-Six Hundred Fifteen Post Oak Place Subdivision, out of the William White Survey, A-836. **Parcel SY7-029**

Amount and Source of Funding: Not Applicable	F & A Budget:
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SPECIFIC EXPLANATION:
Rick Sitts, West Belt Surveying, Inc., 21020 Park Row, Katy, Texas, 77449, on behalf of LG Law Limited Partnership, a Texas Limited Partnership [Gables Realty GP, LLC, a Texas Limited Liability Company (Ben Pisklak, Regional Vice President), General Partner], requested the abandonment and sale of a 10-foot-wide storm sewer easement from Post Oak Place Drive south, ±290 feet to its terminus, located within Unrestricted Reserve "A", Forty-Six Hundred Fifteen Post Oak Place Subdivision, out of the William White Survey, A-836. LG Law Limited Partnership, the property owner, plans to build a multi-level apartment complex in the location of the easement.

This 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 sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:

1. The City abandon and sell a 10-foot-wide storm sewer easement from Post Oak Place Drive south, ±290 feet to its terminus, located within Unrestricted Reserve "A", Forty-Six Hundred Fifteen Post Oak Place Subdivision, out of the William White Survey, A-836;
2. The applicant be required to cut, plug and abandon or convert to private service and pay the depreciated value for the existing 30-inch storm sewer line within the easement being abandoned, at no cost to the City and under the proper permits;
3. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
4. The 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 – George Sims and Michael Copland.

MSM:NPC:dob

c: Phil Boriskie Arturo G. Michel Marty Stein
Marlene Gafrick Reid K. Mrsny, P.E. Jeff Taylor
Daniel W. Krueger, P.E.

s:\dob\sy7-029.rcl.doc CUIC #20DOB88/5

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization: <i>Andrew F. Icken</i> Andrew F. Icken, Deputy Director Planning and Development Services Division
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CITY MONUMENT
S157-1506
X=3124606.53
Y=716589.00

RESERVE "A"

NUMBER ONE POST OAK PLACE
VOL. 184, PG. 8 H.C.M.R.

RESERVE "B" V049568

THIS 62.4 SQ.FT. IS HEREBY
DEDICATED FOR PUBLIC
RIGHT-OF-WAY PURPOSES.

POST OAK PLACE DRIVE
(60' R.D.W.)

X=3125245.91
Y=714143.95

N89°11'00"E - 341.29'

X=3125587.17
Y=714148.81

X=3125230.80
Y=714128.73

10' B.L.

35.50'

FND ON CONC.



Parcel SY7-029 SUBJECT

UNRESTRICTED
RESERVE "A"
2.3927 ACRES
104,225 SQ.FT.

1

POST OAK PARK DRIVE
(60' R.D.W.)

N00°26'00"E - 275.60'

10' B.L.

10' STORM SEWER ESM'T.
VOL. 184, PG. 9, H.C.M.R.

10' H.L.P. ESM'T.
VOL. 184, PG. 8, H.C.M.R.

FND ON CONC. 27' WIDE PERPETUAL ACCESS ESM'T. S00°49'00"E - 290.00'

CALLED 116,291 SQ.FT.
FROM PRUDENTIAL INSURANCE CO. OF AMERICA
TO ROBERT L. WELCH FOUNDATION, TRUSTEE
FILM CODE 658059, H.C.C.F., 10/14/1982

10' H.L.P. ESM'T. VOL. 184, PG. 8, H.C.M.R.

S89°06'00"W - 362.63'

X=3125228.72
Y=713855.16

X=3125591.30
Y=713858.84

CALLED 9.782 ACRE TRACT
FROM ELIZABETH REYNOLDS WISE AND KATHERINE PRICE MURFEE
TO DAN M. MOODY JR., TRUSTEE
VOL. 8216, PG. 403, H.C.D.R., 11/16/1970

LEGEND

FND	FOUND
B.L.	BUILDING LINE
R.O.W.	RIGHT OF WAY
U.E.	UTILITY EASEMENT
S.F.	SQUARE FEET
I.R.	IRON ROAD
AC	ACRES

SUBJECT: Request for the abandonment and sale of a 10-foot-wide storm sewer easement from Post Oak Place Drive extending south ±290 feet to its terminus, located within Unrestricted Reserve "A", Forty-Six Hundred Fifteen Post Oak Place Subdivision, out of the William White Survey, A-836. Parcel SY7-029

I, BEVERLY B. KAUFMAN, CLERK OF THE COUNTY OF HARRIS, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON May 14, 2001, AT 2:09 O'CLOCK P.M., AND DULY RECORDED ON May 15, 2001, AT 9:45 O'CLOCK A.M. AND IN FILM CODE NO. 477117 OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.
WITNESS MY HAND AND SEAL OF OFFICE, AT HOUSTON, THE DAY AND DATE LAST ABOVE WRITTEN.

BEVERLY B. KAUFMAN
BEVERLY B. KAUFMAN
CLERK OF THE COUNTY COURT
HARRIS COUNTY, TEXAS

BY: mmg
DEPUTY CLERK

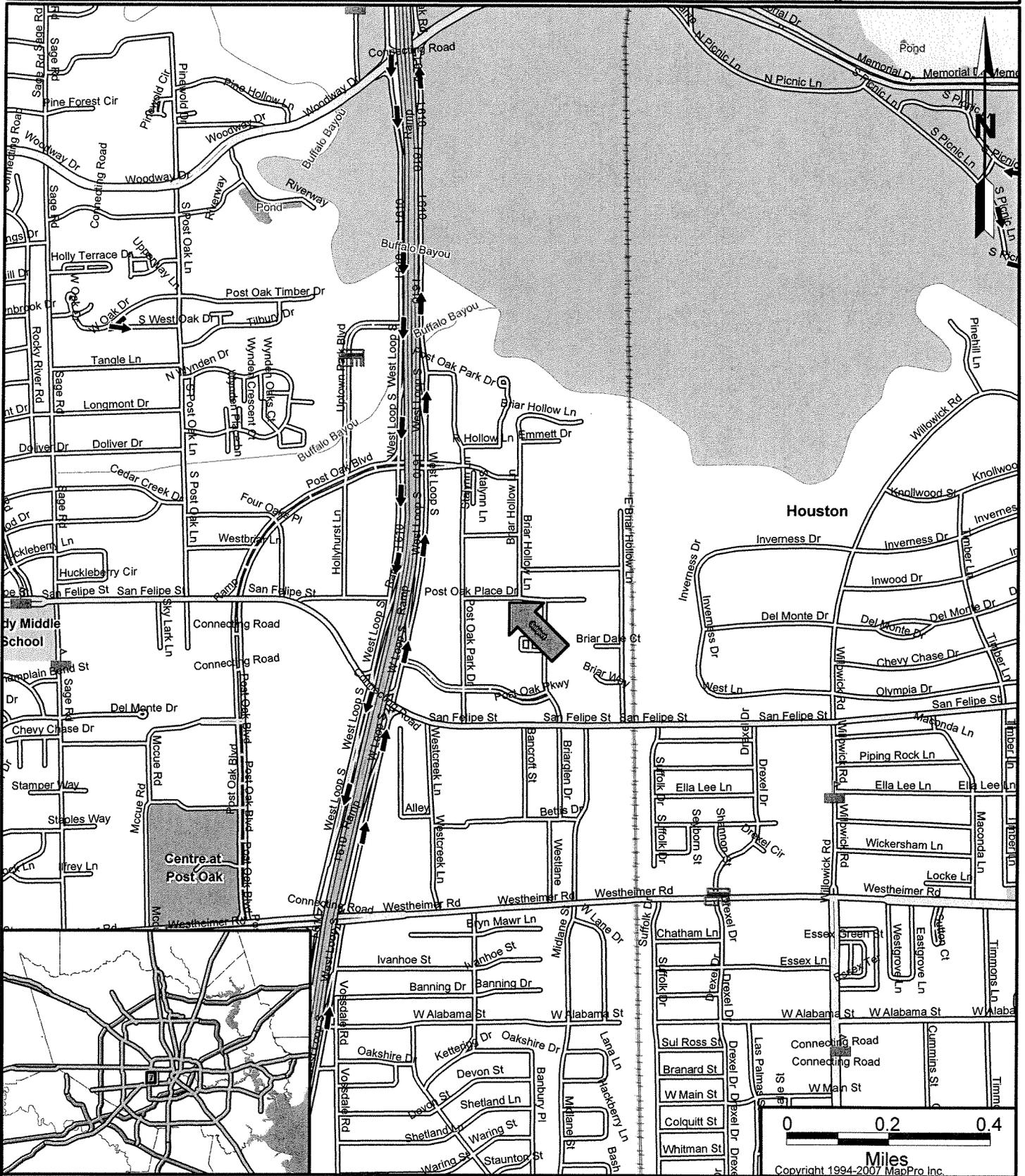
THIS CERTIFICATE IS VALID ONLY AS TO THE INSTRUMENT ON WHICH THE ORIGINAL SIGNATURE IS AFFIXED AND ONLY THEN TO THE EXTENT THAT SUCH INSTRUMENT IS NOT ALTERED OR CHANGED AFTER RECORDING.



MATCH LINE

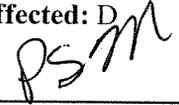
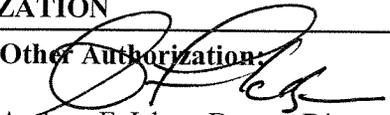
LOCATION MAP

SUBJECT: Request for the abandonment and sale of a 10-foot-wide storm sewer easement from Post Oak Place Drive extending south ±290 feet to its terminus, located within Unrestricted Reserve "A", Forty-Six Hundred Fifteen Post Oak Place Subdivision, out of the William White Survey, A-836. **Parcel SY7-029**



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.

SUBJECT: Request for the abandonment and sale of a prescriptive sanitary sewer easement located in Lot 5, Block 12, Weston Subdivision, out of the Obedience Smith Survey. Parcel SY7-071		Category # 7	Page <u>1</u> of <u>2</u>	Agenda Item # 8
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 4/26/07		Agenda Date MAY 02 2007
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director		Council District affected: D Key Map 493N 		
For additional information contact: Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director-Real Estate 		Date and identification of prior authorizing Council Action:		
RECOMMENDATION: (Summary) It is recommended City Council approve a council motion authorizing the abandonment and sale of a prescriptive sanitary sewer easement located in Lot 5, Block 12, Weston Subdivision, out of the Obedience Smith Survey. Parcel SY7-071				
Amount and Source of Funding: Not Applicable			F & A Budget:	
SPECIFIC EXPLANATION: Debi Bates-Tribble of Tetra Surveys, 5909 W. Loop South, Suite 600, Bellaire, Texas 77401, on behalf of M.D. Holdings, LLC (Marc Diamond, President), requested the abandonment and sale of a prescriptive sanitary sewer easement located in Lot 5, Block 12, Weston Subdivision, out of the Obedience Smith Survey. M.D. Holdings, LLC, the property owner, plans to remove the easement to facilitate the construction of three single-family homes on its property at this location. 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 a prescriptive sanitary sewer easement located in Lot 5, Block 12, Weston Subdivision, out of the Obedience Smith Survey; 2. The applicant be required to: (a) cut, plug, and abandon the existing 6-inch sanitary sewer line within the prescriptive easement to be abandoned and sold, (b) pay the depreciated value for the sanitary sewer line being abandoned, and (c) relocate any existing service connections to the 15-inch sanitary sewer line in Converse Street or to the 12-inch sanitary sewer line in West Drew Street, all at no cost to the City and under the proper permits. Prepare drawings that show all public utilities (water, sanitary, storm water) that are abandoned, relocated, and/or constructed as part of this transaction and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the council motion for this transaction shall be attached to the plan set when it is submitted for plan review;				
s:\psm\sy7-071.rc1.doc			CUIC #20PSM8842	
REQUIRED AUTHORIZATION				
F&A Director:	Other Authorization:	Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division		

Date:	Subject: Request for the abandonment and sale of a prescriptive sanitary sewer easement located in Lot 5, Block 12, Weston Subdivision, out of the Obedience Smith Survey. Parcel SY7-071	Originator's Initials	Page <u>2</u> of <u>2-</u>
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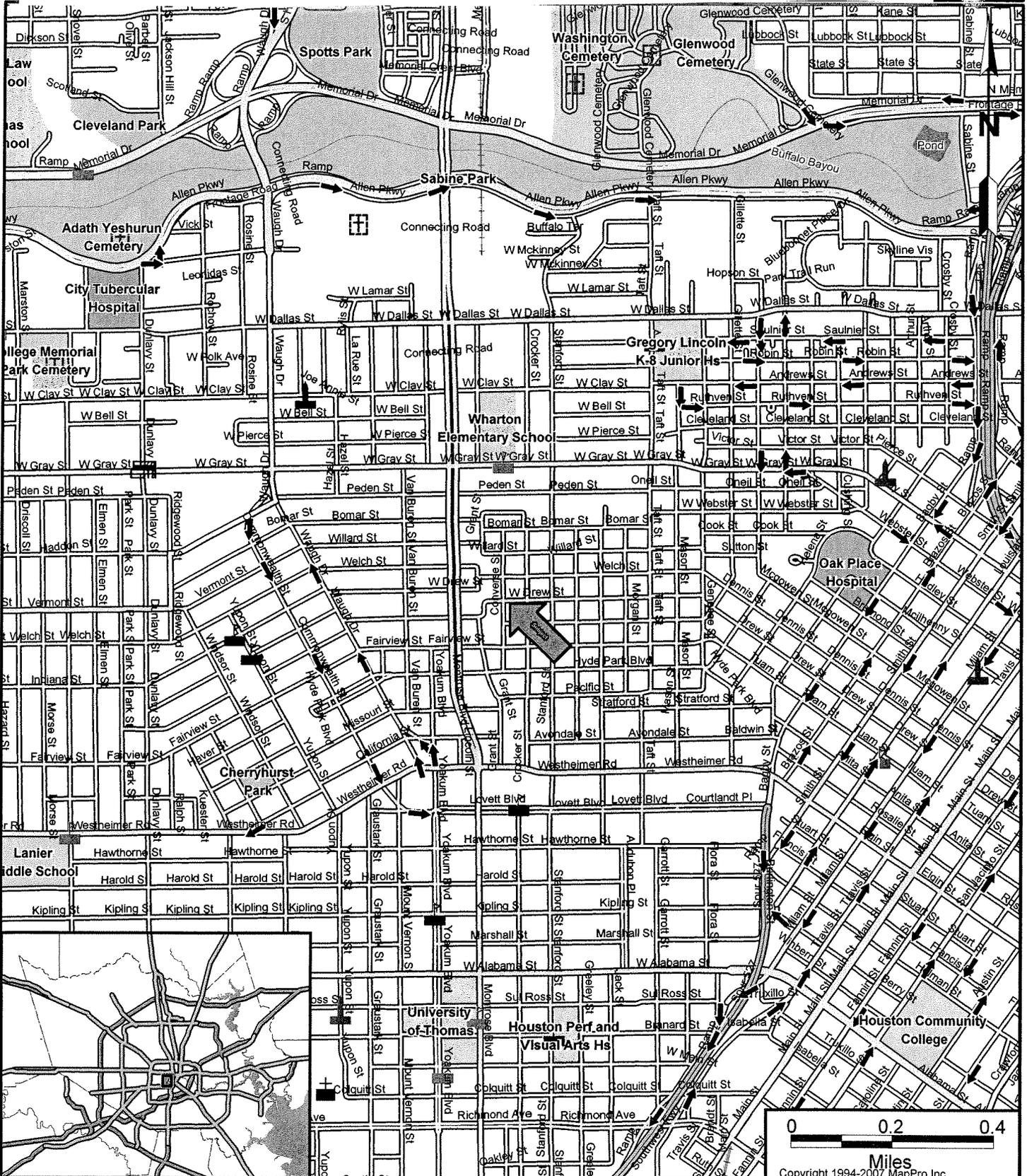
3. In the interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC) covering the estimated construction cost for work required in Item 2 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide a LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for the transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;
4. 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;
5. The Legal Department be authorized to prepare the necessary transaction documents; and
6. Inasmuch as the value of the property interests is not expected to exceed \$25,000.00, that the value be established by staff appraisal, according to City policy.

MSM:NPC:psm

c: Phil Boriskie
Marlene Gafrick
Daniel W. Krueger, P.E.
Arturo G. Michel
Reid Mrsny, P.E.
Marty Stein
Jeff Taylor

LOCATION MAP

Abandonment and sale of a prescriptive sanitary sewer easement located in Lot 5, Block 12, Weston Subdivision, out of the Obedience Smith Survey. Parcel SY7-071



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.

SUBJECT: Request for the abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61. Parcels SY7-072 and DY7-036	Category # 7	Page <u>1</u> of <u>2</u>	Agenda Item # <p style="text-align: center; font-size: 2em;">9</p>
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date <p style="text-align: center;">4/26/07</p>	Agenda Date <p style="text-align: center;">MAY 02 2007</p>
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director	Council District affected: G Key Map 492S 
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For additional information contact: Nancy P. Collins 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 a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61. **Parcels SY7-072 and DY7-036**

Amount and Source of Funding: Not Applicable	F & A Budget:
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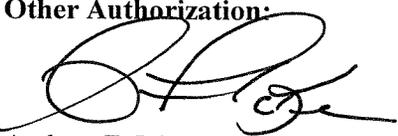
SPECIFIC EXPLANATION:
 Barry Hunsworth, Gene Carroll & Assoc., L.P., 16010 Barkers Point Lane, Suite 105, Houston, Texas, 77079, on behalf of Highland Village Limited Partnership [Village Holding, Inc. (Haidar Barbouti, President), General Partner], requested the abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61. As the Oak Estates Subdivision plat includes an aerial easement adjacent to all utility easements, the aerial easement will be extinguished as part of this transaction. Highland Village Limited Partnership, the property owner, plans to construct a commercial development on the property in the location of the easement to be abandoned and sold.

This 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 sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:

1. The City abandon and sell a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61;
2. The applicant be required to cut, plug, and abandon the existing 10-inch sanitary sewer line in the easement to be abandoned and sold and construct a new sanitary sewer line in the 15-foot-wide sanitary sewer easement to be conveyed to the City, and connect it to the existing 10-inch sanitary sewer line in the intersection of Westheimer Road and Drexel Drive, all at no cost to the City and under the proper permits;

s:\dob\sy7-072.rcl.doc CUIC #20DOB8843

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 a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61. Parcels SY7-072 and DY7-036	Originator's Initials 	Page <u>2</u> of <u>2</u>
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3. In interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost from work required in Item 2 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide a LOC showing the City of Houston as beneficiary and in an amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for this transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC.
4. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the utility easement being abandoned and sold;
5. 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;
6. The Legal Department be authorized to prepare the necessary transaction documents; and
7. Inasmuch as the value of the property interests is not expected to exceed \$25,000.00, that the value be established by staff appraisal, according to City policy.

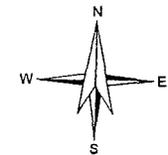
MSM:NPC:dob

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

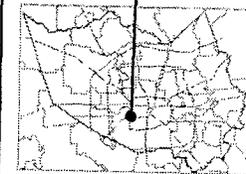
Harris County Appraisal District



0 100 200
 PUBLICATION DATE:
 10/12/2006



MAP LOCATION



FACET 5256A

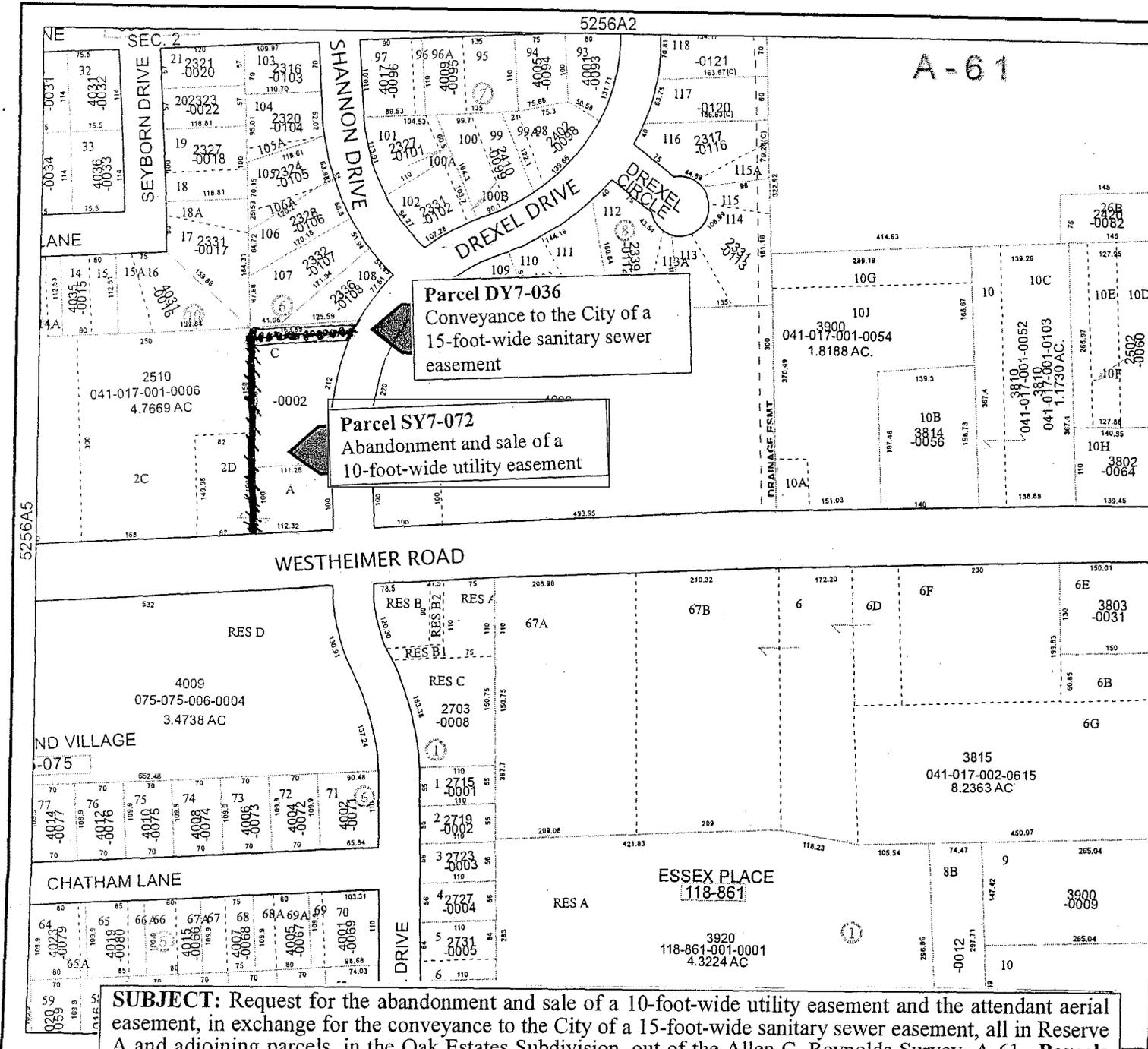
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A-61

Parcel DY7-036
 Conveyance to the City of a
 15-foot-wide sanitary sewer
 easement

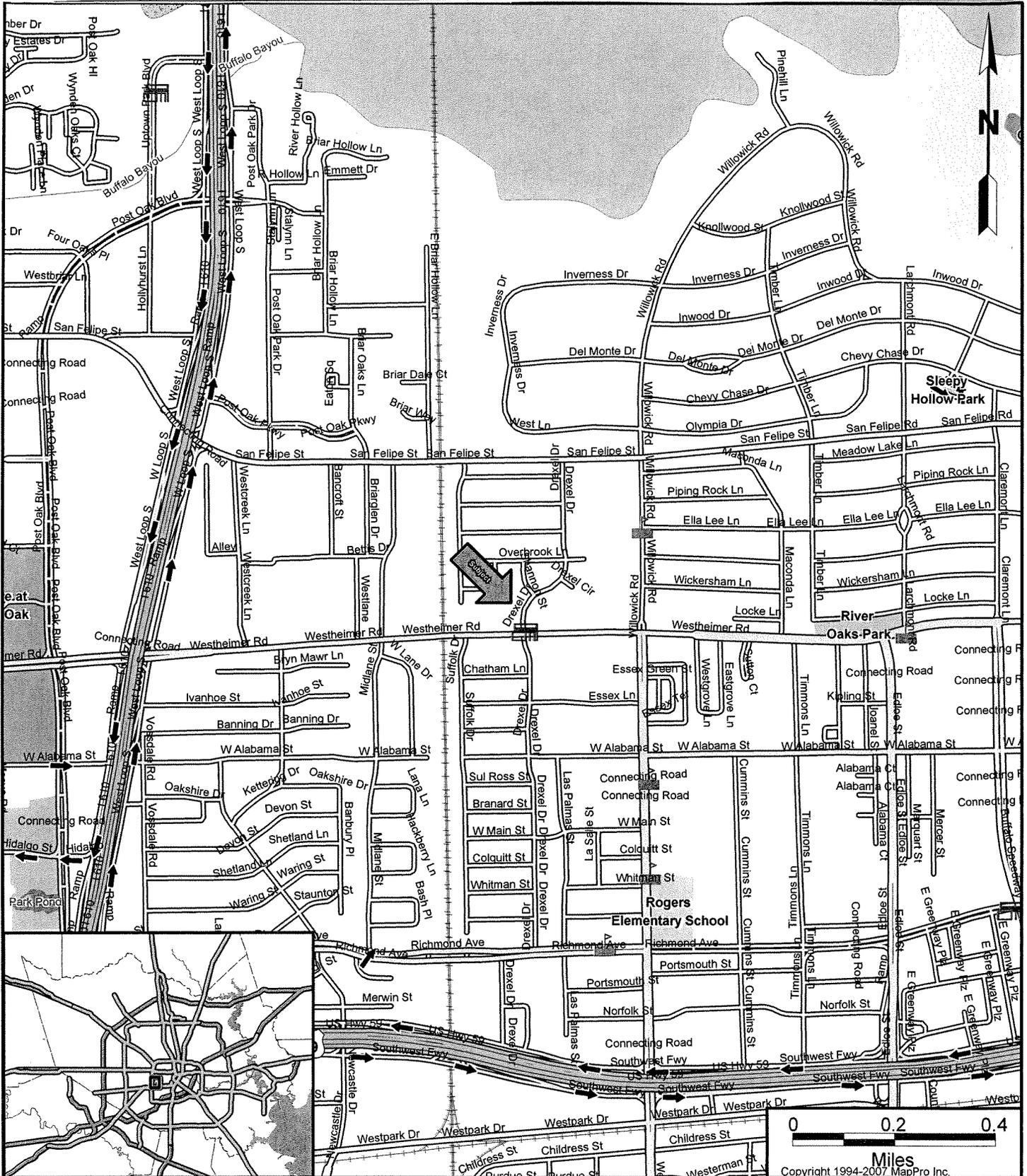
Parcel SY7-072
 Abandonment and sale of a
 10-foot-wide utility easement

SUBJECT: Request for the abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61. **Parcels SY7-072 and DY7-036**



LOCATION MAP

SUBJECT: Request for the abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61. **Parcels SY7-072 and DY7-036**



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.

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: PROPERTY: PURCHASE of Parcel AY6-043 located at 7811 Long Point for the LONG POINT AT WIRT INTERSECTION IMPROVEMENTS PROJECT (from Pine Chase to Johanna) N-000674-0001-2-01 -10 OWNER: Banco Popular NA, Texas	Category #7	Page 1 of 1	Agenda Item # 10
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FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date 4/26/07	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE	Council District affected: A Key Map 451 T
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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 2005-397, passed April 20, 2005
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RECOMMENDATION: (Summary)
Authority be given through Council Motion to PURCHASE Parcel AY6-043

Amount and Source of Funding: No additional funding required (covered under Blanket Appropriation Ordinance 2005-397 N-000663-00RE-2-01) Street and Bridge Consolidated Construction Fund 437 	F&A Budget:
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SPECIFIC EXPLANATION:
The LONG POINT AT WIRT INTERSECTION IMPROVEMENTS PROJECT (from Pine Chase to Johanna) provides for improvements to the Long Point Road at Wirt intersection area to improve traffic flow, reduce congestion and eliminate potential hazards. This transaction involves the acquisition of 1,132 square feet of land located at 7811 Long Point for intersection improvements.

The City desires to acquire 1,132 square feet of land out of improved commercial property. The City's offer was based on an appraisal by William D. Kvinta, MAI, SRA, Independent Fee Appraiser. The valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

Parcel AY6-043 (Street Easement)	
LAND AND IMPROVEMENTS.....	\$55,893.00
Title Policy Services.....	\$ 1,144.00
TOTAL AMOUNT.....	\$57,037.00

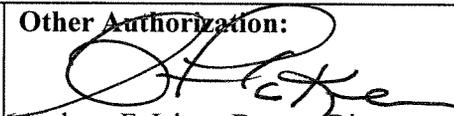
It is recommended that authority be given through Council Motion to PURCHASE Parcel AY6-043 located 7811 Long Point, owned by Banco Popular NA, Texas. This parcel contains 1,132 square feet of land for a public street easement being a tract of land in the John Flowers Survey, A-269, Harris County, Texas and being out of a 0.7055-acre tract of land as conveyed unto Banco Popular NA, by deed recorded in Harris County Clerk's File No. T368687, Film Code No. 522-11-2089 of the Official Public Records of Real Property, Harris County, Texas, according to the City of Houston field notes.

MSM:NPC:eg
S/Guajardo/Longpoint/AY6-043 Purchase RCA

cc: Marty Stein

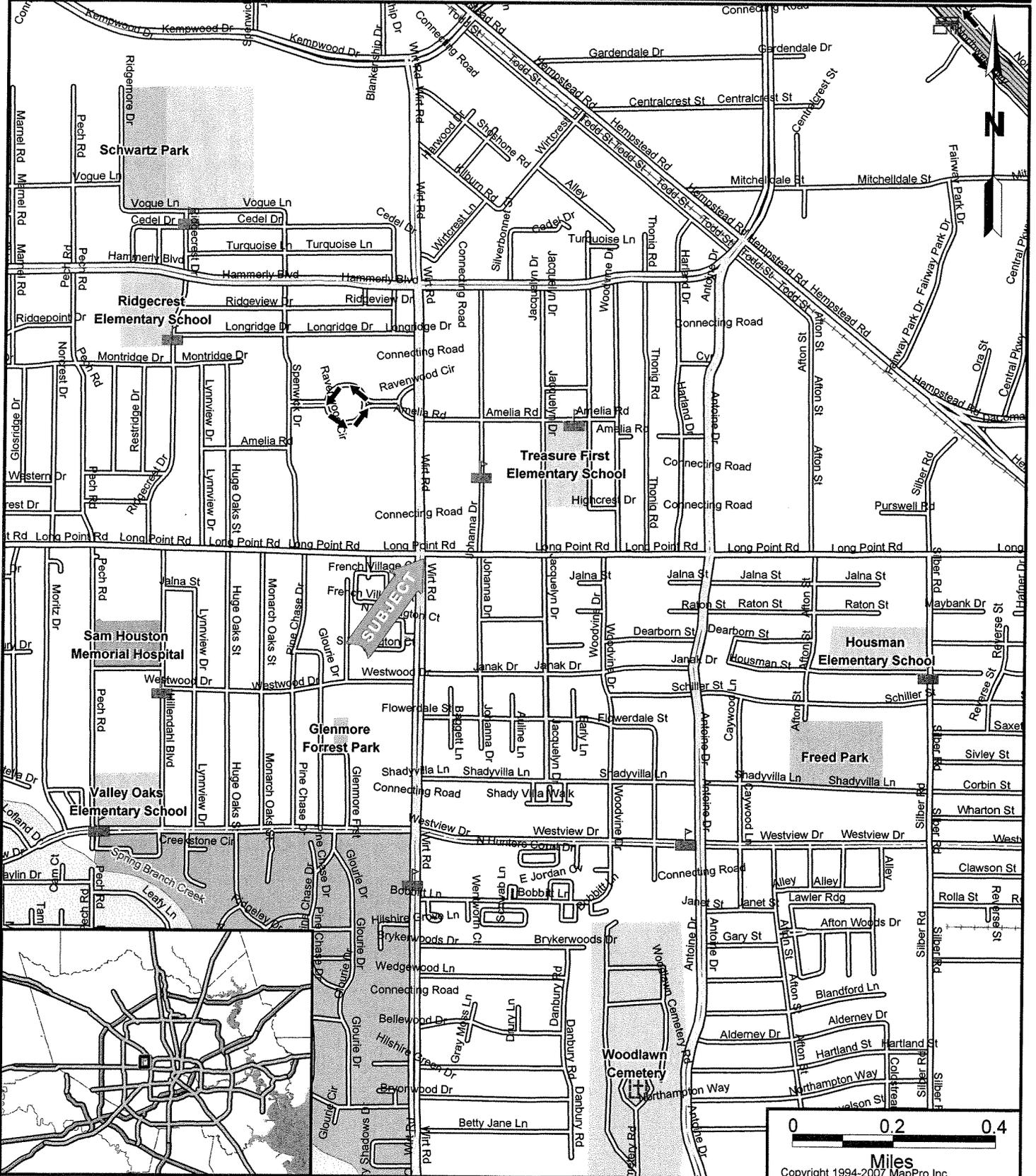
CUIC #20ELG09

REQUIRED AUTHORIZATION

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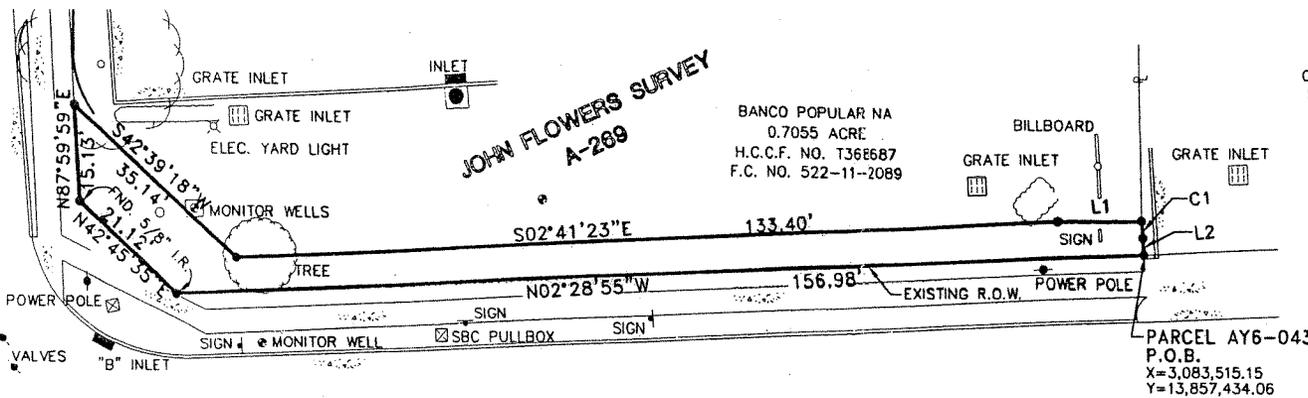
LOCATION MAP

Description: Long Point at Wirt Intersection Improvements Project (from Pine Chase to Johanna)
 CIP N-000674-0001-2, Banco Popular NA, Texas Parcel AY6-043
 7811 Long Point, Key Map 451-T
 Prepared by: City of Houston, 611 Walker, Houston, TX 77002

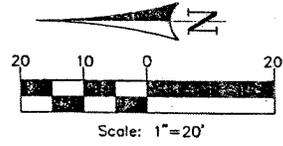


CAUTION: Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

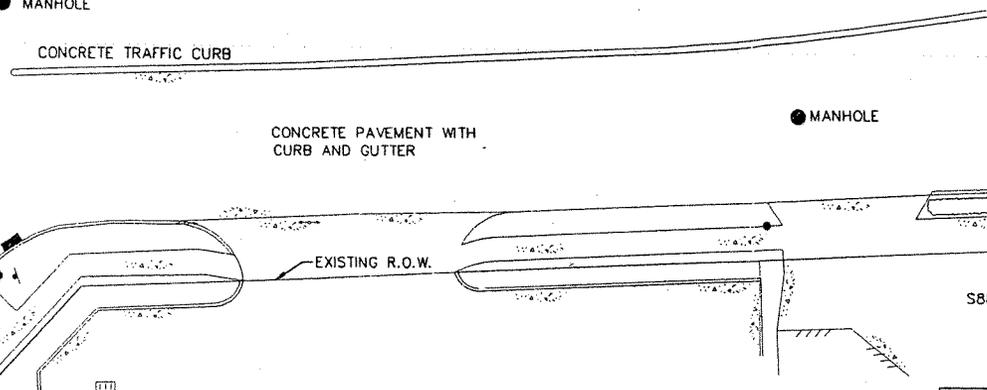
LONGPOINT ROAD (R.O.W. VARIES)



0.137 ACRES
OUT OF 1.8095 ACRES
H.C.C.F. NO. S557930
FC NO. 514-02-1541



WIRT ROAD (80' R.O.W.)



SURVEYOR'S CERTIFICATION

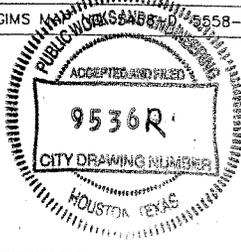
IN MY PROFESSIONAL OPINION, THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND DURING THE COURSE OF A BOUNDARY SURVEY CONDUCTED UNDER MY SUPERVISION ON NOVEMBER 3, 2004, AND THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II SURVEY.

Randi E. Evans
RANDI E. EVANS, R.P.L.S. NO. 5373
COBB, FENDLEY & ASSOCIATES
5300 HOLLISTER, SUITE 400
HOUSTON, TEXAS 77040
(713)462-3242

**CITY OF HOUSTON
PUBLIC WORKS AND
ENGINEERING DEPARTMENT**

DATE: 01/11/06
Randy & Sandra Moore
RIGHT OF WAY SECTION

KEY MAP NO. 451S
GIMS 5558-C
PARCEL NO. AY6-043
SCALE: 1"=20'
DATE: JULY 28, 2005
CIP NO. N-0674
GFS NO. N-0674-01-2
FILE NO. SB9088
SHEET 10 OF 16



LINE TABLE

LINE	BEARING	DISTANCE
L1	S00°57'33"E	13.48'
L2	S86°55'31"W	2.66'

EXISTING	TAKING	REMAINING
0.7055 AC.	0.0260 AC.	0.6795 AC.
	1132 SQ.FT.	

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD BRNG. & DIST.
C1	00°04'54"	1,884.00'	2.69'	S86°53'04"W-2.68'

**PARCEL AY6-043
SHOWING PROPERTY OF
BANCO POPULAR NA**

Notes:

- All coordinates and bearings recited herein are referenced to City of Houston CORS; all distances and coordinates are surface values and may be converted to grid values by multiplying by a combined scale factor of 0.999893065.
- A property description of even date was prepared in conjunction with this parcel plat.
- Indicates set 5/8-inch iron rod with cap marked: "Cobb, Fendley & Associates", unless noted otherwise.
- All improvement information shown hereon is based on an on-the-ground survey under the supervision of Cobb, Fendley & Associates in November 2004. Improvements may have been added or deleted since the date of the field survey.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7351

Subject: Asbestos Abatement, Demolition and Site Clean-up Services for the Police Department
S22-N22381

Category #
4

Page 1 of 2

Agenda Item

11

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

April 06, 2007

Agenda Date

MAY 02 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
B, D, H, I

For additional information contact:

Joseph Fenninger Phone: (713) 308-1708
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to AAR, Incorporated on its low exempt bid in the amount of \$81,500.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$4,075.00 for a total amount not to exceed \$85,575.00 for asbestos abatement, demolition and site clean-up services for the Police Department.

Award Amount: \$85,575.00

F & A Budget

\$85,575.00 - Dangerous Building Consolidated Fund (1801)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to AAR, Incorporated on its low exempt bid in the amount of \$81,500.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$4,075.00 for a total amount not to exceed \$85,575.00 for asbestos abatement, demolition and site clean-up services for the Police Department and that authorization be given to issue purchase orders as necessary. The structural integrity of these abandoned buildings is unsound; therefore, these services are needed to protect and preserve the health and safety of the residents in the areas surrounding these commercial and residential buildings.

The certified companies approved by City Council to perform these types of services were requested to submit a bid on this project and two companies responded as itemized below:

<u>Company</u>	<u>Total Amount</u>
1. AAR, Incorporated	\$81,500.00
2. Arrow Services, Inc.	\$99,000.00

The scope of work requires the contractor to provide all labor, materials, equipment and supervision necessary to provide asbestos abatement, demolition and site clean-up services. The abandoned buildings listed on Page 2 of 2 were determined to be dangerous and pose an imminent threat to the health and safety of citizens in the immediate areas. Abandoned buildings attract vagrants and drug dealers/users, resulting in escalating criminal activity in the immediate area. Due to the 10-day "waiting period" as required by the Texas Department of Health, this project will take approximately 19 days to complete. The school principals are notified by City inspectors of current and future demolitions/abatements in the area.

The City will place liens against these properties to recover all costs associated with these services. Liens are paid when the property title is transferred and there is a change in ownership.

This purchase relates to the preservation and protection of public health and safety, and is therefore exempt from the competitive bid laws.

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

MOT

3-7-07

11

Date:
4/6/2007

Subject: Asbestos Abatement, Demolition and Site Clean-up Services
for the Police Department
S22-N22381

Originator's
Initials
WG

Page 2 of 2

Address:

Council District

Nearest School

7914 Dandy

B

Chatham

7863 Hamlet

B

Hanford

7865 Hamlet

B

Hanford

12230 Robin Blvd.

D

Hobby

3515 Cobb

D

TSU (K-5)

3517 Cobb

D

TSU (K-5)

(Bldg. No. 2 – Garage Apt.)

702 East 33rd

H

Burrus

8713 LaPorte

I

J. Harris

(Bldg. Nos. 1 & 2)

Buyer: Wanda Gale
PR 100117431

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7373

Subject: Purchase of a Generator Through the Houston-Galveston Area Council for the Police Department
S34-N22396-H

Category #
4

Page 1 of 1

Agenda Item

12

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

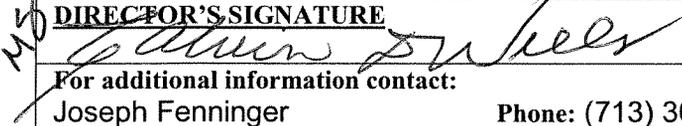
Origination Date

April 19, 2007

Agenda Date

MAY 02 2007

DIRECTOR'S SIGNATURE

MO


Council District(s) affected
H

For additional information contact:

Joseph Fenninger Phone: (713) 308-1708
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of a generator through the Houston-Galveston Area Council (H-GAC) in the amount of \$193,096.65 for the Police Department.

Award Amount: \$193,096.65

F & A Budget

\$193,096.65 - Homeland Security Grant UAS6 (5030)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of a generator through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the amount of \$193,096.65 for the Police Department, and that authorization be given to issue a purchase order to the H-GAC contractor, Waukesha-Pearce Industries, Inc. This generator will be used by the Department to provide backup power for the heating, ventilation, and air conditioning (HVAC) system at the Department's Radio Communications Center, located at 62 Riesner Street.

Currently, the Department does not have a backup power source for the HVAC system that supplies the air conditioning to the Radio Communications Center. The Radio Communications Center houses all electronic components necessary to operate the City's communications system, which includes the Houston Police Department, Houston Fire Department, Houston Emergency Center, and other city departments and municipalities. This generator is required so that the Department can continue its operations in the event of a power failure.

This new generator will come with a full one year warranty. The life expectancy of this equipment is 25 to 30 years.

Buyer: Larry Benka
PR No. 10020234

mgf

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

NOT

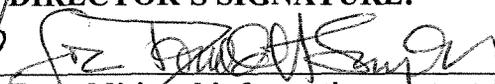
4-3-07

15

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HC007-117-A

SUBJECT: A resolution authorizing submission of the application to TDHCA for the Katrina/Rita Emergency Relief Grant		Category #	Page 1 of 2	Agenda Item # 13
FROM (Department or other point of origin): Housing and Community Development Richard Celli		Origination Date 4/30/07		Agenda Date MAY 02 2007
DIRECTOR'S SIGNATURE: 		Council District affected: All		
For additional information contact: Donald Sampley Phone: 713 868-8458		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) City Council authorization to submit the application to TDHCA and acceptance of the grant award.				
Amount of Funding: CDBG - \$40,000,000			F&A Budget:	
SOURCE OF FUNDING <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund ** <input type="checkbox"/> Other (Specify) N/A				
SPECIFIC EXPLANATION: Harris County (County) and the City of Houston (City) have prepared an amendment to the Partial Texas Action Plan for Disaster Recovery (Action Plan) approved by the Texas Department of Housing and Community Affairs (TDHCA) Board on February 1, 2007. The Action Plan proposed "that funding in the amount of \$60 million be included in this funding priority for public service, community development, and housing activities in areas (police districts, schools, apartment complexes, neighborhoods) comprised predominantly of low to moderate income households and where it can be clearly demonstrated that the population within the area has seen a dramatic population increase due to an influx of Katrina evacuees." (p. 14) As required by the Action Plan, the amendment details how the funding priorities will meet HUD's NOFA's requirements, the delivery mechanism, the distribution of funds and other HUD requirements. Under the amendment to the Action Plan, the City and the County are proposing to fund projects that will meet the needs of persons who fled to and continue to reside in the Houston region as a result of Hurricanes Katrina and Rita. Under this amendment, the City will utilize \$40 million towards multifamily housing rehabilitation and housing safety services, and Harris County will utilize \$20 million to meet a variety of public services needs of the evacuee community including medical and case management services. In summary, the Houston/Harris County Action Plan will: <ul style="list-style-type: none"> ➤ Provide safe, sanitary affordable housing for displaced evacuees including evacuees with special needs; ➤ Implement a coordinated housing safety program to promote community development and decrease crime in communities where evacuees have resettled; ➤ Address costs incurred in providing necessary emergency and non-emergency medical services provided to evacuees immediately following the disasters and months thereafter; ➤ Provide necessary crisis counseling and case management to evacuees who continue to face extreme transition emergencies; and ➤ Address the public service needs of special populations. 				
REQUIRED AUTHORIZATION				
F&A Director:		Other Authorization:		Other Authorization:

Date	Subject: A resolution authorizing submission of the application to TDHCA for the Katrina/Rita Emergency Relief Grant	Originator's Initials	Page 2 of 2
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A joint public hearing, in concert with the County, was held on April 19, 2007, in the City Hall Annex Former Council Chambers. The draft of the plan and supporting documents were placed on the City's Housing and Community Development website. The plans are available in English and have been translated into Spanish and Vietnamese. As stipulated by federal regulations and in conformity with the Citizen Participation Plan, residents had 30 days to comment on the proposed amendment before it was brought to City Council.

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

CITY OF HOUSTON RESOLUTION NO. _____

A RESOLUTION IN SUPPORT OF THE PROPOSED AMENDMENT TO THE "STATE OF TEXAS PARTIAL ACTION PLAN FOR DISASTER RECOVERY TO USE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING TO ASSIST WITH THE RECOVERY OF DISTRESSED AREAS RELATED TO THE CONSEQUENCES OF HURRICANES KATRINA, RITA AND WILMA IN THE GULF OF MEXICO IN 2005"

WHEREAS, Harris County ("County") and the City of Houston ("City") have prepared an amendment to the State of Texas Partial Action Plan for Disaster Recovery ("Action Plan"), which Action Plan was approved by the Texas Department of Housing and Community Affairs ("TDHCA") Board on February 1, 2007 and by the United States Department of Housing and Community Development ("HUD") on April 20, 2007; and

WHEREAS, the proposed amendment to the Action Plan will provide \$60 million dollars in Community Development Block Grant ("CDBG") funds for eligible CDBG activities to be carried out in Houston and surrounding areas comprised of predominantly low to moderate income households, where it can be clearly demonstrated that the areas have seen a dramatic increase in population due to an influx of persons who fled to and continue to reside in the Houston region in the aftermath of Hurricanes Katrina and Rita; and

WHEREAS, under the proposed amendment to the Action Plan, the City will utilize \$40 million dollars for multi-family housing rehabilitation and housing safety services and the County will use \$20 million dollars to meet a variety of public services needs, including medical and case management services, for persons who fled from Hurricanes Katrina and Rita and continue to reside in the Houston area; and

WHEREAS, the proposed amendment to the Action Plan will (i) provide safe, sanitary affordable housing for persons displaced by Hurricanes Katrina and Rita, including those with special needs; (ii) implement a coordinated housing safety program to promote community development and decrease crime in communities where persons displaced by Hurricanes Katrina and Rita have resettled; (iii) address costs incurred in providing necessary emergency and non-emergency medical services provided to persons displaced by Hurricanes Katrina and Rita immediately following the disaster and months thereafter; (iv) provide necessary crisis counseling and case management to persons displaced by Hurricanes Katrina and Rita who continue to face extreme transition emergencies; and (v) address the public service needs of special populations; and

WHEREAS, the general public was notified of the proposed amendment through a public notice in the Houston Chronicle on April 4, 2007; and

WHEREAS, the TDHCA is scheduled to approve the proposed amendment to the Action Plan on May 10, 2007 and submit same to HUD for review and comment shortly thereafter; and

WHEREAS, by this resolution the City desires to acknowledge its support for the proposed amendment to the Action Plan;

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The City Council hereby adopts and incorporates into this Resolution the recitals set forth above.

Section 2. The City Council hereby acknowledges its support for the proposed amendment to the Action Plan in substantially the form attached hereto as Exhibit "A" and incorporated herein by reference.

Section 3. The Mayor and the City Secretary of the City and the other appropriate officers of the City are hereby authorized, jointly and severally, to execute and deliver such endorsements, instruments, certificates, documents or papers necessary and advisable to carry out the intent and purposes of this Resolution.

Section 4. This Resolution shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Resolution within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, of the City Charter.

PASSED this ___ day of _____, 2007.

APPROVED this ___ day of _____, 2007.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, of the Charter of the City of Houston, Texas, the effective date of the foregoing Resolution is _____, 2007.

ATTEST:

Anna Russell, City Secretary

(Prepared by Legal Dept. _____)

(BJP 4/27/07 Sr. Assistant City Attorney

Requested by Richard S. Celli, Director, Housing and Community Development Department

L.D. File No.

DRAFT

Amendment to the Texas Action Plan for Disaster Recovery to Use Community Development Block Grant (CDBG) Funding to Assist with the Recovery of Distressed Areas Related to the Consequences of Hurricanes Katrina, Rita, and Wilma in the Gulf of Mexico in 2005 (Action Plan)

Harris County and the City of Houston have prepared this amendment to the Partial Texas Action Plan for Disaster Recovery (Action Plan) approved by the Texas Department of Housing and Community Affairs (TDHCA) Board on February 1, 2007. The Action Plan proposed “that funding in the amount of \$60 million be included in this funding priority for public service, community development, and housing activities in areas (police districts, schools, apartment complexes, neighborhoods) comprised predominantly of low to moderate income households and where it can be clearly demonstrated that the population within the area has seen a dramatic population increase due to an influx of Katrina evacuees.” (p. 14) As required by the Action Plan, this amendment details how the funding priorities will meet HUD’s NOFA’s requirements, the delivery mechanism, the distribution of funds and other HUD requirements.

The City of Houston and Harris County, under this amendment to the Action Plan, are proposing to fund projects that will meet the needs of persons who fled to and continue to reside in the Houston region as a result of Hurricanes Katrina and Rita. Under this amendment, the City of Houston will utilize \$40 million towards multi-family housing rehabilitation and housing safety services, and Harris County will utilize \$20 million to meet a variety of public services needs of the evacuee community including medical and case management services.

In summary, the Houston/Harris County plan will:

- Provide safe, sanitary affordable housing for displaced evacuees including evacuees with special needs;
- Implement a coordinated housing safety program to promote community development and decrease crime in communities where evacuees have resettled;
- Address costs incurred in providing necessary emergency and non-emergency medical services provided to evacuees immediately following the disasters and months thereafter;
- Provide necessary crisis counseling and case management to evacuees who continue to face extreme transition emergencies; and
- Address the public service needs of special populations.

BACKGROUND

In response to Hurricane’s Katrina and Rita, the Houston region received over 200,000 evacuees in September 2005. At first, evacuees were housed within shelters, homes, and hotels within the City of Houston. By December 31, 2005, approximately 160,000 evacuees remained. Those in organized shelters, churches, private homes, and hotels were moved into apartments, which housed by year-end some 37,000 households representing approximately 110,000 people (Attachment A). Other evacuees in the region found other types of shelter independent of the City-managed and FEMA-reimbursed housing program. In addition, the City and Harris County housed

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approximately 3,000 additional households who had existing Section 8 vouchers or had received or continue to receive federal housing assistance.

Based on postal change of address records, by December 31, 2006, the City of Houston remained a home for over 100,000 evacuees. Substantial portions of entire zip codes within Orleans Parish now were making their new lives in Houston. Since the United States and this region have encouraged able-bodied evacuees to seek work and students to attend school wherever they choose to live, and since little progress has been made on reconstructing the 204,000 housing units destroyed in Louisiana, Houston will be the home for a number of evacuees for the foreseeable future.

The City of Houston, Harris County and various social service agencies working with evacuees understand well the needs and priorities of evacuees who are reconstructing their lives in this community. The most critical needs are for affordable housing and safety.

According to periodic Zogby surveys of evacuees participating in FEMA-subsidized housing programs, tens of thousands of the evacuees still living in the region rented before the hurricanes, continue to rent, and will have difficulty affording housing after the end of FEMA assistance.

Houston and Harris County take some pride in our efforts to encourage evacuees back into the mainstream of our nation's life, rather than segregating these citizens in particular apartment complexes or makeshift trailer camps. So, the most cost-effective use of CDBG funds is to address the incremental need for affordable rental units and housing safety services caused by a rise in population in the areas where a high concentration of the evacuees have chosen to live.

USE OF ACTION PLAN FUNDING ANTICIPATED ACCOMPLISHMENTS

Accomplishments resulting from this Action Plan will include enhanced safety, public services and sheltering in low- and moderate-income areas where it can be clearly demonstrated that the population has seen a dramatic population increase due to an influx of Katrina evacuees. Houston and Harris County anticipate that low to moderate income (LMI) individuals will be the primary beneficiaries of the program. Under HUD program guidelines, LMI beneficiaries are part of households that earn less than 80 percent of the area median family income.

NATIONAL OBJECTIVE

Under the Action Plan, all eligible activities must meet one of the three national objectives set out in the Housing and Community Development Act (address slum and blight, urgent need, primarily benefit LMI persons). Pursuant to explicit authority in the Department of Defense Appropriations Act, 2006 (Public Law, 109-148, approved December 30, 2005), HUD is granting an overall benefit waiver that allows for up to 50 percent of the grant to assist activities under the urgent need or prevention or elimination of slums and blight national objectives, rather than the 30 percent allowed in the annual

DRAFT

CDBG program. The primary objective of Title I of the Housing and Community Development Act and of the funding program of each grantee is the “development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income.” The state goes on to set the standard of performance for this primary objective at 70 percent of the aggregate of the funds used for support of activities producing benefit to low and moderate-income persons. Since extensive damage to community development and housing affected those with varying incomes, and income-producing jobs are often lost for a period of time following a disaster, HUD is waiving the 70 percent overall benefit requirement, leaving a 50 percent requirement, to give grantees even greater flexibility to carry out recovery activities within the confines of the CDBG program national objectives. The National Objective that will be met with this spending will be the addressing of slum and blight, meeting an urgent need, as well as benefits accruing to low- to moderate- income persons making less than 80% of Area Median Income. The high priority of rehabilitation and reconstruction of affordable rental units and community development programs to increase the safety in those complexes and their surrounding areas is demonstrated by this plan amendment. All of the City of Houston spending will be allocated to affordable rental housing programs in areas where it can be demonstrated that the population has seen a dramatic population increase due to an influx of Katrina evacuees. Harris County programs will primarily target low- and moderate-income persons who are Katrina or Rita evacuees.

GENERAL USE OF FUNDS AND FUNDING ALLOCATION

The City of Houston and Harris County will use the following funding allocation to prioritize the use of funds based on the highest observed needs.

Activity	Primary National Objective Addressed	Additional Objectives Established in the <i>Federal Register</i> *	Available Funding for Activity	% Plan Funding
Neighborhoods To Standard Program	Address slum and blight, LMI Benefit	Rehabilitation of the affordable rental housing stock	\$20,000,000	
Multi-Family Apartment Community Liaison Program	Address slum and blight, LMI Benefit		\$20,000,000	
Evacuee Public Services: Housing Safety Program-Expanded public services to incarcerated evacuees	Urgent Need, LMI Benefit		\$20,000,000	

DRAFT

Evacuee Medical Services Katrina Crisis Counseling Program Youth Offender Services				
Total Plan Amendment Funding			\$60,000,000	

*As established by the “Action Plan additional elements” requirement included in the *Federal Register* notice, the activity addresses one or more of the identified additional elements below described.

“b. The grantee’s overall plan for disaster recovery will also include:

- (i) An explanation of how the State will give priority to the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisting housing, a description of the activities the State plans to undertake with grant funds under this priority, and a description of the unique challenges that individuals with disabilities face in finding accessible and affordable housing/*
- (ii) An explanation of how the State will give priority to infrastructure development and rehabilitation, and description of the infrastructure activities is plans to undertake with grant funds; and*
- (iii) An explanation of how the method of distribution or use of funds described in accordance with the applicable notices will result in the State meeting the requirement that at least 19.3311 percent of its allocation under this notice shall be used for repair, rehabilitation, and reconstruction (including demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas.”*

OVERARCHING ACTIVITY ELIGIBILITY REQUIREMENTS

This Action Plan Amendment outlines the City of Houston’s and Harris County’s framework for allocating funding as guided by the requirements published in the *Federal Register* (Vol. 71, No. 209) on October 30, 2006. Unless otherwise stated in the *Federal Register*, statutory and regulatory provisions governing the CDBG program, specifically 24 CDF Part 570 Subpart I, apply to the use of these funds. All activities must be eligible CDBG activities according to 24 CFT Part 570 Subpart I, except as waived by HUD, must meet requirements for disaster recovery funding cited throughout this document, and must meet at least one of the three national objectives.

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As noted in the *Federal Register*, under the law “...the funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency or the Army Corps of Engineers. Further, none of the funds made available under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program.” This will be a key requirement that will be monitored by TDHCA throughout every stage of the program.

ELIGIBLE ACTIVITIES UNDER THE SPECIFIC FUNDING PRIORITIES

As stated in the *Federal Register*, “the appropriations statute requires funds be used only for disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of hurricanes in the Gulf of Mexico in 2005. The statute directs that each grantee will describe in its Action Plan for Disaster Recovery how the use of the grant funds gives priority to infrastructure development and rehabilitation and the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisted housing.” The following specific activities have been identified by the City of Houston and Harris County to be carried out to meet the priority needs of evacuees who reside in the Houston/Harris County area.

THE STRATEGY BEHIND HOUSTON’S REQUESTS

Housing

Houston’s use of \$20 million in the CDBG funds for housing will be undertaken in the most cost-effective and market-driven manner. These funds will be plugged into an existing Apartment-to-Standard Program in an area where a large number of evacuees have chosen to live. The rehabilitation of existing multi-family housing stock at approximately \$20,000 per unit can be implemented much more quickly and cost-effectively than the construction of new apartments. By increasing the supply of affordable housing units in an area, we increase the availability of good quality housing at a reasonable price point available to evacuees.

The best way to target housing assistance for an evacuee population will be to concentrate this assistance in the geographical submarket within Houston where the highest concentration of evacuees have chosen to reside and get on with their lives. (See Attachment A.) Specifically, Houston will target the funds in and around the Fondren/Southwest area, the geographical area south of IH 59 outside Loop 610, in the southwest part of the City. In that area, public school enrollment increased by 2,840 students between September 2005 and January 2006.

Housing Safety

The \$20 million intended for housing safety efforts in and around multi-family complexes is based on similar principles. Violent crime rose dramatically in multi-family complexes located within four Police Districts that contain the high percentages of evacuees. Murder rose 62%, rape rose 20 %, robbery rose 3%, and aggravated assault

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rose 20% in multi-family complexes in these districts. These figures do not include crime that spilled over into the neighborhoods near these hot zones. (Attachment B).

Recognizing the unusual and extraordinary nature of Houston's response to the evacuees, both FEMA and the Department of Justice funded programs to deploy overtime police officers in areas with high concentrations of evacuees. These special overtime programs funded by Department of Justice grants and FEMA have proven to be highly effective means for improving the safety of residents, as crime rates dropped sharply after the implementation of these programs. The housing safety program must be extended while evacuees remain since housing safety is a direct function of population and density.

Crime analysis by the Houston Police Department has shown that residents of lower-income, multi-family apartment complexes are disproportionately the victims of violent crime. This CDBG program will provide an officer liaison for fifty apartment complexes located primarily in Police Districts in the Fondren/ Southwest, west, and Greenspoint areas where a concentration of evacuees reside and a disproportionately high rate of violent crime has developed. The program is intended to decrease the number of crime incidents in and around multi-family apartment complexes in these districts. Overtime police programs previously funded by Justice and FEMA have allowed deployment of more officers into these hot spots, making numerous arrests, and heading off what would have been an even more shocking rise in the violent crime rate. Houston continues to shelter more than 100,000 persons displaced by Hurricane Katrina. *Safe* housing remains a need for these evacuees.

TIMING

Houston requests prompt action on the disbursement of these funds. For housing safety, prompt approval of this request and disbursement of these funds is necessary to continue overtime programs after July 1, 2007.

As described in the more detailed section of this request dealing with the multi-family program, request for proposals have already been made for apartment improvements in areas with high concentrations of evacuees. The City of Houston requested assistance from TDHCA, in writing, during the first 60 days of the evacuation, September-October 2005. We highlighted that construction timetables require prompt action to allow sufficient rehabilitation and repair of multi-family housing units. Since no assistance was forthcoming, many of the units with heavy evacuee populations have deteriorated significantly since that time. The reimbursement rates based on HUD Section 8 formulas did not provide sufficient incentive for many landlords to invest in the rehabilitation of this housing stock. Rising insurance rates and utility bills which could not be passed along to renters have further jeopardized the potential supply of habitable multi-family housing stock. Construction must begin as soon as possible.

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Housing - Neighborhoods to Standard Program - Katrina Target Area

Funding in the amount of \$20,000,000 shall be made available to developers, both for- and not-for-profit, to rehabilitate apartment units in low-moderate income areas of the city. The City's Department of Housing and Community Development (HCD) opened a Request for Proposals (RFP) for the citywide Neighborhoods to Standard Program in February 2007. This RFP invited developers, both for- and not-for-profit, to rehabilitate apartment units in any low-moderate income area of the city. Under the Katrina component, extra credit will be given for units located in the Fondren/Southwest Freeway target area where the population has seen a particularly dramatic increase due to an influx of Katrina evacuees. (Attachment A shows, however, that the population of evacuees has significantly impacted several parts of the city besides the target area.)

The Neighborhoods to Standard program seeks to rehabilitate a substantial number of units in each target area. Assuming an average of \$20,000 invested per unit, this will improve 1,375 units and provide an opportunity for safer, more sanitary shelter including special needs. All approved projects will be subject to all HUD requirements for projects. This includes relevant fair housing, nondiscrimination, labor standards, special needs and environmental requirements.

Eligibility Requirements

The program is limited to developments that satisfy all of the following conditions.

1. Assisted units in areas where population within the area significantly increased due to an influx of Katrina evacuees.
2. A private sector partner with a 20-year useful life of the property following the rehabilitation.
3. A solid track record of accomplishment in real estate development and management.

Requirements for Receiving Assistance

In exchange for accepting funding assistance, each applicant must agree to the following requirements.

1. To assure that the assisted housing is as affordable as possible and is occupied by families with appropriate incomes, a land use restriction agreement must be recorded that establishes appropriate low to moderate rent and income limits for the period of years required by HUD regulations. All assisted units will comply with rent restrictions for 15 years post-rehabilitation.
2. All construction will be in accordance with local municipal code.
3. Maintenance of 100 percent insurance coverage on replacement values of the property for all hazard types will be required.
4. All approved projects are subject to all HUD requirements for projects. This includes relevant fair housing, nondiscrimination, labor standards, and environmental requirements.

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Grant Calculation

The amount and terms of the loan or grant shall be based on underwriting criteria established in the NOFA. The assistance amount shall be determined through an intensive review of the application by the City of Houston Department of Housing and Community Development as outlined in the existing Neighborhoods to Standards Request for Proposals (RFP). Among other items, this review will specifically assess each application's stated operating proforma, cost estimates, and area rental market conditions to develop the appropriate amount of and structure for the assistance.

Applicants are encouraged to leverage other available resources to preserve affordable housing for low and very low-income residents. Primary consideration will be given to redevelopment plans that go beyond unit improvement to include community services, community facilities, area beautification, or school support (such as a community room for tutoring or computers).

Distribution of Funding

Funds will be distributed via contracts with developers approved by the Houston City Council following analysis and underwriting by HCD. Contracts typically call for a developer to be reimbursed for costs related to rehabilitation or reconstruction activities on a monthly basis, with an appropriate retainage withheld. Funds should be completely distributed within 24 months of the contract start date.

Funds under Neighborhoods to Standard are to be used for hard costs only. Interest, developer's fees, and other such "soft" costs will not be funded with this grant.

Housing Safety - Multi-Family Apartment Community Liaison Program

Funding in the amount of \$20 million will be provided to the Houston Police Department for establishment of a Multi-Family Apartment Community Program. The funds will be utilized to procure equipment and supplies to support the program and to staff the program with officers on overtime.

The Multi-Family Apartment Community Program is designed to address the needs of low to moderate income residents residing in multi-family apartment communities where it can be clearly demonstrated that the population within the area has seen a dramatic increase due to an influx of Katrina evacuees. Health, public safety and overall quality of life issues in these multi-family communities not only affect the residents who reside in the multi-family communities, many of whom are Katrina evacuees, but directly impact the surrounding neighborhoods and educational institutions. Through the program's direct involvement of residents within the designated multi-family communities, the Houston Police Department's goal is to reduce crime as well as fear of crime, and actively involve residents in the process of developing strong bonds to their community.

The objectives of the program are to:

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- I. Develop a working team between apartment management, residents and law enforcement officers tasked with developing collaborative crime fighting strategies in multi-family communities.
- II. Create, implement and facilitate long-term strategies to address crime, housing safety, and quality of life issues affecting residents of multi-family residential properties in low to moderate income neighborhoods where it can be clearly demonstrated that the population within the area has seen a dramatic increase due to an influx of Katrina evacuees. Strategies will be tailored to individual complex needs and issues.

In order to achieve these objectives, the Program will be implemented across two distinct phases. In Phase I, liaison teams will be deployed to each of fifty multi-family residence properties that have been identified as housing a large proportion of evacuees from Hurricanes Katrina and Rita and having high levels of crime.

During Phase I of the ACLP housing safety program, officers will engage in community outreach, resident education, law enforcement and development of management strategies to lower crime rates and enhance housing safety and quality of life on the multi-family properties. The program will enlist the residents' active involvement in identifying, prioritizing and addressing housing safety and quality of life issues in their community.

Phase II will require property management and resident volunteers to assume responsibility for the on-property program and to coordinate with the HPD Citywide Apartment Community Liaison coordinator. The coordinator will provide organizational skills, direction, and analysis of crime trends and educational resources. In addition, the coordinator will schedule regular meetings in the affected multi-family communities to assess community needs and provide feedback to the department.

The Houston Police Department's Multi-Family Administrative Unit will coordinate the Program.

Eligibility Requirements

Only multi-family apartment complexes in low to moderate income neighborhoods where it can be clearly demonstrated that the population within the area has seen a dramatic increase due to an influx of Katrina evacuees are eligible. Data from the FEMA Housing Assistance Program has been used to identify qualifying apartment complexes. Among the qualifying complexes, properties within Master Police Districts with concentrations of high violent crime will be designated for the ALP program. (See Attachment C.)

Distribution of Funding

Funds will be distributed to the Houston Police Department for implementation of the program.

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THE STRATEGY BEHIND HARRIS COUNTY'S REQUESTS

Harris County's use of the CDBG recovery funding will address a myriad of public service needs for evacuees who remain in the area. Following the advent of the 2005 disasters, the area's public service systems experienced extreme increases in demand for service. Most notably, the United Way reported a 56% increase in inquiries for services in 2005 over requests for services in 2004. Additionally, other programs expended significant resources in the provision of services to a significant number of evacuees while also continuing services to Harris County residents; specifically, MHMRA's Katrina Crisis Counseling program served more than 39,000 evacuees through December 2006, the Harris County Hospital District opened more than 35,000 inpatient and outpatient cases for evacuees through December 2006, and the Harris County Juvenile Probation Department served more than 470 evacuee youth in its facilities through August 2006.

Published reports on the impact of the Gulf Coast hurricanes of 2005 on the Houston/Harris County area have stated that as many as 380,000 persons sought refuge following these storms in this area. While many stayed temporarily or had resources that allowed them to re-establish permanently in the area, a significant portion of this population continue to remain in the area because they have little or no resources to allow them to move elsewhere or return home. This is demonstrated by Census Bureau data that reported a decrease to Harris County's median household income from 2005 to 2006 partially attributed to the influx of low-income persons who remain in the area. Furthermore, the home communities of many of these persons have not yet recovered to offer sufficient services and affordable housing to return to. Thus, Houston/Harris County continues to be the home of a low-income, disadvantaged, and displaced population who are in need of services and resources necessary to sustain a fair quality of life as well as address the myriad of issues that linger as a result of the initial disaster. Many of these persons have lost permanent housing and continue to be housed in the temporarily extended Federal Emergency Management Agency (FEMA) housing program

Houston and Harris County did not hesitate to provide services to meet the increased demand by evacuees. With this request, Harris County plans to expand services and continue to meet the increased demand while continuing its level of service for permanent Harris County residents. With this funding, the area's capacity to serve will increase and more evacuee needs will be met.

The use of recovery funds for this purpose will require a waiver of the public services cap requirement. The County also requests that use of these funds be expedited to ensure gaps in service do not occur. The County proposes funding four public service programs more fully described below.

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Table 1. Funding Summary-Proposed Harris County Projects

Harris County Proposed Projects	National Objective	Proposed Accomplishments	Amount Allocated	Percent of Harris County Portion
Evacuee Public Services:				
Coordinated Housing Safety Program- Multi-Family Community Liaison Program (City-County Joint Program)	LMA	20,000 Persons	\$6,707,000	33%
Evacuee Medical Services (HCHD)	LMC/ Urgent Need	35,515 Persons	\$6,285,000	32%
Continuation of Katrina Crisis Counseling Program (MHMRA)	LMC	30,000- 40,000 Persons	\$3,550,000	18%
Youth Offender Services	LMC	700 – 800 youth	\$3,458,000	17%
Harris County Total			\$20,000,000	

Coordinated Housing Safety Program-Multi-Family Community Liaison Program

Funding in the amount of \$6,707,000 will be used to provide expanded public services through the Coordinated Housing Safety Program with the City of Houston. Harris County’s participation in the Coordinated Housing Safety Program, more fully described under the City of Houston’s Multi-Family Community Liaison Program, will be limited to expanded services to evacuees arrested as a result of the increased security and public safety efforts in the identified target apartment complexes. The County will provide expanded services to such evacuees by contracting for additional bed space for treatment of substance abuse and mental health issues to reduce the recidivism rate of evacuees who are arrested and incarcerated. The County will add 144 beds specifically for substance abuse and mental health treatment of inmates who are evacuees. Additionally, the County will hire by contract six (6) reintegration counselors to re-establish eligibility in Social Security Income (SSI) programs, Medicaid, Mental Health Mental Retardation Authority (MHMRA) programs, housing and other similar programs to ensure continuity of services upon release from jail. Based on 2006 statistics, the Harris County correctional facilities processed an estimated 3,600 evacuees through its system. It is anticipated that approximately 20,000 evacuees will be incarcerated in the County jail as a result of the proposed Multi-Family Community Liaison Program.

Table 2. Coordinated Housing Safety – Expanded Service Costs

Service Type	Beds	Annual Cost	Term	Total Estimated Cost
Substance Abuse Beds	96	293,500	2 years	587,000

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Mental Health In-Patient	48	2,800,000	2 years	5,600,000
Case Management Reintegration Counselors (6)	-	260,000	2 years	520,000
Total	144	3,353,500		6,707,000

National Objective

This activity will meet the CDBG National Objective of primarily benefiting low and moderate-income persons.

Eligibility Requirements

Evacuees who receive expanded services through Harris County under the Coordinated Public Safety Program must meet the following eligibility criteria:

- Evacuees must provide proof of household income (at least 51 percent of the persons served will have incomes within the applicable income limits);
- Evacuee status must be documented via FEMA eligibility, or other documents proving displacement as a result of the Hurricanes Katrina or Rita;
- Evacuee must be assessed as a substance abuser and/or suffer with mental health issues.

Distribution of Funding

Funding under this program will go towards payment of contract services to provide additional substance abuse treatment, mental health treatment beds and reintegration counselors/case managers.

Evacuee Medical Services-Harris County Hospital District

Funding in the amount \$6,300,000 will be provided to the Harris County Hospital District (HCHD) to recover unreimbursed costs associated with the provision of emergency and non-emergency medical services to evacuees.

When news of Hurricane Katrina's approaching landfall in Louisiana broke in late August 2005, Texas became the main destination for hundreds of thousands of people fleeing the advancing storm. For many of those left behind in New Orleans, their only refuge was within the Louisiana Superdome. Following the storm's passing, Houston and Harris County's planned evacuation of more than 20,000 people during the renowned dome-to-dome transfer captured the nation's imagination and helped achieve a new level of local civic pride. More than 16 months later, more than 100,000 evacuees continue to call Texas home, and the impact of this mass exodus continues to be felt in our community and by the Harris County Hospital District.

The Harris County Hospital District's unprecedented two-week operation of the Astrodome Health Clinic at the Reliant Complex from September 1-15, 2005 was one of its proudest moments and remains a shining example of HCHD's employee and medical staff's can-do attitude. Marshalling the full extent of its resources, HCHD staff and physicians from its medical school partners established a fully operational field hospital within 18 hours, accepting its first patients during the early morning hours of September 1, 2005.

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Clinical operations, staff and physical structure grew approximately four times in size during the first 72 hours while patient treatment continued. The clinic space expanded from its initial 20 exam rooms to 90 exam rooms by the fourth day. In all, the Astrodome Health Clinic operated by HCHD accounted for more than 11,000 patient visits, 10,000 prescriptions and 10,000 tetanus shots to Katrina's evacuees. Through December 2006, the Hospital District has provided health care for more than 35,000 evacuee patient visits in its facilities, including 507 admissions to its hospitals.

The cost of providing medical services to the evacuees was a significant expense for the Hospital District to bear. HCHD received only \$3 million in payments, less than 32.3 percent of its estimated costs.

Table 3. Harris County Hospital District-Katrina Patients

Service Type	Cases	Charges	Cost	Total Payments Received	Cost Less Total Payments Received
In-Patient	507	7,652,631	4,356,706	2,117,639	2,239,068
Out-Patient	24,754	6,869,482	3,311,980	660,791	2,651,188
Take Home Drugs	10,254	1,529,735	735,688	115,036	620,652
Total Patient Services	35,515	16,051,847	8,404,374	2,893,466	5,510,909
Astrodome Clinic			883,103	109,487 ¹	773,616
Grand Total	35,515	16,051,847	9,287,477	3,002,952	6,284,525

National Objective

At least twelve percent of costs associated with eligible activities will be documented as meeting the CDBG National Objective of Urgent Need, as these costs were expended on emergency medical services provided to evacuees during the critical hours immediately following the disaster on September 1-15, 2005. The remainder the costs associated with eligible activities will meet the CDBG National Objective of primarily benefiting low and moderate-income persons.

Eligibility Requirements

Since medical services may be necessary for evacuees of varying income levels, the services provided under this program to evacuees after September 15, 2005, will not be restricted to only low-income persons; however, at least 51 percent of all persons served through this program will be of low and moderate income. In general, evacuees who receive expanded medical services through the Harris County Hospital District must meet the following eligibility criteria:

- Evacuees must provide proof of household income (at least 51 percent of the persons served will have incomes within the applicable income limits);

¹ Amount reimbursed by FEMA.

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- Evacuee status must be documented via FEMA eligibility, or other documents proving displacement as a result of the Hurricanes Katrina or Rita.

Distribution of Funding

Funding under this program will be used to reimburse the Harris County Hospital District for documented emergency and non-emergency medical costs.

Katrina Crisis Counseling Program

Funding in the amount of \$3,550,000 will be provided to the Mental Health Mental Retardation Authority of Harris County (MHMRA) for the continuation of the Katrina Crisis Counseling Program (KCCP) for a period of 19 months.

In September 2005, upon the arrival of the evacuees to the Harris County area, MHMRA immediately organized and provided leadership and staffing for emergency psychiatric services at the Mega Shelters (Reliant Center/Arena and George R. Brown Convention Center) and Disaster Recovery Centers (“DRC’s”), utilizing about 100 MHMRA employees. In addition to individuals with mental health needs, MHMRA served children, seniors, and individuals with mental retardation who were also particularly impacted. MHMRA coordinated emergency services with City, County, State and Federal officials, medical provider networks, Social Work schools, and other service providers.

This immediate local response grew into what became known as the Katrina Crisis Counseling Program that opened for operation in October 2005 with funding through the Texas Department of State Health Services. The KCCP was organized to provide longer term crisis counseling to Katrina survivors as temporary relocation grew into longer term displacement. KCCP staff assumed crisis counseling service provision at the Disaster Recovery Centers (DRC’s) and throughout the community immediately after they were hired and trained. Contract services include: Individual Crisis Counseling, Group Crisis Counseling, Outreach, Screening and Assessment, Grief and Loss Counseling, Stress Management, Education and Information, Referrals to longer term, more formal mental health and/or substance abuse treatment (Narcotics Anonymous and Alcoholics Anonymous), Referrals to other service agencies (FEMA help-line, Voluntary Organizations Active in Disaster, Salvation Army, Red Cross, Interfaith, Unmet Needs), Networking and Collaboration with community leaders and public officials, regarding the disaster.

During 2006, the KCCP delivered more than 35,000 crisis counseling sessions, provided more than 4,400 crisis counseling sessions by phone, and made more than 1,700 mental health referrals.

In December 2006, funds from the Texas Department of State Health Services ended and MHMRA agreed to continue the program through a phase-down plan that would end all services within six months and hopefully setup in-kind collaborations with other services providers for the benefit of evacuees still facing crisis. In lieu of phasing down the program, Harris County proposes to continue the program with CDBG recovery funds to

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assist between 30,000 to 40,000 individuals and provide the necessary emotional closure to set them on a path of developing self-sufficiency and integration into the Houston/Harris County community or resettling back to their home communities. We anticipate this program continuing for another 19 months with full closure within 24 months of receipt of grant funds.

National Objective

This activity will meet the CDBG National Objective of primarily benefiting low and moderate-income persons.

Eligibility Requirements

Since crisis counseling may be necessary for evacuees of varying income levels, the services provided under this program will not be restricted to only low-income persons; however, at least 51 percent of all persons served through this program will be of low and moderate income. In general, evacuees who receive services through the Katrina Crisis Counseling Program must meet the following eligibility criteria:

- Evacuees must provide proof of household income (at least 51 percent of the persons served will have incomes within the applicable income limits);
- Evacuee status must be documented via FEMA eligibility, or other documents proving displacement as a result of the Hurricanes Katrina or Rita.

Distribution of Funding

Funding under this program will go towards payment of salaries, supplies, and professional fees and services necessary to continue services to evacuees served under this program.

Youth Offender Services

Approximately 17 percent of Harris County's funding will be used to provide expanded services to juvenile offenders who are evacuees and have been placed under the supervision of the Harris County Juvenile Probation Department.

The Harris County Juvenile Probation Department (HCJPD) provides protection to the public and provision of services to youth referred for violations of the law. As mandated in the Texas Juvenile Justice Code, the department provides services including treatment, training, rehabilitation and incarceration while emphasizing responsibility and accountability of both parent and child for the child's conduct and offering the most opportunities for those youth who demonstrate the greatest potential for positive change. In part to achieve this mission, HCJPD provides a variety of additional social services not mandated by law to youth offenders under their supervision. Such services include but are not limited to mental health assessments, crisis intervention, individual and family counseling, tutorials, educational workshops and residential treatment including acute psychiatric care services. Through August 2006, HCJPD had admitted to its facilities and provided services to 472 youth who were evacuees to Harris County at a cost of approximately \$1.2 million. In addition to these services, HCJPD contracts for space at the Harris County Psychiatric Center (HCPC) for 16 service beds for youth that have acute psychiatric needs that cannot be addressed in other residential treatment facilities.

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In 2005, 124 Harris County youth received services at HCPC. With the advent of the disasters of late 2005, HCJPD had to give up critical bed space for Harris County youth at HCPC for eight youth who evacuated to the Harris County area. In an effort to meet the service needs of these youth while also maintaining the level of service required to serve Harris County youth, CDBG recovery funding will be set-aside to fund expanded HCJPD services to evacuee youth offenders and to contract space for four (4) beds at HCPC for evacuee youth in need of such services during the next 24 months.

Eligibility Requirements

Since youth from households of varying income levels may need the services of the HCJPD, the services provided under this program will not be restricted to only low-income persons; however, at least 51 percent of all persons served through this program will be of low and moderate income. In general, evacuees processed through the HCJPD under this program must meet the following eligibility criteria:

- Evacuees must provide proof of household income (at least 51 percent of the persons served will have incomes within the applicable income limits);
- Evacuee status must be documented via FEMA eligibility, or other documents proving displacement as a result of the Hurricanes Katrina or Rita.

Distribution of Funding

Funding under this program will go towards payment of salaries, supplies, and professional fees and services necessary to provide services to youth evacuees and to pay contract costs to reserve beds at the Harris County Psychiatric Center.

City/County Administration Funds

It is proposed that the City and County retain up to five percent of it's the designated allocation, for City and County administrative activities.

Implementation

Harris County and City of Houston will implement the activities of this Action Plan consistent with each jurisdiction's standard grants management policies and procedures used in management of CDBG entitlement funds. Contracts will include all required clauses. Each governmental entity shall implement a monitoring program to ensure that subrecipients of CDBG recovery funds carry out their activities in accordance with the respective regulations and agreements. Specific areas of subrecipient operations that will be reviewed include financial performance, project timeliness, record-keeping procedures and compliance with federal regulations and applicable program guidelines. Subrecipients will be continually assessed to determine organizational ability to carry out approved projects. Where potential problem areas are found, technical assistance and training will be provided.

On- Site Monitoring

Harris County will be responsible for on-site monitoring of its proposed projects and the City of Houston will be responsible for monitoring its projects proposed under this Action Plan. Site visits will be to monitor program progress. The purpose of an on-site monitoring program is to determine if a subrecipient is carrying out its program activities

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as described in the application for assistance and the written agreement. On-site monitoring is also used to ensure that required records are maintained to demonstrate compliance with applicable regulations. Subrecipients that present the greatest vulnerability to fraud, waste and mismanagement are monitored within the resources available. Risk factors that will be used to determine frequency of monitoring will include:

- Subrecipient experience with CDBG program or other federal grants;
- Subrecipient staffing, to include turnover and key staff experience;
- Previous compliance or performance problems;
- Nature of activity (housing, economic development; relocation, acquisition); and
- Scope of program.

Agencies are notified in writing of any findings resulting from monitoring visits and are given a date by which all findings are to be addressed, as well as corrective actions that must be taken to address the findings. The monitoring letter also addresses concerns and makes recommendations for improvement. Harris County and the City of Houston will use its established procedures and will incorporate any additional requirements on an as-needed basis.

Amendments

Each entity will follow its guidelines for amendments as published in its local Consolidated Plan.

Citizen Participation

Citizen participation is critical to any successful planning effort. The City of Houston and Harris County have kept in close contact with citizens regarding the needs of evacuees. The City of Houston Mayor's Office initiated weekly Monday morning meetings at the George R. Brown Convention Center immediately following the disaster. Such meetings have continued on a periodic basis through the current date. This action plan was developed based on input from those meetings.

Public Comment Period and Public Hearings

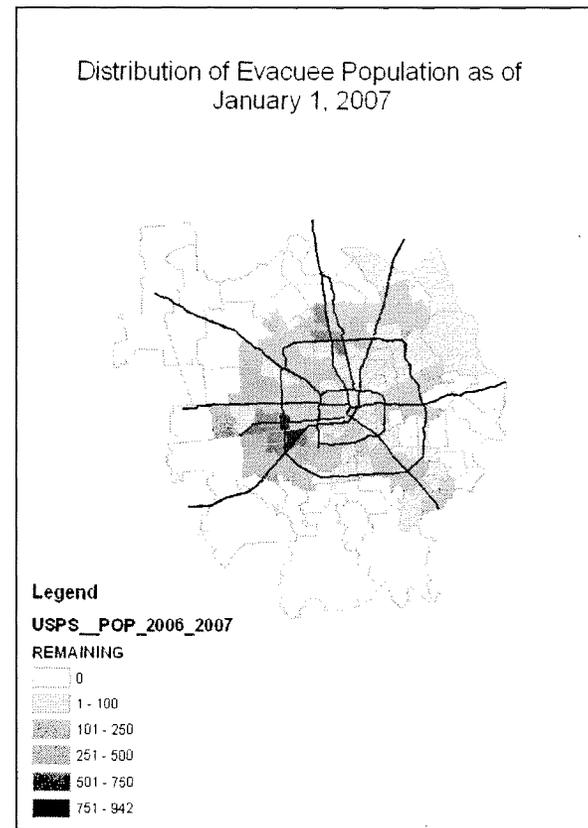
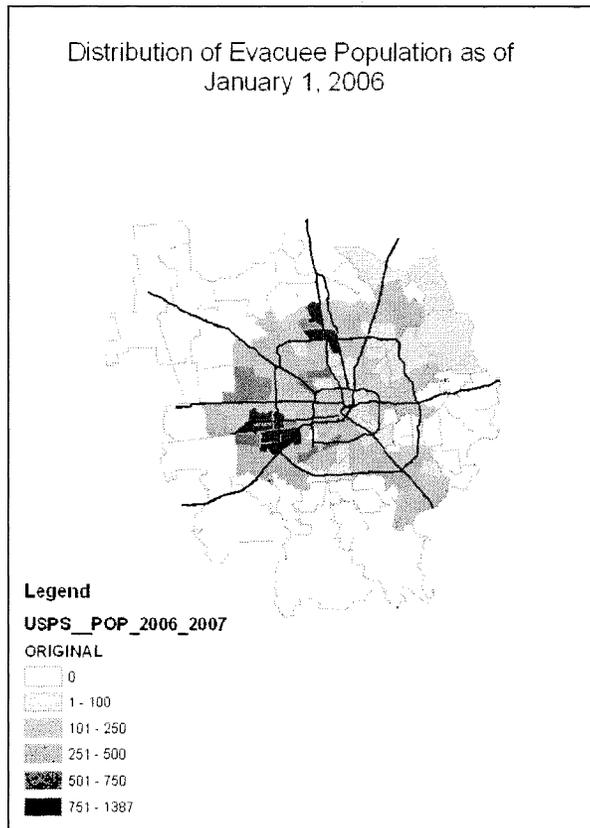
The public was given an opportunity to review the Houston/Harris County Joint Action Plan for use of CDBG recovery funds during a 15-day public review period which began on April 4, 2007. The Joint Action Plan was made available via the City of Houston's and Harris County's websites. A public notice summary including a list of projects and proposed expenditures was placed in the Houston Chronicle on the April 4, 2007. The general public was notified of the public hearing and the availability of the draft document for public review. A public hearing is scheduled for April 16, 2007.

A summary of any comments received during the public comment period, reasoned responses and any changes that resulted from such comments will be added to the Joint Action Plan.

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Waivers Requested

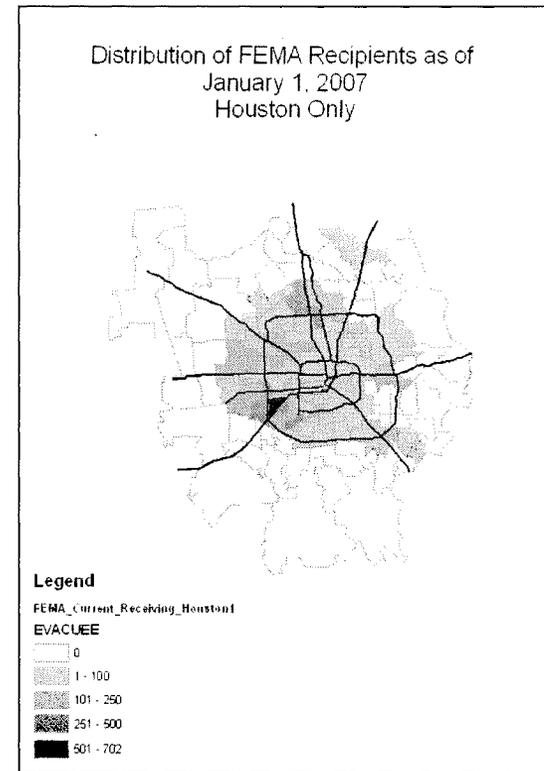
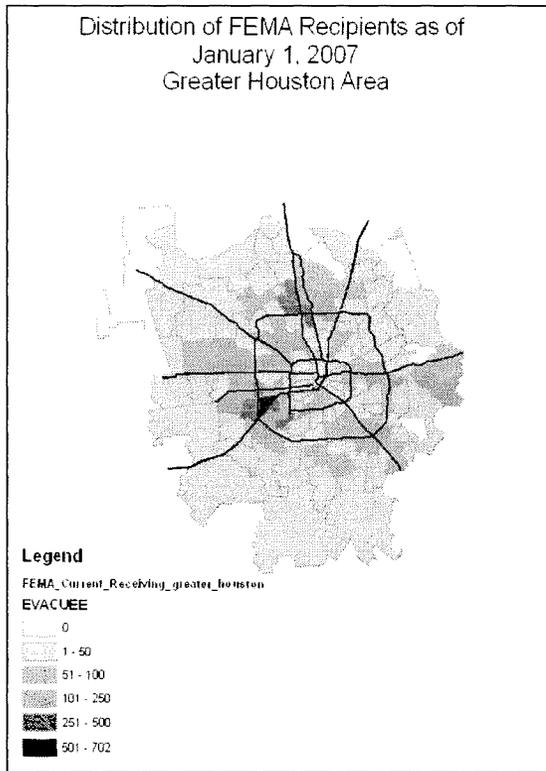
During development of this Action Plan, the City of Houston and Harris County identified issues requiring waivers from HUD to address specific needs of the evacuee population. A copy of our waiver request is attached at Exhibit A to this Plan.



Displayed are two maps showing the distribution of evacuees residing within the City of Houston.

The map on the left shows the distribution of evacuee households by zip code, as of **January 1, 2006**. Yellow indicates that zero evacuee households live within the city's zip codes. Dark blue indicates that over 750 households live within the zip code.

The map on the right shows the latest distribution of evacuee households by zip code, as of **January 1, 2007**. Yellow indicates zero evacuees live within the city's zip codes. Dark blue indicates that over 750 evacuees live within the zip code.



Displayed are two maps showing the distribution of current FEMA recipients.

The map on the left shows the distribution of FEMA recipient households by zip code, as of **January 1, 2007**, for the greater Houston area. Yellow indicates that zero evacuee households live within the zip code. Dark blue indicates that over 500 households live within the zip code.

The map on the right shows the distribution of FEMA recipient households by zip code, as of **January 1, 2007**, within the Houston city limits. Yellow indicates zero evacuees live within the zip code and dark blue indicates over 500 evacuees live within the zip code.

Crime in Apartment Complexes within Police Districts 6, 17, 19, 20.

Reported for One Year Before and One Year After September 1, 2005

District	Time Span	Murder	Rape	Robbery	Agg. Assault
6	Sep. 1, 2004 - Aug. 31, 2005	10	30	281	216
	Sep. 1, 2005 - Aug. 31, 2006	9	30	372	222
	2004/2005 vs 2005/2006	-1	0	91	6
17	Sep. 1, 2004 - Aug. 31, 2005	17	29	492	248
	Sep. 1, 2005 - Aug. 31, 2006	26	41	466	278
	2004/2005 vs 2005/2006	9	12	-26	30
19	Sep. 1, 2004 - Aug. 31, 2005	16	27	322	137
	Sep. 1, 2005 - Aug. 31, 2006	29	32	342	207
	2004/2005 vs 2005/2006	13	5	20	70
20	Sep. 1, 2004 - Aug. 31, 2005	4	25	332	109
	Sep. 1, 2005 - Aug. 31, 2006	12	30	293	144
	2004/2005 vs 2005/2006	8	5	-39	35
Total	Sep. 1, 2004 - Aug. 31, 2005	47	111	1427	710
	Sep. 1, 2005 - Aug. 31, 2006	76	133	1473	851
	2004/2005 vs 2005/2006	29	22	46	141
Percentage Change 2004/2005 vs 2005/2006		62%	20%	3%	20%

The number of Crime Events are counted, not the number of victims.
Domestic Violence is not included within the assault category.

SUBJECT: Ordinance amending Chapter 21 of the Code of Ordinances, Houston, Texas, relating to permitting of concrete crushing sites		Category #	Page 1 of	Agenda Item # 14
FROM (Department or other point of origin): Houston Department of Health and Human Services		Origination Date April 27, 2007	Agenda Date MAY 02 2007	
DIRECTOR=S SIGNATURE: Stephen L. Williams, MPA <i>Stephen L. Williams</i>		Council District affected: All		
For additional information contact: Elena Marks Phone: 713-247-3394		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Adopt ordinance amending Chapter 21 of the Code of Ordinances, Houston, Texas relating to the permitting of concrete crushing sites				
Amount and Source of Funding: N/A			F & A Budget:	
SPECIFIC EXPLANATION: Chapter 21 of the Code of Ordinances currently includes programs administered by the Houston Department of Health and Human Services. The proposed ordinance requires that sites where concrete crushing operations are conducted obtain a permit from the City.				
1) Existing sites must apply for a permit; however, the location requirements do not apply. Existing concrete crushing sites are required to post signs with contact and permit information as well as paying the \$500 permit fee.				
2) New sites and expansion of existing sites will have to meet certain location requirements to be granted a permit. Permits will not be granted for sites that would be located in a "designated area" (a circle around the site with a radius of 1,500 feet) if the designated area is 50% residential or if a child care facility, hospital, nursing home, place of worship, public park, school or concrete crushing site is located in the designated area. Application, notice and hearing procedures apply to new sites. The signage and fee requirements also apply to new or expanded sites. Permits must be obtained by October 1, 2007.				
The Environment and Public Health Committee has had a number of meetings on this issue and on April 19, 2007, voted to recommend the proposed ordinance to Council. In response to Council and public comments, one change has been made to the ordinance presented to the committee. Temporary concrete crushing sites at demolition sites where the concrete will be reused will be permitted, but will be exempt from the location requirements because the concrete will be reused on site.				
REQUIRED AUTHORIZATION				
F&A Director:		Other Authorization:		Other Authorization:

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

AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 21 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, BY ADDING A NEW DIVISION 3 RELATING TO CONCRETE CRUSHING SITES; ESTABLISHING A SCHEDULE OF FEES FOR PERMITS ISSUED IN CONNECTION THEREWITH; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City of Houston is a municipal corporation organized under the Constitution and the general and special laws of the State of Texas and exercises powers granted by the City's Charter and the provisions of Article XI, Section 5 of the Texas Constitution; and

WHEREAS, in the exercise of its lawful authority, the City may enact police power ordinances to promote and protect the health, safety, and welfare of the public; and

WHEREAS, permitting and registering concrete crushing sites will assist the Health Officer in locating and inspecting these sites; and

WHEREAS, the City Council finds that regulating the location of these sites in residential areas is necessary to protect the public health, safety and welfare of residents of the City; and

WHEREAS, the City Council finds that preventing the concentration of these sites is necessary to protect the public health, safety and welfare of residents of the City; and

WHEREAS, the City Council finds that these sites reasonably are expected to have a negative effect on residential property values and can affect other forms of land use, such as public parks, schools, child care facilities, hospitals, nursing homes and places of worship; and

WHEREAS, the City has conducted public meetings and has received comments on these issues; and

WHEREAS, the City Council finds that the Department of Health and Human Services has analyzed its costs of administering the program, taken into account the appropriate costs of the program, and related the costs to the types of permits issued by the City; and

WHEREAS, the City Council finds that the proposed permit fee is reasonably related to the cost of administering the program; **NOW, THEREFORE;**

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

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

Section 2. That Article VI of Chapter 21 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Division 3, which shall read as follows:

"DIVISION 3. CONCRETE CRUSHING SITES

Sec. 21-167. Definitions.

As used in this division, the following words and terms shall have the meanings ascribed in this section, unless the context of their usage clearly indicates another meaning:

Child care facility has the meaning ascribed in section 28-222 of this Code.

Crushing means any fixed, portable, permanent or temporary operation where pressure is applied to concrete, whether new or used, to reduce the size of the original material so that it can be used or reused.

Designated area means an area determined by creating a closed curve with a radius of 1500 feet from the property line of each site where crushing operations are located. Each tract that is wholly

or partially located within the area so created shall be part of the designated area.

Existing operation means a site that has a valid permit issued by the Texas Commission on Environmental Quality to perform crushing on or before _____¹.

Expand or expansion means an increase in:

- (1) The size of the tract on which a facility is located; or
- (2) Operations, including but not limited to hours of operation and amount of materials that may result in an increase in air emissions.

Hospital has the meaning ascribed in section 28-222 of this Code.

Multi-family residential has the meaning ascribed in section 28-222 of this Code.

New operation means a site that does not have a valid permit issued by the Texas Commission of Environmental Quality to perform crushing on or before _____².

Nursing home has the meaning ascribed in section 28-222 of this Code.

Permit means a current and valid permit issued pursuant to this division to operate a site.

Permittee means a person who holds a permit under this division to operate a site, and includes any employee, agent, or independent contractor of the permittee.

Place of worship means one or more buildings, whether situated in the city or not, in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship.

Public park has the meaning ascribed in section 28-121 of this Code.

1 Editor shall insert the date of passage and approval of this Ordinance.

2 Editor shall insert the date of passage and approval of this Ordinance.

Residential has the meaning ascribed in section 28-222 of this Code.

Residential area means an area 50 percent or more of which consists of tracts that are wholly or partially subject to residential restrictions or are used for residential purposes. Tracts that are multi-family residential shall be treated as a residential tract.

School has the meaning ascribed in section 28-222 of this Code.

Site means the tract and fixtures, including structures, appurtenances and stockpiles of raw materials and finished products, where crushing is done.

Tract means a contiguous parcel of property under common ownership.

Sec. 21-168. Scope.

Pursuant to this division, all sites where crushing operations are performed are required to obtain a permit. Existing operations, expansions of existing operations and new operations are required to follow the permit application procedures in section 21-171 of this Code. Expansions of existing operations and new operations shall meet the location requirements in section 21-170 of this Code. However, the location requirements in section 21-170, notice requirements set forth in section 21-174 and the hearing and appeal procedures set forth in section 21-175, all sections of this Code, shall not apply to existing operations or to temporary crushing operations located at demolition sites if the concrete is being crushed primarily for use at the demolition site.

Sec. 21-169. Prohibited activities.

It shall be unlawful for any person to:

- (1) Operate at a site within the city unless there is a permit for the site issued pursuant to this division;
- (2) Expand crushing operations unless a permit for the expansion has been issued pursuant to this division;
- (3) Operate at a site within the city in violation of any term of a permit issued pursuant to this division; and
- (4) Fail to post signs as provided herein.

Sec. 21-170. Location requirements.

The director shall not issue a permit for a new operation or the expansion of any existing operation:

- (1) On a lot, tract or parcel of land where the crushing operation or expansion of the site for crushing is prohibited, expressly or impliedly, by unexpired deed restrictions or covenants running with the land contained or incorporated by reference in a properly recorded map, plat, replat, declaration, deed, judgment or other instrument filed in the county real property records, map records or deed records.
- (2) In any designated area that is a residential area or contains a child care facility, hospital, nursing home, place of worship, public park, school or crushing site.

Sec. 21-171. Applications.

(a) An applicant may obtain a permit for an existing operation or new or expanded operation by submitting a permit application to the department in the time and manner prescribed by the director, along with the fee required by section 21-176 of this Code.

(b) An application shall not be considered complete unless accompanied by any drawings, descriptive data, emissions information, permit fees, ownership information, contact information, and other pertinent data that may be required by the director.

(c) The director shall notify the applicant when the application is complete.

(d) If any of the required documentation, data, reports or drawings contain any false, erroneous or misleading information known to the applicant, then any permit issued pursuant to that false, erroneous or misleading information shall be void with the same force and effect as if it had never been issued.

(e) On or before the thirtieth calendar day following the filing of the complete application, the director shall issue to the applicant a written notice of disapproval or preliminary approval of the permit. Any notice of disapproval of a permit application must include a written report explaining the reasons for disapproval. Any preliminary approval shall be subject to the hearing provisions of section 21-175 of this Code, and, if no request for hearing is timely filed thereunder, shall become a final approval on the business day

next following the close of the protest period. The issuance of a written notice to the applicant shall be complete upon the deposit of the properly addressed notice in the United States mail, first class postage paid.

Sec. 21-172. Permits.

Each permit shall specify and display on its face the following terms, which shall be the conditions under which the permittee is authorized to operate or expand the site:

- (1) Name of the permittee, address and contact information, including telephone number and e-mail;
- (2) Name of the owner of the site, if different from the permittee;
- (3) Operations authorized by the permit;
- (4) Location of the site;
- (5) Signage requirements, which shall include the information in section 21-174 of this Code, except that instead of the application number the permit number shall be listed; and
- (6) A statement that the permittee must comply with all applicable requirements of this division, including rules promulgated by the director hereunder.

Sec. 21-173. Additional requirements.

The director may develop rules to ensure that particulate matter originating on a site or as a result of the operations on the site do not create a nuisance. These rules may include dust-suppression techniques, maintenance of entrances and exits and physical barriers and similar practices and may be incorporated into site permits. A copy of the regulations shall be maintained in the director's office for inspection, and copies may be purchased at the fee prescribed by law.

Sec. 21-174. Notice of pending application.

(a) The applicant must post and use reasonable efforts to maintain one or more signs at the location of the proposed site or existing site for which expansion is proposed for a minimum of 30 calendar days beginning no later than the sixth calendar day following the date of the filing of a

complete permit application with the department. Each sign shall be posted no more than 15 feet from the public right-of-way that is used as access to the site. A sign shall face each public right-of-way bordering the site and the lettering on each sign shall be legible from the public right of way. Each sign shall be a minimum of four by eight feet in size, with lettering that complies with specifications promulgated by the director. Each sign shall contain at a minimum the following items of information:

- (1) That this is the proposed location of a site or site expansion, with the type of operations identified;
- (2) The hours of operation and the type of material to be processed or stored;
- (3) The name, address and contact information for the applicant, including telephone number of the person who can provide information about the application;
- (4) The permit application number assigned to this project by the department; and
- (5) A contact telephone number of the department where information can be obtained about the application.

The applicant shall retain the sign or signs at the site as provided herein.

(b) If, in the opinion of the director, compliance with the requirements of this section is impracticable or insufficient to provide adequate notification of the pending permit application, the director may require additional signs to be erected at locations as he deems advisable.

(c) Written notice of the filing of each application for a permit shall be given to each property owner within the designated area surrounding the proposed site. Notice shall also be given to any civic organization, property owners association, or any other interested group with identifiable boundaries, provided that the organization, association or group is registered with the planning and development department in a manner prescribed by the director of that department. Notice to all owners of record and civic organizations registered with the planning and development department shall be deemed given if properly addressed and deposited in the United States mail, with first class postage paid. The required written notice shall be in a form prescribed by the director and shall be mailed no later than the tenth calendar day following the filing of the required completed application. The written notice shall include a map showing the location of the proposed site or site proposed to be expanded, the surrounding designated area and all other sites located within one square mile of the proposed site or expansion.

(d) Written notice shall be published by the applicant at least once in a daily newspaper of general circulation in the city not later than the seventh calendar day following the date of filing of a complete application. The notice shall be published in the section of the newspaper in which other legal notices are commonly published, and shall be headed with the following words (or their reasonable equivalent), in conspicuous type:

"NOTICE OF PROPOSED [TYPE OF SITE] [OPERATION OR EXPANSION]." The notice shall state the type of operations being proposed or expanded, describe the intended hours of operation of the site and the material that will be processed or stored at the site, and advise that additional information may be obtained by writing or calling the office of the chief of the bureau of air quality of the health and human services department.

(e) The 'written notice' required in subsection (d) above shall include at a minimum the following:

- (1) The name, address, and telephone number of the operator of the proposed or expanded site;
- (2) The name, address, and telephone number of the owner if different from the operator of the proposed or expanded site;
- (3) The location of the proposed site or site to be expanded including the street address (or nearest street intersection) and the name of the subdivision or survey if there is no recorded subdivision;
- (4) The proposed hours of operation of the site;
- (5) The types of material to be processed or stored at the site; and
- (6) That additional information may be obtained by writing or calling the office of the chief of the bureau of air quality.

(f) The applicant shall be responsible for paying all costs associated with the giving of notice under this division.

Sec. 21-175. Hearing; appeal.

(a) If one or more persons who own property or reside within the designated area request a hearing regarding an application for a permit by submitting to the director a written request therefor that is received in the director's office on or before the fifteenth day following the latter of the date

of publication or mailing of notices as provided in section 21-174(c) of this Code, the director shall refer the matter to a hearing officer appointed by the director for a hearing with respect to whether the application meets the criteria specified in section 21-170 of this Code. The hearing officer shall promulgate rules for hearings. If a hearing is timely requested, the hearing officer shall conduct a hearing and shall make the determination whether the permit should be granted in accordance with this section. Otherwise, the director shall make that determination.

(b) In making a determination regarding the permit, the hearing officer or director shall consider whether the site complies with the requirements of section 21-170 of this Code and may not reasonably be expected to cause a nuisance.

(c) If the application is finally approved, the director shall issue the permit to the applicant.

(d) If an application is denied, the applicant shall be afforded a written notice of the reason for denial. There shall be no appeal from the denial of an application by the hearing officer pursuant to subsection (a) of this section. However, an applicant whose application is denied by the director shall be entitled to appeal the matter to the hearing officer by filing a written notice of appeal in the director's office within 15 days following the date that notice of the denial is mailed to the applicant. If an appeal is timely filed, the director shall cause the matter to be referred to the hearing officer, who shall conduct a hearing in accordance with this section. The hearing officer's determination shall be final.

Sec. 21-176. Application fees.

The director shall establish the application fee, which shall be approved by city council. Any site where there are facilities that are required to register under division 2 of article VI of this chapter is exempt from the payment of any permit application fee under this division.

Sec. 21-177. Provisions cumulative.

The provisions of this division are cumulative of all other requirements of this Code and other laws, including, without limitation, the Construction Code and the Fire Code, as well as all applicable state and federal laws and regulations. Compliance with this division does not excuse compliance with any other law, and permittees are additionally required to obtain any other permits, licenses, and authorizations required by law, including but not limited to permits, licenses, and authorizations that are required to be obtained from the city, the Texas Commission on Environmental Quality, the United States

Environmental Protection Agency or any other appropriate governmental agency.

Sec. 21-178. Penalty; enforcement by city attorney; access to sites.

(a) Violation of this division is unlawful and hereby declared to be a nuisance. Any person who violates any provision of this division shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of not less than \$500 or more than \$2000 for each violation. Each and every day that any violation continues shall constitute a separate offense and shall be punishable as such.

(b) In accordance with Section 217.042 of the Local Government Code, the city attorney is hereby authorized to file suit on behalf of the city in any court of competent jurisdiction to enjoin or abate a violation of this division. All authority granted to the city attorney under this division shall be exercised uniformly on behalf of and against all citizens and property in the city. This authorization shall be cumulative and in addition to any other civil or criminal penalty provisions. The city, acting through the city attorney or any other attorney representing the city, may file an action in a court of competent jurisdiction to recover damages from the owner or the agent of the owner of a facility in an amount adequate for the city to undertake any activity necessary to bring about compliance with this division.

(c) The city, acting through the city attorney or any other attorney representing the city, is hereby authorized to enter into agreements in lieu of litigation to achieve compliance with the terms, conditions and restrictions of any permit authorized under this division or the provisions of this division.

(d) When it is necessary to make an inspection to enforce the provisions of this division or to inspect or investigate conditions related to air quality, the health officer may enter a site at reasonable times to inspect or to perform the duties imposed by this division or to inspect or review records, reports, data, plans, or other documents relating to compliance with this division. If the site is occupied, credentials must be presented to the occupant and entry requested. If the site is unoccupied, the health official shall first make a reasonable effort to locate the owner or other person having charge or control of the site and request entry. If refused, the health official shall have recourse to the remedies provided by law to secure entry."

Section 3. That the City Council hereby approves the initial schedule of fees attached as Exhibit "A" hereto pursuant to Section 21-176 of the Code of Ordinances, Houston, Texas, as adopted by this Ordinance.

Section 4. 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 applicability 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 5. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on October 1, 2007.

PASSED AND APPROVED this _____ day of _____, 2007.

Mayor of the City of Houston

Prepared by the Legal Dept. *Gregory W. May* ^{DPAL}
PSW: April 27, 2007 Senior Assistant City Attorney *SW*
Requested by Steven Williams, Director, Health and Human Services Department
L.D. File No.0380700017001
H:\WPfiles\WOLFSON\concretcrushingordinance.doc

EXHIBIT A

SCHEDULE OF PERMIT APPLICATION FEES

ARTICLE VI, CHAPTER 21, CITY OF HOUSTON CODE OF ORDINANCES

CONCRETE CRUSHING SITES

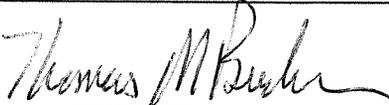
Permit Application Fee:

\$500.00

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending Chapter 39 of the Code of Ordinances, Houston, Texas, relating to solid waste collection	Category	Page 1 of 2	Agenda Item 15
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FROM (Department or other point of origin): Solid Waste Management	Origination Date: April 26, 2007	Agenda Date: MAY 02 2007
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DIRECTOR'S SIGNATURE: Thomas M. Buchanan, Director 	Council District affected: ALL
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For additional information contact: Jenny Bailey 713-247-2546	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Adopt ordinance amending Chapter 39 of the Code of Ordinances, Houston, Texas, relating to solid waste collection

Amount and source of funding: Not applicable	F&A Budget:
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EXPLANATION:

In 2006 Mayor White appointed a Solid Waste Task Force, co-chaired by Mr. Lorne Bain and City Controller Annise Parker. One charge to the task force was to provide policy recommendations on what criteria should be used to establish eligibility for City collection services. After extensive study and deliberation, the Solid Waste Task Force released its report in March 2007. The findings and recommendations of the Task Force were presented in their entirety to City Council on April 2, 2007, and in further detail to the Budget and Fiscal Affairs Committee on April 3, 2007.

The proposed amendments to Chapter 39 of the Code of Ordinances would codify certain Task Force recommendations on eligibility and sponsorship agreements as well as others aimed at improving collection efficiency. These changes were presented to the Regulation, Planning and Neighborhood Protection Committee on April 19, 2007, and the committee voted to recommend them to full Council. The amendments generally fall into five sections of Chapter 39:

- 1) Definitions (Section 39-1) – Updates and amends various definitions relative to solid waste collection service, including the definitions for Basic Collection Service, Residential Unit, and Sponsorship Agreement.
- 2) Eligibility Criteria (Sec 39-65) – Establishes eligibility criteria for Basic Collection Service as 1) a residential unit abutting a public street or 2) other residential units that meet the “three-prong test.” The test requires that there be a maximum of 20 units, sufficient frontage on a public street to allow 5 feet of space per automated container, and that all containers can be collected from a public street.
- 3) Sponsorship Agreements (Sec 39-66) – Provides that a qualified organization such as a civic association is eligible for a Sponsorship Agreement only if the entity is eligible for Basic Collection Service. The Solid Waste Management Director may extend through December 2007 any current agreements with organizations that become ineligible with the proposed ordinance changes.
- 4) Collection Efficiency (Sec. 39-67) – Authorizes the Solid Waste Management Director to determine the most efficient placement of cans for collection in special circumstances such as on one-way streets or corner lots, and if necessary, to restrict parking to only one side of the street on collection days.

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization:
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REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending Chapter 39 of the Code of Ordinances, Houston, Texas, relating to solid waste collection

Page 2 of 2

5) Heavy Trash (Sec. 39-77) - Amendments proposed in this Council action relate only to two specific elements of heavy trash service and not to broader recommendations in the Task Force Report. The first limits eligibility for scheduled heavy trash collection to units that meet the normal criteria for Basic Collection Service. Due to collection constraints imposed by high-density developments, residential units that qualify only under the three-prong test would not be eligible for heavy trash service. The second change reduces the maximum volume of scheduled heavy trash that will be collected from 40 cubic yards to 8 cubic yards. The ordinance discussed at committee proposed a limit of 10 cubic yards, but the committee voted to reduce the maximum volume to 8 cubic yards.

The administration is currently reviewing the additional recommendations made by the Solid Waste Task Force. These will be the subject of future committee hearings and subsequent Council action.

Attachment

HOUSTON CODE OF ORDINANCES – PROPOSED AMENDMENTS

Chapter 39. Solid Waste and Litter Control

Sec. 39-1. Definitions.

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:

Alley ~~shall mean~~ means a public right-of-way ~~which that~~ is used only for secondary access to individual properties ~~which that~~ have their primary access from an adjacent public street or an approved common or compensating open space or courtyard ~~which that~~ has direct access to a public street.

Automated service container means a rolling, molded plastic container, equipped with a lid, capable of holding not more than 90 gallons, and designed and intended to be collected by means of a garbage collection vehicle designed to be operated by a single individual.

Basic collection service means the collection of residential garbage or trash by the city effected by the use of a garbage truck manufactured or configured to permit the driver to collect the garbage and rubbish from automated service containers placed at the edge of the public street curbline or edge of paving by means of a mechanical device operated by the driver without the necessity of leaving the cab of the truck. The term also includes the collection of garbage or trash in one-way containers pursuant to section 39-62(c)(3) of this Code.

Bulk container means any container used for the collection and/or disposal of solid waste ~~which that~~ is designated and intended:

- a. To be transported from the premises where it is used by mechanical means with its contents to the dumpsite; or
- b. To be emptied by mechanical means upon the premises where it is used into a waste transport vehicle.

Without limitation, ~~it~~ the term includes the "dumpster" type containers ~~which that~~ are commonly used in multifamily residential, commercial, ~~and~~ industrial and public locations. Provided, that the term shall not include the rolling automated

~~collection service~~ containers that are furnished by the city and private collection contractors to residents where ~~automated~~ basic collection service equipment is utilized.

Bulk container service provider shall mean means the owner of the bulk container, provided that if a person other than the owner is contractually or otherwise obligated to ~~service the container by transporting the~~ transport the bulk container and/or its contents for disposition, then it shall mean the person providing such service.

Central business district means the area beginning at the intersection of the centerline of U.S. 59 and the centerline of I.H. 45; thence in a northeasterly and northerly direction along the centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning.

~~*Commercial unit/service unit shall mean any structure, public or private, located within the boundaries of the city that is adopted to occupancy for the transaction of business. It shall include but not be limited to shops, stores, shopping centers, public buildings, business offices, restaurants, hotels, motels, or such other places of business.*~~

~~————~~ ~~*Curblin*~~ Curblin means an imaginary line drawn along the edge of the pavement on either side of a public street; the curblin shall include the area three feet beyond said imaginary line on the ~~nonpavement~~ residence side of the line.

Department means the department of solid waste management.

Director means the director of the department of solid waste management or the director's duly authorized representative.

~~*Garbage shall mean*~~ means abandoned, discarded or unwanted putrescible animal and vegetable materials resulting from the handling, preparation, cooking and consumption of food, including such materials from food markets, food storage facilities, food handling, and the sale of produce and other food products.

~~*Heavy or oversized*~~ oversize trash ~~shall mean~~ means any rubbish or trash generated upon the premises of a residential unit ~~which is~~ and of such size or

weight that it cannot be containerized pursuant to section 39-62 of this Code and is not subject to collection pursuant to section 39-64 of this Code including, but not limited to, major appliances and tree limbs having a diameter of three inches or more.

Houston Downtown Management District means the district created by Subchapter A of Chapter 376 of the Texas Local Government Code.

Litter means uncontrolled and improperly containerized garbage or trash on public or private property.

One-way container means a disposable bag made of plastic film or of any other synthetic or natural organic material that has sufficient strength and quality to securely contain a capacity of not more than 35 gallons.

Public street means ~~Public street shall mean~~ the entire width between property lines of any road, street, way, alley, bridge, or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, which is the responsibility of the city or other similar public agency to maintain, and over which the city has legislative jurisdiction under its police power.

Recyclable material means material that has been recovered or diverted from the nonhazardous waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials. Recyclable material is not solid waste; however, recyclable material may become rubbish at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be rubbish with respect only to the party actually abandoning or disposing of the material.

Residential unit means any occupied ~~Residential unit/service unit shall mean any-~~ structure within the city limits of the city devoted to single-family residential use. Residential unit shall include, but not be limited to, houses, duplexes, condominiums, townhouses, townhomes, trailer homes, manufactured homes and patio homes. It shall also include ~~apartments in a multi-unit, arrangement/configuration/construction~~ apartment projects or communities of eight or fewer individual units. Residential unit shall not include ~~apartments in excess of~~ apartment projects or communities containing more than eight individual units ~~in a multi-unit arrangement/configuration/construction~~, hotels, motels, boarding houses, or other similar rental units.

~~*Rubbish or trash shall mean*~~ means abandoned, discarded or unwanted nonputrescible solid waste materials consisting of both combustible and noncombustible waste materials; combustible rubbish or trash shall include feathers, paper, rags, cartons, boxes (flattened and tied), wood, excelsior, nonmetallic furniture, rubber, plastics, yard trimmings, shrubs, leaves, and similar materials; noncombustible rubbish or trash shall include glass, crockery, tin cans, aluminum cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit); provided that, rubbish or trash shall not include bulk quantities of building materials or major automotive components, and the city shall not be required to pick up such materials.

Sponsorship agreement means a reimbursement agreement between the city and a civic or homeowner's association or other qualified entity for the purpose of partially offsetting the cost incurred by the association or qualifying entity in assuming the responsibility for basic garbage collection service to residential units eligible for such service pursuant to section 39-65 of this Code in certain defined areas of the city.

~~*Solid waste shall mean*~~ means "municipal solid waste" as that term is defined in the Texas Solid Waste Disposal Act; waste resulting from the construction or demolition of any structure; and any other type of solid waste as defined in Section 325.5 of the Texas Department of Health, Municipal Solid Waste Management Regulations 330.2 of the Texas Administrative Code and any amendments thereto.

Trash. See rubbish or trash.

Yard waste means grass, shrub, or other plant clippings, leaves, and tree limbs meeting the requirements of section 39-64 of this Code.

* * *

Sec. 39-65. Eligibility for basic collection service.

The following residential units shall be eligible for basic collection service:

- (1) Units abutting a public street; and
- (2) Units within a development or subdivision containing private streets, permanent access easements or shared driveways, if at least one residential unit located within such development or subdivision is adjacent

to at least one public street and the development or subdivision contains no more than 20 units and provided further:

- a. Each automated service container or one-way container is placed at the curbline or edge of paving on the public street adjacent to the development or subdivision or, if the development or subdivision is adjacent to more than one public street, on the street specified by the director;
- b. The adjacent public street contains sufficient non-driveway frontage to permit the placement of automated service containers for all residential units within the development or subdivision when spaced on five foot centers; and
- c. All units in the development or subdivision fully comply with each requirement of this item.

Any failure to comply with all conditions set forth in this item shall entitle the director to suspend basic collection service to the development or subdivision.

Sec. 39-66. Sponsorship agreements.

(a) The city shall enter into a sponsorship agreement, as defined in section 39-1 of this Code, only with a civic or homeowners association or other qualified entity that assumes responsibility for basic collection service available to those residential units eligible for such service pursuant to section 39-65 of this Code that are located within the geographical area to be served, provided the association or qualified entity is authorized to bind all residential units within the geographical area covered by the sponsorship agreement. Only those sponsorship agreements that are consistent with the provisions of this section and are in a form approved by the city attorney shall be approved.

(b) Sponsorship agreements shall be approved by the director, provided that any agreement that requires payment by the city in any one year of an aggregate amount in excess of the city council approval requirement limitation amount established pursuant to article II, section 19a of the City Charter shall be approved by the city council.

(c) A sponsorship agreement shall be administered on an all or none basis and shall apply to all units in the development or community. A residential development or community that is not eligible for basic collection service pursuant to section 39-65 of this Code shall not be eligible for a sponsorship agreement.

community that is not eligible for basic collection service pursuant to section 39-65 of this Code shall not be eligible for a sponsorship agreement.

(d) No reimbursement payments shall be authorized by the director or the city council except pursuant to the terms of a properly executed sponsorship agreement. Reimbursements shall be made on a monthly basis. The amount of reimbursement for each residential unit included in a sponsorship agreement may be established annually as of July 1 of each year by the city council. If the city council does not, for any reason, establish an amount by July 1 of any year, the amount of reimbursement for the following fiscal year shall be that amount which was in effect during the prior fiscal year, and such amount shall remain in effect through June 30 of the following year.

(f) All sponsorship agreements shall terminate on June 30 of each and every year and shall expire unless the director receives from the association or qualified entity, at least sixty days prior to the termination date, written notice that the association or qualified entity wishes to extend the agreement for an additional year. If any sponsorship agreement is allowed to terminate and the association or qualified entity wishes to resume the agreement, a new agreement must be executed.

Sec. 39- 67. Placement for regular basic collection, etc service.



(a) Except as provided otherwise specifically permitted in subsection (b), (c) or (f) of this section, basic collection services service shall be limited to items automated service containers or one-way containers placed at the curbline of a public street in front of or adjacent to the property upon which the waste was generated. garbage or trash was generated.



(b) The director shall determine the street on which containers shall be placed for collection from a residential unit located on a corner lot.

(c) If vehicle parking is permitted on both sides of a narrow, one-way or dead-end public street on which residential units abut, the director may require that, on collection day:

- (1) The parking of vehicles be restricted to one side of the street;
- (2) Containers be placed for collection on only one side of the street; or
- (3) The requirements of items (1) and (2) of this subsection both be met.

~~routes receiving conventional collection service. Service.~~ Basic collection service shall also be limited to materials authorized under rules established by the director, as provided in section 39-50 of this Code.

(e) It shall be unlawful to place or to allow to remain any materials at the curblines for basic collection service by the department prior to 6:00 p.m. of the day preceding a day designated by the director for basic collection service at that location. Basic collection service shall commence at 7:00 a.m. on the day designated by the director. It shall be unlawful to place or allow to remain any materials at the curblines on a designated collection day after department collection service personnel have passed the site for that day, and the department shall not have any obligation to return to collect items not present at the curb when the department vehicle serviced the site.

~~(f) The director may~~(b) On routes served by conventional collection service, the director shall, in lieu of collection at the curblines or edge of paving of a public street, authorize basic collection services service from the curblines or edge of paving of an alley if a majority of the residents having property abutting the alley prefer collection from the alley and if the alley meets each of the following criteria with respect to the portions of the alley that will be used by department equipment:

- (1) The alley must have a paved surface at least 16 feet in width;
- (2) The alley must have no overhang or projection lower than a height of 13 feet six inches above the pavement;
- (3) The alley must have a minimum turning radius of 35 feet at each place where the alley intersects a public street;~~and~~
- (4) The alley must have no obstruction (parked vehicle, fixed object, or whatever) that would prevent, hinder or impede the free passage of department equipment for collection service;and-
- (5) The director may require that all containers be placed on one side of the alley.

~~The director shall not be obliged to offer alley pickup service on routes served by automated collection service.~~

~~(c) It shall be unlawful to place or to allow to remain any materials at the curblines for regular city collection service by the department prior to 6:00 p.m. of the day preceding a day designated by the director for collection service at that location. Collection services shall commence at 7:00 a.m. on the day designated by the director. It shall be unlawful to place or allow to remain any materials at the curblines on a~~

~~designated collection day after department collection service personnel have passed the site for that day on their route, and the department shall not have any obligation to return to collect items not present at the curb when the department vehicle serviced the site. It shall be unlawful to allow collection containers or recycling containers to remain at the curblines, where the use of these containers is authorized, following 10:00 p.m. of the day upon which the waste or recyclables are collected by the department.~~

Sec. 39-66 68. Billing.

Billing of extra capacity collection services fees shall be made in advance to the water customers of the city who have requested extra capacity solid waste collection services concurrently with the monthly or bimonthly water bills issued by the city to such customers. Persons requesting extra capacity solid waste collection services who are not water customers of the city shall be billed for advance payment of the appropriate extra capacity collection fees for the services requested.

Sec. 39-67 69. Accounting.

(a) All extra capacity solid waste collection fees collected shall be deposited in the city's general fund and recorded in a separate revenue code. All such amounts, together with all interest earned thereon, if any, shall be used solely for the purposes set forth in subsection (b).

(b) The extra capacity solid waste collection fees collected pursuant to this article shall be used for the sole benefit of the city's solid waste management system.

(c) The department shall establish adequate financial and accounting controls to ensure that extra capacity solid waste collection fees are utilized solely for the purposes authorized. The records of the fund or account into which extra capacity solid waste collection fees are deposited shall be open for public inspection, and copies may be purchased during ordinary business hours.

* * *

Sec. 39-77. Heavy/oversize trash collection.

(a) Heavy and oversize trash shall be collected on the basis of a schedule established and promulgated by the director. Service shall be limited to residential units, and the service provided under section 39-49 of this Code to nonresidential units shall not include collection of heavy or oversize trash.

(b) Service shall be limited to materials authorized under rules established by the director as provided in section 39-50 of this Code, and no more than ~~a total of two department truck loads or forty~~ eight cubic yards of material, ~~whichever is less~~, shall be collected from any one residential unit on any scheduled collection day.

(c) Service shall be limited to items that are placed at the curblin in an unobstructed location, such that automated department equipment may reach and pick up the items. Without limitation, service will not be provided if the items are obstructed by fire hydrants, trees or vegetation, parked cars or other objects that prevent the automated function of the department's equipment.

(d) It shall be unlawful to place or to allow to remain any materials at the curblin for heavy or oversize collection service prior to 6:00 p.m. of the Friday next preceding a day upon which the collection service for the site is scheduled by the director.

(e) When any property is found in violation of subsection (d) of this section, such fact shall be prima facie evidence that the current record owner or occupant of the property committed such offense. It is a defense to prosecution under subsection (d) of this section that the property owner or occupant can name and identify the person who committed the offense.

(f) All persons have an affirmative duty to comply with all provisions of this section, and it shall not be a defense to prosecution of such persons that they were acting without a culpable mental state.

(g) No heavy or oversize trash collection service shall be provided to residential units eligible for collection pursuant to item 2 of section 39-65 of this Code.

* * *

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

AN ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO SOLID WASTE COLLECTION IN THE CITY; REPEALING ORDINANCE NO. 85-842 RELATING TO SOLID WASTE SPONSORSHIP AGREEMENTS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, in 2006, the Mayor’s Solid Waste Task Force (“Task Force”) was appointed by Mayor Bill White to study various issues relating to the City’s Solid Waste Management Department and its services; and

WHEREAS, on April 2, 2007, in a special meeting of the City Council, the Task Force presented its final report and recommendations for changes to the City’s solid waste operations; and

WHEREAS, the Task Force recommended certain revisions to Chapter 39 of the Code of Ordinances, Houston, Texas, to address issues such as eligibility for basic garbage collection service provided by the City, sponsorship agreements in lieu of garbage collection by the City and other operational matters; and

WHEREAS, the City Council agrees with the Task Force recommendations as they relate to the suggested revisions to Chapter 39 and now wishes to effect such revisions to the City Code; **NOW, THEREFORE**,

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

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

Section 2. That Section 39-1 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 39-1. Definitions.

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:

Alley means a public right-of-way that is used only for secondary access to individual properties that have their primary access from an adjacent public street or an approved common or compensating open space or courtyard that has direct access to a public street.

Automated service container means a rolling, molded plastic container, equipped with a lid, capable of holding not more than 90 gallons, and designed and intended to be collected by means of a garbage collection vehicle designed to be operated by a single individual.

Basic collection service means the collection of residential garbage or trash by the city effected by the use of a garbage truck manufactured or configured to permit the driver to collect the garbage and rubbish from automated service containers placed at the edge of the public street curblin or edge of paving by means of a mechanical device operated by the driver without the necessity of leaving the cab of the truck. The term also includes the collection of garbage or trash in one-way containers pursuant to section 39-62(c)(3) of this Code.

Bulk container means any container used for the collection and/or disposal of solid waste that is designated and intended:

- a. To be transported from the premises where it is used by mechanical means with its contents to the dumpsite; or
- b. To be emptied by mechanical means upon the premises where it is used into a waste transport vehicle.

Without limitation, the term includes the 'dumpster' type containers that are commonly used in multifamily residential, commercial, industrial and public locations. Provided, that the term shall not include the rolling automated service containers that are furnished by the city and private collection contractors to residents where basic collection service equipment is utilized.

Bulk container service provider means the owner of the bulk container, provided that if a person other than the owner is contractually or otherwise obligated to transport the bulk container and/or its contents for disposition, then it shall mean the person providing such service.

Central business district means the area beginning at the intersection of the centerline of U.S. 59 and the centerline of I.H. 45; thence in a northeasterly and northerly direction along the centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning.

*Curblin*e means an imaginary line drawn along the edge of the pavement on either side of a public street; the curblin shall include the area three feet beyond said imaginary line on the residence side of the line.

Department means the department of solid waste management.

Director means the director of the department of solid waste management or the director's duly authorized representative.

Garbage means abandoned, discarded or unwanted putrescible animal and vegetable materials resulting from the handling, preparation, cooking and consumption of food, including such materials from food markets, food storage facilities, food handling, and the sale of produce and other food products.

Heavy or oversize trash means any rubbish or trash generated upon the premises of a residential unit and of such size or weight that it cannot be containerized pursuant to section 39-62 of this Code and is not subject to collection pursuant to section 39-64 of this Code including, but not limited to, major appliances and tree limbs having a diameter of three inches or more.

Houston Downtown Management District means the district created by Subchapter A of Chapter 376 of the Texas Local Government Code.

Litter means uncontrolled and improperly containerized garbage or trash on public or private property.

One-way container means a disposable bag made of plastic film or of any other synthetic or natural organic material that has sufficient strength and quality to securely contain a capacity of not more than 35 gallons.

Public street means the entire width between property lines of any road, street, way, alley, bridge, or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, which is the responsibility of the city or other similar public agency to maintain, and over which the city has legislative jurisdiction under its police power.

Recyclable material means material that has been recovered or diverted from the nonhazardous waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials. Recyclable material is not solid waste; however, recyclable material may become rubbish at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be rubbish with respect only to the party actually abandoning or disposing of the material.

Residential unit means any occupied structure within the city limits of the city devoted to single-family residential use. Residential unit shall include, but not be limited to, houses, duplexes, condominiums, townhouses, townhomes, trailer homes, manufactured homes and patio homes. The term shall also include each apartment in an apartment project or community containing eight or fewer individual units. Residential unit shall not include apartment projects or communities containing more than eight individual units, hotels, motels, boarding houses, or other similar rental units.

Rubbish or trash means abandoned, discarded or unwanted nonputrescible solid waste materials consisting of both combustible and noncombustible waste materials; combustible rubbish or trash shall include feathers, paper, rags, cartons, boxes (flattened and tied), wood, excelsior, nonmetallic furniture, rubber, plastics, yard trimmings, shrubs, leaves, and similar materials; noncombustible rubbish or trash shall include glass, crockery, tin cans, aluminum

cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit); provided that, rubbish or trash shall not include bulk quantities of building materials or major automotive components, and the city shall not be required to pick up such materials.

Sponsorship agreement means a reimbursement agreement between the city and a civic or homeowner's association or other qualified entity for the purpose of partially offsetting the cost incurred by the association or qualifying entity in assuming the responsibility for basic garbage collection service to residential units eligible for such service pursuant to section 39-65 of this Code in certain defined areas of the city.

Solid waste means 'municipal solid waste' as that term is defined in the Texas Solid Waste Disposal Act; waste resulting from the construction or demolition of any structure; and any other type of solid waste as defined in Section 330.2 of the Texas Administrative Code and any amendments thereto.

Trash. See *rubbish or trash.*

Yard waste means grass, shrub, or other plant clippings, leaves, and tree limbs meeting the requirements of section 39-64 of this Code."

Section 3. That Sections 39-65 through 39-67 of the Code of Ordinances, Houston, Texas, are hereby redesignated as Sections 39-67 through 39-69 thereof, and new Sections 39-65 and 39-66 are added to read as follows:

"Sec. 39-65. Eligibility for basic collection service.

The following residential units shall be eligible for basic collection service:

- (1) Units abutting a public street; and
- (2) Units within a development or subdivision containing private streets, permanent access easements or shared driveways, if at least one residential unit located within such development or subdivision is adjacent to at least one public

street and the development or subdivision contains no more than 20 units and provided further:

- a. Each automated service container or one-way container is placed at the curblineline or edge of paving on the public street adjacent to the development or subdivision or, if the development or subdivision is adjacent to more than one public street, on the street specified by the director;
- b. The adjacent public street contains sufficient non-driveway frontage to permit the placement of automated service containers for all residential units within the development or subdivision when spaced on five foot centers; and
- c. All units in the development or subdivision fully comply with each requirement of this item.

Any failure to comply with all conditions set forth in this item shall entitle the director to suspend basic collection service to the development or subdivision.

Sec. 39-66. Sponsorship agreements.

(a) The city shall enter into a sponsorship agreement, as defined in section 39-1 of this Code, only with a civic or homeowners association or other qualified entity that assumes responsibility for basic collection service available to those residential units eligible for such service pursuant to section 39-65 of this Code that are located within the geographical area to be served, provided the association or qualified entity is authorized to bind all residential units within the geographical area covered by the sponsorship agreement. Only those sponsorship agreements that are consistent with the provisions of this section and are in a form approved by the city attorney shall be approved.

(b) Sponsorship agreements shall be approved by the director, provided that any agreement that requires payment by the city in any one year of an aggregate amount in excess of the city council approval requirement limitation amount established pursuant to article II, section 19a of the City Charter shall be approved by the city council.

(c) A sponsorship agreement shall be administered on an all or none basis and shall apply to all units in the development or community. A residential development or community that is not eligible for basic collection service pursuant to section 39-65 of this Code shall not be eligible for a sponsorship agreement.

(d) No reimbursement payments shall be authorized by the director or the city council except pursuant to the terms of a properly executed sponsorship agreement. Reimbursements shall be made on a monthly basis. The amount of reimbursement for each residential unit included in a sponsorship agreement may be established annually as of July 1 of each year by the city council. If the city council does not, for any reason, establish an amount by July 1 of any year, the amount of reimbursement for the following fiscal year shall be that amount which was in effect during the prior fiscal year, and such amount shall remain in effect through June 30 of the following year.

(f) All sponsorship agreements shall terminate on June 30 of each and every year and shall expire unless the director receives from the association or qualified entity, at least sixty days prior to the termination date, written notice that the association or qualified entity wishes to extend the agreement for an additional year. If any sponsorship agreement is allowed to terminate and the association or qualified entity wishes to resume the agreement, a new agreement must be executed."

Section 4. That newly redesignated Section 39-67 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 39-67. Placement for basic collection service.

(a) Except as otherwise specifically permitted in subsection (b), (c) or (f) of this section, basic collection service shall be limited to automated service containers or one-way containers placed at the curblin of a public street in front of the property upon which the garbage or trash was generated.

(b) The director shall determine the street on which containers shall be placed for collection from a residential unit located on a corner lot.

(c) If vehicle parking is permitted on both sides of a narrow, one-way or dead-end public street on which residential units abut, the director may require that, on collection day:

- (1) The parking of vehicles be restricted to one side of the street;
- (2) Containers be placed for collection on only one side of the street; or
- (3) The requirements of items (1) and (2) of this subsection both be met.

(d) All items shall be contained or bundled as provided in this chapter. Basic collection service shall be provided on the basis of a schedule established and promulgated by the director, which shall normally include one pickup per week. Basic collection service shall also be limited to materials authorized under rules established by the director, as provided in section 39-50 of this Code.

(e) It shall be unlawful to place or to allow to remain any materials at the curblin for basic collection service by the department prior to 6:00 p.m. of the day preceding a day designated by the director for basic collection service at that location. Basic collection service shall commence at 7:00 a.m. on the day designated by the director. It shall be unlawful to place or allow to remain any materials at the curblin on a designated collection day after department collection service personnel have passed the site for that day, and the department shall not have any obligation to return to collect items not present at the curb when the department vehicle serviced the site.

(f) The director may, in lieu of collection at the curblin or edge of paving of a public street, authorize basic collection service from the curblin or edge of paving of an alley if a majority of the residents having property abutting the alley prefer collection from the alley and if the alley meets each of the following criteria with respect to the portions of the alley that will be used by department equipment:

- (1) The alley must have a paved surface at least 16 feet in width;
- (2) The alley must have no overhang or projection lower than a height of 13 feet six inches above the pavement;
- (3) The alley must have a minimum turning radius of 35 feet at each place where the alley intersects a public street;

- (4) The alley must have no obstruction (parked vehicle, fixed object, or whatever) that would prevent, hinder or impede the free passage of department equipment for collection service; and
- (5) The director may require that all containers be placed on one side of the alley."

Section 5. That Subsection (b) of Section 39-77 of the Code of Ordinances,

Houston, Texas, is hereby amended to read as follows:

"(b) Service shall be limited to materials authorized under rules established by the director as provided in section 39-50 of this Code, and no more than eight cubic yards of material shall be collected from any one residential unit on any scheduled collection day."

Section 6. That Section 39-77 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Subsection (g) that reads as follows:

"(g) No heavy or oversize trash collection service shall be provided to residential units eligible for collection pursuant to item 2 of section 39-65 of this Code."

Section 7. That City of Houston Ordinance No. 85-842, passed June 11, 1985, and subsequently amended by Ordinance No. 2005-1061, passed September 20, 2005, establishing certain policies and procedures for solid waste disposal related to the participation of the city in agreements related to garbage collection, is hereby repealed.

Section 8. All sponsorship agreements in effect on the date of passage of this Ordinance shall remain in effect until the expiration of the term set forth in such agreements. Thereafter, the execution of sponsorship agreements shall be governed solely by the sponsorship provisions of Chapter 39 of the Code of Ordinances, Houston, Texas, as adopted in Sections 2 through 7 of this Ordinance; provided that (i) residential units previously ineligible for garbage collection service by the City that

become eligible for such service pursuant to the provisions adopted in Section 3 of this Ordinance shall be eligible to execute a sponsorship agreement in lieu of such service upon the effective date of this Ordinance; and (ii) the term of a sponsorship agreement for any residential unit made ineligible for City garbage collection service may be extended by the director until the last day of December 2007.

Section 9. 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 10. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on the sixtieth day next following the date of its passage and approval by the Mayor.

PASSED AND APPROVED this ____ day of _____, 2007.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

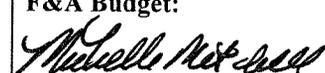
Subject: The general appropriations ordinance authorizing FY2007 expenditures.	Category #	Page 1 of 1	Agenda Item 16
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FROM (Department or other point of origin): Judy Gray Johnson Director, Finance & Administration Department	Origination Date: April 16, 2007	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE 	Council District(s) affected: All
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For additional information contact: Judy Gray Johnson 713-221-0125 Annise Parker 713-247-3098	Date and Identification of prior authorizing Council Action: #2006-0710(Interim Spending Plan Appropriation) #2006-0711(Adoption of the FY2007 Budget)
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RECOMMENDATION: (Summary) City Council approves the general appropriations ordinance authorizing FY2007 expenditures

Amount of Funding: SEE ATTACHMENTS (Exhibit A & B)	F&A Budget: 
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SOURCE OF FUNDING: [X] General Fund [] Grant Fund [X] Enterprise Fund [X] Other – Special Revenue
FY2007 Budget Resources

SPECIFIC EXPLANATION:

The City begins each fiscal year operating on an interim spending plan, until such time as the General Appropriations Ordinance or annual certification is brought forward and approved by City Council. The FY2007 interim-spending plan was adopted by City Council along with the annual budget in June 2006, using FY06 spending estimates.

The annual certification process requires the City Controller to certify the level of funding that the Controller's Office analysis indicates will be available for the current year. The amounts for each City fund for FY07 are shown on Exhibit A. This action will establish the General Fund appropriation at **\$1,686,019,338**. This is \$8.6 million more than the original budget for General Fund expenditures. City Council approval of the budget transfers and appropriations ordinance is requested.

General Fund:

- A budget transfer from the General Fund ending fund balance to the Police Department and Fire Department budgets in the amounts of \$3 million and \$2 million, respectively, and \$3.6 million to the Departments for IT expenditures relating to installation of cabling and lines for the NIP system which was higher than expected.

Parks Special Revenue Fund:

- A budget transfer of \$100,000 from the ending fund balance for transfer to the Parks Capital Fund for the proposed construction of the Sharpstown Golf Cart Barn.

Combined Utility System General Purpose Fund:

- A budget transfer of \$30 million from the ending fund balance for transfer to the Combined Utility Systems Operating Fund. The bond ordinance allows funds on hand that are transferred to the operating fund to be considered the equivalent of revenues for use in the bond coverage calculations. This transfer will mitigate the impact of lower than budgeted revenues in FY07.

cc: Agenda Office
Legal Department

F&A Director:	Other Authorization:	Other Authorization:
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Exhibit A

PROPOSED APPROPRIATIONS BY FUND

FUNDS	FY2007	FY2007	APPROPRIATION	PROPOSED
	ADOPTED	CURRENT		FY2007
	BUDGET	BUDGET	ADJUSTMENTS	GENERAL
	EXPENDITURES	EXPENDITURES		ORD 2007-XXX
General Fund, Enterprise & Special Revenue Funds				
General Fund	1,677,419,338	1,677,419,338	8,600,000 (1)	1,686,019,338
Aviation	442,307,500	442,307,500		442,307,500
Convention & Entertainment Facilities	83,010,790	83,010,790		83,010,790
Public Works & Engineering/Public Utilities - 701	636,723,843	636,723,843		636,723,843
Combined Utility System Operating - 702	256,413,813	256,413,813		256,413,813
Storm Water Fund	39,382,865	37,004,000		37,004,000
Houston Emergency Center	21,177,431	19,872,000		19,872,000
Cable Television	2,221,633	2,155,000		2,155,000
Courts Building Security Fund	1,443,459	1,443,459		1,443,459
Municipal Courts Technology Fee	3,789,240	3,789,240		3,789,240
Parks Special Revenue	6,782,880	6,782,880	100,000 (2)	6,882,880
Building Inspection	40,285,957	40,285,957		40,285,957
Sign Administration	4,147,181	4,147,181		4,147,181
Asset Forfeiture	9,128,000	9,128,000		9,128,000
Auto Dealers	4,421,085	4,421,085		4,421,085
Child Safety Fund	3,145,000	3,145,000		3,145,000
Police Special Services	16,281,468	16,281,468		16,281,468
Supplemental Environmental Protection	256,000	256,000		256,000
Mobility Response Team	1,738,870	1,738,870		1,738,870
Houston TranStar Center	1,887,145	1,887,145		1,887,145
CIP Salary Recovery	33,705,792	33,705,792		33,705,792
Total	3,285,669,290	3,281,918,361	8,700,000	3,290,618,361
Enterprise Related Funds				
Airport System Capital Outlay	12,147,999	12,147,999		12,147,999
Combined Utility System General Purpose Fund - 708	81,090,110	81,090,110	30,000,000 (3)	111,090,110
Total	93,238,109	93,238,109	30,000,000	123,238,109
From the above fund appropriations, the following funds are allocated:				
Internal Service Funds				
Health Benefits	249,330,071	249,330,071		249,330,071
Long-term Disability	2,312,079	2,312,079		2,312,079
Total	251,642,150	251,642,150	0	251,642,150
*Central Service Revolving	241,504,266	241,504,266		246,304,266
In-House Renovation	2,540,000	2,540,000		2,540,000
*Fleet Management	25,558,096	25,558,096		31,258,096
Property & Casualty	29,617,176	29,617,176		29,617,176
Workers' Compensation	24,482,110	24,482,110		20,637,000
Total	323,701,648	323,701,648	0	330,356,538

Notes:

- (1) The General Fund requires an increase of \$8.6 million. Of this, \$5 million is for transfers to the Police and Fire Departments; and \$3.6 million to the Departments for IT expenditures relating to installation of cabling and lines for the NIP system which was higher than expected.
- (2) The Parks Special revenue Fund increase of \$100,000 will be used for the proposed construction of the Sharpstown Golf Cart Barn.
- (3) The CUS bond ordinance allows funds to be passed from the general purpose fund back through the revenue fund for use in the bond coverage calculation - to meet the bond coverage tests
- *The Central Service Revolving Fund's increase of \$4.8 million is due to an increase in IT services delivered to the departments in the amount of \$1.8 million and the increase of \$3 million to HR to cover higher temp utilization on the HPD Jail Attendant initiatives, Health Department increased grant activity and IT for the SAP implementation project
- *The Fleet Management Fund's increase is due to overage in fuel of \$4.6million and Vehicle Repairs & Maintenance of \$1.1 million.

Exhibit B

FY2007 Summary of Appropriations by Fund

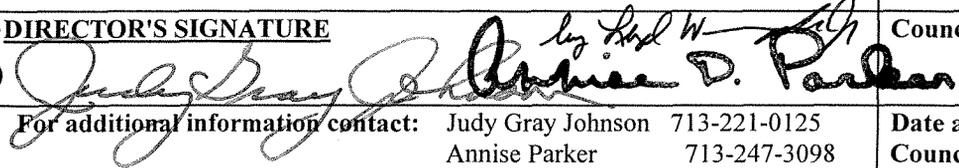
General Fund, Enterprise Funds and Special Revenue Fund	
General Fund	\$1,686,019,338
Aviation	442,307,500
Convention & Entertainment Facilities	83,010,790
Public Works & Engineering/Public Utilities - 701	636,723,843
Combined Utility System Operating - 702	256,413,813
Storm Water Fund	37,004,000
Houston Emergency Center	19,872,000
Cable Television	2,155,000
Courts Building Security Fund	1,443,459
Municipal Courts Technology Fee	3,789,240
Parks Special Revenue	6,882,880
Building Inspection	40,285,957
Sign Administration	4,147,181
Asset Forfeiture	9,128,000
Auto Dealers	4,421,085
Child Safety Fund	3,145,000
Police Special Services	16,281,468
Supplemental Environmental Protection	256,000
Mobility Response Team	1,738,870
Houston TranStar Center	1,887,145
CIP Salary Recovery	33,705,792
Airport System Capital Outlay	12,147,999
Combined Utility System General Purpose Fund - 708	111,090,110

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: An ordinance declaring the City of Houston's intention to be reimbursed and to appropriate \$3,500,000 for dangerous building demolition and to appropriate \$3,500,000 from the Dangerous Building Demolition Fund for the cost of demolition of dangerous buildings	Category #	Page 1 of 1	Agenda Item <div style="text-align: right; font-size: 2em; font-weight: bold;">16A</div>
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FROM (Department or other point of origin): Judy Gray Johnson Director, Finance & Administration Department	Origination Date: April 25, 2007	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE 	Council District(s) affected: All
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For additional information contact: Judy Gray Johnson 713-221-0125 Annise Parker 713-247-3098	Date and Identification of prior authorizing Council Action:
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RECOMMENDATION: (Summary) To declare the City of Houston's intention to be reimbursed and to appropriate \$3,500,000 for dangerous building demolition and to appropriate \$3,500,000 from the Dangerous Building Demolition Fund for the cost of demolition of dangerous buildings

Amount of Funding: \$3,500,000	F&A Budget: 
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SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund Other – Special Revenue
FY2007 Budget Resources

SPECIFIC EXPLANATION:

- The City declares its intent to reimburse the General Fund \$3.5 million upon issuance of Certificates of Obligation Series 2007, which will be received by the Dangerous Building Consolidated Fund for demolition costs December 2007
- An appropriation in the amount of \$3.5 million for the purpose of making a cash advance to a new Dangerous Building Demolition fund, within the Dangerous Building Consolidated Fund. This will provide interim financing for the demolition of dangerous buildings through December 2007.
- An appropriation of \$3.5 million from the Dangerous Building Demolition Fund/Dangerous Building Consolidated Fund for the cost of demolition of dangerous buildings.

cc: Agenda Office
Legal Department

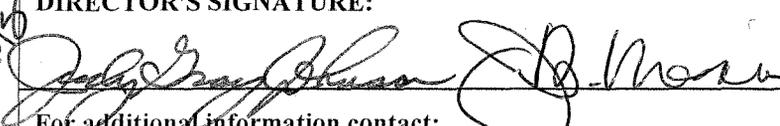
F&A Director:	Other Authorization:	Other Authorization:
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance authorizing the Preliminary Official Statement and distribution of the Preliminary Official Statement and proceeding with the sale of the Combined Utility System \$420 million Series 2007A Bonds.	Category #	Page 1 of 1	Agenda Item 17
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FROM (Department or other point of origin): Department of Finance and Administration, Office of the City Controller and Department of Public Works and Engineering	Origination Date: April 25, 2007	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE: 	Council District Affected: All
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For additional information contact: Michael Shannon 713-221-0201 Jim Moncur 713-247-2950 Susan Bandy 713- 837-0282	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary) Approve an ordinance authorizing the Preliminary Official Statement (POS), mailing of the POS, and proceeding with a negotiated sale of the City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds, Series 2007A (the "Series 2007 Bonds") in an amount not to exceed \$420 million; including authorizing the Mayor and City Controller to approve the amount, interest rate, price and terms thereof, execute the purchase contract and other agreements related to the issuance of the bonds, and making other provisions regarding such bonds and matters incident thereto.

Amount of Funding: N/A	F&A Budget:
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Source of Funding: <input type="checkbox"/> Other (Specify)	<input type="checkbox"/> General Fund	<input type="checkbox"/> Grant Fund	<input type="checkbox"/> Enterprise Fund
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SPECIFIC EXPLANATION

The Finance Working Group (the "FWG") is recommending refunding the outstanding Combined Utility System Commercial Paper Notes, Series A through the issuance of the Series 2007A Bonds in an amount not to exceed \$420 million.

The City has been issuing variable rate debt through the Combined Utility System Commercial Paper Notes, Series A program to fund the adopted Combined Utility System Capital Improvement Program. The Annual Financing Plan, adopted by City Council, provides for the periodic refunding of this commercial paper to fixed rate debt, which provides appropriation capacity to continue funding capital projects for the Combined Utility System. In order to lock in historically low long-term fixed rates, the FWG recommends refunding up to \$420 million of the Series A commercial paper notes.

The Series 2007A Bonds will be issued through a negotiated financing with Siebert Brandford Shank & Co., LLC serving as book running manager along with RBC Capital Markets, Lehman Brothers and Piper Jaffray & Co., as co-senior managers. A.G. Edwards, Bear Stearns & Co. Inc., Estrada Hinojosa & Co., Inc. and Jackson Securities will serve as co-managers. Fulbright & Jaworski L.L.P. and Greenberg Traurig, LLP will act as co-bond counsel. Andrews Kurth LLP and Burney and Foreman will serve as special disclosure co-counsel. The co-financial advisors will be Coastal Securities, Morgan Keegan & Co., and SBK Brooks Investment Corp.

The proposed transaction is scheduled for discussion at the May 1, 2007 meeting of the Budget and Fiscal Affairs Committee.

Recommendation - the Finance Working Group recommends the approval of this item.

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

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization:
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SUBJECT: Ordinance authorizing the Preliminary Official Statement and distribution of the Preliminary Official Statement and proceeding with the defeasance the Houston Area Water Corporation (HAWC) City of Houston Contract Revenue Bonds Series 2002 and re-issue sale of \$135 million as a Combined Utility System (the "CUS") Series 2007B Bonds.	Category #	Page 1 of 1	Agenda Item 18
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FROM (Department or other point of origin): Department of Finance and Administration, Office of the City Controller and Department of Public Works and Engineering	Origination Date: April 27, 2007	Agenda Date MAY 02 2007
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MS
DIRECTOR'S SIGNATURE:


Council District Affected: All

For additional information contact: Michael Shannon 713-221-0201
 Susan Bandy 713- 837-0282; Jim Moncur 713-247-2950

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary) Approve an ordinance authorizing the Preliminary Official Statement (POS), mailing of the POS, and proceeding with a negotiated sale of the City of Houston, Texas, CUS First Lien Revenue Refunding Bonds, Series 2007B (the "Series 2007B Bonds") in an amount not to exceed \$135 million; including authorizing the Mayor and City Controller to approve the amount, interest rate, price and terms thereof for the Series 2007B Bonds, execute the purchase contract and other agreements related to issuance and making other provisions regarding such bonds and matters incident thereto, as well as issues related to the defeasance of the HAWC Contract Revenue Bonds Series 2002 (the "Series 2002 Bonds").

Amount of Funding: N/A	F&A Budget:
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Source of Funding: General Fund Grant Fund Enterprise Fund Other (Specify)

SPECIFIC EXPLANATION

The Finance Working Group (the "FWG") is recommending the issuance of the CUS First Lien Series 2007B Bonds in an amount not to exceed \$135 million, the proceeds of which will be used to defease the outstanding HAWC Series 2002 Bonds. The HAWC, a local government corporation created by the City to design/build/operate the Northeast Water Purification Plant, issued the Series 2002 Bonds to fund the Phase-1 build-out of a 40 MGD water treatment plant that services Houston customers and others (MUDs and water authorities) in the surrounding areas. In January 2007, the HAWC Board of Directors voted to give the Chairman of HAWC the authority to negotiate a termination agreement with Montgomery Watson Harza, the operator of the plant. Following the successful termination of this agreement, the CUS will take over operation of the HAWC. The HAWC will ultimately be dissolved as its purpose will have been fulfilled and it will no longer be needed. According to the HAWC's Articles of Incorporation, all financial obligations must be fully paid prior to dissolution. Currently, the debt is on HAWC's books and the City is obligated to pay all debt service on this debt as part of M&O. Debt Defeasance will accomplish the following:

- Facilitate the ultimate dissolution of the HAWC.
- Move the debt payments from M&O to debt service in the CUS's financial statements. This will have no significant impact on the CUS financial ratios.
- Realize \$3.9 million in NPV savings due to lower current market rates.
- Realize cash flow savings in the early years by modifying the amortization schedule.

The CUS Series 2007B Bonds will be issued through a negotiated financing with Rice Financial Products serving as book running manager along with Loop Capital Markets, LLC., and Piper Jaffray & Co. as co-senior managers. AG Edwards, Cabrera Capital Markets, Inc., Estrada Hinojosa & Co. Inc., and First Albany Capital Inc., will serve as co-managers. Fulbright & Jaworski L.L.P. will act as bond counsel. Andrews Kurth LLP and Burney and Foreman will serve as special disclosure co-counsel. The financial advisors will be Coastal Securities, Morgan Keegan & Co., and SBK Brooks Investment Corp.

The proposed transaction is scheduled for discussion at the May 1, 2007 meeting of the Budget and Fiscal Affairs Committee.

Recommendation - the Finance Working Group recommends the approval of this item.

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization:
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REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending a chart in City of Houston, Texas, Ordinance No. 2007-225 relating to the effective dates of the Newsrack Ordinance	Category	Page	Agenda Item # <div align="right" style="font-size: 2em;">19</div>
FROM (Department or other point of origin): Legal Department	Origination Date: April 26, 2007	Agenda Date: MAY 02 2007	
DIRECTOR'S SIGNATURE: <div style="font-size: 1.5em; margin-left: 20px;"><i>Arturo G. Michel</i></div> Arturo G. Michel, City Attorney	Council District affected: ALL		
For additional information contact: Kuruvilla Oommen 713-247-2736	Date and identification of prior authorizing Council action: Ord. 2007-225; February 14, 2007		
RECOMMENDATION: Adopt ordinance amending a chart in Ordinance No. 2007-225 relating to the effective dates of the Newsrack Ordinance			
Amount and source of funding: N/A			F&A Budget:
EXPLANATION: <p>In February 2007, Council adopted an ordinance establishing regulations for newsracks placed in the City rights-of-way. When City Council voted to amend the effective dates of the proposed Newsrack Ordinance, a chart relating to such dates contained in Subsection (a) of Section 8 of the Newsrack Ordinance was inadvertently left unchanged. The proposed ordinance would amend the chart to make the effective dates consistent with the amendments adopted by City Council.</p>			
REQUIRED AUTHORIZATION			
F&A Director:	Other Authorization:	Other Authorization:	

19
MAY 02 2007

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

AN ORDINANCE AMENDING A CHART IN CITY OF HOUSTON, TEXAS, ORDINANCE NO. 2007-225 RELATING TO EFFECTIVE DATES OF THE NEWSRACK ORDINANCE; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

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

Section 1. That the chart contained in Subsection (a) of Section (8) of City of Houston, Texas, Ordinance No. 2007-225 is hereby amended to read as follows:

Central business district (CBD)	December 31, 2007
Outside the CBD	December 31, 2008

Section 2. 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 3. 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. *Humilia Sommer* Assistant City Attorney
KO:asw 04/26/2007
Requested by Arturo G. Michel, City Attorney
L.D. File No. 0190400002002

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance determining the population of the City and each Council district and finding that the population of the Council districts is not materially unbalanced	Category #	Page 1 of 1	Agenda Item # 20
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FROM (Department or other point of origin): Planning and Development Department	Origination Date April 17, 2007	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE: <i>Margaret R. Wallace</i>	Council District affected: ALL
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For additional information contact: Margaret Wallace Phone: 713-837-7826	Date and identification of prior authorizing Council action: 2005-0665, May 24, 2005
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RECOMMENDATION: (Summary)

It is recommended that City Council pass the ordinance, which determines the population of the City and of each Council district and finds that the population of the Council districts is not materially unbalanced

Amount and Source of Funding:	F & A Budget:
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SPECIFIC EXPLANATION:

Article V, Section 3 of the City Charter provides that in each year during which a City General Election is to be held, the City Council shall determine the population of the City and of each Council district, and determine whether the population of the Council districts is materially unbalanced. Data from the most recent (2000) census is used in determining the population of the City and its districts for this purpose.

The Department of Planning and Development has determined the 2000 Census population found within our current boundaries to be 1,953,631, with an average district population of 217,070. The variation in population from largest district to smallest district, 19,783, is the same as it was at the end of the 2001 redistricting, as shown by the attached exhibit. That total variation is 9.15% of the population of the average district population, which is within the range of acceptable variation. The City Council districts, therefore, are not materially unbalanced within the meaning of the City Charter.

It is recommended the City Council pass an ordinance determining the population of the City and each Council district and determining them not to be materially unbalanced.

Copy: Marty Stein, Agenda Director
Arturo G. Michel, Legal
Anna Russell, City Secretary

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

Exhibit A
City of Houston Population by Council District

District	Persons	Hispanic % of Total Population	Non-Hispanic Anglo % of Total Population	Non-Hispanic Black % of Total Population	Non-Hispanic Asian % of Total Population	Non-Hispanic Other % of Total Population
A	218,808	43.58%	40.23%	10.29%	4.48%	1.42%
B	207,212	31.02%	8.12%	59.08%	0.81%	0.98%
C	226,300	26.37%	40.29%	25.15%	6.37%	1.81%
D	222,332	18.76%	16.23%	60.26%	3.43%	1.31%
E	213,625	26.37%	57.49%	9.03%	5.43%	1.68%
F	223,675	42.92%	17.48%	21.99%	15.19%	2.42%
G	226,014	15.07%	65.81%	8.60%	7.83%	2.68%
H	209,148	66.41%	17.56%	14.66%	0.60%	0.77%
I	206,517	69.99%	10.82%	16.20%	2.24%	0.75%
Totals	1,953,631	37.41%	30.81%	24.97%	5.26%	1.55%

Source: 2000 U.S. Census with updated boundaries

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance establishing the boundaries of single member districts from which District Council members are elected		Category #	Page 1 of 1	Agenda Item # 20A
FROM (Department or other point of origin): Planning and Development Department		Origination Date April 17, 2007		Agenda Date MAY 02 2007
DIRECTOR'S SIGNATURE: <i>Martine A. Taylor</i>		Council District affected: ALL		
For additional information contact: Margaret Wallace Phone: 713-837-7826		Date and identification of prior authorizing Council action: 2005-666: May 24, 2005		
RECOMMENDATION: (Summary) That the City Council approve an ordinance establishing the boundaries of the single member districts from which District Council Members are elected				
Amount and Source of Funding:			F & A Budget:	
SPECIFIC EXPLANATION: On May 25, 2005 City Council passed Ordinance No. 2005-666 establishing the boundaries of the single member districts from which District Council Members are elected, based upon the 2000 federal census (the "2005 Redistricting"). The changes effected in district boundaries by the 2005 Redistricting were submitted to and approved by the U.S. Department of Justice pursuant to the requirement of Section 5 of the Voting Rights Act (42 USC sec. 1973c). Counties in Texas must examine their precincts annually in accordance with the Texas Election Code. As a result of the 2006 examination, Harris County revised the boundaries, configuration and number of the county's voting precincts, thereby effecting certain changes in the composition of the City's single member districts. Although no population in any district was changed, and minority voting strength was not diminished in any district, the changes in voting precincts require the City to again establish the boundaries of its single member districts, using the current county voting precinct numbers and boundaries. Following this action, the City is required to submit such changes to the U.S. Department of Justice for pre-clearance pursuant to the Voting Rights Act. The proposed ordinance establishes the boundaries of each Council Member district by listing the revised county voting precinct numbers.				
Copy: Marty Stein, Agenda Director Arturo G. Michel, Legal Anna Russell, City Secretary				
REQUIRED AUTHORIZATION				
F & A Director:		Other Authorization:		Other Authorization:

20A

MAY 02 2007

City of Houston Ordinance No. 2007-_____

AN ORDINANCE ESTABLISHING THE BOUNDARIES OF SINGLE MEMBER DISTRICTS FROM WHICH DISTRICT COUNCIL MEMBERS ARE ELECTED; CONTAINING FINDINGS AND OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; CONTAINING A SEVERABILITY PROVISION; AND DECLARING AN EMERGENCY.

* * *

WHEREAS, the City Council, by passage of Ordinance No. 2005-666 on May 24, 2005 (the "2005 Redistricting"), determined the boundaries of the single member districts from which District Council Members are elected; and

WHEREAS, the changes in the boundaries of the City's single member districts effected by the 2005 Redistricting were submitted to and precleared by the U. S. Department of Justice, in accordance with Section 5 of the Voting Rights Act, 42 USC § 1973c; and

WHEREAS, an examination of the best available population data by the Department of Planning and Development ("Planning Department"), namely, the 2000 federal census data, indicates that since the 2005 Redistricting, the population of the City has not changed and the current City Council districts are not materially unbalanced, as found by the City Council by the passage of Ordinance No. 2007-_____ on _____, 2007; and

WHEREAS, subsequent to the 2005 Redistricting, and acting pursuant to the Texas Election Code, Harris County altered and/or revised the boundaries of various voting precincts within the county which comprise the boundaries of the City's single member districts; and

WHEREAS, notwithstanding the passage of Ordinance No. 2007-_____, the changes in voting precincts effected by Harris County constitute changes within the provisions of Section 5 of the Voting Rights Act, requiring the City Council to again determine the boundaries of such districts and to submit such changes for preclearance by the U. S. Department of Justice; and

WHEREAS, the establishment of the boundaries of the single member districts as proposed by this Ordinance will not cause the population of any such district to become materially unbalanced in comparison to any other such district, **NOW, THEREFORE**,

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

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

Section 2. The City Council officially finds, determines, recites and declares that the establishment of the boundaries of the single member districts by this Ordinance will not cause the population of any district to become materially unbalanced in comparison to any other such district.

Section 3. The City Council does hereby establish new district boundaries for the purpose of electing the District Council Members to the City Council for the City General Election to be held in November 2007 (for terms of office beginning on January 2, 2008) and for each subsequent City Election until the City Council shall again establish new district boundaries. Subject to the provisions of this Ordinance, the new district boundaries are the areas within the City of Houston that are also within the voting precincts described in Exhibit "A," which is attached hereto and made a part hereof for all purposes. The

voting precincts referred to in Exhibit "A" are those voting precincts, as they exist as of the date of this Ordinance, established by the Commissioners Courts of Harris County, Fort Bend County and Montgomery County.

Section 4. (a) The City Council expressly declares that, if any Harris County, Fort Bend County or Montgomery County voting precinct within the City of Houston is undesignated by Exhibit "A," it is the intent of City Council that the area of the City of Houston included in such voting precinct be included in and designated as a part of the same district that contains the voting precinct that is contiguous to such undesignated precinct; provided, further, that if such undesignated precinct is contiguous to two or more voting precincts within the City of Houston it shall be included in, and designated a part of, the district which includes the voting precinct to which it has the greatest contiguity in terms of lineal feet.

(b) The Mayor is authorized and requested, if required, to determine in writing the contiguity of precincts, to determine the lineal feet of each contiguous precinct and to designate the district in which any given precinct is included. When such a written determination by the Mayor is filed in the office of the City Secretary, such determination and designation shall be final.

Section 5. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no

portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 6. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 7. 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

JK
Prepared by Legal Dept.

KO/ps 04/26/07

Requested by Director of Planning and Development

LD# 0390700090001

Hurville Tommer SA

Assistant City Attorney

City of Houston 2007 Voting Precincts

A	0043	Harris
A	0049**	Harris
A	0050*	Harris
A	0054	Harris
A	0056	Harris
A	0073	Harris
A	0074**	Harris
A	0095	Harris
A	0111*	Harris
A	0113*	Harris
A	0117	Harris
A	0119**	Harris
A	0120	Harris
A	0121**	Harris
A	0124*	Harris
A	0125*	Harris
A	0126**	Harris
A	0143*	Harris
A	0147	Harris
A	0149*	Harris
A	0155*	Harris
A	0165	Harris
A	0173*	Harris
A	0179	Harris
A	0189	Harris
A	0204	Harris
A	0209**	Harris
A	0244*	Harris
A	0245**	Harris
A	0260*	Harris
A	0262	Harris
A	0263*	Harris
A	0264	Harris
A	0270	Harris
A	0283**	Harris
A	0300**	Harris
A	0305**	Harris
A	0299	Harris
A	0310	Harris
A	0314*	Harris
A	0324	Harris

A	0330	Harris
A	0332	Harris
A	0362*	Harris
A	0364*	Harris
A	0383*	Harris
A	0398*	Harris
A	0407	Harris
A	0424	Harris
A	0441**	Harris
A	0442*	Harris
A	0443**	Harris
A	0444	Harris
A	0445	Harris
A	0446	Harris
A	0448	Harris
A	0451*	Harris
A	0463*	Harris
A	0467*	Harris
A	0478*	Harris
A	0481*	Harris
A	0484*	Harris
A	0485**	Harris
A	0486*	Harris
A	0496*	Harris
A	0498	Harris
A	0505	Harris
A	0509*	Harris
A	0512**	Harris
A	0513*	Harris
A	0516*	Harris
A	0517*	Harris
A	0518*	Harris
A	0519**	Harris
A	0521**	Harris
A	0523*	Harris
A	0547*	Harris
A	0548*	Harris
A	0551**	Harris
A	0553*	Harris
A	0577	Harris
A	0578	Harris

Precincts that are split across city limits are indicated by *

Precincts that can contain no population are indicated by **

A	0589*	Harris
A	0592*	Harris
A	0593*	Harris
A	0594*	Harris
A	0603**	Harris
A	0610	Harris
A	0614*	Harris
A	0615*	Harris
A	0617*	Harris
A	0618*	Harris
A	0621	Harris
A	0622*	Harris
A	0623*	Harris
A	0628*	Harris
A	0640*	Harris
A	0641*	Harris
A	0642*	Harris
A	0643*	Harris
A	0644*	Harris
A	0650**	Harris
A	0651*	Harris
A	0660*	Harris
A	0661*	Harris
A	0663	Harris
A	0667*	Harris
A	0668*	Harris
A	0669*	Harris
A	0672*	Harris
A	0678	Harris
A	0689*	Harris
A	0694	Harris
A	0697*	Harris
A	0701*	Harris
A	0707	Harris
A	0709*	Harris
A	0713*	Harris
A	0720*	Harris
A	0723**	Harris
A	0734*	Harris
A	0751*	Harris
A	0761	Harris
A	0771*	Harris
A	0800**	Harris
A	0803**	Harris
A	0804**	Harris

A	0805*	Harris
A	0813**	Harris
A	0823*	Harris
A	0828*	Harris
A	0841**	Harris
A	0848	Harris
A	0859	Harris
A	0861*	Harris
A	0868*	Harris
A	0870**	Harris
A	0874*	Harris
A	0875*	Harris
B	0006*	Harris
B	0007	Harris
B	0035	Harris
B	0042	Harris
B	0045**	Harris
B	0047	Harris
B	0048	Harris
B	0061*	Harris
B	0083*	Harris
B	0101*	Harris
B	0104	Harris
B	0106*	Harris
B	0109*	Harris
B	0110*	Harris
B	0115	Harris
B	0138	Harris
B	0144	Harris
B	0145	Harris
B	0150	Harris
B	0151	Harris
B	0152*	Harris
B	0157	Harris
B	0159	Harris
B	0160	Harris
B	0161	Harris
B	0168	Harris
B	0169	Harris
B	0185	Harris
B	0186	Harris
B	0197	Harris
B	0201	Harris
B	0205	Harris
B	0230	Harris

Precincts that are split across city limits are indicated by *

Precincts that can contain no population are indicated by **

B	0241*	Harris
B	0252	Harris
B	0253	Harris
B	0254*	Harris
B	0259	Harris
B	0320*	Harris
B	0321*	Harris
B	0322	Harris
B	0327	Harris
B	0334*	Harris
B	0342*	Harris
B	0353*	Harris
B	0358*	Harris
B	0363**	Harris
B	0365	Harris
B	0371	Harris
B	0373	Harris
B	0376*	Harris
B	0396	Harris
B	0397*	Harris
B	0399*	Harris
B	0401	Harris
B	0406	Harris
B	0408*	Harris
B	0409*	Harris
B	0410	Harris
B	0411**	Harris
B	0423*	Harris
B	0449	Harris
B	0450	Harris
B	0454	Harris
B	0455	Harris
B	0465*	Harris
B	0466*	Harris
B	0494*	Harris
B	0497*	Harris
B	0500*	Harris
B	0520*	Harris
B	0528	Harris
B	0550*	Harris
B	0562	Harris
B	0571*	Harris
B	0574	Harris
B	0576	Harris
B	0580	Harris

B	0581	Harris
B	0582	Harris
B	0583	Harris
B	0584*	Harris
B	0585	Harris
B	0586*	Harris
B	0587*	Harris
B	0595*	Harris
B	0596*	Harris
B	0606	Harris
B	0608*	Harris
B	0611	Harris
B	0613*	Harris
B	0629	Harris
B	0656*	Harris
B	0657*	Harris
B	0698**	Harris
B	0705*	Harris
B	0714*	Harris
B	0738*	Harris
B	0747*	Harris
B	0757*	Harris
B	0767	Harris
B	0779*	Harris
B	0780	Harris
B	0784	Harris
B	0794*	Harris
B	0797**	Harris
B	0812	Harris
B	0817**	Harris
B	0818	Harris
B	0836*	Harris
B	0840*	Harris
B	0847**	Harris
B	0852	Harris
B	0854	Harris
B	0864*	Harris
B	0865	Harris
B	0866**	Harris
B	0867	Harris
C	0014	Harris
C	0017	Harris
C	0018	Harris
C	0022	Harris
C	0040	Harris

Precincts that are split across city limits are indicated by *

Precincts that can contain no population are indicated by **

C	0133**	Harris
C	0137	Harris
C	0139	Harris
C	0146	Harris
C	0148	Harris
C	0175	Harris
C	0176	Harris
C	0177	Harris
C	0182**	Harris
C	0222	Harris
C	0224	Harris
C	0232	Harris
C	0233	Harris
C	0255	Harris
C	0272	Harris
C	0281	Harris
C	0287	Harris
C	0291	Harris
C	0293	Harris
C	0304	Harris
C	0315	Harris
C	0316	Harris
C	0317	Harris
C	0335	Harris
C	0345	Harris
C	0350	Harris
C	0359	Harris
C	0360	Harris
C	0361	Harris
C	368*	Harris
C	0372	Harris
C	0384	Harris
C	0403	Harris
C	0432	Harris
C	0447	Harris
C	0453	Harris
C	0462*	Harris
C	0472	Harris
C	0489	Harris
C	0490	Harris
C	0506**	Harris
C	0525	Harris
C	0541	Harris
C	0546	Harris
C	0554	Harris

C	0555	Harris
C	0569	Harris
C	0570	Harris
C	0638	Harris
C	0652	Harris
C	0653**	Harris
C	0685	Harris
C	0693	Harris
C	0731	Harris
C	0788	Harris
C	0819	Harris
C	0826	Harris
C	0829	Harris
C	0830	Harris
C	0835	Harris
C	0836	Harris
C	0837	Harris
C	0869	Harris
D	0031	Harris
D	0032	Harris
D	0033	Harris
D	0034	Harris
D	0037	Harris
D	0038	Harris
D	0039	Harris
D	0060	Harris
D	0068	Harris
D	0085	Harris
D	0123	Harris
D	0131*	Harris
D	0132	Harris
D	0136	Harris
D	0140	Harris
D	0156	Harris
D	0158	Harris
D	0180	Harris
D	0194	Harris
D	0200	Harris
D	0210	Harris
D	0216	Harris
D	0219	Harris
D	0223	Harris
D	0228	Harris
D	0235	Harris
D	0236	Harris

Precincts that are split across city limits are indicated by *

Precincts that can contain no population are indicated by **

D	0237	Harris
D	0238	Harris
D	0240	Harris
D	0243	Harris
D	0247	Harris
D	0271	Harris
D	0276	Harris
D	0286	Harris
D	0292	Harris
D	0294	Harris
D	0295	Harris
D	0318	Harris
D	0319	Harris
D	0336	Harris
D	0337*	Harris
D	0355	Harris
D	0389	Harris
D	0390	Harris
D	0392	Harris
D	0402*	Harris
D	0422	Harris
D	0458	Harris
D	0538	Harris
D	0540	Harris
D	0542	Harris
D	0564	Harris
D	0573	Harris
D	0630*	Harris
D	0632	Harris
D	0722	Harris
D	0802	Harris
D	0808	Harris
D	0822	Harris
D	0858	Harris
D	0863	Harris
D	2017	Fort Bend
D	2023	Fort Bend
D	2031	Fort Bend
D	2036	Fort Bend
D	2051	Fort Bend
D	2052	Fort Bend
D	2055	Fort Bend
D	2056	Fort Bend
D	2116	Fort Bend
D	2123	Fort Bend

E	0013*	Harris
E	0076*	Harris
E	0077	Harris
E	0081*	Harris
E	0092	Harris
E	0097*	Harris
E	0098	Harris
E	0102**	Harris
E	0108**	Harris
E	0162*	Harris
E	0163*	Harris
E	0174**	Harris
E	0181	Harris
E	0199	Harris
E	0208*	Harris
E	0220**	Harris
E	0221	Harris
E	0229**	Harris
E	0239	Harris
E	0266	Harris
E	0278**	Harris
E	0280	Harris
E	0288	Harris
E	0289	Harris
E	0302*	Harris
E	0306	Harris
E	0328	Harris
E	0329	Harris
E	0340*	Harris
E	0346*	Harris
E	0347*	Harris
E	0349*	Harris
E	0351*	Harris
E	0354*	Harris
E	0357	Harris
E	0375*	Harris
E	0380*	Harris
E	0381*	Harris
E	0382**	Harris
E	0391*	Harris
E	0393	Harris
E	0413*	Harris
E	0416*	Harris
E	0417*	Harris
E	0418	Harris

Precincts that are split across city limits are indicated by *

Precincts that can contain no population are indicated by **

E	0474*	Harris
E	0459	Harris
E	0460**	Harris
E	0469	Harris
E	0473	Harris
E	0475*	Harris
E	0476*	Harris
E	0527*	Harris
E	0536	Harris
E	0545*	Harris
E	0563	Harris
E	0568	Harris
E	0590	Harris
E	0598*	Harris
E	0599*	Harris
E	0604*	Harris
E	0605*	Harris
E	0607	Harris
E	0612	Harris
E	0635	Harris
E	0654*	Harris
E	0655*	Harris
E	0658*	Harris
E	0659*	Harris
E	0670	Harris
E	0674*	Harris
E	0699	Harris
E	0715	Harris
E	0718*	Harris
E	0719**	Harris
E	0721	Harris
E	0724	Harris
E	0725*	Harris
E	0728	Harris
E	0732	Harris
E	0740*	Harris
E	0744	Harris
E	0745	Harris
E	0746	Harris
E	0748*	Harris
E	0750	Harris
E	0755	Harris
E	0758	Harris
E	0760	Harris
E	0762**	Harris

E	0763	Harris
E	0764*	Harris
E	0774	Harris
E	0776*	Harris
E	0782*	Harris
E	0790*	Harris
E	0791	Harris
E	0793*	Harris
E	0801	Harris
E	0824*	Harris
E	0827*	Harris
E	0842*	Harris
E	0845	Harris
E	0849	Harris
E	0872*	Harris
E	0037*	Montgomery
E	0046*	Montgomery
E	0082*	Montgomery
F	0008	Harris
F	0096	Harris
F	0256	Harris
F	0284	Harris
F	0296	Harris
F	0297	Harris
F	0311	Harris
F	0338*	Harris
F	0425	Harris
F	0426	Harris
F	0427	Harris
F	0428*	Harris
F	0429	Harris
F	0430	Harris
F	0431	Harris
F	0487	Harris
F	0488	Harris
F	0503	Harris
F	0507	Harris
F	0508	Harris
F	0524*	Harris
F	0539	Harris
F	0556	Harris
F	0557	Harris
F	0565	Harris
F	0567	Harris
F	0597	Harris

Precincts that are split across city limits are indicated by *

Precincts that can contain no population are indicated by **

F	0624	Harris
F	0627*	Harris
F	0646*	Harris
F	0647*	Harris
F	0649	Harris
F	0773*	Harris
F	0781	Harris
F	3032*	Fort Bend
F	3043	Fort Bend
F	3086*	Fort Bend
F	3098*	Fort Bend
F	3099*	Fort Bend
F	4126*	Fort Bend
G	0070	Harris
G	0118	Harris
G	0129	Harris
G	0130	Harris
G	0135	Harris
G	0178	Harris
G	0217	Harris
G	0227	Harris
G	0234	Harris
G	0258	Harris
G	0265*	Harris
G	0269	Harris
G	0274*	Harris
G	0282	Harris
G	0298	Harris
G	0303	Harris
G	0309	Harris
G	0312*	Harris
G	0313	Harris
G	0356	Harris
G	0385	Harris
G	0395	Harris
G	0400*	Harris
G	0421	Harris
G	0433	Harris
G	0434	Harris
G	0435	Harris
G	0436	Harris
G	0437	Harris
G	0438	Harris
G	0439	Harris
G	0461	Harris

G	0483	Harris
G	0491	Harris
G	0492	Harris
G	0493	Harris
G	0499	Harris
G	0504	Harris
G	0510	Harris
G	0522*	Harris
G	0558*	Harris
G	0559	Harris
G	0566	Harris
G	0572*	Harris
G	0600*	Harris
G	0620	Harris
G	0625	Harris
G	0626	Harris
G	0645	Harris
G	0684	Harris
G	0686	Harris
G	0706	Harris
G	0710	Harris
G	0711	Harris
G	0727	Harris
G	0730	Harris
G	0765	Harris
G	0772*	Harris
G	0807	Harris
G	0814*	Harris
G	0839	Harris
G	3004*	Fort Bend
G	3038*	Fort Bend
G	3082*	Fort Bend
G	3086*	Fort Bend
G	3130*	Fort Bend
G	3132*	Fort Bend
G	3133*	Fort Bend
H	0001	Harris
H	0002	Harris
H	0003	Harris
H	0004	Harris
H	0005	Harris
H	0009	Harris
H	0010	Harris
H	0011	Harris
H	0044	Harris

Precincts that are split across city limits are indicated by *

Precincts that can contain no population are indicated by **

H	0046	Harris
H	0052	Harris
H	0053	Harris
H	0055	Harris
H	0057	Harris
H	0058	Harris
H	0059	Harris
H	0071	Harris
H	0075	Harris
H	0078	Harris
H	0079	Harris
H	0086	Harris
H	0105	Harris
H	0107	Harris
H	0122	Harris
H	0153	Harris
H	0166	Harris
H	0167	Harris
H	0171	Harris
H	0184	Harris
H	0192	Harris
H	0195	Harris
H	0196	Harris
H	0202	Harris
H	0206	Harris
H	0207	Harris
H	0212	Harris
H	0261	Harris
H	0323	Harris
H	0325	Harris
H	0326	Harris
H	0339	Harris
H	0341	Harris
H	0344	Harris
H	0367	Harris
H	0369	Harris
H	0412	Harris
H	0501	Harris
H	0543	Harris
H	0544	Harris
H	0560	Harris
H	0579	Harris
H	0637	Harris
H	0666**	Harris
H	0675	Harris

H	0676**	Harris
H	0677	Harris
H	0680	Harris
H	0681	Harris
H	0683	Harris
H	0702	Harris
H	0736	Harris
H	0741**	Harris
H	0754**	Harris
H	0775	Harris
H	0778**	Harris
H	0787	Harris
H	0789	Harris
H	0795	Harris
H	0809	Harris
H	0811	Harris
H	0833	Harris
H	0844	Harris
H	0846	Harris
H	0856**	Harris
I	0016	Harris
I	0019	Harris
I	0020	Harris
I	0021	Harris
I	0023	Harris
I	0024	Harris
I	0025	Harris
I	0026	Harris
I	0027	Harris
I	0030	Harris
I	0036	Harris
I	0062	Harris
I	0064	Harris
I	0065	Harris
I	0066	Harris
I	0067	Harris
I	0069	Harris
I	0072	Harris
I	0080	Harris
I	0094	Harris
I	0134	Harris
I	0142	Harris
I	0154	Harris
I	0164	Harris
I	0172	Harris

Precincts that are split across city limits are indicated by *
 Precincts that can contain no population are indicated by **

I	0187	Harris
I	0193	Harris
I	0198	Harris
I	0203	Harris
I	0211	Harris
I	0218	Harris
I	0226	Harris
I	0231	Harris
I	0257	Harris
I	0275	Harris
I	0285	Harris
I	0308	Harris
I	0331**	Harris
I	0343	Harris
I	0374	Harris
I	0379	Harris
I	0526	Harris
I	0530	Harris
I	0749	Harris

I	0766	Harris
I	0769**	Harris
I	0798	Harris
I	0806**	Harris
I	0810	Harris
I	0815	Harris
I	0816	Harris
I	0820**	Harris
I	0821	Harris
I	0825**	Harris
I	0831**	Harris
I	0838**	Harris
I	0850	Harris
I	0857*	Harris
I	0860	Harris
I	0862	Harris
I	0871	Harris

Precincts that are split across city limits are indicated by *

Precincts that can contain no population are indicated by **

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance authorizing the abandonment and sale of the Lawn Street cul-de-sac and a 10-foot-wide water main easement, both located in the plat of Lincoln Park Apartments. Parcels SY6-079A and SY6-079B	Category # 7	Page 1 of <u>1</u>	Agenda Item # 21
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 4/26/07	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE: <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director	Council District affected: B Key Map 412U
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For additional information contact: Nancy P. Collins Phone: (713) 837-0881 <i>upd</i> Senior Assistant Director-Real Estate	Date and identification of prior authorizing Council Action: C.M. 2006-0316 (4/19/06)
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RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment and sale of the Lawn Street cul-de-sac and a 10-foot-wide water main easement, both located in the plat of Lincoln Park Apartments. **Parcels SY6-079A and SY6-079B**

Amount and Source of Funding: Not Applicable	F & A Budget:
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SPECIFIC EXPLANATION:
By Council Motion 2006-0316, City Council authorized the subject transaction. Thereafter, the applicant requested to delete the construction of a fire hydrant at the terminus of Lawn Street from this transaction. The Utility Analysis Branch, Public Works and Engineering Department, determined there is no functional need for the fire hydrant and agreed to this request. The transaction was processed accordingly. The Housing Authority of the City of Houston, the abutting property owner, plans to use the property being abandoned and sold to build a multi-family public housing development at the site of the old Lincoln Park Apartments.

The Housing Authority has complied with the council motion requirements, has accepted the City's offer, and has rendered payment in full.

The City will abandon and sell to The Housing Authority:

Parcel SY6-079A	
12,082-square-foot street right-of-way easement	\$14,700.00
Parcel SY6-079B	
19,278-square-foot water main easement	\$11,800.00
TOTAL ABANDONMENT	<u>\$26,500.00</u>

MSM:NPC:dob

- c: Raymond D. Chong, P.E., P.T.O.E.
Marlene Gafrick
Daniel W. Krueger, P.E.
Marty Stein

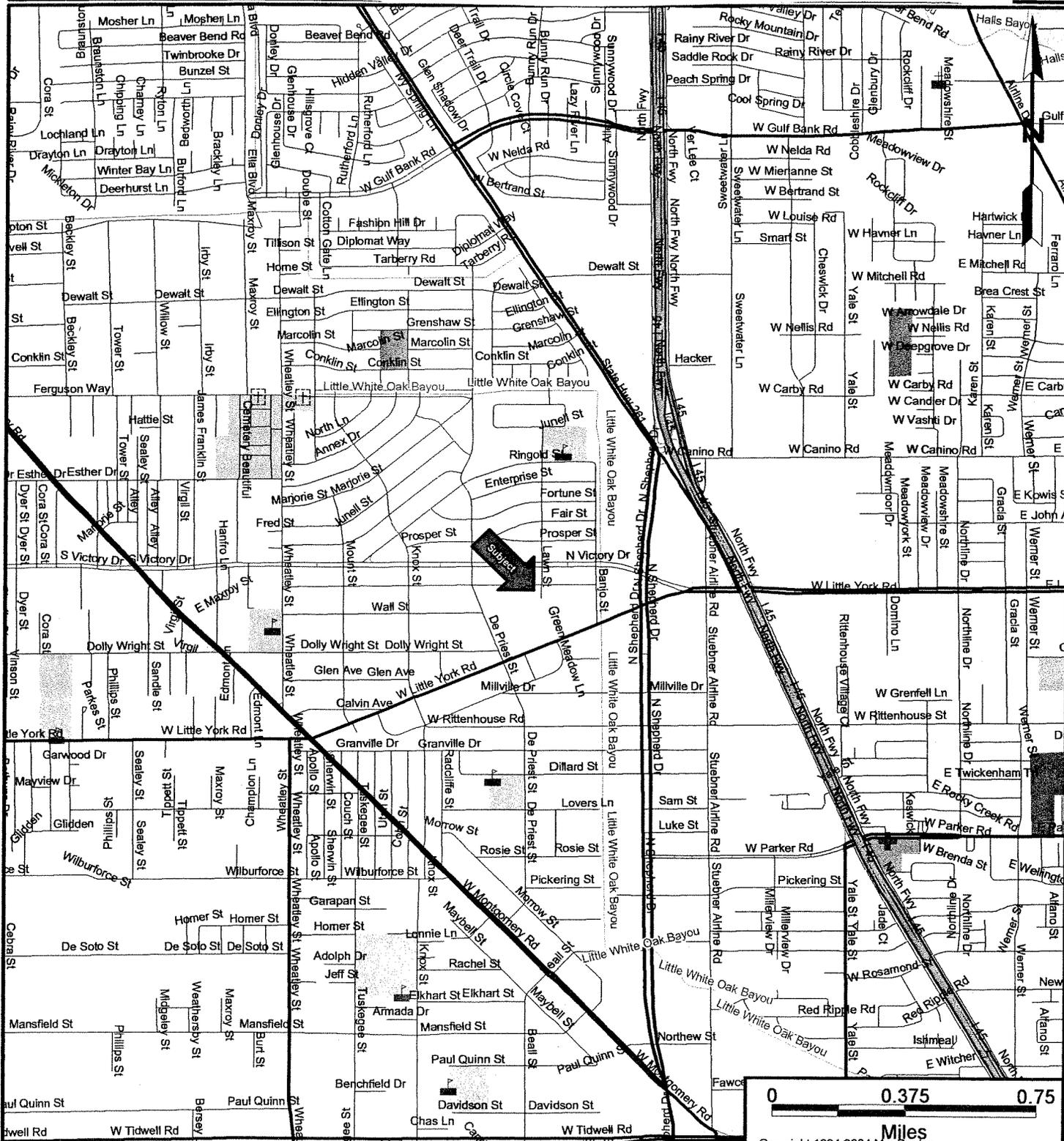
s:\dob\sy6-079.rc2.doc CUIC #20DOB010

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization: <i>Andrew F. Icken</i> Andrew F. Icken, Deputy Director Planning and Development Services Division
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LOCATION MAP

Abandonment and sale of the Lawn Street cul-de-sac and a 10-foot-wide water main easement, both located in the plat of Lincoln Park Apartments. **Parcels SY6-079A and SY6-079B**



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.

MOTION by Council Member Johnson that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from Frank B. Petrosky, Landtech Consultants, Inc., on behalf of the Housing Authority of the City of Houston, for the abandonment and sale of the Lawn Street cul-de-sac and a 10-foot-wide water main easement, both located in the plat of Lincoln Park Apartments, Parcel Nos. SY6-079A and SY6-079B, be adopted, as follows:

1. The City abandon and sell Lawn Street cul-de-sac and a 10-foot-wide water main easement, both located in the plat of Lincoln Park Apartments;
2. The applicant be required to cut, plug and abandon the existing 8-inch water line within the cul-de-sac and water main easement being abandoned and construct a fire hydrant at the terminus of the Lawn Street right of way, all at no cost to the City and under the proper permits, and pay the depreciated value of the water line being abandoned;
3. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the cul-de-sac being abandoned and sold;
4. 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;
5. The Legal Department be authorized to prepare the necessary transaction documents; and
6. Travis Cooper and George Wyche, independent real estate appraisers, are hereby appointed to establish the value, inasmuch as the value of the property interests is expected to exceed \$25,000.00 and Jasmine Quinerly is hereby appointed as alternate appraiser should one of the two appointed appraisers be unable to accept the assignment.

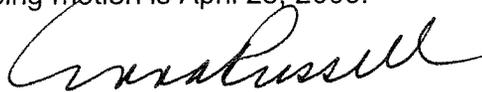
Seconded by Council Member Khan and carried.

Mayor White, Council Members Lawrence, Johnson,
Clutterbuck, Edwards, Khan, Holm, Garcia, Alvarado,
Brown, Lovell, Sekula-Gibbs and Berry voting aye
Nays none
Council Member Wiseman absent

Council Member Green out of the City on City business

PASSED AND ADOPTED this 19th day of April, 2006.

Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is April 25, 2006.


City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance appropriating \$465,125.00 in tax increment revenue for Tax Increment Reinvestment Zone Number Ten (Lake Houston Zone) received from Harris County.	Category # 1	Page 1 of 1	Agenda Item # 22
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FROM: (Department or other point of origin): Finance and Administration	Origination Date March 20, 2007	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE: <i>Judy Gray Johnson</i>	Council Districts affected: "E" – CM Wiseman
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For additional information contact: Robert Fiederlein Phone: (713) 837-9661 Julia Gee Phone: (713) 837-7828	Date and identification of prior authorizing Council Action:
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RECOMMENDATION: (Summary)
An ordinance appropriating \$465,125.00 in tax increment revenue for Tax Increment Reinvestment Zone Number Ten (Lake Houston Zone) received from Harris County.

Amount of Funding: \$465,125.00	F & A Budget
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Source of Funding:
\$465,125.00 TIRZ fund 7558 (see attached analysis).

Specific Explanation:
The appropriation of \$465,125.00 results from tax increment revenue (Tax Year 2005) received from Harris County.

- As set forth in the attached analysis:
- \$23,256.25 will be transferred to the General Fund 1000 for TIRZ Administrative costs.
 - \$441,868.75 for payment of project costs pursuant to Chapter 311 of the Texas Tax Code.

cc: Marty Stein, Agenda Director
Judy Gray Johnson, Director, Finance & Administration
Anna Russell, City Secretary
Arturo Michel, City Attorney
Deborah McAbee, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization: <i>[Signature]</i>	Other Authorization: <i>[Signature]</i>
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CITY OF HOUSTON TAX INCREMENT REINVESTMENT ZONES
TAX INCREMENT CALCULATIONS FOR HARRIS COUNTY - TAX YEAR 2005

#	TIRZ	Fund # (SAP)	(A) County Payments Received	(B) Harris County Affordable Housing Fund (col A/3) ⁽²⁾	(C) Administrative Fee Transfer to General Fund 1000 (col A-B) x 5%	Harris County Net Increment due to Redevelopment Authority (col A-B-C)	Payee
1	Lamar Terrace (East and West)	7512		\$ -	\$ -	\$ -	St. George Place RA
2	Midtown (Original)	7550			-	\$ -	Midtown RA
3	Market Square ⁽³⁾ (Original)	7551	-		-	\$ -	Special Pay Instructions #1
4	Village Enclave	7552	N/A			N/A	
5	Memorial Heights	7553			-	\$ -	Memorial Heights RA
6	Eastside	7554	N/A			N/A	
7	OST/Alameda	7555	-		-	\$ -	OST Alameda RA
	Original Annexed				-		
8	Gulfgate	7556	-		-	-	Gulfgate RA
	Original Annexed				-		
9	South Post Oak	7557			- ⁽¹⁾	\$ -	South Post Oak RA
10	Lake Houston (Original)	7558	465,125.00		23,256.25	\$ 441,868.75	Special Pay Instructions #2
11	Greenspoint	7559			- ⁽¹⁾	\$ -	Greater Greenspoint RA
12	CityPark	7560	N/A			N/A	
13	Old Sixth Ward	7561		-	-	\$ -	Old Sixth Ward RA
14	Fourth Ward	7562	N/A			N/A	
15	East Downtown	7563	N/A			N/A	
16	Uptown	7564	N/A			N/A	
17	Memorial City	7565	N/A			N/A	
18	Fifth Ward	7566	N/A			N/A	
19	Upper Kirby	7567	N/A			N/A	
20	Southwest Houston	7568	N/A			N/A	
21	Hardy / Near Northside	7569	N/A			N/A	
22	Leland Woods	7570	N/A			N/A	
Total			\$ 465,125.00	\$ -	\$ 23,256.25	\$ 441,868.75	

Notes:

(1) County does not contribute per the Interlocal Agreement.

(2) Directly paid to County per Ordinance 2001-307 (TIRZ #1) and Ordinance 2001-1163 (#13).

Special Pay Instructions #2

Payments are for project costs, developer reimbursements, and debt service; invoices to be submitted at a later date.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Lease Agreement (Parking) at 3693 SW Freeway with Houston Association of Realtors, Inc. (HAR)

Page 1 of 1

Agenda Item

23

FROM (Department or other point of origin): Building Services Department

Origination Date 4-18-07

Agenda Date MAY 02 2007

DIRECTOR'S SIGNATURE:

Issa Z. Dadoush, P.E.

Issa Z. Dadoush 4/6/07

Council District affected: C

For additional information contact: Jacquelyn L. Nisby 713-247-1814

Date and identification of prior authorizing Council action:

RECOMMENDATION: Approve and authorize a Lease Agreement with Houston Association of Realtors, Inc., Tenant, for parking at 3693 Southwest Freeway.

Amount and Source Of Funding: Revenue

F&A Budget:

SPECIFIC EXPLANATION The Building Services Department recommends that City Council approve and authorize a Lease Agreement with Houston Association of Realtors, Inc. (HAR) for 3,600 square feet of real property located beneath the Edloe Street Overpass at the Southwest Freeway, to be used by HAR for parking. HAR has utilized this property for parking since 2001 at a monthly rental of \$225.00

The proposed Lease Agreement provides for a five-year lease term at a monthly rental of \$250.00 or \$3,000 per annum, with three five-year renewal options at the current market rental rate. The base lease term will commence on the first day of the first calendar month following the date of countersignature by the City Controller.

HAR is responsible for maintenance and utilities, and may, at its sole cost and expense, make various improvements to the leased premises with the City's prior written consent.

The revenue collected will be directed to the General fund.

IZD:BC:JLN:JES:ddc

xc: Marty Stein, Jacquelyn L. Nisby, Anna Russell

mgf

REQUIRED AUTHORIZATION

CUIC ID# 25 JES 01

Building Services Department:

Forest R. Christy, Jr.

Forest R. Christy, Jr., Director Real Estate Division

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Lease Agreement (Parking) at 3693 SW Freeway with Houston Association of Realtors, Inc. (HAR)		Page 1 of 1	Agenda Item
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FROM (Department or other point of origin): Building Services Department	Origination Date	Agenda Date
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DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E.  4/6/07	Council District affected: C
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For additional information contact: Jacquelyn L. Nisby 713-247-1814	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Approve and authorize a Lease Agreement with Houston Association of Realtors, Inc., Tenant, for parking at 3693 Southwest Freeway.

Amount and Source Of Funding: Revenue	F&A Budget:
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SPECIFIC EXPLANATION The Building Services Department recommends that City Council approve and authorize a Lease Agreement with Houston Association of Realtors, Inc. (HAR) for 3,600 square feet of real property located beneath the Edloe Street Overpass at the Southwest Freeway, to be used by HAR for parking. HAR has utilized this property for parking since 2001 at a monthly rental of \$225.00

The proposed Lease Agreement provides for a five-year lease term at a monthly rental of \$250.00 or \$3,000 per annum, with three five-year renewal options at the current market rental rate. The base lease term will commence on the first day of the first calendar month following the date of countersignature by the City Controller.

HAR is responsible for maintenance and utilities, and may, at its sole cost and expense, make various improvements to the leased premises with the City's prior written consent.

The revenue collected will be directed to the General fund.

IZD:BC:JLN:JES:ddc

xc: Marty Stein, Jacquelyn L. Nisby, Anna Russell

REQUIRED AUTHORIZATION

CUIC ID# 25 JES 01

Building Services Department:



Forest R. Christy, Jr., Director
Real Estate Division

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Lease Agreement with Brays Oaks Towers, Ltd. at 10103 Fondren, Suite 100 for the Houston Public Library	Page 1 of 1	Agenda Item 24
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FROM (Department or other point of origin): Building Services Department	Origination Date 4-18-07	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush 4/16/07</i>	Council District affected: C
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For additional information contact: Jacquelyn L. Nisby 713-247-1814	Date and identification of prior authorizing council action:
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RECOMMENDATION: Approve and authorize a Lease Agreement with Brays Oaks Towers, Ltd., for the leased space at 10103 Fondren, Suite 100, for the Houston Public Library and allocate funds.

Amount and Source Of Funding: General Fund (1000): \$1,353,169.92 Initial Base Term	F&A Budget:
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SPECIFIC EXPLANATION: The Building Services Department recommends that City Council approve and authorize a Lease Agreement with Brays Oaks Towers, Ltd., for 10,409 square feet of leased space at 10103 Fondren, Suite 100, to operate the Frank Branch HPL Express for the Houston Public Library. During the design phase of the existing Frank Branch Library renovation, it was determined that the new flood plain maps place this location within the 100-year flood plain. To correct the deficiencies to comply with the Flood Control Ordinance would be cost-prohibitive. Therefore, HPL will utilize the leased space to operate an expanded HPL Express that will include a small book collection and a conference/training room. This HPL Express model will serve as the prototype for future Express libraries and is designed to service the needs of a mobile and changing population at a reasonable cost.

The proposed Lease Agreement provides for a ten-year lease term at the monthly payment schedule below, with two five-year renewal options at the current market rental rate.

Year	Rent Per Sq. Ft.	Monthly Payment	Yearly Payment
1-2	\$11.00	\$ 9,541.58	\$114,498.96
3-4	\$12.00	\$10,409.00	\$124,908.00
5-6	\$13.00	\$11,276.42	\$135,317.04
7-8	\$14.00	\$12,143.83	\$145,725.96
9-10	\$15.00	\$13,011.25	\$156,135.00

HPL will, at its expense, build-out the leased premises for its required use, with the Landlord's written approval. The new lease term will commence on the Rental Commencement Date, which shall begin five calendar months from the latest of (a) the date the lease is countersigned by the City Controller; or (b) the date the Landlord delivers the leased premises to the Tenant. Due to the timeline for construction of the HPL Express, no funds for this Lease Agreement will be expended until FY08.

The landlord will provide maintenance and utilities, and HPL will pay for janitorial services and utilities that are separately metered to the leased premises on its behalf.

IZD:BC:JLN:RB:ddc

xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby and John Middleton

REQUIRED AUTHORIZATION

CUIC ID# 25 RB 14

Building Services Department: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr. Director, Real Estate Division	Houston Public Library: <i>Rhea Brown Lawson</i> Rhea Brown Lawson, Ph.D. Director
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SUBJECT: First Amendment to Lease Agreement at 5198 Aldine Mail Route with CA New Plan Asset Partnership IV, L.P for the Women, Infants and Children Program of the Department of Health and Human Services		Page 1 of 1	Agenda Item 25
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FROM (Department or other point of origin): Building Services Department	Origination Date 4-18-07	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE: <i>Issa Z. Dadoush 4/11/07</i> Issa Z. Dadoush, P.E.	Council District affected: ETJ
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For additional information contact: Jacquelyn L. Nisby 713-247-1814	Date and identification of prior authorizing council action: Ordinance No. 2001-0705, August 1, 2001
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RECOMMENDATION: Approve and authorize First Amendment to Lease Agreement with CA New Plan Asset Partnership IV, L.P, for the leased space at 5198 Aldine Mail Route, for the Women, Infants and Children (WIC) Program of the Department of Health and Human Services and allocate funds.

Amount and Source Of Funding: Federal State Local – Pass Through Fund (5030) – WIC Grant \$324,600.00 Initial Base Term	F&A Budget:
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SPECIFIC EXPLANATION: The Building Services Department recommends that City Council approve a First Amendment to Lease Agreement with CA New Plan Asset Partnership IV, L.P. for 11,900 square feet of leased space at 5198 Aldine Mail Route, for the Department of Health and Human Services (DHHS) WIC Program. DHHS has leased this space since January 4, 2002.

The proposed First Amendment will extend the lease term to a five-year base term with two three-year renewal options at the current market rate; establish a monthly rent of \$5,410.00 (\$5.45psf per year/ \$0.45 psf per month) for the extended term and provide for the Landlord's remodeling of the space to meet the requirements of the WIC Program. The new lease term will commence on February 1, 2008 and expire on January 31, 2013. The landlord will provide maintenance and DHHS will be responsible for janitorial services and utilities.

The original lease commenced on January 4, 2002 and will expire on January 31, 2008, at a monthly rental of \$4,500.00 (\$4.53psf per year/ \$0.37 psf per month). All other terms and conditions of the original lease remain the same during the initial lease term.

As a result of the new monthly rental commencing on February 1, 2008, no funds for this First Amendment to Lease Agreement will be expended until FY08.

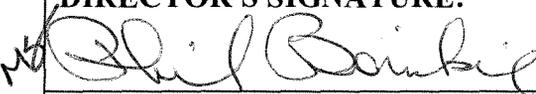
IZD:BC:JLN:RB:ddc
xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby and Fred Maier

REQUIRED AUTHORIZATION

CUIC ID# 25 RB 15

Building Services Department: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Director Real Estate Division	Other Authorization:	Department of Health and Human Services: <i>Stephen L. Williams</i> Stephen L. Williams, M.Ed., M.P.A. Director
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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance approving a professional services staffing contract with Baylor College of Medicine		Category #	Page 1 of 1	Agenda Item 26
FROM (Department or other point of origin): Houston Fire Department		4/27/07	MAY 02 2007 Agenda Date	
DIRECTOR'S SIGNATURE: 		Council District affected: All		
For additional information contact: Captain Karen DuPont 713.859.4934 Assistant Chief Jack Williams 713.247.8793		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Approve an ordinance for professional staffing services of the Houston Fire Department Base Station				
Amount of Funding \$ 15,026,464.00 (five years)		F & A Budget:		
SOURCE OF FUNDING: [<input checked="" type="checkbox"/>] General Fund [<input type="checkbox"/>] Grant Fund [<input type="checkbox"/>] Enterprise Fund [<input type="checkbox"/>] Other (Specify				
SPECIFIC EXPLANATION: The Fire Chief recommends that City Council approve an ordinance authorizing a contract for professional staffing services for the HFD Base Station with Baylor College of Medicine. The current contract for this service will expire May 15, 2007. HFD issued a Request For Qualifications for this service and has successfully negotiated an agreement with Baylor. The contract term is for the next five years with a maximum contract amount of \$15,026,464.00. The FY07 expenditure will be \$250,000.00. Contract may be terminated by vendor or COH as per terms set forth in contract. Baylor will staff the Base Station with state certified Paramedics to provide on-line medical control and communication with field EMTs and Paramedics. Field EMTs and Paramedics function in a limited scope of practice as delegated by the HFD Medical Director via written protocols. Once that scope is about to be exceeded, field operatives must contact the Base Station for additional direction from one of our on-line physicians. Base Station staff also provides assistance with patient hospital destination decisions for routine and mass casualty events. This is a 24/7 operation with a staff of up to nine people per shift. Baylor is our current provider of this service and employs approximately 55 people on rotating shifts to staff this operation.				
REQUIRED AUTHORIZATION				
F&A Director	Other Authorization:		Other Authorization:	

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7248

Subject: Formal Bid Received for Maintenance and Repair of Sludge Dewatering and Drying Equipment Services for the Public Works & Engineering Department
S28-L22084

Category #
4

Page 1 of 2

Agenda Item

27

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

March 19, 2007

Agenda Date

MAY 02 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

Gary Norman Phone: (713) 837-7425
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to Industrial TX Corporation on its sole bid in an amount not to exceed \$5,962,915.00 for maintenance and repair of sludge dewatering and drying equipment services for the Public Works & Engineering Department.

Estimated Spending Authority: \$5,962,915.00

F & A Budget

\$5,962,915.00 Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a one-year contract with two one-year options to extend, for a total three-year term, to Industrial TX Corporation on its sole bid for maintenance and repair of sludge dewatering and drying equipment services in an amount not to exceed \$5,962,915.00 for the Public Works & Engineering Department. The City Purchasing Agent may terminate this contract at any time upon 30 days written notice to the contractor. This contract, which covers an array of specialty equipment repair/replacement services unique to the 69th Street and Alameda Sims Sludge Plants, will ensure the timely repair of the equipment used to process sludge at the two plants and will improve the Department's ability to maintain regulatory permit compliance.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Twenty-nine prospective bidders viewed the solicitation document on SPD's e-bidding website, and one bid was received. The manufacturer was also contacted to verify potential bidders; neither the manufacturer nor the potential contractor provided by the manufacturer elected to bid on this service contract. The majority of the contractors contacted advised that they could not perform as a prime contractor, and therefore elected not to bid. Only one bid was received due to limited competition for these services. The bid price is 4% lower than the previous contract for these services. Therefore, the bid price is considered fair and reasonable.

The scope of work requires the contractor to furnish all equipment, facilities, labor, materials, parts, tools, supervision and transportation necessary to repair/replace, on an as-needed basis, a multiplicity of sludge processing equipment, including but not limited to, centrifuges, conveyors, core-pak heat exchangers, fans, scaffolding, scrubbers and mixers at the 69th Street and Alameda Sims Sludge Plants.

M/WBE Subcontracting:

This bid was advertised as a goal-oriented contract with a 7% M/WBE participation level. Industrial TX Corporation has designated the below-named companies as its certified M/WBE subcontractors:

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

MD

3-12-07

*25
JCH*

Date: 3/19/2007	Subject: Formal Bid Received for Maintenance and Repair of Sludge Dewatering and Drying Equipment Services for the Public Works & Engineering Department S28-L22084	Originator's Initials DP	Page 2 of 2
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<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>	<u>Percentage</u>
Automation Nation, Inc.	Computer Software Analysis	\$139,134.68	2.3%
Escalante Construction, Inc.	Water and Sewer Line Construction	\$139,134.68	2.3%
Mecalf Fabrication, Inc.	Fabrication	\$139,134.68	2.3%

The Affirmative Action Division will monitor this contract.

Buyer: David Petersen

Estimated Spending Authority			
DEPARTMENT	FY 2007	OUT YEARS	TOTAL
Public Works & Engineering	\$220,000.00	\$5,742,915.00	\$5,962,915.00

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Professional Materials Engineering Laboratory Contract with DAE and Associates, Ltd., DBA Geotech Engineering and Testing, for Miscellaneous Projects with the Houston Airport System; Project No. 615E; WBS# A-000138-0014-4-01.	Category #9	Page 1 of 2	Agenda Item # <i>28</i>
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FROM (Department or other point of origin): Houston Airport System	Origination Date March 29, 2007	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE: <i>Kae J. Garcia</i>	Council District affected: B, E & I
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For additional information contact: Eric R. Potts Phone: 281/233-1999 Adil Godiwalla 281/233-1934	Date and identification of prior authorizing Council action: None
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AMOUNT & SOURCE OF FUNDING: CIP A-0138.73.2 \$200,000.00 Airports Improvement Fund (8011)	Prior appropriations: None
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RECOMMENDATION: (Summary)
Enact an ordinance to approve a Professional Materials Engineering Laboratory Contract with DAE and Associates. Ltd., DBA Geotech Engineering and Testing, and appropriate the necessary funds to finance the cost of these services.

SPECIFIC EXPLANATION:

A Professional Materials Engineering Laboratory Contract has been prepared with DAE and Associates, Ltd., DBA Geotech Engineering and Testing, to perform miscellaneous professional geotechnical investigations and construction materials testing and inspection services in connection with design, construction or maintenance of one or more of the capital and maintenance projects at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field.

Total compensation for testing services associated with this contract is \$200,000.00. It is anticipated that several miscellaneous testing projects will be necessary. Each will be separately negotiated with the total not exceeding the appropriated sum of \$200,000.00.

Generally, the scope of work provided under this contract includes:

1. Geotechnical investigations,
2. Construction materials testing,
3. Inspection of construction materials used,
4. Verification of mix designs, and
5. Sampling and testing

The term of this contract is not to exceed four years.

REQUIRED AUTHORIZATION

F&A Budget: <i>[Signature]</i>	Other Authorization:	Other Authorization: <i>[Signature]</i>
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Date March 19 2007	Subject: Construction Contract with Vanderlande Industries Inc. for the Terminal A Explosive Detection System In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston, Project No. 612G, WBS #s A-000486-0008-4-01 and A-000486-0008-4-02.	Originator's Initials JC	Page 2 of 2
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PROJECT COST: The total amount to be appropriated is as follows:

\$ 4,568,179.00	Construction Contract
\$ 228,409.00	5% Construction Contingency
\$ 4,796,588.00	Total

DBE PARTICIPATION: The contract has been established with a DBE participation of 20.1% of the of the dollar value of the installation labor (\$1,075,059.00) of the Construction Contract Price.

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

Firm	Type of Work		Amount	% of Bid
The Gonzalez Group, LP	Construction Management	\$	<u>655,474.00</u>	<u>61.00 %</u>
	Total	\$	655,474.00	61.00 %

RMV:MVM:JWC

Attachments

cc: Ms. Marty Stein Mr. Richard M. Vacar Mr. Todd Young Mr. Richard Fernandez
Mr. Anthony W. Hall, Jr. Mr. Mark V. Mancuso Ms. Kathy Elek Mr. J. Goodwille Pierre
Mr. Arturo G. Michel Ms. Sara S. Culbreth Ms. Carolyn Walker
Ms. Velma Laws Mr. Eric R. Potts Ms. Ellen Erenbaum

SUBJECT: Construction Contract with Vanderlande Industries Inc. for the Terminal D Explosive Detection System Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston, Project No. 612H, WBS #s A- 000486-0009-4-01 and A-000486-0009-4-02.	Category #	Page 1 of 2	Agenda Item # 30
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FROM (Department or other point of origin): Houston Airport System	Origination Date March 19, 2007	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE: <i>Kae</i> <i>[Signature]</i>	Council District affected: B
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For additional information contact: Mark V. Mancuso <i>[Signature]</i> Phone: 281/233-7329 Eric R. Potts 281/233-1999	Date and identification of prior authorizing Council action:
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AMOUNT & SOURCE OF FUNDING: CIP No. A-0486.31.3 \$139,782.00 Airports Improvement Fund (8011) CIP No. A-0486.31.3 \$349,454.00 FAA AIP No. 3-48-0111-47-03 (8000) Total \$489,236.00	Prior appropriations:
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RECOMMENDATION: (Summary)
 Enact an ordinance to award a construction contract to Vanderlande Industries, Inc. in the amount of \$465,939.00 and appropriate the necessary funds to finance the cost of the project.

SPECIFIC EXPLANATION:

PROJECT LOCATION: Terminal D of George Bush Intercontinental Airport/Houston (IAH).

PROJECT SUMMARY: This project consists of the installation of temporary baggage roller (unpowered) conveyors and pneumatic baggage lifters for the existing Explosive Detection System (EDS) machines on the three outbound baggage make-up units in Terminal D. Also included is the installation of temporary local cooling units and additional lighting to reduce the risk of worker injury and fatigue in the EDS areas. Fencing will be constructed in order to separate TSA baggage screening operations from the airlines' baggage handling operations. The enhancements installed under this contract will provide an interim solution until a permanent checked baggage screening system for Terminal D is designed and constructed.

The full contract term is 120 days. Design and contract document preparation was conducted by Parsons Water and Infrastructure, Inc.

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

ENGINEERING SERVICES TESTING CONTRACT: No appropriation is required for engineering and testing services for this project.

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

Date March 19, 2007	Subject: Construction Contract with Vanderlande Industries Inc. for Terminal D the Explosive Detection System Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston, Project No. 612H, WBS #s A- 000486-0009-4-01 and A-000486-0009-4-02.	Originator's Initials JC	Page 2 of 2
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PROJECT COST: The total amount to be appropriated is as follows:

\$ 465,939.00	Construction Contract
\$ <u>23,297.00</u>	5% Construction Contingency
\$ 489,236.00	Total

DBE PARTICIPATION: The contract has been established with a DBE participation of 20.1% of the dollar value of the Prime Contract Price.

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>43.5 %</u>
	Total	\$ 202,500.00	43.5 %

RMV:MVM:JWC

Attachments

cc: Ms. Marty Stein	Mr. Richard M. Vacar	Mr. Todd Young	Mr. Richard Fernandez
Mr. Anthony W. Hall, Jr.	Mr. Mark V. Mancuso	Ms. Kathy Elek	Mr. J. Goodwille Pierre
Mr. Arturo G. Michel	Ms. Sara S. Culbreth	Ms. Carolyn Walker	
Ms. Velma Laws	Mr. Eric R. Potts	Ms. Ellen Erenbaum	

SUBJECT: Developer Participation Contract between City of Houston and PMI Scott, LP. for the construction of sewer line. R-000802-0049-4	Page 1 of 1	Agenda Item # 31
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FROM: (Department or other point of origin) Department of Public Works & Engineering	Origination Date: 4-18-07	Agenda Date: MAY 02 2007
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Director's Signature:  Michael S. Marcotte, P.E. DEE	Council District affected: D
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For additional information contact: Jun Chang, P.E. (713) 837-0433 <i>gc</i>	Date and identification of prior authorizing Council action:
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Recommendation: (Summary)
Approve a Developer Participation Contract between the City and PMI Scott, LP for the City to pay 30% of the cost plus 100% of allowable oversizing cost to construct approximately 1,223 linear feet of 15-inch sanitary sewer lines along Scott Street, and appropriate funds.

Amount & Source of Funding: \$141,138.19 Water & Sewer System Consolidated Construction Fund No. 8500
Revised 03/26/07

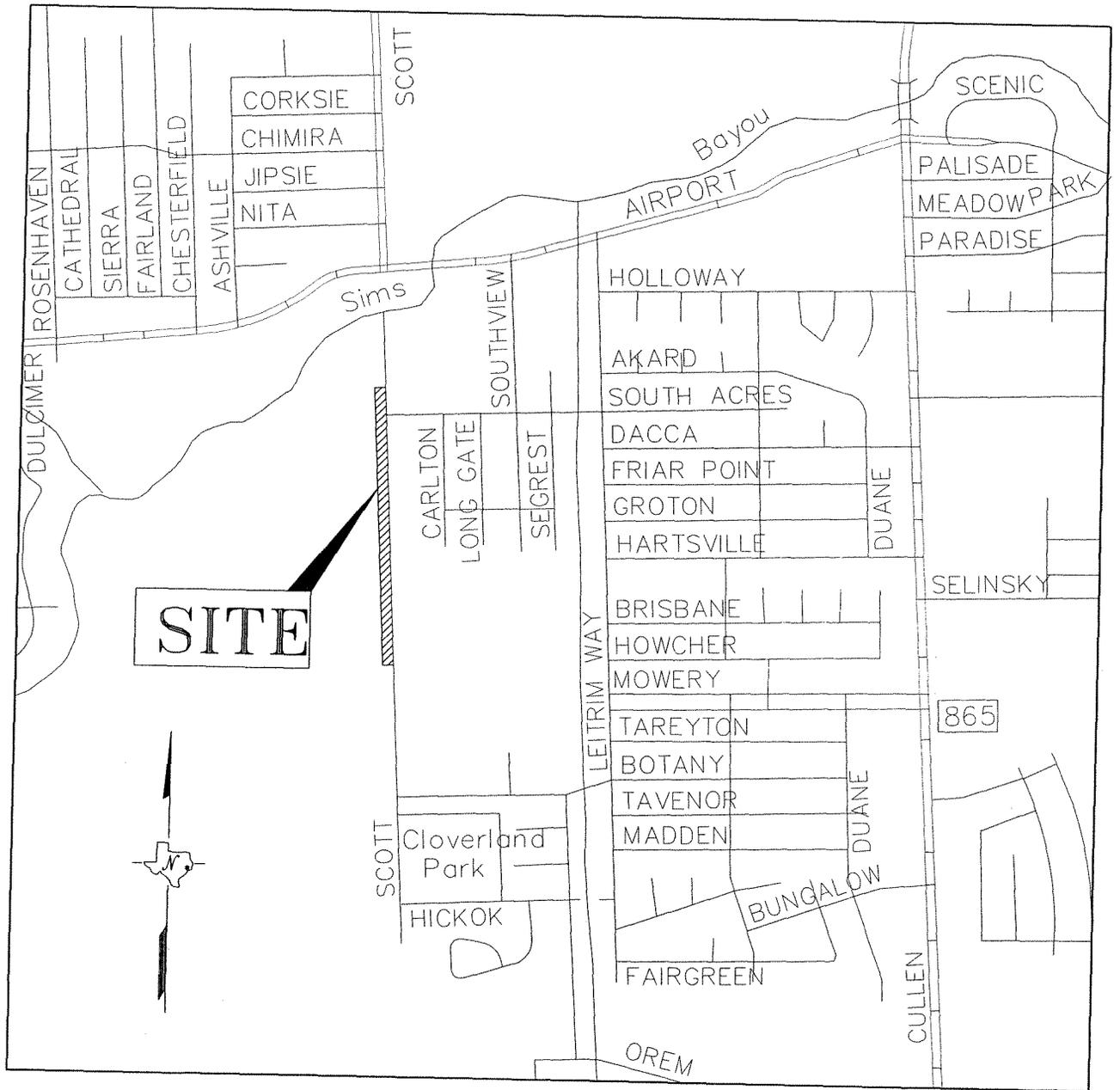
Specific Explanation:
Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) includes provisions for City participation in the cost of construction of water and sewer mains by a developer. Under Section 47-164 of the Houston Code, the City and the Developer may enter into a cost-sharing agreement under which the Developer designs and constructs the mains and dedicates them to the City for 30% reimbursement of the construction cost. The City also reimburses 100% of allowable oversizing costs.

PMI Scott, LP. proposes to construct approximately 1,223 linear feet of sanitary sewer line to serve their development, Scott Park Subdivision. The estimated construction cost is \$245,383.95 (including a 5% contingency) plus \$67,523.00 of allowable oversizing cost, thereby making \$141,138.19 the City of Houston's maximum contribution. Plans for the extension have been approved by the Department of Public Works and Engineering. Before payment is made to the Developer, the Department of Public Works and Engineering will inspect the lines and review the final construction costs to determine the actual amount of the City's share, which cannot exceed \$141,138.19.

JC:AMS:tp

cc: Marty Stein Craig Foster John Sakolosky

REQUIRED AUTHORIZATION: 20JZC237 <i>NT</i>		
F&A Budget: 	Other Authorization:	Other Authorization:  Andrew F. Icken, Deputy Director Planning & Development Services



VICINITY MAP KEY: 573 G & L

GIMS : 5452a & 5452c

ZIP CODE: 77047

NOT TO SCALE

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT : Professional Architectural Services Contract Task Order Contract for Various City Departments Archi*Technics/3, Inc. WBS D-000115-0004-3	Page 1 of 1	Agenda Item <i>32</i>
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FROM (Department or other point of origin): Building Services Department	Origination Date <i>4/18/07</i>	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. <i>Issa Dadoush 4/13/07</i>	Council District(s) affected: All
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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:
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RECOMMENDATION: Approve and authorize a Task Order Contract with Archi*Technics/3, Inc. and appropriate funds.

Amount and Source of Funding: Maximum contract amount: \$500,000 Initial appropriation: \$ 100,000.00 General Improvements Consolidated Construction Fund (4509)	F & A Budget: <i>[Signature]</i>
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SPECIFIC EXPLANATION: The Building Services Department recommends that City Council approve a professional architectural services contract with Archi*Technics/3, Inc. for citywide task order architectural and engineering services for various City departments, and delegate authority to the Director to approve supplemental allocations up to the maximum contract amount of \$500,000. Additional funding will be made available by supplemental allocations from various departmental budgets, or appropriations from various bond funds up to the maximum contract amount.

PROJECT LOCATION: Citywide

SCOPE OF CONTRACT AND FEE: Under the terms of the contract, the consultant will perform design and construction phase services on an as needed basis for projects of various City departments and will seal documents required for compliance with the City Building Code. Each task will be performed on a reimbursable basis.

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

<u>Firm</u>	<u>Work</u>	<u>Amount</u>	<u>% of Contract</u>
Bovay Engineers	MEP	\$ 12,000.00	12.0%
Ingenium, Inc.	Structural	\$ 6,000.00	6.0%
Landtech Consultants, Inc.	Civil	\$ 3,500.00	3.5%
M2L Associates, Inc.	Landscape	\$ 2,500.00	2.5%
		Total	24.00%

IZD:WTH:JLN:RAV:jh

c: Marty Stein, Jacquelyn Nisby, Velma Laws, Joseph Kurian, Kim Nguyen, File

REQUIRED AUTHORIZATION

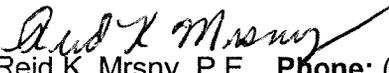
CUIC#25RAV154 *NOT*

Building Services Department: <i>Wendy Heger</i> Wendy Teas Heger, AIA Chief of Design and Construction Division	Other Authorization:
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SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City and Infrastructure Associates, Inc. for Drainage Improvement at Grade Separations. WBS No. M-000241-0002-3	Page 1 of 2	Agenda Item # 33
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From: (Department or other point of origin): Department of Public Works and Engineering	Origination Date 4-18-07	Agenda Date MAY 02 2007
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Director's Signature:  Michael S. Marcotte, P.E. DEE	Council District affected: (Council District Letter Only) D, H & I B.G.
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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: Ordinance #: 2003-0591 Dated: June 18, 2003
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Recommendation: (Summary) Appropriate Funds.

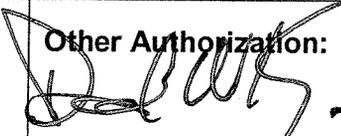
Amount and Source of Funding: \$608,200.00 from Drainage Improvements Commercial Paper Series F, Fund No. 4030; Original appropriation of \$402,500.00 from the Storm Sewer Consolidated Construction Fund No. 436.

PROJECT DESCRIPTION/SCOPE: This project is part of the Capital Improvement Program and is required to provide drainage improvements at thirteen grade separation facilities to enhance mobility and driver safety during heavy rain events. It consists of the design of safety devices and upgrades to existing pump stations.

LOCATION: Grade separations included in this project are located as follows:

	<u>GRADE SEPARATION</u>	<u>COUNCIL DISTRICT</u>	<u>KEY MAP GRIDS</u>
1.	Jensen Drive at Southern Pacific Railroad	H	494E
2.	Fannin at Holcombe Blvd.	D	532H
3.	South Main at Holcombe Blvd.	D	532H
4.	Kelley at MP Railroad	H	453R
5.	Old Galveston Rd. at MKT Railroad	E	535V
6.	3500 Kelley, east of railroad near Neches)	H	454S
7.	Polk Ave. at HB&T Railroad	I	494S
8.	Forrest Hill at MKT-MP Railroad	I	494Z
9.	Houston Ave. at Southern Pacific Railroad	H	493G
10.	Lawndale at Southern Pacific Railroad (Design Completed)	I	535H
11.	Jensen Drive at the HB & T Railroad (Design Completed)	H	454N
12.	Allen Parkway at Waugh Drive (Design Completed)	D	492M
13.	Allen Parkway at Montrose Blvd. (Design Completed)	D	493J

REQUIRED AUTHORIZATION CUIC ID #20BG03 NOT

F&A Budget: 	Other Authorization:	Other Authorization:  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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SUBJECT: Additional Appropriation to Professional Engineering Services
Contract between the City and Infrastructure Associates, Inc. for
Drainage Improvement at Grade Separations.
WBS No. M-000241-0002-3

**Originator's
Initials**

B.G.

**Page
2 of 2**

PREVIOUS HISTORY AND SCOPE: Under the terms of the contract awarded on June 18, 2003, the Consultant will perform Preliminary Design, Final Design and Construction Phase Basic Services. The original contract provided funding to complete final design and construction phase basic services for four of the thirteen underpasses. Additional funding is required to complete final design and construction phase services for the other nine underpasses.

SCOPE OF THIS SUPPLEMENT AND FEE: The requested additional appropriation will accomplish the following tasks: Final Design and Construction Phase Basic Services for nine underpasses. \$415,909.00 is budgeted as Basic Services Fee computed by using City of Houston Curve A of the Curves of Median Compensation to be paid as lump sum. Certain other Additional Services are also proposed to be paid as lump sum or on a reimbursable basis. The Additional Services currently anticipated include surveying, geotechnical investigations, storm water pollution prevention plans, Phase I Environmental Site Assessment and traffic control plans. The total Additional Services Fee requested to complete the remaining underpasses is \$137,016.00.

The total cost of this supplement is \$608,200.00 to be appropriated as follows: \$552,925.00 for contract services and \$55,275.00 for project management.

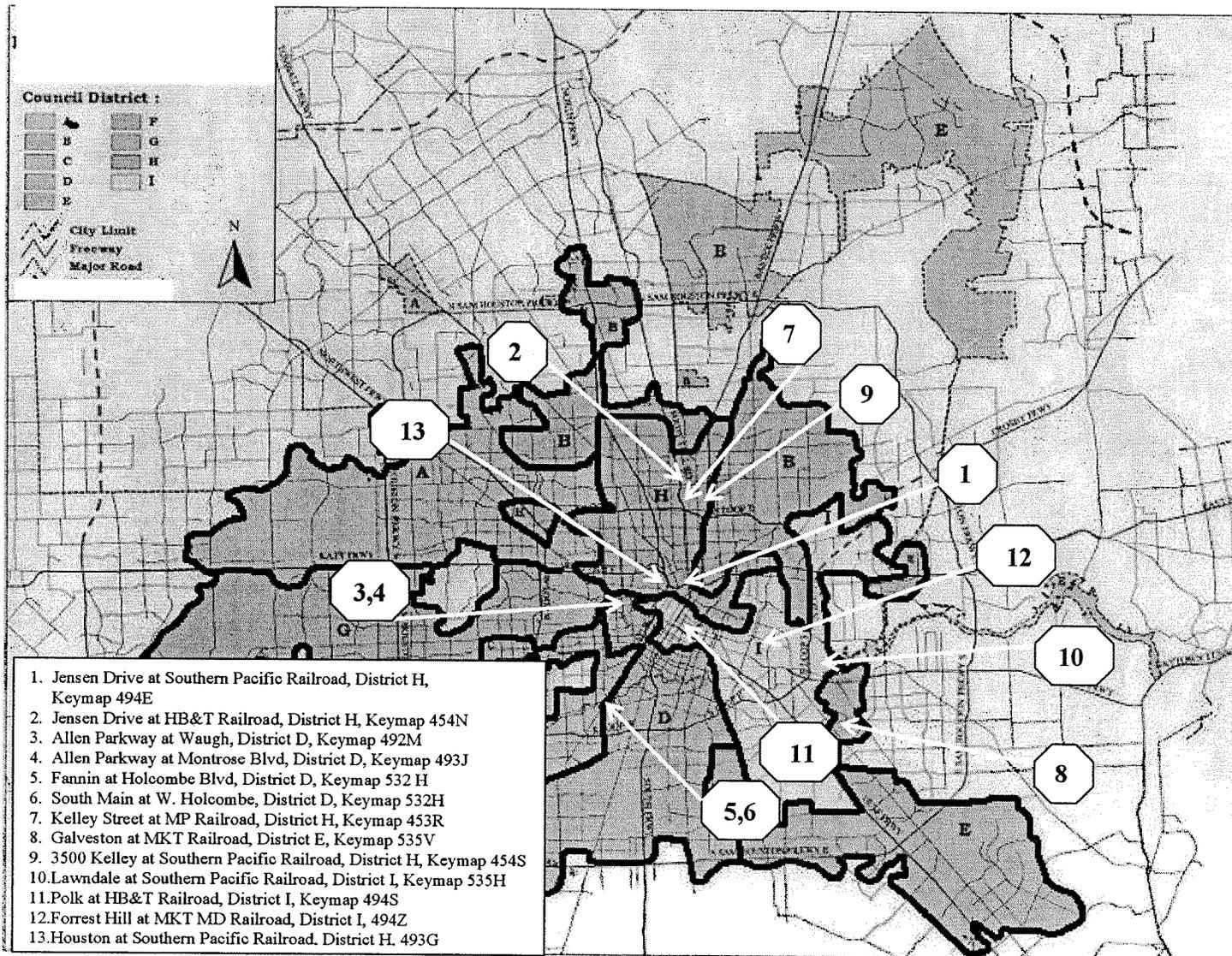
M/WBE INFORMATION: The M/WBE goal established for this project is 24%. The original contract as approved by Ordinance No. 2003-591 totals \$365,825.00. The consultant has been paid \$280,265.67 (76.6%) to date. Of this amount \$59,190.00 (21.1%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will increase to \$918,750.00. The contractor proposes the following plan to meet the M/WBE goal:

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Prior M/WBE Work		\$59,190.00	6.44%
2. Kuo & Associates, Inc.	Land Survey	\$49,500.00	5.39%
3. Aviles Engineering Corporation	Geotechnical Services	\$31,800.00	3.46%
4. B & E Reprographics, Inc.	Reproduction	\$ 6,800.00	0.74%
5. Ambiee Engineers	Design Services	<u>\$82,000.00</u>	<u>8.93%</u>
	TOTAL	\$229,290.00	24.96%

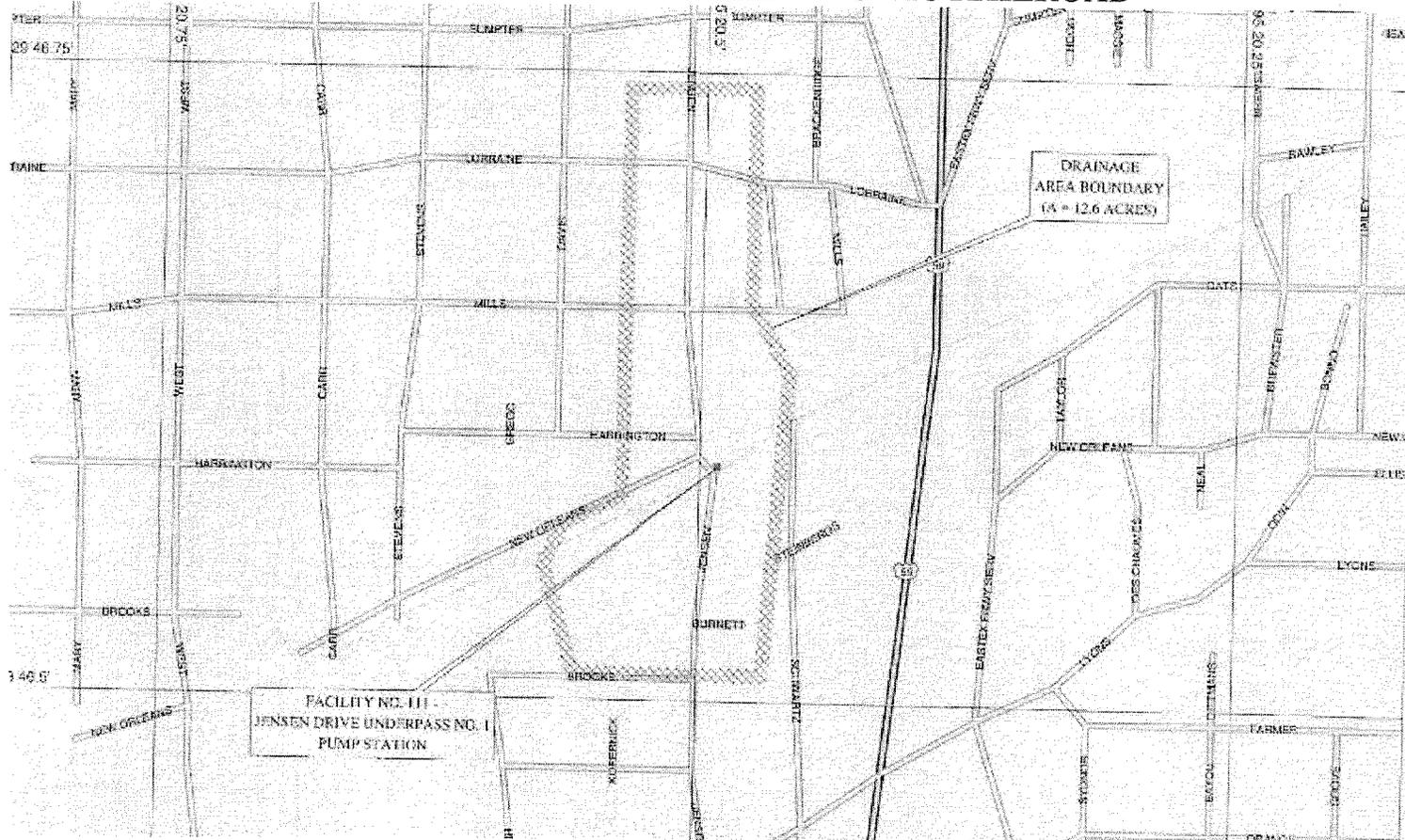
MSM:DWK:RM:HJ:BG\klw

S:\design\al\sw\div\wp\data\bing\rcal\rcal\infrastructure

c: Marty Stein
Jeff Taylor
Susan Bandy
Velma Laws
Craig Foster
File No. WBS M-000241-0002-3 (1.2)



JENSEN DRIVE AT SOUTHERN PACIFIC RAILROAD



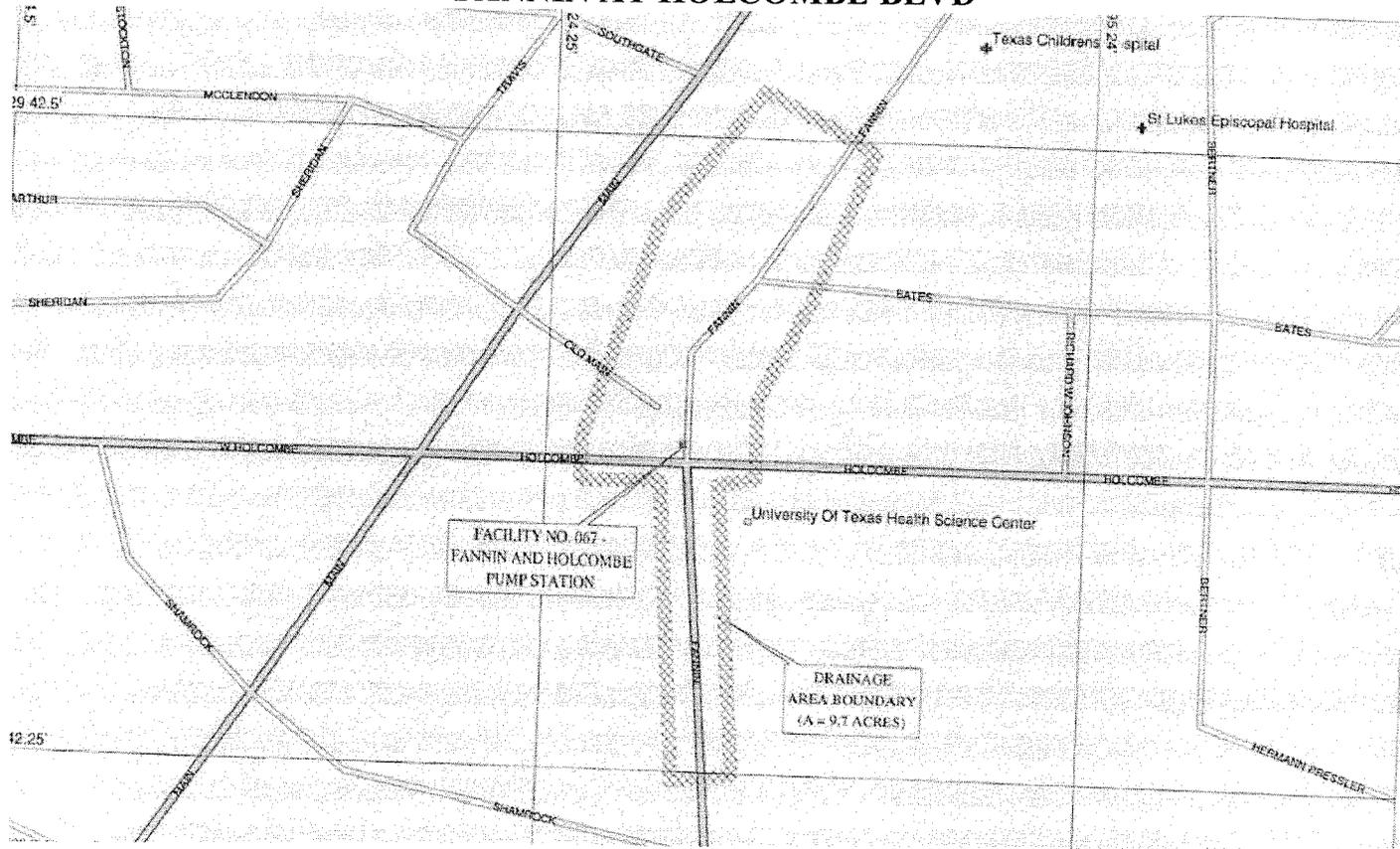
DRAINAGE IMPROVEMENTS AT GRADE SEPARATION VICINITY MAP

KEYMAP 494E

CIP No. M-0241-22-02

COUNCIL DISTRICT H

FANNIN AT HOLCOMBE BLVD



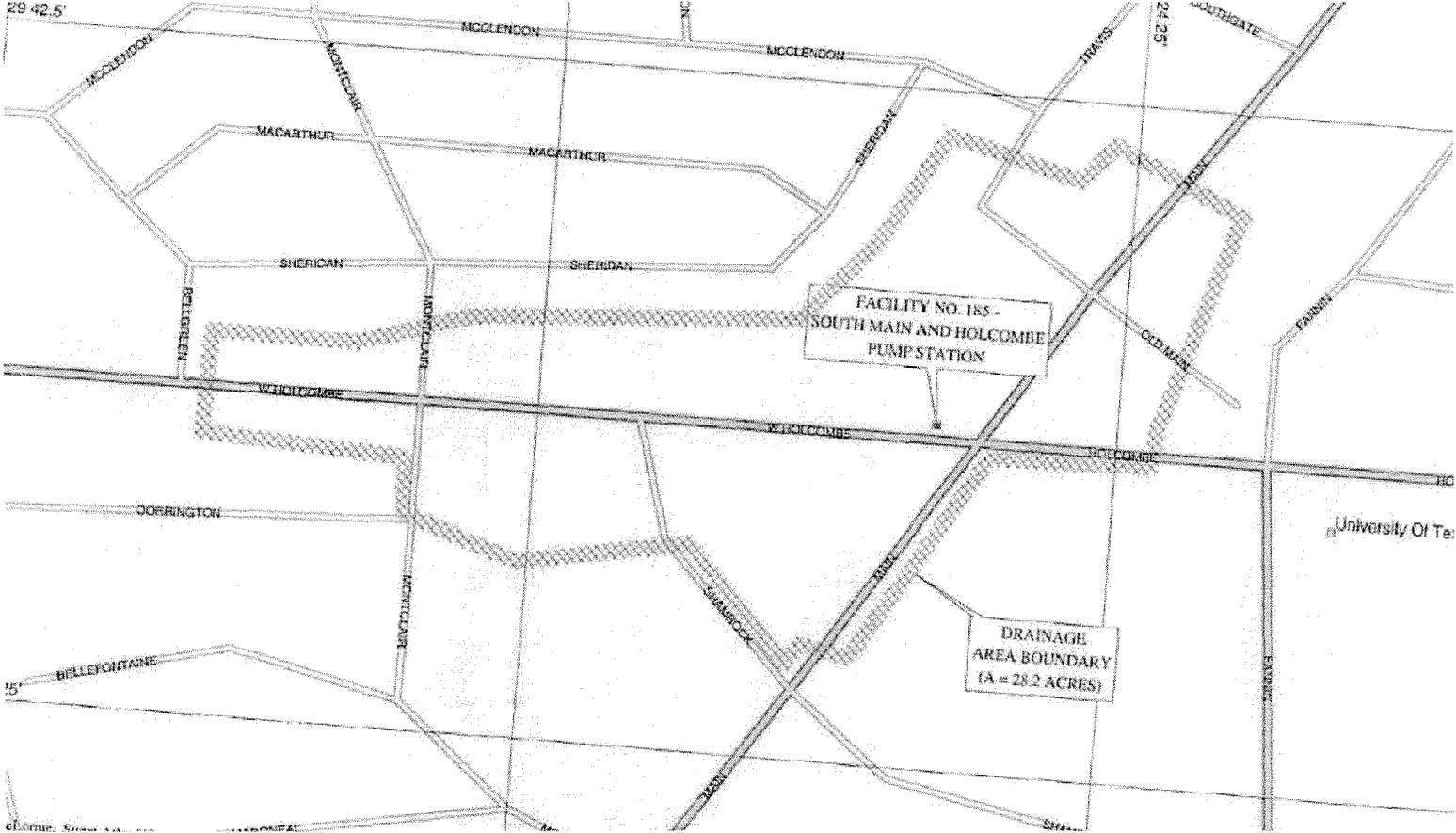
DRAINAGE IMPROVEMENTS AT GRADE SEPARATION VICINITY MAP

KEYMAP 532H

CIP No. M-0241-22-02

COUNCIL DISTRICT D

SOUTH MAIN AT WEST HOLCOMBE BLVD



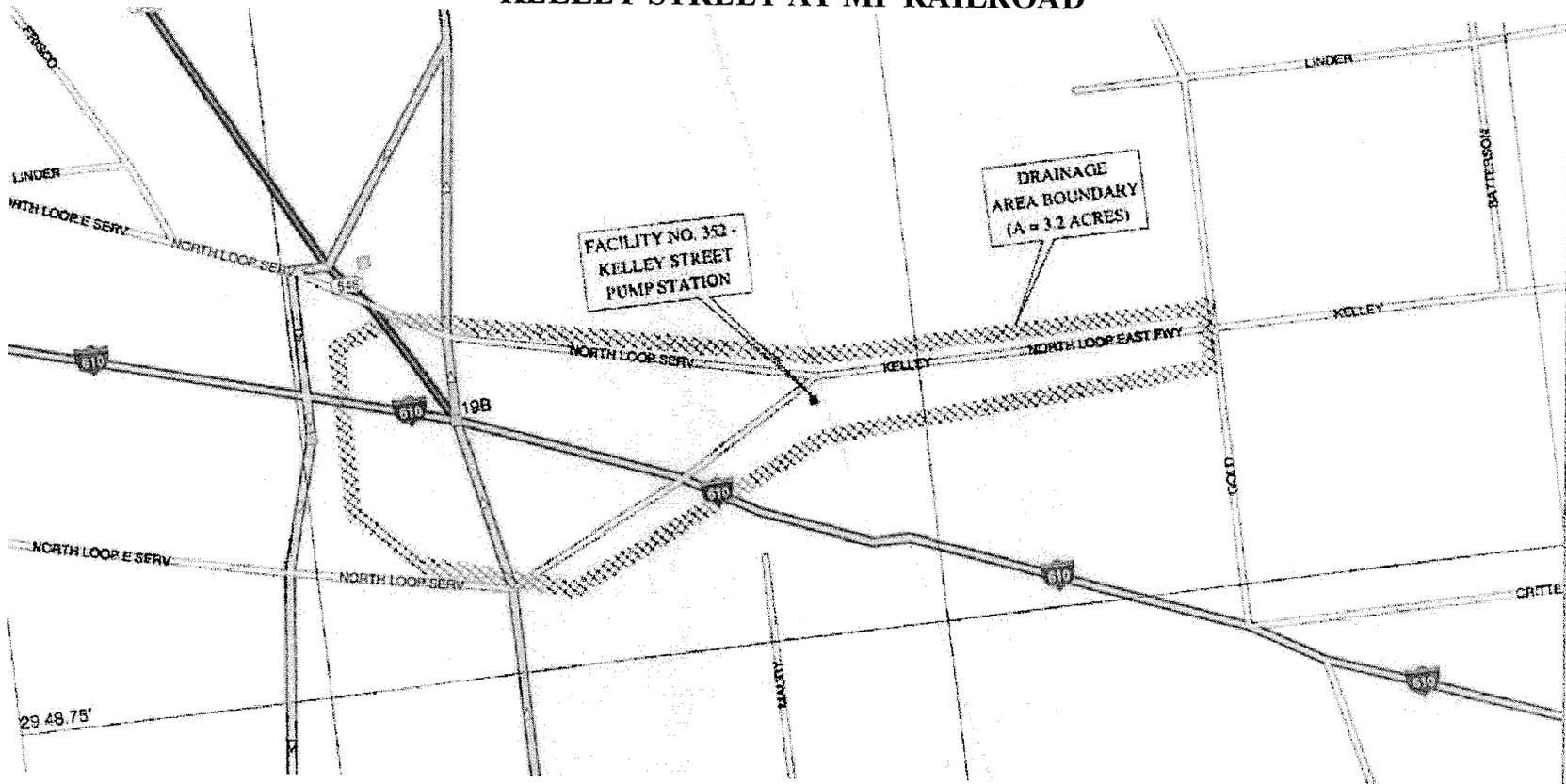
DRAINAGE IMPROVEMENTS AT GRADE SEPARATION VICINITY MAP

KEYMAP 532H

CIP No. M-0241-22-02

COUNCIL DISTRICT D

KELLEY STREET AT MP RAILROAD



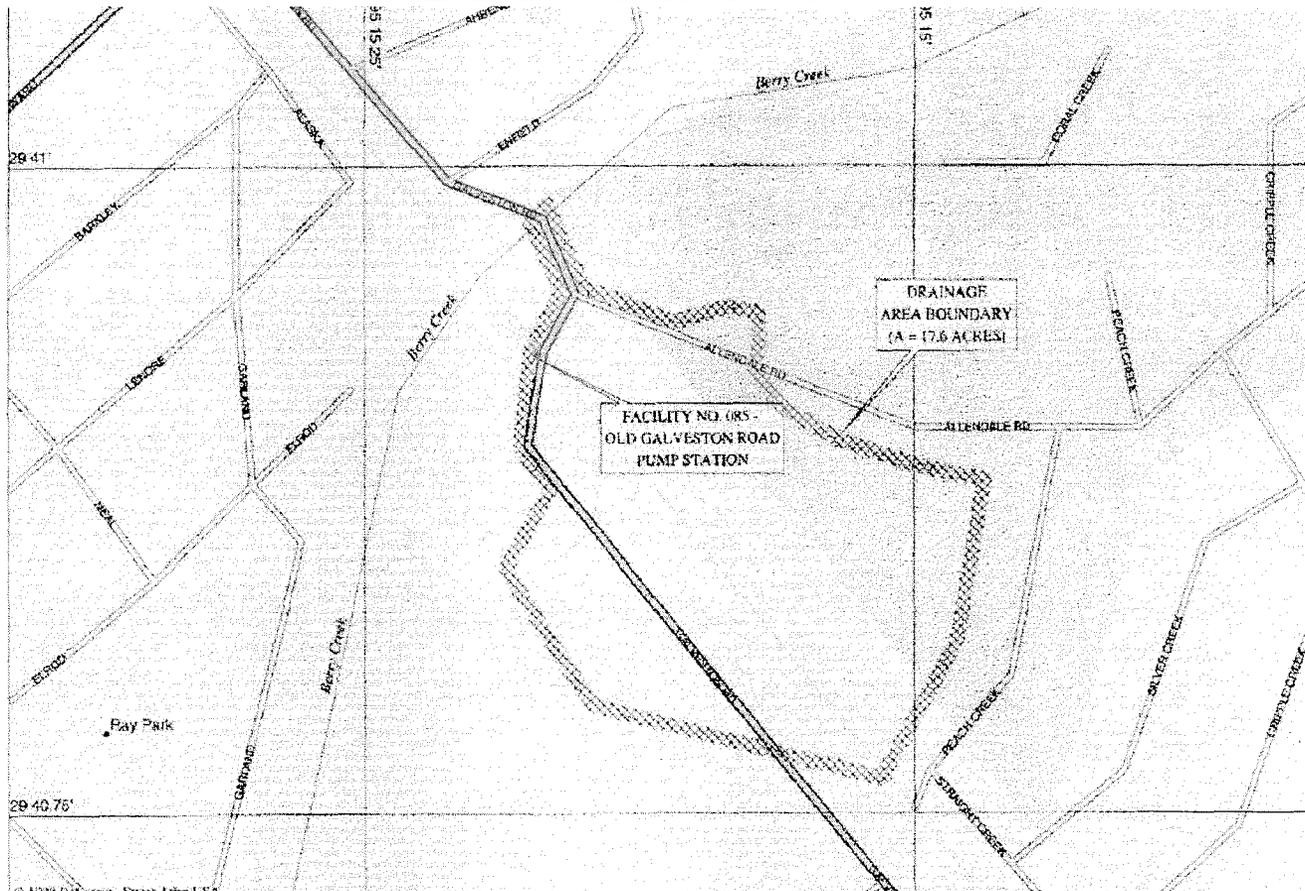
DRAINAGE IMPROVEMENTS AT GRADE SEPARATION VICINITY MAP

KEYMAP 453R

CIP No. M-0241-22-02

COUNCIL DISTRICT H

GALVESTON AT MKT RAILROAD



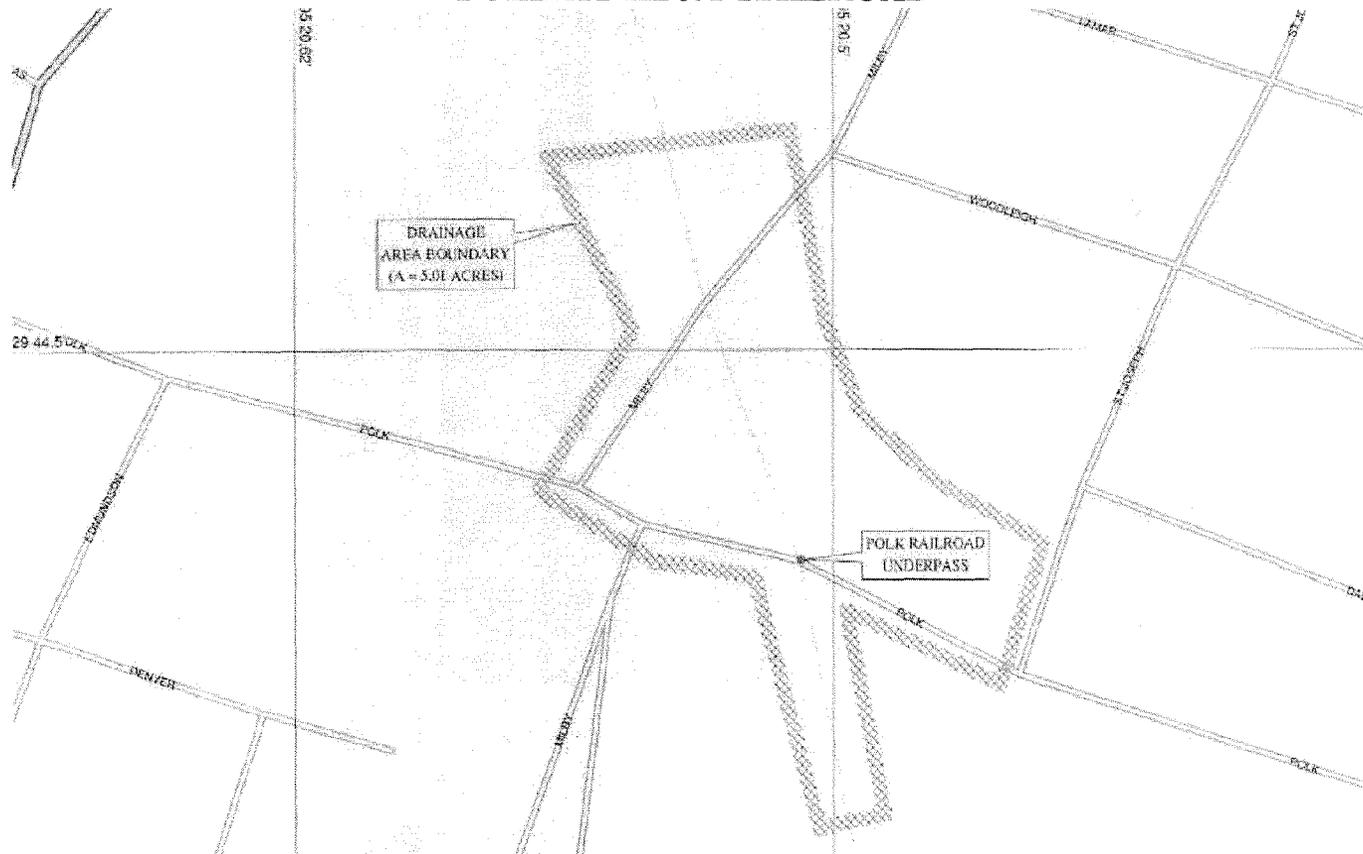
DRAINAGE IMPROVEMENTS AT GRADE SEPARATION VICINITY MAP

KEYMAP 535V

CIP No. M-0241-22-02

COUNCIL DISTRICT E

POLK AT HB&T RAILROAD



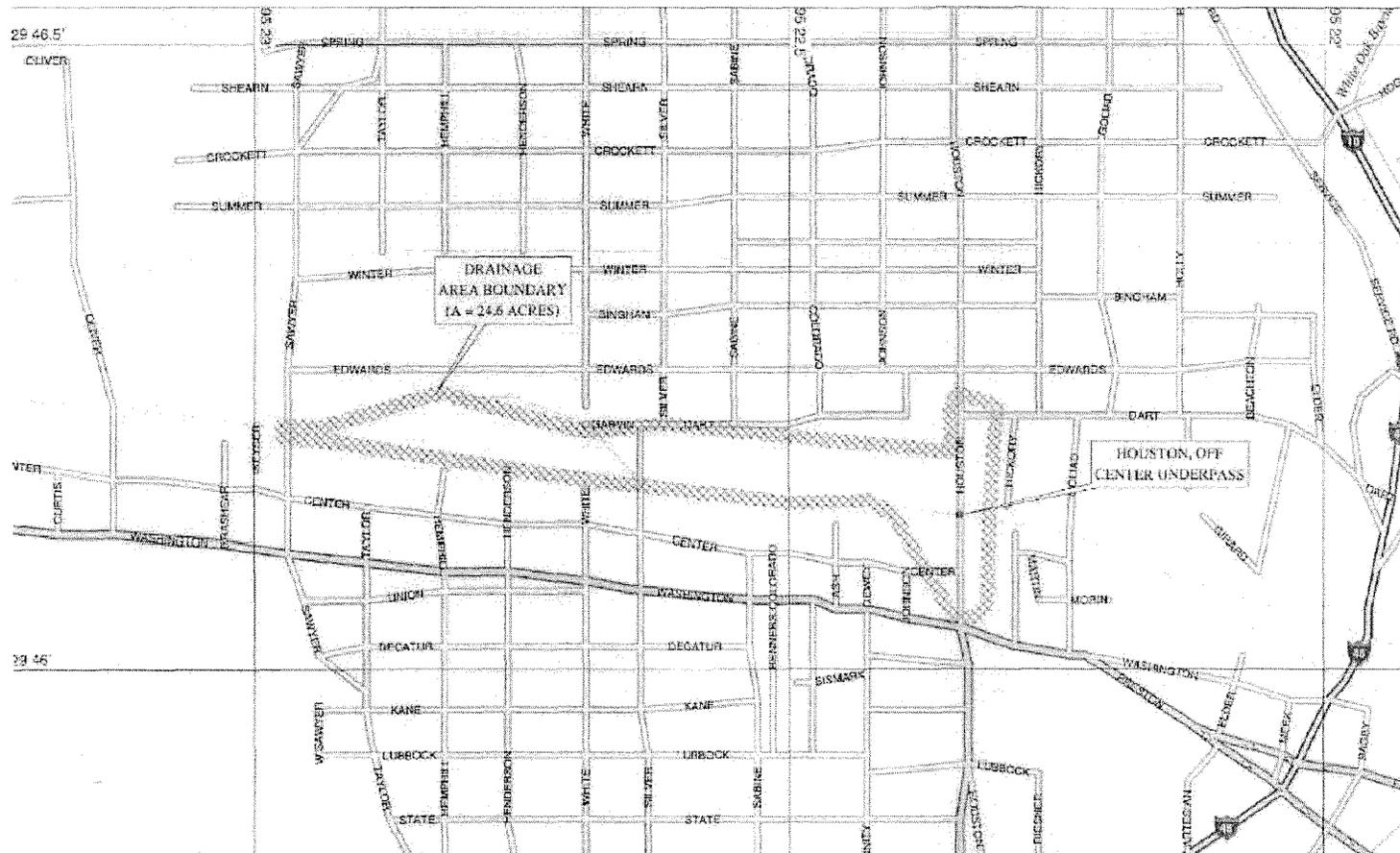
DRAINAGE IMPROVEMENTS AT GRADE SEPARATION VICINITY MAP

KEYMAP 494S

CIP No. M-0241-22-02

COUNCIL DISTRICT I

HOUSTON AT SOUTHERN PACIFIC RAILROAD



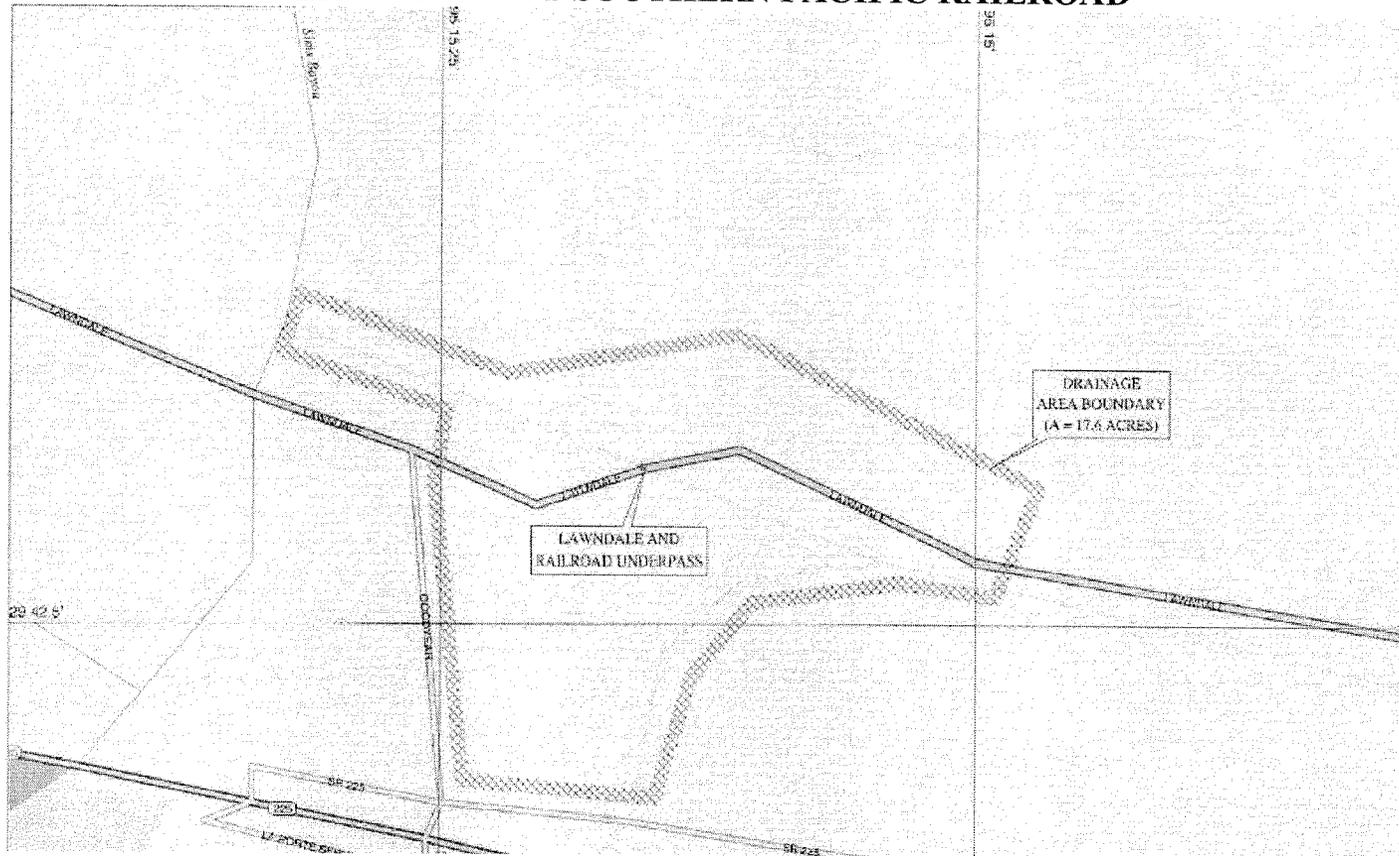
DRAINAGE IMPROVEMENTS AT GRADE SEPARATION VICINITY MAP

KEYMAP 493G

CIP No. M-0241-22-02

COUNCIL DISTRICT H

LAWNDALE AT SOUTHERN PACIFIC RAILROAD



DRAINAGE IMPROVEMENTS AT GRADE SEPARATION VICINITY MAP

KEYMAP 535H

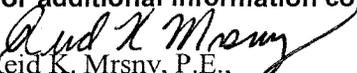
CIP No. M-0241-22-02

COUNCIL DISTRICT I

SUBJECT: Professional Engineering Services Contract between the City and Nathelyne A. Kennedy & Associates for the Reconstruction of Buffalo Speedway from North Braeswood Blvd. to Holcombe Blvd. WBS No. N-000847-0001-3.	Page 1 of 2	Agenda Item # 34
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 4-26-07	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director	Council District affected: AA C
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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:
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RECOMMENDATION: (Summary)
Approve Engineering Services Contract with Nathelyne A. Kennedy & Associates and appropriate funds.

Amount and Source of Funding: \$ 690,800.00 from the Street and Bridge Consolidated Construction Fund No. 4506.
Proffered 04/04/07

DESCRIPTION/SCOPE: This project is part of the Capital Improvement Plan and is required to improve traffic flow/circulation, reduce congestion, and eliminate potential hazards. This project consists of approximately 3,600 linear feet of dual 24- foot wide concrete roadways with raised median, concrete curbs, sidewalk and necessary underground utilities. The intersection of Holcombe Blvd. and Buffalo Speedway will include upgrades to the traffic signals.

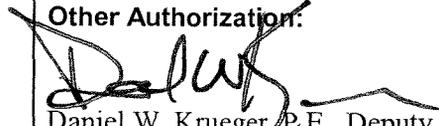
LOCATION: The project is generally bounded by North Braeswood Blvd. on the South and Holcombe Blvd. on the North. The project is located in Key Map Grids 532 F & K.

SCOPE OF CONTRACT AND FEE: The Reconstruction of Buffalo Speedway will be funded in one Phase. Under the terms of the Contract, the Consultant will initially perform Phase I Preliminary Engineering Services and Additional Services. Basic Services fee for Phase I is based on cost of time and materials with not-to-exceed agreed upon amount of \$73,000.00. The Basic Services fees for Phase II and Phase III will be negotiated on a lump basis after the completion of Phase I. The total Basic Services appropriation is \$323,000.00.

The scope of the Preliminary Engineering consists of schematic layouts for roadways and utilities. The Contract also includes certain Additional Services to be paid either as lump sum or on a reimbursable basis including surveying, traffic control plans, and drainage study. The total Additional Services appropriation for Phase I is \$80,000.00 The total additional services appropriation for all phases is \$305,000.00

The total cost of this Project is \$690,800.00 to be appropriated as follows: \$628,000.00 for Contract Services and \$62,800.00 for Project Management.

REQUIRED AUTHORIZATION CUIC ID #20AZA02 A

F&A Budget: 	Other Authorization:	Other Authorization:  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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NOT

Date

SUBJECT: Professional Engineering Services Contract between the City and Nathelyne A. Kennedy & Associates for the Reconstruction of Buffalo Speedway from North Braeswood Blvd. to Holcombe Blvd. WBS No. N-000847-0001-3.

Originator's Initials

AA

Page
2 of 2

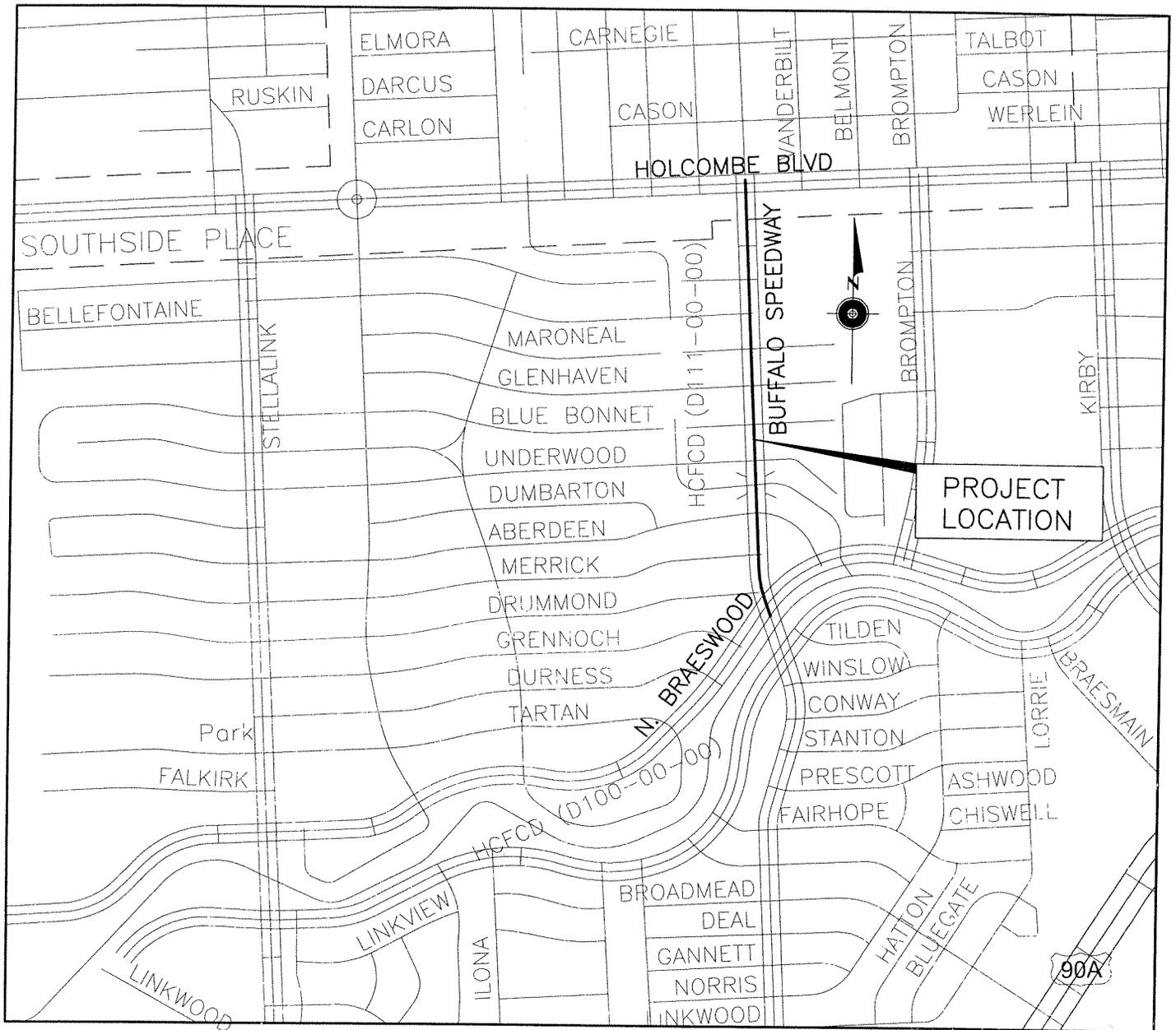
M/WBE INFORMATION: The M/WBE goal for the overall project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Chief Solutions, Inc.	Sewer Televising	\$23,067.50	3.67%
2. HVJ Associates, Inc.	Geotechnical Services	\$67,773.00	10.79%
3. CivilTech Engineering, Inc.	Bridge Hydraulics	\$46,751.00	7.44%
4. Landtech Consultant, Inc.	Civil Engineering Services	\$39,400.00	6.27%
5. Gunda Corporation, Inc.	Traffic Engineering services	<u>\$51,000.00</u>	<u>8.12%</u>
TOTAL		\$227,991.50	36.29%

MM:DWK:RKM:MLL:SC:AA

S:\design\A-SB-DIV\WPDATA\Buffalo Spweedway from N. Braeswood Blvd.to Holcombe\SB9240_Profess Srvs RCA2.doc

- c: Marty Stein
Daniel W. Krueger, P.E.
Michael K. Ho, P.E.
Susan Bandy
Velma Laws
Craig Foster
File No. N-000847-0001 (1.1 RCA)



BUFFALO SPEEDWAY RECONSTRUCTION

WBS NO. N-000847-0001-3

COUNCIL DISTRICT C

KEY MAP NO. 532 F & K

GIMS MAP NO. 5254B & 5255D

NTS

SUBJECT: Additional Appropriation and Allocation to Professional Engineering Services Contract between the City and Corrpro Companies, Inc. for Corrosion Prevention and Rehabilitation Program for Water and Wastewater Mains W.B.S. No. S-000037-0002-3	Category	Page 1 of <u>2</u>	Agenda Item # 35
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 4-19-07	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director	Council District affected: All
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For additional information contact: Jeff Taylor Deputy Director Phone: (713) 837-0448	Date and identification of prior authorizing Council action: Ordinance # 2003-237 dated March 12, 2003. Ordinance # 2006-356 dated April 19, 2006.
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RECOMMENDATION: (Summary)
 Adopt an Ordinance approving an additional appropriation and allocation to the professional engineering services contract with Corrpro Companies, Inc.

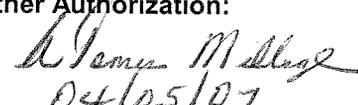
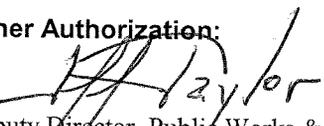
Amount and Source of Funding: \$1,739,110.00 Water and Sewer System Consolidated Construction Fund No. 8500 \$ 39,362.00 Water and Sewer Operating Fund No. 8300 (FY07) P.L.L. 4/5/07 \$ 118,086.00 Water and Sewer Operating Fund No. 8300 (FY08) \$1,896,558.00 Total Previous Funding: \$6,377,238.00 Water and Sewer System Consolidated Construction Fund No. 755 \$ 805,688.00 Enterprise Fund No. 701 \$7,182,926.00 Total	F&A Budget: 
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PROJECT NOTICE/JUSTIFICATION: This project is part of the corrosion prevention and rehabilitation program of the City's water and wastewater facilities. This program is required to meet professional engineering services requirements to prevent corrosion of water and wastewater facilities as well as to rehabilitate water and wastewater facilities. An additional appropriation and allocation of funds to the program meets these professional engineering services requirements for an additional one-year period.

DESCRIPTION/SCOPE: This project consists of corrosion prevention and rehabilitation of approximately 1,800 miles of 12-inch diameter and greater buried steel, ductile iron and prestressed concrete water transmission pipelines, over 300 above-grade pipeline crossings, over 300 water production facilities, and over 600 wastewater facilities and force mains. It also consists of field inspections and the preparation and review of design and bid documents. Technical support is also provided to implement the program in the field.

LOCATION: The project is located within all Council Districts.

REQUIRED AUTHORIZATION CUIC ID # 20AJM179

F&A Director:	Other Authorization:  04/05/07	Other Authorization:  Deputy Director, Public Works & Engineering
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Date	Subject: Additional Appropriation and Allocation to Professional Engineering Services Contract between the City and Corrpro Companies, Inc. for Corrosion Prevention and Rehabilitation Program for Water and Wastewater Mains W.B.S. No. S-000037-0002-3	Originator's Initials	Page <u>2</u> of <u>2</u>
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PREVIOUS HISTORY AND SCOPE: City Council approved the original Contract on March 18, 2003. The scope of services under the original contract consisted of tasks to include bimonthly testing, annual assessments, system rehabilitation, review of design and bid documents, and inspection and commissioning. On April 19, 2006, Ordinance No. 2006-356 approved an additional appropriation and allocation totaling \$1,896,598.00 to continue the scope of services outlined by the original contract for a one-year period. Under this contract, the Consultant completed the assignments with the exception of the task of coating pipe crossings which will be scheduled at a later date.

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

SCOPE OF THIS SUPPLEMENT AND FEE: The requested additional appropriation will continue to accomplish the Basic Services tasks as follows: Corrosion prevention and rehabilitation for large diameter water pipelines, force mains, tanks, pump stations, water purification plants and water and wastewater treatment equipment for the Utility Maintenance, Drinking Water Operations and Wastewater Operations Branch. The amount of \$1,848,023.00 is budgeted as basic services fee for a one-year period computed by a detailed cost estimate and a schedule of fees. Certain other additional services are also proposed to be paid as a lump sum or on a reimbursable basis. The additional services are currently anticipated to include laboratory work, incidental materials and equipment for system repairs which comprise the bulk of the funds. The total additional services fee under the additional appropriation is \$48,535.00 for a one-year period.

M/WBE INFORMATION: The M/WBE goal established for this project is 24%. The original contract and subsequent appropriations and allocations approved by Ordinance No. 2003-237 and Ordinance No. 2006-356 total \$7,182,926.00. The consultant has been paid \$6,648,024.04 (92.6%) to date. Of this amount \$1,588,119.50 (23.9%) has been paid to M/WBE sub-consultants. Assuming approval of the requested additional appropriation the contract amount will increase to \$9,079,484.00.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Prior M/WBE Work		\$ 1,588,119.50	17.5%
2. ESOR Consulting Engineers, Inc.	Engineering and Technical Services Support	\$ 443,217.50	4.9%
3. SMD Enterprises	Engineering and Technical Services Support	\$ 147,739.16	1.6%
TOTAL		\$2,179,076.16	24.0%

MSM:JT:AJM:JLS:rcm

Attachments

c: Marty Stein
Velma Laws
Gary Norman

Carol Ellinger, P.E.
A. James Millage
Joe L. Smith, P.E.

Roger Whitney, P.E.
Dannelle H. Belhateche, P.E.

SUBJECT: Professional Engineering Services Contract between the City and Malcolm Pirnie, Inc. for Engineering Services associated with the Rehabilitation of Ground Storage tanks at Plant 3, Improvements to Chemical Storage and Improvements to Plant Entrances at East Water Purification Plant. WBS No. S-000056-0045-3	Page 1 of <u>2</u>	Agenda Item # 36
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 4-19-07	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte P.E., Director	Council District affected: E
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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:
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RECOMMENDATION: (Summary)
 Approve Engineering Services contract with Malcolm Pirnie, Inc. and appropriate funds.

Amount and Source of Funding: \$385,000.00 Water and Sewer System Consolidated Construction Fund, No. 8500. *JThabicht*

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's rehabilitation and upgrade of the Surface Water Treatment Facilities Program and is required to improve operability, maintainability, reliability and to assist the City in meeting existing and proposed requirements of the Surface Water Treatment Rules (SWTR) and Texas Commission on Environmental Quality requirements (TCEQ).

DESCRIPTION/SCOPE: The project consists of providing professional engineering services associated with the Rehabilitation of Ground Storage tanks at Plant 3, Improvements to Chemical Storage and Improvements to Plant Entrances at East Water Purification Plant.

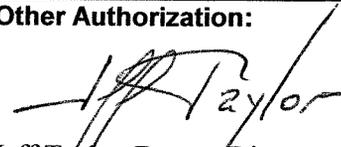
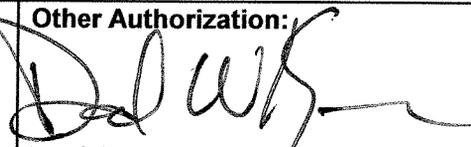
LOCATION: This project is located on 12555 Clinton Drive and 2300 Federal Road. The project is located in Key Map grids 496 U and Y.

SCOPE OF CONTRACT AND FEE: Under the scope of the contract, the Consultant will perform Phase I - Preliminary Design and Additional Services.

This appropriation is to fund only Phase I – Preliminary Design with some required Additional Services to define and prioritize the detailed project scope for Phase II and Phase III Services. Basic Services Fee for Phase I is based on cost of time and materials with a not-to-exceed agreed upon amount. The total Basic Services appropriation for Phase I is \$252,648.00.

The contract also includes certain Additional Services to be paid either as a lump sum or on a reimbursable basis. The Additional Services include feasibility evaluation for security secured entrances, survey services, geotechnical investigation and limited forensic study for storage tank foundations. The total Additional Services appropriation is \$97,352.00.

REQUIRED AUTHORIZATION **CUIC ID #20JWM39A**

F&A Director:	Other Authorization:  Jeff Taylor, Deputy Director Public Utilities Division	Other Authorization:  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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Date	SUBJECT: Professional Engineering Services Contract between the City and Malcolm Pirnie, Inc. for Engineering Services associated with the Rehabilitation of Ground Storage tanks at Plant 3, Improvements Chemical Storage and Improvements to Plant Entrances at East Water Purification Plant. WBS No. S-000056-0045-3	Originator's Initials 	Page <u>2</u> of <u>2</u>
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The total cost of this project is \$385,000.00 to be appropriated as follows: \$350,000.00 for contract services and \$35,000.00 for project management.

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

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Infrastructure Associates, Inc.	Engineering Support	\$34,203.00	9.77%
2. Amani Engineering, Inc	Surveying Services	\$10,000.00	2.86%
3. Gunda Corporation, Inc.	Engineering Support	\$47,181.00	<u>13.48%</u>
TOTAL		\$91,384.00	26.11%


MSM:DWK:RKM:HH:JM:itj
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c: Marty Stein
Velma Laws
Susan Bandy
Michael Ho, P.E.
Craig Foster
File Nos. S-000056-0045-3 (1.2)

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for LED Retrofit Traffic Signal Upgrades in Downtown, Midtown, Texas Medical Center and other various locations. WBS No. N-000650-0024-4.	Page 1 of 2	Agenda Item # 37
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FROM (Department or other point of origin): Public Works and Engineering Department	Origination Date 4-19-07	Agenda Date MAY 02 2007
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E. DEE	Council District affected: D, E, F, G,H, & I
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For additional information contact: David C. Worley, P.E., Assistant Director (713) 837-0506 Gary Norman, Council Liaison (713) 837-7425	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
Accept low bid, award construction Contract to Republic Electric and appropriate funds.

Amount and Source of Funding: \$333,000.00 Street and Bridge Construction Fund No. 4506.  04/11/07

PROJECT NOTICE/JUSTIFICATION: 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.

DESCRIPTION/SCOPE: 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 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.

BIDS: Base Unit Prices have been determined by the Public Works and Engineering Department. Bidders submitted an Adjustment Factor to be applied to the Base Unit Prices. The price of the work orders issued to the Contractor will be calculated by multiplying the pre-determined base unit prices in the Contract with the Adjustment Factor and with the quantities of the work to be performed. The total expenditure available for the entire project is \$300,000.00. Bids for the Adjustment Factor were received on August 31, 2006. The three (3) bids are as follows:

<u>Bidder</u>	<u>Adjustment Factor</u>
1. Republic Electric	.900
2. Statewide Traffic Signal Company	1.048
3. Traf-Tex, Inc.	1.800

REQUIRED AUTHORIZATION CUIC ID #20DCW23 

F&A Budget: 	Other Authorization:	Other Authorization:  Raymond D. Chong, P.E., P.T.O.E., Deputy Director Traffic And Transportation Division
--	-----------------------------	---

Date

Subject: Contract Award for LED Retrofit Traffic Signal Upgrades in Downtown, Midtown, Texas Medical Center and other various locations.
WBS No. N-000650-0024-4

**Originator's
Initials**

**Page
2 of 2**

AWARD: It is recommended that this construction Contract be awarded to Republic Electric with an Adjustment Factor of .900 and that Addendum Numbers 1 and 2 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$333,000.00 to be appropriated as follows:

- Bid Amount \$300,000.00
- Contingencies \$ 15,000.00
- Project Management \$ 18,000.00

M/WBE PARTICIPATION: There is no MWBE participation goal for this project.

DCW:LHM

c: Marty Stein
Daniel W. Krueger
Susan Bandy
Michael Ho, P.E.
Gary Norman
Craig O. Foster
LaVerne Hollins-McGlothen
File No. (SB9260)

	MAIN ST	CROSS ST.	COUNCIL DIST
1	ADLA	TEXAS	D
2	BAGBY	GRAY	D
3	BAGBY	TUAM	D
4	BAGBY	WEBSTER	D
5	BRAZOS	GRAY	D
6	BRAZOS	TUAM	D
7	BRAZOS	WEBSTER	D
8	BRAESWOOD S	HOLCOMBE	D
9	BRAESWOOD S	PRESSLER	D
10	CAMBRIDGE	HOLCOMBE	D
11	CAMBRIDGE	OLD SPANISH TRAIL	D
12	HOLCOMBE	BERTNER	D
13	HOLCOMBE	CAMBRIDGE	D
14	HOLCOMBE	TMC/ST DOMINIC	D
15	JACKSON	BELL	D
16	LOUISIANA	ELGIN	D
17	LOUISIANA	GRAY	D
18	LOUISIANA	HOLMAN	D
19	LOUISIANA	MCGOWEN	D
20	LOUISIANA	WEBSTER	D
21	MAIN	DRYDEN	D
22	MAIN	MHMB	D
23	MAIN	PRESSLER/GALEN	D
24	MAIN	SOUTHGATE	D
25	MAIN	UNIVERSITY	D
26	MILAM	ALABAMA	D
27	MILAM	ELGIN	D
28	MILAM	GRAY	D
29	MILAM	HOLMAN	D
30	MILAM	MCGOWEN	D
31	MILAM	WEBSTER	D
32	OLD SPANISH TRAIL	VA/MIXON	D
33	SMITH	ELGIN	D
34	SMITH	GRAY	D
35	SMITH	HOLMAN	D
36	SMITH	MCGOWEN	D
37	SMITH	WEBSTER	D
38	TRAVIS	ALABAMA	D
39	TRAVIS	ELGIN	D
40	TRAVIS	GRAY	D
41	TRAVIS	HOLMAN	D
42	TRAVIS	MCGOWEN	D
43	TRAVIS	WEBSTER	D
44	BAGBY	ELGIN	D
45	BRAZOS	ELGIN	D
46	HOLCOMBE	PRESSLER	D
47	ALMEDA	HOLCOMBE	D
48	HOLCOMBE	MD ANDERSON/PRIVATE DRI	D
49	HOLCOMBE	RICHARD JV JOHNSON	D
50	HOLCOMBE	VA/RIGNESS	D
51	MAIN	MAC GREGOR	D
52	DALLAS	SHEPHERD	D
53	DALLAS	DUNLAVY	D
54	DALLAS W.	3500	D
55	CULLEN	U OF H #14	D
56	CULLEN	U OF H #13	D
57	BAY AREA BLVD.	EL CAMINO	E
58	RESEDA	EL CAMINO	E
59	RAMADA	EL CAMINO	E

	MAIN ST	CROSS ST.	COUNCIL DIST
60	SPACE CENTER BLVD.	FALCON PASS	E
61	EL DORADO	EL CAMINO	E
62	CLEAR LAKE CITY BLVD.	EL CAMINO	E
63	CLEAR LAKE CITY BLVD.	SPACE CENTER BLVD.	E
64	EL DORADO	SPACE CENTER BLVD.	E
65	BAY AREA BLVD.	SPACE CENTER BLVD.	E
66	BAY AREA BLVD.	RESEDA	E
67	BISSONNET	BONHOMME	F
68	SAN FELIPE	SAGE	G
69	AIRLINE	BURRESS	H
70	JENSEN	5200	H
71	20TH	HEIGHTS	H
72	20TH	YALE	H
73	ADLA	DALLAS	I
74	ADLA	RUSK	I
75	ADLA	CAPITOL	I
76	ADLA	N CROSSWALK	I
77	ADLA	POLK	I
78	ADLA	S CROSSWALK	I
79	ADLA	WALKER	I
80	ALMEDA	CLEBURNE	I
81	ALMEDA	OLD SPANISH TRAIL	I
82	AUSTIN	BELL	I
83	AUSTIN	CAPITOL	I
84	AUSTIN	CLAY	I
85	AUSTIN	COMMERCE	I
86	AUSTIN	CONGRESS	I
87	AUSTIN	DALLAS	I
88	AUSTIN	FRANKLIN	I
89	AUSTIN	JEFFERSON	I
90	AUSTIN	LAMAR	I
91	AUSTIN	LEELAND	I
92	AUSTIN	MCGOWEN	I
93	AUSTIN	MCKINNEY	I
94	AUSTIN	PEASE	I
95	AUSTIN	PIERCE	I
96	AUSTIN	POLK	I
97	AUSTIN	PRAIRIE	I
98	AUSTIN	PRESTON	I
99	AUSTIN	RUSK	I
100	AUSTIN	ST JOSEPH PKWY	I
101	AUSTIN	TEXAS	I
102	AUSTIN	WALKER	I
103	BAGBY	DALLAS	I
104	BAGBY	WALKER	I
105	CAROLINE	CLAY	I
106	CAROLINE	CONGRESS	I
107	CAROLINE	FRANKLIN	I
108	CAROLINE	LAMAR	I
109	CAROLINE	MCGOWEN	I
110	CAROLINE	MCKINNEY	I
111	CAROLINE	PIERCE	I
112	CAROLINE	PRAIRIE	I
113	CAROLINE	PRESTON	I
114	CAROLINE	TEXAS	I
115	CLAY	DALLAS	I
116	CLAY	SHAW	I
117	CHARTRES	COMMERCE	I
118	CHARTRES	CONGRESS	I

	MAIN ST	CROSS ST.	COUNCIL DIST
119	CHARTRES	FRANKLIN	
120	CHARTRES	MCGOWEN	
121	CHARTRES	PIERCE	
122	CHARTRES	CLAY/POLK	
123	CHARTRES	PRESTON	
124	CHARTRES	RUSK	
125	CHARTRES	TEXAS	
126	CHENEVERT	BELL	
127	CHENEVERT	COMMERCE	
128	CHENEVERT	ELGIN	
129	CHENEVERT	FRANKLIN	
130	CHENEVERT	LEELAND	
131	CHENEVERT	POLK	
132	CONGRESS	JACKSON	
133	CRAWFORD/ALMEDA	ALABAMA	
134	CRAWFORD	CAPITOL	
135	CRAWFORD	COMMERCE	
136	CRAWFORD	CONGRESS	
137	CRAWFORD	DALLAS	
138	CRAWFORD	ELGIN	
139	CRAWFORD	FRANKLIN	
140	CRAWFORD	GRAY	
141	CRAWFORD	HOLMAN	
142	CRAWFORD	LAMAR	
143	CRAWFORD	LEELAND	
144	CRAWFORD	MCGOWEN	
145	CRAWFORD	PEASE	
146	CRAWFORD	PIERCE	
147	CRAWFORD	POLK	
148	CRAWFORD	PRAIRIE	
149	CRAWFORD	PRESTON	
150	CRAWFORD	ST JOSEPH PKWY	
151	CRAWFORD	TEXAS	
152	CRAWFORD	WEBSTER	
153	FANNIN	ALABAMA	
154	FANNIN	BELL	
155	FANNIN	CAPITOL	
156	FANNIN	CLAY	
157	FANNIN	CLEBURNE	
158	FANNIN	COMMERCE	
159	FANNIN	CONGRESS	
160	FANNIN	DALLAS	
161	FANNIN	ELGIN	
162	FANNIN	FRANKLIN	
163	FANNIN	GRAY	
164	FANNIN	HOLMAN	
165	FANNIN	JEFFERSON	
166	FANNIN	LAMAR	
167	FANNIN	LEELAND	
168	FANNIN	MCGOWEN	
169	FANNIN	MCKINNEY	
170	FANNIN	PEASE	
171	FANNIN	PIERCE	
172	FANNIN	POLK	
173	FANNIN	PRAIRIE	
174	FANNIN	PRESTON	
175	FANNIN	RUSK	
176	FANNIN	ST JOSEPH PKWY	
177	FANNIN	TEXAS	

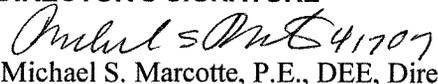
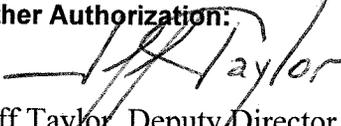
	MAIN ST	CROSS ST.	COUNCIL DIST
178	FANNIN	WALKER	
179	FANNIN	WEBSTER	
180	FANNIN	WHEELER	
181	HAMILTON	COMMERCE	
182	HAMILTON	CONGRESS	
183	HAMILTON	FRANKLIN	
184	HAMILTON	PIERCE	
185	HAMILTON	PRESTON	
186	HAMILTON	TEXAS	
187	HAMILTON	WEBSTER	
188	HOLCOMBE	MAIN	
189	JACKSON	COMMERCE	
190	JACKSON	FRANKLIN	
191	JACKSON	LEELAND	
192	JACKSON	POLK	
193	LA BRANCH	ALABAMA	
194	LA BRANCH	BELL	
195	LA BRANCH	CAPITOL	
196	LA BRANCH	CLAY	
197	LA BRANCH	COMMERCE	
198	LA BRANCH	CONGRESS	
199	LA BRANCH	DALLAS	
200	LA BRANCH	ELGIN	
201	LA BRANCH	FRANKLIN	
202	LA BRANCH	GRAY	
203	LA BRANCH	HOLMAN	
204	LA BRANCH	LEELAND	
205	LA BRANCH	MCGOWEN	
206	LA BRANCH	PIERCE	
207	LA BRANCH	POLK	
208	LA BRANCH	PRAIRIE	
209	LA BRANCH	PRESTON	
210	LA BRANCH	RUSK	
211	LA BRANCH	ST JOSEPH PKWY	
212	LA BRANCH	TEXAS	
213	LA BRANCH	WEBSTER	
214	LOUISIANA	BELL	
215	LOUISIANA	CAPITOL	
216	LOUISIANA	CLAY	
217	LOUISIANA	CONGRESS	
218	LOUISIANA	DALLAS	
219	LOUISIANA/SMITH	FRANKLIN	
220	LOUISIANA	JEFFERSON	
221	LOUISIANA	LAMAR	
222	LOUISIANA	LEELAND	
223	LOUISIANA	MCKINNEY	
224	LOUISIANA	PEASE	
225	LOUISIANA	PIERCE	
226	LOUISIANA	POLK	
227	LOUISIANA	PRAIRIE	
228	LOUISIANA	PRESTON	
229	LOUISIANA	RUSK	
230	LOUISIANA	ST JOSEPH PKWY	
231	LOUISIANA	TEXAS	
232	LOUISIANA	WALKER	
233	MILAM	BELL	
234	MILAM	CAPITOL	
235	MILAM	CLAY	
236	MILAM	COMMERCE	

	MAIN ST	CROSS ST.	COUNCIL DIST
237	MILAM	CONGRESS	
238	MILAM	DALLAS	
239	MILAM	FRANKLIN	
240	MILAM	JEFFERSON	
241	MILAM	LAMAR	
242	MILAM	LEELAND	
243	MILAM	MCKINNEY	
244	MILAM	PEASE	
245	MILAM	PIERCE	
246	MILAM	POLK	
247	MILAM	PRAIRIE	
248	MILAM	PRESTON	
249	MILAM	RUSK	
250	MILAM	ST JOSEPH PKWY	
251	MILAM	TEXAS	
252	MILAM	WALKER	
253	SAN JACINTO	ALABAMA	
254	SAN JACINTO	BELL	
255	SAN JACINTO	CAPITOL	
256	SAN JACINTO	CLAY	
257	SAN JACINTO	CLEBURNE	
258	SAN JACINTO	COMMERCE	
259	SAN JACINTO	CONGRESS	
260	SAN JACINTO	DALLAS	
261	SAN JACINTO	ELGIN	
262	SAN JACINTO	FRANKLIN	
263	SAN JACINTO	GRAY	
264	SAN JACINTO	HOLMAN	
265	SAN JACINTO	JEFFERSON	
266	SAN JACINTO	LAMAR	
267	SAN JACINTO	LEELAND	
268	SAN JACINTO	MCGOWEN	
269	SAN JACINTO	MCKINNEY	
270	SAN JACINTO	PEASE	
271	SAN JACINTO	PIERCE	
272	SAN JACINTO	POLK	
273	SAN JACINTO	PRAIRIE	
274	SAN JACINTO	PRESTON	
275	SAN JACINTO	RUSK	
276	SAN JACINTO	ST JOSEPH PKWY	
277	SAN JACINTO	TEXAS	
278	SAN JACINTO	WALKER	
279	SAN JACINTO	WEBSTER	
280	SAN JACINTO	WHEELER	
281	SMITH	BELL	
282	SMITH	CAPITOL	
283	SMITH	CLAY	
284	SMITH	CONGRESS	
285	SMITH	DALLAS	
286	SMITH	JEFFERSON	
287	SMITH	LAMAR	
288	SMITH	MCKINNEY	
289	SMITH	PEASE	
290	SMITH	PIERCE	
291	SMITH	POLK	
292	SMITH	PRAIRIE	
293	SMITH	PRESTON	
294	SMITH	RUSK	
295	SMITH	ST JOSEPH PKWY	

	MAIN ST	CROSS ST.	COUNCIL DIST
296	SMITH	TEXAS	
297	SMITH	WALKER	
298	TRAVIS	BELL	
299	TRAVIS	CAPITOL	
300	TRAVIS	CLAY	
301	TRAVIS	COMMERCE	
302	TRAVIS	CONGRESS	
303	TRAVIS	DALLAS	
304	TRAVIS	FRANKLIN	
305	TRAVIS	JEFFERSON	
306	TRAVIS	LAMAR	
307	TRAVIS	LEELAND	
308	TRAVIS	MCKINNEY	
309	TRAVIS	PEASE	
310	TRAVIS	PIERCE	
311	TRAVIS	POLK	
312	TRAVIS	PRAIRIE	
313	TRAVIS	PRESTON	
314	TRAVIS	RUSK	
315	TRAVIS	ST JOSEPH PKWY	
316	TRAVIS	TEXAS	
317	TRAVIS	WALKER	
318	CRAWFORD	MCKINNEY	
319	CAROLINE	ST JOSEPH PKWY	
320	CHARTRES	JEFFERSON	
321	CRAWFORD	CLEBURNE	
322	HAMILTON	JEFFERSON	
323	HAMILTON	LEELAND	
324	BAGBY	CAPITOL	
325	BAGBY	TEXAS	
326	CAROLINE	BELL	
327	CHARTRES	PEASE	
328	CHARTRES	ST JOSEPH PKWY	
329	CHARTRES	TUAM	
330	FANNIN	EAGLE	
331	HAMILTON	GRAY	
332	HAMILTON	ST JOSEPH PKWY	
333	HAMILTON	TUAM	
334	CHARTRES	ELGIN	
335	HAMILTON	ELGIN	
336	LA BRANCH	JEFFERSON	
337	LA BRANCH	PEASE	
		TOTALS	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000266-00G2-4		Page 1 of <u>2</u>	Agenda Item # 38								
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 4/26/07	Agenda Date MAY 02 2007								
DIRECTOR'S SIGNATURE  Michael S. Marcotte, P.E., DEE, Director		Council District affected: All									
For additional information contact: Roger B. Whitney, P.E. Senior Assistant Director Phone: (713) 641-9198		Date and identification of prior authorizing Council action: N/A									
RECOMMENDATION: (Summary) Accept low bid, award construction contract and appropriate funds.											
Amount and Source of Funding: \$3,800,773.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Texas Water Development Board Revolving Fund (SRF), Tier II.			F&A Budget: 								
SPECIFIC EXPLANATION: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems on an emergency basis throughout the City.											
DESCRIPTION/SCOPE: This project consists of Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods. The Contract duration for this project is 540 calendar days. Work orders will be issued to the contractor on an as-needed basis.											
LOCATION: The project area is generally bounded by the City Limits.											
BIDS: Bids were received on February 01, 2007. The Three (3) bids are as follows:											
<table border="1"> <thead> <tr> <th><u>Bidder</u></th> <th><u>Bid Amount</u></th> </tr> </thead> <tbody> <tr> <td>1. PM Construction & Rehab, L.P</td> <td>\$3,500,722.58</td> </tr> <tr> <td>2. North Houston Pole Line, Inc.</td> <td>\$3,648,222.68</td> </tr> <tr> <td>3. Underground Technologies, Inc.</td> <td>\$3,972,482.42</td> </tr> </tbody> </table>		<u>Bidder</u>	<u>Bid Amount</u>	1. PM Construction & Rehab, L.P	\$3,500,722.58	2. North Houston Pole Line, Inc.	\$3,648,222.68	3. Underground Technologies, Inc.	\$3,972,482.42		
<u>Bidder</u>	<u>Bid Amount</u>										
1. PM Construction & Rehab, L.P	\$3,500,722.58										
2. North Houston Pole Line, Inc.	\$3,648,222.68										
3. Underground Technologies, Inc.	\$3,972,482.42										
File/Project No. WW 4257-76		REQUIRED AUTHORIZATION									
F&A Director:		Other Authorization:									
		Other Authorization:  Jeff Taylor, Deputy Director Public Utilities Division									

Date	Subject: Contract Award for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000266-00G2-4	Originator's Initials	Page <u>2</u> of <u>2</u>
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AWARD: It is recommended that this construction contract be awarded to PM Construction & Rehabilitation L.P with a low bid of \$3,500,722.58.

PROJECT COST: The total cost of this project is \$3,800,773.00 to be appropriated as follows:

- Bid Amount \$3,500,722.58
- Contingencies \$175,036.13
- Project Management \$70,014.29
- Engineering Testing Services \$55,000.00

Engineering Testing Services will be provided by Rone Engineering Services, LTD under a previously approved contract.

M/WBE PARTICIPATION: The low bidder has submitted the following proposed M/WBE participation of 15% and SBE participation of 5% to satisfy the goal for this project.

<u>MWBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
CBL Industries, L.L.C.	Asphalt & Concrete Paving	\$157,532.52	4.50%
Chief Solutions, Inc.	Clean & TV Sewer Lines	\$192,539.74	5.50%
Deanie Hayes, Inc.	Aggregates, HDPE Pipe	<u>\$245,050.58</u>	<u>7.00%</u>
	TOTAL	\$595,122.84	17.00%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Standard Cement Materials, Inc.	Supplier/ Manhole Rehab.	\$122,525.29	3.50%
5M Rope & Supply, LLC	Supplies	<u>\$52,510.84</u>	<u>1.50%</u>
	TOTAL	\$175,036.13	5.00%

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

MSM:JT:RBW:JGM:FOS:jsc

cc: Marty Stein
 Jeff Taylor
 Susan Bandy, CPA
 Velma Laws
 Michael Ho, P.E.
 File No. WW 4257-76

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-00G4-4		Page 1 of <u>2</u>	Agenda Item # 39										
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 4-26-07	Agenda Date MAY 02 2007										
DIRECTOR'S SIGNATURE: <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director		Council District affected: All											
For additional information contact: Roger B. Whitney, P.E. Senior Assistant Director Phone: (713) 641-9198		Date and identification of prior authorizing Council action: N/A											
RECOMMENDATION: (Summary) Accept low bid, award construction contract, and appropriate funds.													
Amount and Source of Funding: \$1,735,374.00 from Water and Sewer System Consolidated Construction Fund No. 8500. <i>P. Marcotte 04/03/07</i>			F&A Budget:										
SPECIFIC EXPLANATION: PROJECT NOTICE/JUSTIFICATION: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems on an emergency basis throughout the City. DESCRIPTION/SCOPE: This project consists of sanitary sewer rehabilitation by point repair method. The Contract duration for this project is 540 calendar days. LOCATION: The project area is generally bounded by the City Limits. BIDS: Four (4) bids were received for this project on January 25, 2007, as follows:													
<table border="0"> <thead> <tr> <th style="text-align: center;"><u>Bidder</u></th> <th style="text-align: center;"><u>Bid Amount</u></th> </tr> </thead> <tbody> <tr> <td>1. Underground Technologies, Inc.</td> <td style="text-align: right;">\$1,591,862.70</td> </tr> <tr> <td>2. PM Construction and Rehab, LP</td> <td style="text-align: right;">\$1,597,847.15</td> </tr> <tr> <td>3. Reliance Construction Services, L.P.</td> <td style="text-align: right;">\$1,759,187.82</td> </tr> <tr> <td>2. Troy Construction Services, L.L.P.</td> <td style="text-align: right;">\$2,201,079.33</td> </tr> </tbody> </table>				<u>Bidder</u>	<u>Bid Amount</u>	1. Underground Technologies, Inc.	\$1,591,862.70	2. PM Construction and Rehab, LP	\$1,597,847.15	3. Reliance Construction Services, L.P.	\$1,759,187.82	2. Troy Construction Services, L.L.P.	\$2,201,079.33
<u>Bidder</u>	<u>Bid Amount</u>												
1. Underground Technologies, Inc.	\$1,591,862.70												
2. PM Construction and Rehab, LP	\$1,597,847.15												
3. Reliance Construction Services, L.P.	\$1,759,187.82												
2. Troy Construction Services, L.L.P.	\$2,201,079.33												
File/Project No. WW 4235-31		REQUIRED AUTHORIZATION											
F&A Director: <i>Judy Gray</i>		Other Authorization: <i>Jeff Taylor</i> Jeff Taylor, Deputy Director Public Utilities Division											
		CUIC ID: #20RBW125 <i>MDT</i>											

Date	Subject: Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-00G4-4	Originator's Initials	Page <u>2</u> of <u>2</u>
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AWARD: It is recommended that this construction contract be awarded to Underground Technologies, Inc., with a low bid of \$1,591,862.70 and that Addendum No. 1, dated 12/19/2006, Addendum No. 2, dated 12/20/06 and Addendum No. 3, dated 01/03/07 be made part of this contract.

PROJECT COST: The total cost of this project is \$1,735,374.00 to be appropriated as follows:

- Bid Amount \$1,591,862.70
- Contingencies \$79,593.14
- Project Management \$15,918.16
- Engineering Testing Services \$48,000.00

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

M/WDBE PARTICIPATION: The low bidder has submitted the following proposed M/WBE participation of 15% and SBE participation of 5% to satisfy the goal for this project.

<u>MWBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Petro Amigos Supply, Inc.	Supplier	\$60,000.00	3.77%
Paradigm Outsourcing Services	Outsourcing	\$76,000.00	4.77%
Municipal Marketing Systems, Inc.	Sanitary Sewer Rehab.	\$140,000.00	8.79%
	TOTAL	\$276,000.00	17.33%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Standard Cement Materials, Inc.	Manhole Wall Seals & Supplier	\$80,000.00	5.03%
	TOTAL	\$80,000.00	5.03%

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

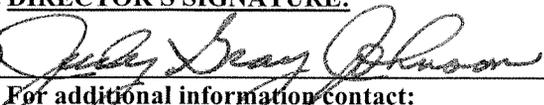
MSM:JT:RBW:JGM:FOS:jsc

cc: Marty Stein
Susan Bandy, CPA
John Sakolosky, P.E.
Velma Laws
Craig Foster
Michael Ho, P.E.
Carol Ellinger, P.E.
File No. WW 4235-31

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Adopt an Ordinance Granting to CenterPoint Energy Resources Corporation dba CenterPoint Energy Texas Gas Operations, the Right, Privilege and Franchise to Construct, Install, Extend, Retire, Operate and Maintain Its Facilities Within the Public Rights-of-Way of the City of Houston, Texas for the Transportation, Delivery, Sale and Distribution of Natural Gas.	Category #	Page 1 of <u>1</u>	Agenda Item# 40 3F
	FROM: (Department or other point of origin): Judy Gray Johnson, Director Finance and Administration		Origination Date: April 13, 2007
DIRECTOR'S SIGNATURE: 	Council Districts affected: ALL		
For additional information contact: Judy Johnson Phone: (713) 221-0125 Tina Paez Phone: (713) 837- 9630	Date and identification of prior authorizing Council Action: Ord. #87-2031, passed 12/30/87		

RECOMMENDATION: (Summary)
 Adopt an ordinance granting to CenterPoint Energy Resources Corporation the right, privilege and franchise to construct, install, extend, retire, operate and maintain its facilities within the Public Rights-of-Way of the City of Houston, Texas for the transportation, delivery, sale and distribution of natural gas.

Amount of Funding: NA	F & A Budget:
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SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund Other (Specify)

SPECIFIC EXPLANATION:

CenterPoint Energy Resources Corporation, formerly Entex, operates a natural gas delivery system within the City of Houston under City of Houston Ordinance No. 87-2031, expiring January 30, 2008. The Director of Finance and Administration recommends Council approval of the proposed ordinance granting a franchise for a term of thirty (30) years.

The proposed ordinance contains the following major provisions:

- Franchise Term: the franchise will expire on March 31, 2037
- Franchise fee of 5% of Company Gross Revenues is payable monthly, adjusted annually for Company revenue growth based on a rolling three-year average of Company revenues.
- Requires Company to relocate its system in the public rights-of-way for City Public Works projects
- Requires Company and its contractors to give City reasonable notice of dates, location, and nature of work to be performed on Company's system within the public rights-of-way
- Requires Company to comply with all City ordinances governing time periods and standards relating to excavating in the public rights-of-way
- Requires Company to produce its books and records for review on 30 days' notice by the City
- Allows City to audit and sue to collect franchise fees within three years of payment
- Requires Company to protect and hold City harmless against all claims for damages to person or property growing out of the grant or the Company's exercise or abuse of the grant
- Requires City, to maximum extent of its right to do so, to grant the Company an easement before selling, conveying or surrendering possession of public rights-of-way occupied by the Company's system
- Repeals Ordinance No. 87-2031 (most recent Entex franchise agreement)
- Requires Company to accept franchise in writing within 30 days of final passage by City Council

REQUIRED AUTHORIZATION

F&A Director:

41

MAY 02 2007

NOTE: Item 41 is presented for the first time and is taggable.

41. MOTION to amend Item 41B as follows:

1. By amending Subsection (b) of Section 47-416 in **Section 9** of the proposed Ordinance to read as follows:
(b) The city official is authorized to issue citations charging the violation of any of the provisions of this article."
2. By amending Subsection (e) of Section 47-512 in **Section 35** of the proposed Ordinance to read as follows:
(e) The health officer shall waive compliance with the requirements of subsection (b) of this section if the generator submits to the health officer a completed "Notice of Waiver (NOW)" form as provided by the health officer, which may be in an electronic format, unless the NOW is denied within 30 days of receipt by the health officer. If the health officer denies the notice of waiver of the requirements of subsection (b) of this section, the NOW shall be returned to the generator and the health officer shall state the reasons for the denial, which shall be consistent with this article. An approved NOW shall remain in effect until revoked by the health officer. Revocation of the NOW must be based on violation of this article. A generator may not resubmit a NOW form until six months from the date of revocation. The NOW form shall recite the elements of this subsection (e) and will include the following certifications:
 - (1) The generator section of the form shall require the generator to certify that it has not had any overflow or discharge at the site during the previous 12-month period; and
 - (2) The generator's transporter section of the form shall require the transporter to certify that, based on the transporter's judgment, at the generator's site, the frequency of cleaning is sufficient to:
 - a. Produce an effluent in consistent compliance with the discharge parameters in this article, or
 - b. Demonstrate that less than 25% of the wetted height of the entire grease trap or interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases. "

41
5/2/07



550 Westcott
Suite 380
Houston, Texas 77007
t. 713.802.1200
f. 713.802.2770

WWW.GHRA.COM

The GHRA is in agreement with the ordinance as proposed by the city with the replacement language below.

Sec. 47-512 (e) replacement language as of April 26, 2007 at 10:30 AM

(e) The health officer shall waive compliance with the requirements of subsection (b) of this section if the generator submits to the health officer a completed "Notice of Waiver (NOW)" form as provided by the health officer, which may be in an electronic format, unless the NOW is denied within 30 days of receipt by the health officer. If the health officer denies the notice of waiver of the requirements of subsection (b) of this section, the NOW shall be returned to the generator and the health officer shall state the reasons for the denial, which shall be consistent with this Article. An approved NOW shall remain in effect until revoked by the health officer. Revocation of the NOW must be based on violations of this article. A generator may not resubmit a NOW "form until six months from the date of revocation. The NOW form shall recite the elements of this subsection (e) and will include the following certifications:

(1) The generator section of the form shall require the generator to certify that it has not had any overflow or discharge at the site during the previous 12-month period; and

(2) The generator's transporter section of the form shall require the transporter to certify that, based on the transporter's judgment, at the generator's site, the frequency of cleaning is sufficient to:

(a) Produce an effluent in consistent compliance with the discharge parameters in this article, or

(b) Demonstrate that less than 25% of the wetted height of the entire grease trap or interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.

For reference purposes, the following section is in the existing subsection (f) that has not changed and that this is where the minimum cleaning requirement is specified in the existing proposed ordinance:

(f) In any event, a grease trap or holding tank shall be fully evacuated, cleaned, inspected, and, if needed, repaired or otherwise maintained, at least once every 180 days.

Carl Walker

GHRA President, Brennan's of Houston

Cc: René Zamore; GHRA Executive Director

Bob Borochoff, GHRA Gov't Affairs Chairman, Café Adobe

Chris Pappas, TRA Board of Directors, Pappas Restaurants

- PRESIDENT
Carl Walker,
Brennan's of Houston
- PRESIDENT ELECT
Brad Bailey,
Sudie's Cafish & Seafood House
- 1ST VICE-PRESIDENT
Michele Maertz,
BJ's Restaurant and Brewery
- 2ND VICE-PRESIDENT
Ernest Pekmezaris,
Pappas Restaurants Inc.
- SECRETARY
William McBride,
Hangman Corporation
- TREASURER
Keith Miller,
Sysco Food Services of Houston
- IMMEDIATE PAST PRESIDENT
George Christie,
Christie's Seafood & Steaks
- BOARD OF DIRECTORS
Chirag Bhatt,
City of Houston Health Department
- John Bowen,
Conrad N. Hilton College at UH
- Paige Cokinos,
John L. Wortham & Son, LP
- Daniel Costello,
Carrabba's Italian Grill
- Gary Eaton,
Art Institute of Houston
- Gerald Franklin,
Gerald Franklin Agency
- Nancy Graves,
Conrad N. Hilton College at UH
- Leah Hartlig,
American Express
- Janet Lane,
Harris County Public Health
& Environmental Services
- Les Lemmons,
Cici's Pizza
- Jesselyn Long,
Houston ISD
- Reggie Martin,
Lemond New World Cuisine
- Tony Masraff,
Masraff's on Post Oak Lane
- Trey McHale,
Houston Coca-Cola Bottling Company
- Erat Moradi,
Houston Community College
- Lauren Pietrocarlo,
Institutional Sales Associates
- Leonard Pringle,
San Jacinto College Central
- John Sheely,
Mockingbird Bistro & Wine Bar
- Tracy Vaught,
Backstreet Cafe
- Frank Westerfield,
Texas Alcoholic Beverage Commission
- EXECUTIVE DIRECTOR
René Zamore



WRITTEN Motion by Council Member Wiseman to amend the proposed ordinance amending the Code of Ordinances relating to transportation and treatment of certain waste, as follows:

I would like to make a motion to Amend Item 15 to read:

AMENDMENT TO ORDINANCE NO. 47-512

1. Purpose and Intent

Section 47-512 of the City of Houston Code of Ordinances would require generators to change their operations while waiting for the approval of an exemption. Section 47-512 currently does not define the period in which a health officer is required to grant or deny an exemption. It does not outline a method for a generator or the city to demonstrate the requirements of section 47-512(4)(a) and (b). Section 47-512 subjects generators to the costly and burdensome expenses of unneeded grease trap evacuations and demonstrating the requirements of section 47-512(4)(a) and (b). In the interest of fairness, generators who, in good faith, are meeting the requirements for an exemption should not have to pay for an increased frequency in evacuating their grease traps while waiting for a health officer's approval of their exemption.

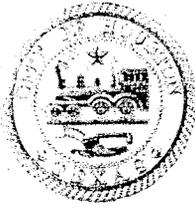
2. Amendment

1. The health department shall make available applications for exemption under section 47-512(e) via a website or world wide web-based form.
2. A generator, who has filed an exemption in good faith, as set forth in section 47-512(e), shall be exempted from the requirement of section 47-512(c), unless a health officer denies such exemption based on the criteria set forth in section 47-512(e). In any event, a generator shall evacuate a grease trap or holding tank a least once every 180 days, as forth under section 47-512(f)

Council Member Lawrence absent on City business

On 04/25/2007 the above motion was tagged by Council Members Khan, Wiseman, Alvarado, Lovell and Garcia tagged

mla



CITY OF HOUSTON
City Council

Addie Wiseman
Council Member, District E

April 25, 2007

I would like to make a motion to Amend Item 15 to read:

AMENDMENT TO ORDINANCE NO. 47-512

1. Purpose and Intent

Section 47-512 of the City of Houston Code of Ordinances would require generators to change their operations while waiting for the approval of an exemption. Section 47-512 currently does not define the period in which a health officer is required to grant or deny an exemption. It does not outline a method for a generator or the city to demonstrate the requirements of section 47-512(4)(a) and (b). Section 47-512 subjects generators to the costly and burdensome expenses of unneeded grease trap evacuations and demonstrating the requirements of section 47-512(4)(a) and (b). In the interest of fairness, generators who, in good faith, are meeting the requirements for an exemption should not have to pay for an increased frequency in evacuating their grease traps while waiting for a health officer's approval of their exemption.

2. Amendment

1. The health department shall make available applications for exemption under section 47-512(e) via a website or world wide web-based form.
2. A generator, who has filed an exemption in good faith, as set forth in section 47-512(e), shall be exempted from the requirement of section 47-512(c), unless a health officer denies such exemption based on the criteria set forth in section 47-512(e). In any event, a generator shall evacuate a grease trap or holding tank at least once every 180 days, as set forth under section 47-512(f).

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending Chapter 47 of the Code of Ordinances, Houston, Texas, relating to transportation and treatment of certain wastes	Category	Page 41B	Agenda Item # 75
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date: April 20, 2007	Agenda Date: APR 24 2007 MAY 02 2007
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DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., Director	Council District affected: MAY 02 2007 ALL
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For additional information contact: Jeff Taylor, Deputy Director, Public Utilities Division 713-837-0448	Date and identification of prior authorizing Council action:
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RECOMMENDATION:
 Adopt ordinance amending Chapter 47 of the Code of Ordinances, Houston, Texas, relating to transportation and treatment of certain wastes FOR Redline AND ORDINANCE

Amount and source of funding: N/A SEE ITEM 15 4/25/07	F&A Budget:
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Each year the City's Public Utilities Division records 30,000 to 40,000 sanitary sewer stoppages, half of which result from grease deposited in the wastewater system. This problem imposes a significant cost on wastewater ratepayers in terms of financial expenditures and manpower deployment to respond to citizen calls for service. Additionally, the City is exposed to potential fines from the Texas Commission on Environmental Quality (TCEQ) for not adequately addressing sanitary sewage overflows.

In September 2003, the 78th Legislature authorized the TCEQ to develop criteria to evaluate the need to initiate enforcement action regarding sanitary sewer overflows due to grease-blocked lines and to develop model standards for liquid waste management. The TCEQ developed a model ordinance addressing standards for managing grease stoppages in utility sanitary sewer lines. The City of Houston entered into an Agreed Order with the TCEQ in 2005 that committed us to adopt these model standards. Most other Texas cities have already adopted ordinances complying with TCEQ standards.

The proposed ordinance attempts to reduce grease stoppages at their source by requiring better maintenance of grease traps. Of the 14,000 grease traps currently operated in the City, 12,000 belong to restaurants, and the remaining 2,000 belong to car wash and maintenance facilities. Approximately 5,000 are cleaned out at least three times per year. The remaining 9,000 are cleaned out once per year, or not at all.

The proposed ordinance includes the following significant changes:

1. Establishes a permitting process including an annual fee of \$50. The fee will generate approximately \$700,000 per year for inspection, monitoring, manifest tracking and enforcement. The wastewater utility currently provides \$350,000 annually to support a grease trap inspection, transportation and disposal program administered by the Health and Human Services Department.
2. Requires that grease traps be cleaned out four times per year, the minimum frequency specified in TCEQ's model standards. Grease trap operators who can demonstrate that they generate small quantities of grease and are violation-free in the previous 12 month period are eligible for a waiver that reduces the requirement to two times per year.
3. Requires chain-of-custody reporting and monitoring program including transportation manifest documentation, in compliance with TCEQ model standards.

20JT12

F&A Director: 	Other Authorization: Jeff Taylor, Deputy Director Public Utilities Division	Other Authorization: Stephen L. Williams, Director Health and Human Services
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#153
4/25/07

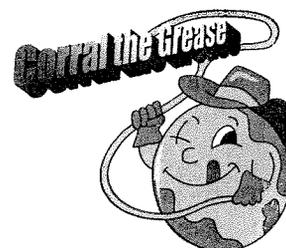
FATS, OILS AND GREASE CONTROL PROGRAM

CORRAL THE GREASE

Pamphlet – In the summer of 2005 an educational pamphlet was designed, and one million copies were printed. Approximately 440,000 pamphlets have been mailed out to all residential customers in their water bills. Another 460,000 have been mailed to apartment tenants.

The pamphlet provides simple directions to assist residents in managing cooking waste. It suggests easy methods for proper disposal of cooking fats, such as using empty cans as safe containers, which can then be placed in ordinary household trash. The pamphlet includes photographs of blocked sewers, and describes how FOG can harden in sewer pipes.

Contest for children – A colorful graphic is the brand identification of *Corral the Grease*. As part of the continuing efforts to involve elementary students, teachers and administrators, *Corral the Grease* is sponsoring a contest to name that character. The City anticipates that this competition will help to reinforce the message to children, and also reach their parents. Thousands of elementary age children will be given the opportunity to participate. PWE is working to develop a media plan to expand its coverage.



Tangible training aids – To help remind residents to practice separating grease from their kitchen wastewater, three items have been developed that incorporate the *Corral the Grease* character: a refrigerator magnet, a universal can lid and a Fat Trapper container as shown in **Figure 2**.



Figure 2 – (l-r) Refrigerator Magnet, Fat Trapper, Universal Lid on Can

The pamphlet and tangible training aids are being distributed throughout the city.

1. Public events such as the Health Fair, Earth Day, WaterFest – Coordination is made with other City departments to share booth space and to have these items available for attendees.
2. Public Information Officers – We have supplied public information officers with these training aids and will provide additional aids as needed.
3. Houston Apartment Association – We will work with the HAA to distribute these training aids to the tenants directly and indirectly. The Utilities Maintenance Branch is supplying us with information on apartment complexes where sewer stoppages are occurring on a regular basis.
4. Neighborhood associations and church groups – Various representatives of associations and church groups have been handing out these items at their social functions. We will use these outlets for distribution and actively seek these opportunities. We will present to these groups customized power point presentations, pamphlets, and flyers featuring graphic pictures of grease caused blockages and overflows and ways to prevent such incidents.
5. City employees – The Utilities Maintenance Branch, the Health Department and Wastewater Operations will have the pamphlets and tools to give to citizens directly when they encounter grease stoppages while in the field.

Conventional and electronic public service media – Justin Anderson and Trevor Lewis, students at the Art Institute of Houston, developed a 30-second animation of *Corral the Grease*. This has played on the City's web site, the municipal channel, and at the booths at public events. Both the Public Works website, as well as the City's Environmental page, contains direct links to a *Corral the Grease* webpage.



CITY OF HOUSTON

Department of Public Works and Engineering

~~#18~~
~~4/25/07~~

Interoffice

Correspondence

To: Council Member Peter Brown
Position I

From: Deputy Director
Public Utilities Division

Date: April 24, 2007

Subject: **FOG ORDINANCE ADMINISTRATION**

During the April 19, 2007, Environmental Committee meeting discussion of the proposed Fats, Oils, and Grease (FOG) Ordinance, you asked a question regarding administration of the proposed ordinance. I have visited with both our City of Houston Legal Department and Health Department and offer the following responses to your questions and comments.

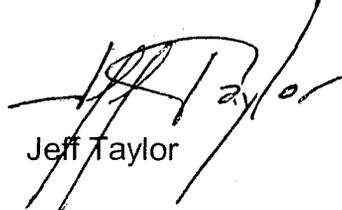
Comment No. 1: *Can the administration of the ordinance be electronically managed so as to reduce the impact on regulated grease trap owners?*

Response: From an ordinance standpoint, the proposed ordinance language already allows for the occurrence of electronic administration.

Dr. Pamela M. Berger, Chief of the Bureau of Public Health Engineering/Water Resources Protection, Environmental Health Division of the Health Department responded by stating:

"This was a great suggestion from Council Member Brown. We have planned from the beginning to have not only applications for "exempting out" on line, but for all Program associated applications to be available in electronic format. As always, thank you for your time and consideration."

Council Member, as soon as the ordinance is passed, we will implement your suggestions making them a part of the permanent process.


Jeff Taylor

JT:mes



CITY OF HOUSTON

Department of Public Works and Engineering

~~#15~~
~~4/25/07~~

Interoffice

Correspondence

To: Marty Stein
Agenda Director

From: Deputy Director
Public Utilities Division

Date: April 24, 2007

Subject: **PROPOSED FOG ORDINANCE - QUESTIONS
FROM COUNCIL MEMBERS**

Several questions have been voiced by Council Member's concerning the proposed Fats, Oils, and Grease Ordinance.

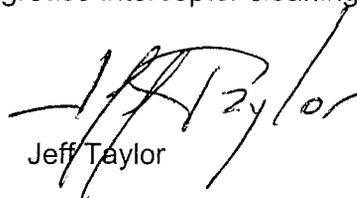
The following responses are provided to address these questions:

Question No. 1: *Why does the proposed ordinance exclude apartment uses, which are a large contributor of FOG, from regulation?*

Answer: The Public Works and Engineering Department (PWE) agrees that residential land uses are a significant contributor to the issue of FOG deposition within our sewerage system. Our FOG management staff has investigated all current FOG programs managed by wastewater utilities throughout the United States and to our knowledge, there are no existing biological, chemical or structural (grease trap, etc) program elements specific to residential (single family, multi-family) land uses. For instance, a grease trap/interceptor is, in effect a septic system. It is logistically impractical from a maintenance and public health perspective to locate septic systems within the large number of apartments within Houston, Texas. As such, all FOG programs of which we are aware use education programs targeted to residential land use customers. Our City of Houston program has already launched an extensive residential educational effort. We have further deployed the "Corral the Grease" grease trapper kits which our utility distributes to apartments who have demonstrated consistent repeat grease maintenance calls through our 311 system. To-date, we have distributed over 15,000 grease trappers. Our grease trapper program also involves evaluation of data over a long period of time to assess program success.

Question No. 2: *Please list cities that have already implemented grease trap maintenance ordinances.*

Answer: Over 40 cities in Texas including, Dallas, Austin, San Antonio, El Paso, Beaumont, and Fort Worth have already adopted grease trap maintenance ordinances per the TCEQ model ordinance standards. Further, national cities including Raleigh, North Carolina; Princeton, New Jersey; and entire counties such as Greene County, Ohio have adopted grease interceptor cleaning frequency ordinances.


Jeff Taylor

JT:mes



CITY OF HOUSTON

Interoffice

Correspondence

To: Marty Stein, Agenda Director

From: Stephen L. Williams, Director
Health and Human Services

SL Williams

Date: April 26, 2007

CC:

Subject: Item ^{41b}~~15~~ FOG Ordinance

Thank you for the opportunity to provide additional comments of the proposed fats, oils and grease (FOG) ordinance.

The FOG ordinance is designed to remove tons of kitchen, car wash and laundromat sludge from the City sanitary sewer system. While grease is a component of the material collected in a grease trap, it is not the only material intercepted. The bulk of fats, oils and grease used for cooking in a food establishment is collected and stored for resale and never enters the sanitary sewer system. Most of the sludge that ends up in a restaurant grease trap is the residue from rinsed cooking pots, dishes, utensils and cleaning rags. Car washes are required to have and maintain a grit trap to capture the grit and grease from vehicle washing; laudromats have lint traps to prevent excessive fiber from entering the sanitary sewer system. The proposed FOG ordinance addresses grease, grit and lint traps.

Generally, mobile food units generate less greasy sludge than fixed location food establishments due to the lower volume of food served and the lack of reusable kitchen ware (dishes and flatware) requiring washing. Nonetheless, mobile food units are often found to be in violation of the requirement to visit a commissary on a daily basis to dump their waste water, clean the unit and acquire fresh water. We find that units avoiding commissary visits will often dump their waste water into the storm sewer system. This is a violation of city ordinance and state law and an upcoming proposed Council action will help strengthen enforcement of mobile food unit regulations.

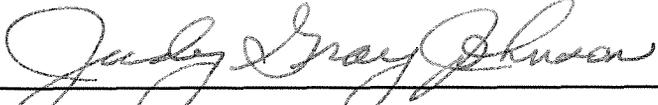
In the next few weeks we will ask Council to approve a contract with a company to provide a radio frequency identification device (RFID) system to monitor mobile food unit commissary visits. Similar to the toll road EZ tag system, electronic readers will be placed at the 12 commissaries serving Houston and will record the arrival and departure time of all mobile food units. The data will be automatically uploaded to a web site and retrievable by field sanitarians from their notebook inspection computers. This technology will eliminate the reliance on paper commissary receipts and the potential for their fraudulent use. In the next few months we will also ask City Council to approve changes to the City Food Ordinance that will address mobile food units and commissaries.

The HDHHS Bureau of Public Health Engineering has conducted grease trap inspections for over 20 years and has been recognized by the Environmental Protection Administration for the quality of our program. The program currently has six inspectors. With the passage of the FOG ordinance, we will add an additional six inspectors. The investigators of PHE work within the Division of Environmental

Health to monitor water and soil pollution. Grease trap investigation often requires extensive work with Public Works and Engineering to track grease up-line from an excursion or a blockage, a task that often requires many days of investigation to find the over-loaded grease trap/s.

In my opinion, consistent with other big city public health programs, these two types of inspections are incompatible and should be conducted by separate teams. To combine the inspections would jeopardize the quality of both. A grease trap inspection requires the removal of two or more manhole covers outside of the establishment and lowering instruments several feet down into the sanitary sewer system for sample collection and visual inspection. A grease trap inspection is physically demanding, dirty work and is not consistent with the high standards of personal hygiene required for a Sanitarian. Conversely, a Sanitarian seeking to avoid contamination cannot adequately inspect a grease trap.

The Bureau of Public Health Engineering has an existing grease trap inspection and enforcement program that is scalable to manage the increased services required by the FOG ordinance. I am confident that the implementation of the FOG ordinance will result in significant protection for the City's public infrastructure and public health.

SUBJECT: Approval of an ordinance electing to become eligible to participate in tax abatement and adopting guidelines and criteria for tax abatements.		Category #	Page 1 of <u>1</u>	Agenda Item <u>17</u>
FROM (Department or other point of origin): Department of Finance and Administration		Origination Date: April 13, 2007		Agenda Date APR 25 2007
DIRECTOR'S SIGNATURE: 		Council District Affected: All		 MAY 02 2007
For additional information contact: Tom Mesa Phone: 713- 837-9857		Date and identification of prior authorizing Council action:		

RECOMMENDATION: (Summary) : Approval of an ordinance electing to become eligible to participate in tax abatement and adopting guidelines and criteria for tax abatements.

Amount of Funding: Not Applicable	F&A Budget:
Source of Funding: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund	
<input type="checkbox"/> Other (Specify)	

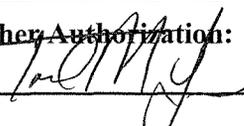
SPECIFIC EXPLANATION:

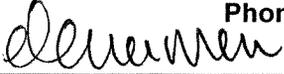
State law requires cities to adopt tax abatement guidelines and criteria before entering into tax abatement agreements, and each approved abatement agreement must meet those guidelines. State law also provides that cities' tax abatement guidelines and criteria expire after two years. The City's former tax abatement guidelines and criteria expired April 2, 2005. The City now desires to become eligible to enter into tax abatement agreements in accordance with the proposed new guidelines and criteria.

The proposed guidelines differ from the former guidelines in the following ways:

- 1) A preamble to the guidelines sets forth a general economic development policy for the limited circumstances under which the city would consider various types of economic development assistance, including tax abatement.
- 2) The general policy also sets priorities for facility or industry types and locations that would be considered for tax abatement. The city would favor industries that have particular impact on the regional economy, and facilities to be located in targeted revitalization areas and transit corridors or that qualify for leveraging other state or federal dollars. All abatement applicants would be required to obtain participation from a local jurisdiction, such as Harris County.
- 3) The general policy also steers away from setting forth a "standard" abatement amount or duration. Rather, applications would be judged case by case, and an abatement amount and duration would be negotiated based on demonstrated need and merit from objective detailed economic and financial pro forma information. As such, the guidelines eliminate the myriad types of applications and agreements and associated "standard scales" available under the former guidelines. The result is simplified guidelines that make available one type of economic development abatement for any facility/industry type, with the specific abatement terms to be negotiated case by case in accordance with the standards set forth in the general policy. A distinct qualification and scale for brownfield development abatements remains unchanged from the former guidelines, as state law provides the criteria and terms of such brownfield development abatements.

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization: 	Other Authorization:
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SUBJECT: Ordinance approving the development and adoption by the Mayor's Office of an executive order requiring certain city contractors to provide employee health benefits or pay into a fund to pay for uninsured persons in the		Category	Page 1 of 1	Agenda Item 43 #8
FROM (Department or other point of origin): Mayor's Office of Health and Environmental Policy		Origination Date: 04/20/2007	Agenda Date: APR 25 2007 MAY 02 2007	
DIRECTOR'S SIGNATURE:		Council District affected: All		
For additional information contact: Elena Marks Phone: 713.247.3394 		Date and Identification of prior authorizing Council action: NA		
RECOMMENDATION: (Summary)		Adopt ordinance approving the development and adoption by the Mayor's Office of an executive order requiring certain city contractors to provide employee health benefits or pay into a fund		
Amount and Source of Funding: N/A		F & A Budget:		
SPECIFIC EXPLANATION:				
<p>The proposed ordinance approves the development and adoption by the Mayor's Office of an executive order to implement a program by July 1, 2007, to require contractors awarded city contracts in excess of \$100,000 to either offer a health benefit plan to their full time employees who work on city contracts ("play"), or to pay \$1 per employee hour worked on city contracts ("pay"), in order to be deemed "responsible" bidders under the municipal bid law. The funds collected will be restricted to use only for subsidizing the costs of uninsured health care to persons in the Houston/Harris County area.</p> <p>Through this program, the city will level the playing field among its contractors so that those whose cost structure is higher because they offer health benefits will no longer be disadvantaged in the contracting process. Approximately 80% of the affected contractors already offer qualified health benefits to their full time employees. This program will ensure that the remaining 20% act responsibly and fairly when bidding on city contracts.</p> <p>"Pay or play" programs acknowledge and capture the costs of health care for the uninsured, which are otherwise borne by taxpayers and insured people whose premiums reflect the costs of the uninsured. This program was developed after extensive research and discussions with city contractors, contracting departments, insurance industry experts, and local government officials in other jurisdictions with similar programs over a two year period. The executive order will be developed in conformity with the description attached to this RCA.</p>				
REQUIRED AUTHORIZATION				
F & A Director:		Other Authorization:		Other Authorization:

HCD07-107

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

06-Macedonia.RCA

SUBJECT: An ordinance amending the City of Houston's Citizen Participation Plan.		Category #	Page 1 of 2	Agenda Item #430
FROM (Department or other point of origin): Richard S. Celli, Director Housing and Community Development Department		Origination Date 3/22/07	Agenda Date APR 25 2007	
DIRECTOR'S SIGNATURE: 		Council District affected: MAY 02 2007 ALL Districts		
For additional information contact: Paulette Wagner Phone: 713-868-8441		Date and identification of prior authorizing Council action:		

RECOMMENDATION: (Summary)

The Department recommends approval of an Ordinance to amend the Citizen Participation Plan in order to comply with the federal regulations amended as of February 9, 2006.

Amount of Funding: N/A

F&A Budget: 

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify)

SPECIFIC EXPLANATION:

The City of Houston is required to have a Citizen Participation Plan (CPP) by the U.S. Department of Housing and Urban Development (HUD). This plan outlines the structure through which residents and neighborhood-based organizations, including Community Housing Development Organizations (CHDOs), Community-Based Development Organizations (CBDOs) and Community Development Corporations (CDCs) can be involved and have input in HUD-funded programs. The CPP emphasizes the involvement of low and moderate-income residents in the planning and budgetary process. The revised Citizen Participation Plan provides additional information about the role of the Housing and Community Development Department (HCDD) in ensuring that citizens have every opportunity to participate in the planning process. In addition, the CPP outlines the process through which the public can access general information, receive technical assistance, provide comments on critical issues and receive responses to questions raised.

The first CPP for Houston was approved by City Council in 1970. The Plan was subsequently amended in 1978, 1989 and in 1997 to comply with revised HUD regulations regarding the Consolidated Plan. HCDD is recommending that the CPP be amended to reflect the establishment of American Dream Down Payment Initiative and revised HUD regulations amended as of February 9, 2006. The public was notified of the revised CPP through a public notice in the Houston Chronicle, La Voz de Houston, Southern Chinese Daily News and the Houston Defender. The public was invited to submit comments during the thirty-day review period, which extended from March 24, 2007 through April 22, 2007.

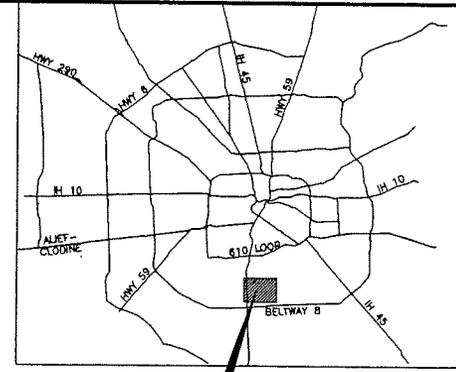
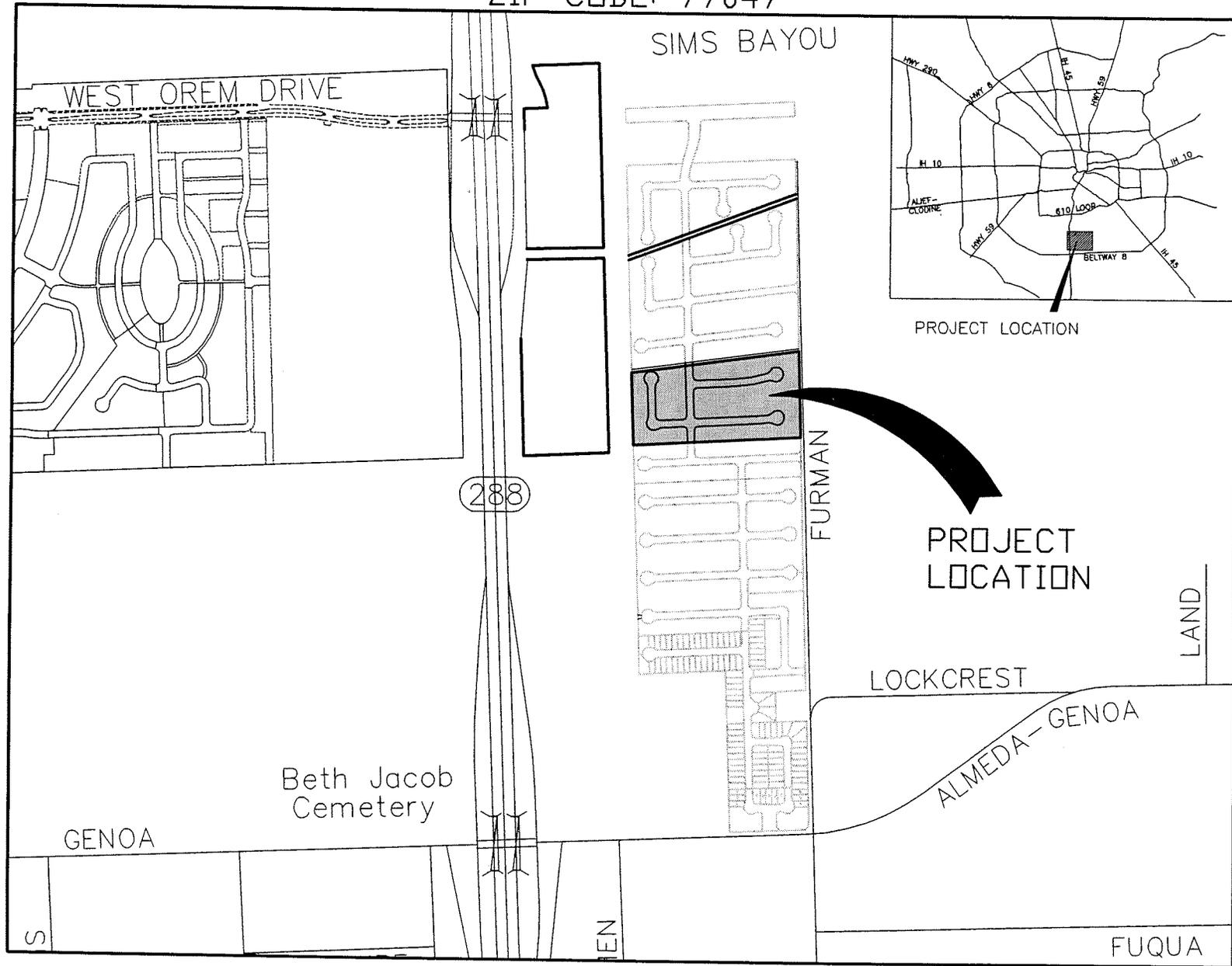
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REQUIRED AUTHORIZATION		
F&A Director:	Other Authorization:	Other Authorization:

Date 3/223/07	Subject: An ordinance amending the City of Houston's Citizen Participation Plan.	Originator's Initials <i>RSC</i>	Page <u>2</u> of <u>2</u>
<p>The Citizen Participation Plan was presented to the Housing and Community Development Committee on Tuesday, April 10, 2007. Therefore, the Department is requesting approval of the revised Citizen Participation Plan.</p> <p>Approval is recommended.</p> <p>RSC:RFW</p> <p>cc: City Secretary Mayor's Office Finance & Administration Legal Department</p>			

SUBJECT: Developer Participation Contract between City of Houston and KB Home Lone Star, LP for the construction of water and sanitary sewer lines. S-000802-0048-4/ R-000802-0048-4		Page 1 of 2	Agenda Item # <div style="border: 1px solid black; padding: 5px; display: inline-block;"> 45 34 </div>
FROM: (Department or other point of origin) Department of Public Works & Engineering	Origination Date: 4-18-07	Agenda Date: APR 25 2007 MAY 02 2007	
Director's Signature:  Michael S. Marcotte, P.E. DEE	Council District affected: D		
For additional information contact: Jun Chang, P.E.  (713) 837-0433	Date and identification of prior authorizing Council action:		
Recommendation: (Summary) Approve a Developer Participation Contract between the City and KB Home Lone Star, LP for the City to pay 30% of the cost to construct approximately 2,815 linear feet of water and 3,255 linear feet of sanitary sewer lines, and appropriate funds to serve Sky View Park Section Six.			
Amount & Source of Funding: \$85,743.39 Water & Sewer System Consolidated Construction Fund No. 8500 <div style="text-align: right;"><i>Reflex - 02/23/07</i></div>			
Specific Explanation: Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) includes provisions for City participation in the cost of construction of water and sewer mains by a developer. Under Section 47-164 of the Houston Code, the City and the Developer may enter into a cost-sharing agreement under which the Developer designs and constructs the mains and dedicates them to the City for 30% reimbursement of the construction cost. KB Home Lone Star, LP proposes to construct approximately 2,815 linear feet of water and 3,255 linear feet of sanitary sewer lines to serve their development, Sky View Park Section Six Subdivision. The estimated construction cost is \$285,811.31 (including a 5% contingency), thereby making \$85,743.39 the City of Houston's maximum contribution. Before payment is made to the Developer, the Department of Public Works and Engineering will inspect the lines and review the final construction cost to determine the actual amount of the City's share, which cannot exceed \$85,743.39.			
AFI:JC:AMS:tp c: Marty Stein Craig Foster John Sakolosky			
REQUIRED AUTHORIZATION:		20JZC234 NOT	
F&A Budget: 	Other Authorization:	Other Authorization:  Andrew F. Icken, Deputy Director Planning & Development Services	

MAP REF: KEY MAP 573 N & P
GIMS MAP: 5351-B
ZIP CODE: 77047



PROJECT LOCATION

PROJECT
LOCATION

LAND

VICINITY MAP