

**AGENDA - COUNCIL MEETING - TUESDAY - MAY 6, 2008 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Jones

**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 7, 2008 - 9:00 A. M.**

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

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

1. **PUBLIC HEARING** relative to proposed amendments to the Project and Financing Plan for Tax Increment Reinvestment Zone Number Seven (OST/Almeda Zone) **DISTRICTS D - ADAMS and I - RODRIGUEZ**
2. **PUBLIC HEARING** relative to proposed amendments to the Project and Financing Plan for Tax Increment Reinvestment Zone Number Eleven (Greater Greenspoint Zone) **DISTRICT B - JOHNSON**

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 3 through 43**

## AGENDA - MAY 7, 2008 - PAGE 2

### MISCELLANEOUS - NUMBERS 3 through 5

3. REQUEST from Mayor for confirmation of the appointment of **MS. HELAINE W. LANE** to Position Two of the **JOINT CITY/COUNTY COMMISSION ON CHILDREN**, for a term to expire December 31, 2009
4. RECOMMENDATION from Director General Services Department for Council to determine that the Construction Manager at Risk Alternative Delivery Method offers the best value for the City for the Right-of-way and Fleet Maintenance Facilities Expansion for the Department of Public Works & Engineering - WBS N-00653C-0001-4 - **DISTRICTS B - JOHNSON; H - GARCIA and I - RODRIGUEZ**
5. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **BRAYS VILLAGE PATIO HOMES MAINTENANCE FUND, INC** for law enforcement services of one (1) deputy from Harris County Constable Precinct 5 - **DISTRICTS F - KHAN and G - HOLM**

### DAMAGES - NUMBER 6

6. RECOMMENDATION from City Attorney for settlement of lawsuit styled **WILLIAM DELEON and OSCAR DELEON v. City of Houston and Herman Lastrape, Jr.**, in the 80th Judicial District Court of Harris County, Texas; Cause No. 2005-54717 - \$240,000.00 - Property and Casualty Fund

### ACCEPT WORK - NUMBERS 7 through 9

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$741,191.15 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for City of Houston's National Pollution Discharge Elimination System - Storm Water Pollution Minimization Plan - 8430 Newcastle, WBS M-000126-0050-4 - 3.86% over the original contract amount - **DISTRICT C - CLUTTERBUCK**
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,034,808.20 and acceptance of work on contract with **R. J. CONSTRUCTION COMPANY, INC** for Drainage Improvements at Grade Separations, WBS M-000241-0002-4 - 5.36% under the original contract amount - **DISTRICTS D - ADAMS; H - GARCIA and I - RODRIGUEZ**
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,247,170.41 and acceptance of work on contract with **ALLCO, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-0099-4 4.88% over the original contract amount

### PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 14

10. **KEETON CONTRACT SERVICES, INC** for Painting the Exterior Roof Exhaust Ducts at George R. Brown Convention Center for the Convention & Entertainment Facilities Department \$90,000.00 and contingencies for a total amount not to exceed \$94,500.00 - Enterprise Fund
11. ORDINANCE appropriating \$313,950.00 out of C & E Construction Fund for Seating Modifications for Talento Bilingue de Houston for Convention & Entertainment Facilities Department, WBS B -000123-0001-4
  - a. **RESICOM, INC** for Seating Modifications for Talento Bilingue de Houston for Convention & Entertainment Facilities Department - \$299,000.00 and contingencies for a total amount of \$313,950.00

**PURCHASING AND TABULATION OF BIDS** - continued

12. **QUADMED, INC** - \$595,049.82, **CARDINAL HEALTH 220, INC** - \$468,274.74, **MOORE MEDICAL, LLC** - \$567,406.81, **AMBU, INC** - \$485,727.22, **EMERGENCY MEDICAL PRODUCTS, INC** - \$106,173.84, **HENRY SCHEIN, INC** - \$188,424.88 and **EMS INNOVATIONS, INC** - \$79,182.00 for Medical and Emergency Medical Supplies for Fire Department \$2,490,239.31 - General Fund
13. **STANBIO LABORATORY** for Hemoglobin 201 Analyzers and Microcuvette Test Strips for the Health & Human Services Department - \$488,400.00 - Grant Fund
14. **FLINT TRADING, INC** for Thermoplastic Pavement Marking Materials for Department of Public Works & Engineering - \$1,148,984.00 minus a commission fee for Internet-based reverse auction services for a net award amount not to exceed \$1,128,984.00 - General Fund

**RESOLUTIONS AND ORDINANCES** - NUMBERS 15 through 43

15. RESOLUTION approving and adopting a revised Investment Policy for the City of Houston
16. RESOLUTION approving the action of the City of Houston Higher Education Finance Corporation for issuance of its Higher Education Revenue Bonds (Rice University Project), Series 2008
17. ORDINANCE **AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the parking of large vehicles in residential areas and on the streets
18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of four water line easements (Parcels SY7-059A, SY7-059B, SY7-059C and SY7-059D), containing an aggregate of 0.3854 acre (16,786 square feet) of land, more or less, vacating and abandoning said easements to Houston Gulfgate Partners, L.P., in consideration of said owner's payment of an aggregate amount of \$71,341.00, and other consideration to the City **DISTRICT I - RODRIGUEZ**
19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 3,462 square foot, more or less, tract of excess fee-owned land within the Braeswood Water Well #1 Site C-116, adjacent to 5900 North Braeswood Boulevard, Houston, Texas 77074 (Parcel No. SY7-132), located in the Herman Aiken Survey, A-98, Harris County, Texas; vacating and abandoning said tract of land to Seven Acres Jewish Senior Care Services, Inc., abutting owner, in consideration of abutting owner's conveyance to the City of a sanitary control easement over the entire area being sold (Parcel No. QY7-008), payment to the City of \$17,310.00, and other consideration - **DISTRICT C - CLUTTERBUCK**
20. ORDINANCE consenting to the addition of 242.6810 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 386**, for inclusion in its district
21. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 494 - DISTRICT E - SULLIVAN**
22. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 496**
23. ORDINANCE consenting to the addition of 11.22 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 499**, for inclusion in its district - **DISTRICT E - SULLIVAN**
24. ORDINANCE consenting to the addition of 93.38 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 499**, for inclusion in its district - **DISTRICT E - SULLIVAN**

**RESOLUTIONS AND ORDINANCES** - continued

25. ORDINANCE consenting to the addition of 127.12 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 499**, for inclusion in its district - **DISTRICT E - SULLIVAN**
26. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 521**
27. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 522**
28. ORDINANCE consenting to the addition of 13.51 acres of land to **NORTHWOOD MUNICIPAL UTILITY DISTRICT NO. 1**, for inclusion in its district - **DISTRICT B - JOHNSON**
29. ORDINANCE consenting to the addition of 5.926 acres of land to **PORTER MUNICIPAL UTILITY DISTRICT**, for inclusion in its district
30. ORDINANCE approving and authorizing contract between the City and the **FAMILY CENTER OF HOPE** to facilitate transition and relocation support for clients affected by Hurricanes Katrina and Rita - \$80,000.00 - Grant Fund
31. ORDINANCE committing \$975,000.00 in present and future Community Development Block Grant Funds as a cash match; approving and authorizing the acceptance of a grant from the U. S. Department of Housing and Urban Development (HUD) for Round 15 Lead-based Paint Hazard Control Program; declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department to accept the grant and the grant funds, and to apply for and accept all subsequent awards, if any, pertaining to the grant
32. ORDINANCE approving and authorizing Loan Agreement between the City of Houston and **VILLAGE OF ZION, LP, by and through its general partner TKNET, LLC**, to provide a \$500,000.00 Loan of Home Investment Partnerships Program ("HOME") Funds to assist in financing land acquisition and the development of a 50-unit Senior Citizen Complex located at 3154 Gray Street, Houston, Texas - **DISTRICT I - RODRIGUEZ**
33. ORDINANCE approving and authorizing Lease Agreement between **HOUSTON CHINESE CHURCH, as tenant**, and the City of Houston, Texas, as landlord, for two parcels of land (RE-90 and RE-93) with an aggregate of 35,600 square feet of land, more or less, located at 10305 South Main, Houston, Harris County, Texas, to be use for parking - **DISTRICT C - CLUTTERBUCK**
34. ORDINANCE approving and authorizing contract between the City of Houston and **ACORN HOUSING CORPORATION, INC** to provide \$155,000.00 in Community Development Block Grant Funds for Foreclosure Prevention Counseling Services
35. ORDINANCE approving and authorizing amendment to agreement between the City of Houston and **STAR OF HOPE MISSION**, to provide an additional \$100,000.00 in Community Development Block Grant Funds for the Renovation of the Women and Family Emergency Shelter Facility located at 419 Dowling Street, Houston, Texas - **DISTRICT I - RODRIGUEZ**
36. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for Operation and Maintenance of Pinewood Village and Mary Withers Parks **DISTRICT B - JOHNSON**
37. ORDINANCE approving and authorizing Utility Functions and Services Allocation Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 460** **DISTRICTS D - ADAMS and E - SULLIVAN**

**RESOLUTIONS AND ORDINANCES** - continued

38. ORDINANCE amending Ordinance No. 2008-0126 to increase the maximum contract amount and approving and authorizing first amendment to contract between the City of Houston and **MERRELL BROS., INC** for Onsite Water Treatment Sludge Dewatering, Hauling and Disposal Services - \$963,202.75 - Enterprise Fund - **DISTRICT E - SULLIVAN**
39. ORDINANCE appropriating \$121,730.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to Professional Architectural Services Contract between the City of Houston and **HUITT-ZOLLARS, INC** for Right-of-way and Fleet Maintenance Facilities Expansions (approved by Ordinance No. 2007-0949), WBS N-00653C-0001-3 - **DISTRICTS H - GARCIA and I - RODRIGUEZ**
40. ORDINANCE appropriating \$3,567,000.00 out of Water & Sewer System Consolidated Construction Fund, awarded construction contract to **MERIDIAN COMMERCIAL, L.P.** for Air Handler Units Upgrade at 611 Walker, WBS R-000268-0058-4; 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 construction management, asbestos abatement project management, Civic Art Program, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**
41. ORDINANCE de-appropriating \$3,659,297.21 out of Water & Sewer System Consolidated Construction Fund from Contract No. 4600006059 (as passed by Ordinance No. 2006-0654); appropriating \$5,059,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION CO.** for proposed 42-inch water line along Allum, Player and Tidewater from Hiram Clarke to Candleshade, WBS S-000900-00AE-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS**
42. ORDINANCE No. 2008-355, passed second reading April 30, 2008  
ORDINANCE granting to **INLAND ENVIRONMENTS, LTD., a Texas Limited Partnership**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING**
43. ORDINANCE No. 2008-356, passed second reading April 30, 2008  
ORDINANCE granting to **STANZ INTEGRATED CLEANING SOLUTIONS, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING**

**END OF CONSENT AGENDA**

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

**NON CONSENT AGENDA** - NUMBER 44

**PURCHASING AND TABULATION OF BIDS**

44. RECOMMENDATION from Purchasing Agent to make the following awards for Telephone Equipment and Accessories for Information Technology Department - \$1,836,119.80 - Central Service Revolving Fund:

**CALL ONE, INC** - \$86,855.40

**CALENCE, LLC** - \$425,128.50

**GRAYBAR ELECTRIC** - \$240,419.60

**LIBERTY COMMUNICATIONS, INC** - \$173,462.00

**WALKERCOM, INC** - \$88,681.30

**TELECOM REMARKETING CORPORATION OF AMERICA, dba TRCA** - \$257,113.20

**COMTALK, INC** - \$506,259.80

**COUNCIL DRAW LOTS**

**ITEM NOS. 25, 52, 110 and 111** due to receiving identical bids from **LIBERTY COMMUNICATIONS, INC** and **COMTALK, INC** in an amount of \$60,200.00

**MATTERS HELD** - NUMBERS 45 and 46

45. ORDINANCE appropriating \$689,912.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **DEYAR BUILDERS, INC** for Safe Sidewalk Program F2, WBS N-00610A-00F2-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT E - SULLIVAN**

**POSTPONED BY MOTION #2008-280, 4/23/08**

This was Item 28 on Agenda of April 23, 2008

46. ORDINANCE **AMENDING SECTIONS 21-161, 21-164, and 21-166 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to registration of air pollution sources; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful, providing affirmative defenses thereto and penalties therefor; containing a savings clause; providing for severability

**TAGGED BY COUNCIL MEMBERS NORIEGA and CLUTTERBUCK**

This was Item 13 on Agenda of April 30, 2008

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Garcia 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 4NHJ (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 6, 2008 at 1:30 p.m. and WEDNESDAY, MAY 7, 2008 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 2nd day of MAY, 2008.

---

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 MAY 2, 2008 at       :       p.m.

by \_\_\_\_\_

for Anna Russell  
City Secretary

**CITY COUNCIL CHAMBER – CITY HALL 2<sup>nd</sup> FLOOR – TUESDAY  
MAY 6, 2008 - 2:00 P.M.**

**AGENDA**

---

2MIN. 2MIN. 2MIN.

---

---

3MIN 3MIN 3MIN

---

**NON-AGENDA**

---

3MIN 3MIN 3MIN

---

MR. DAN CUPP – 1237 Althea Dr. – 77018 – 713-682-7010 – Written/Requirement Application deadline for Mayor

MR. WILLIS TABORN – 2106 Bel Arbor – 77033 – 281-222-8601 – Court System

MS. TWANDA TWINE – 4931 Trail Lake – 77045 – 713-433-8377 – I need employment

MR. RICHARD SWALLEN – 22010 Madera Canyon Ct. – Richmond – TX – 77469 – 281-381-9202 – Copper Theft

MR. TONY JONES – 1950 Spinwick, No. 318 – 77055 - 713-935-0011 – B.A.R.C.

MR. TOM BAZAN – Post Office Box 2786 – 713-466-4477 – Stray current corrosion damage preventive for infrastructural

MS. OLEVIA RANDLE – 6023 Beldart – 77033 – 713-733-2348 – Weeded Lot

**PREVIOUS**

---

1MIN. 1MIN. 1 MIN.

---

1  
MAY 07 2008

MOTION NO. 2008 0281

MOTION by Council Member Clutterbuck that the recommendation of the Finance Department, to set a hearing date relative to proposed amendments to the Project and Financing Plan for Tax Increment Reinvestment Zone Number Seven (OST/Almeda Zone), be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, May 7, 2008, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Lovell and carried.

Mayor Pro Tem Garcia, Council Members Lawrence,  
Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez,  
Brown, Lovell, Noriega and Jones voting aye  
Nays none  
Council Member Green absent

Mayor White and Council Member Khan out of the City on City business

Mayor Pro Tem Garcia presiding

PASSED AND ADOPTED this 23rd day of April, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is April 29, 2008.

  
City Secretary

2  
MAY 07 2008

MOTION NO. 2008 0282

MOTION by Council Member Lovell that the recommendation of the Director of the Finance Department, to set a hearing date to consider the proposed amendments to the Project and Financing Plan for Tax Increment Reinvestment Zone Number Eleven (Greater Greenspoint Zone), be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, May 7, 2008, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Clutterbuck and carried.

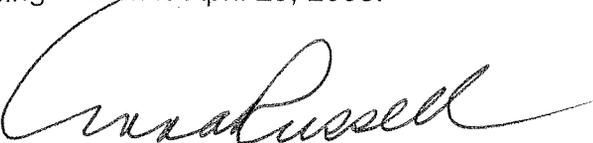
Mayor Pro Tem Garcia, Council Members Lawrence,  
Johnson, Clutterbuck, Adams, Sullivan, Rodriguez,  
Brown, Lovell, Noriega, Holm and Jones voting aye  
Nays none  
Council Member Green absent

Mayor White and Council Member Khan out of the City on City business

Mayor Pro Tem Garcia presiding

PASSED AND ADOPTED this 23rd day of April, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is April 29, 2008.

  
City Secretary



BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

3

MAY 07 2008

April 17, 2008

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to the Division 6 of Article XI, Chapter 2, of the Houston City Code, I am nominating the following individual for appointment to the Joint City/County Commission on Children, subject to Council confirmation:

Ms. Helaine W. Lane, appointment to Position Two, for a term to expire December 31, 2009.

The résumé is attached for your review.

Sincerely,

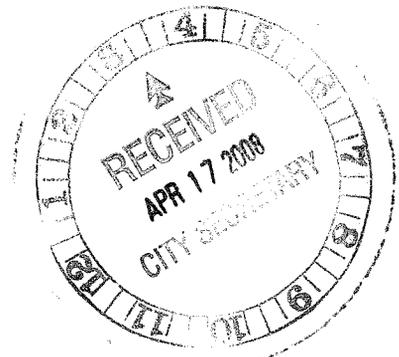
A handwritten signature in black ink that reads "Bill White".

Bill White  
Mayor

BW:CC:jsk

cc: Ms. Sherea McKenzie, executive director, w/attachment  
Ms. Ann P. Kaufman, chair, w/attachment

**COPY TO EACH MEMBER OF COUNCIL**  
**CITY SECRETARY** *Handwritten initials*  
**COUNCIL MEMBER** *Handwritten name*



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

|  |                       |                         |
|--|-----------------------|-------------------------|
| <b>SUBJECT:</b> Council Motion determining Construction Manager at Risk method is the best value for the Right-of-Way and Fleet Maintenance Facilities Expansion for the Public Works and Engineering Department.<br>N-00653C-0001-4 | <b>Page</b><br>1 of 1 | <b>Agenda Item</b><br>4 |
|--|-----------------------|-------------------------|

|   |                                    |                                   |
|---|------------------------------------|-----------------------------------|
| <b>FROM (Department or other point of origin):</b><br>General Services Department | <b>Origination Date</b><br>4-17-08 | <b>Agenda Date</b><br>MAY 07 2008 |
|---|------------------------------------|-----------------------------------|

|  |  |
|--|--|
| <b>DIRECTOR'S SIGNATURE:</b><br>Issa Z. Dadoush, P.E. <i>[Signature]</i> 3/31/08 | <b>Council Districts affected:</b> B, H, I |
|--|--|

|   |   |
|---|---|
| <b>For additional information contact:</b><br>Jacquelyn L. Nisby <i>[Signature]</i> Phone: (713) 247-1814 | <b>Date and identification of prior authorizing Council action:</b> |
|---|---|

**RECOMMENDATION:** Determine the Construction Manager at Risk Alternative Delivery Method offers the best value for the City for the Right-of-Way and Fleet Maintenance Facilities Expansion for the Public Works and Engineering Department.

|  |                          |
|--|--------------------------|
| <b>Amount and Source of Funding:</b> N/A | <b>F &amp; A Budget:</b> |
|--|--------------------------|

**SPECIFIC EXPLANATION:** The General Services Department (GSD) recommends that City Council determine the Construction Manager at Risk Alternative Delivery Method offers the best value for the City for the Right-of-Way and Fleet Maintenance Facilities Expansion for the Public Works and Engineering Department.

GSD has reviewed the project and determined that the Construction Manager at Risk method will provide the best value for the City because this method allows the construction manager to provide pre-construction assistance during the design phase, which helps to control construction costs as a result of earlier contractor involvement, reduces the need for change orders and avoids delays during the construction phase due to design misinterpretation. Additionally, this method allows for improved communication and project coordination, and commitment to construction prices. Under this method, the City enters into separate contracts with the contractor and architect.

**PROJECT LOCATIONS:** 100 Japhet (Key Map 494L)  
5500 McCarty (Key Map 455Y)  
1700 E. Crosstimbers (Key Map 453M)

*RAV*  
IZD:JLN:PVG:RAV:CL:si

c: Marty Stein, Michael S. Marcotte, P.E., DEE, Howard Hilliard, Carl Bowker, Jacquelyn L. Nisby, File 507

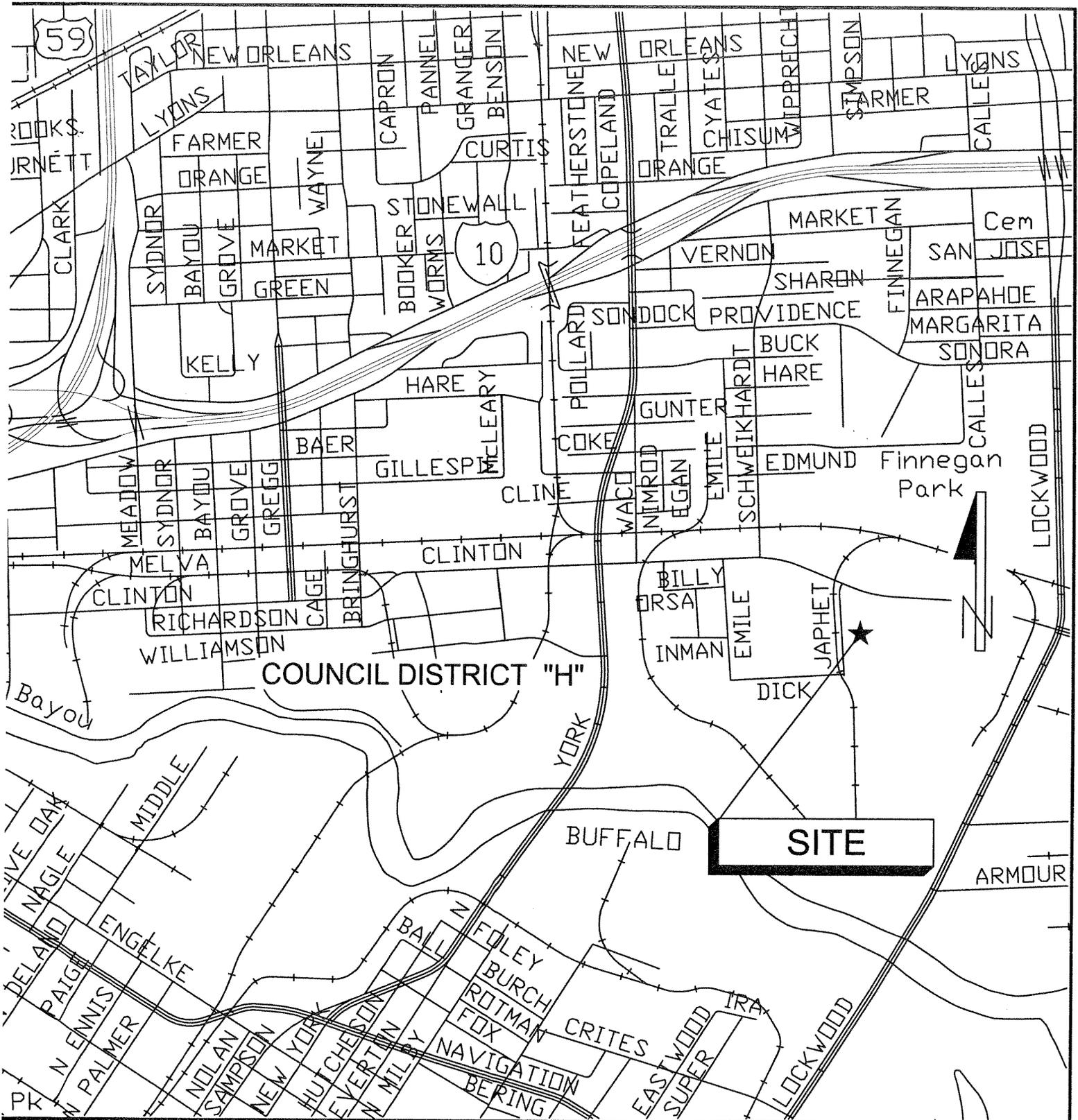
REQUIRED AUTHORIZATION

CUIC # 25CONS31

**General Services Department:**  
*[Signature]*  
Phil Golembiewski, P.E.  
Chief of Design & Construction Division

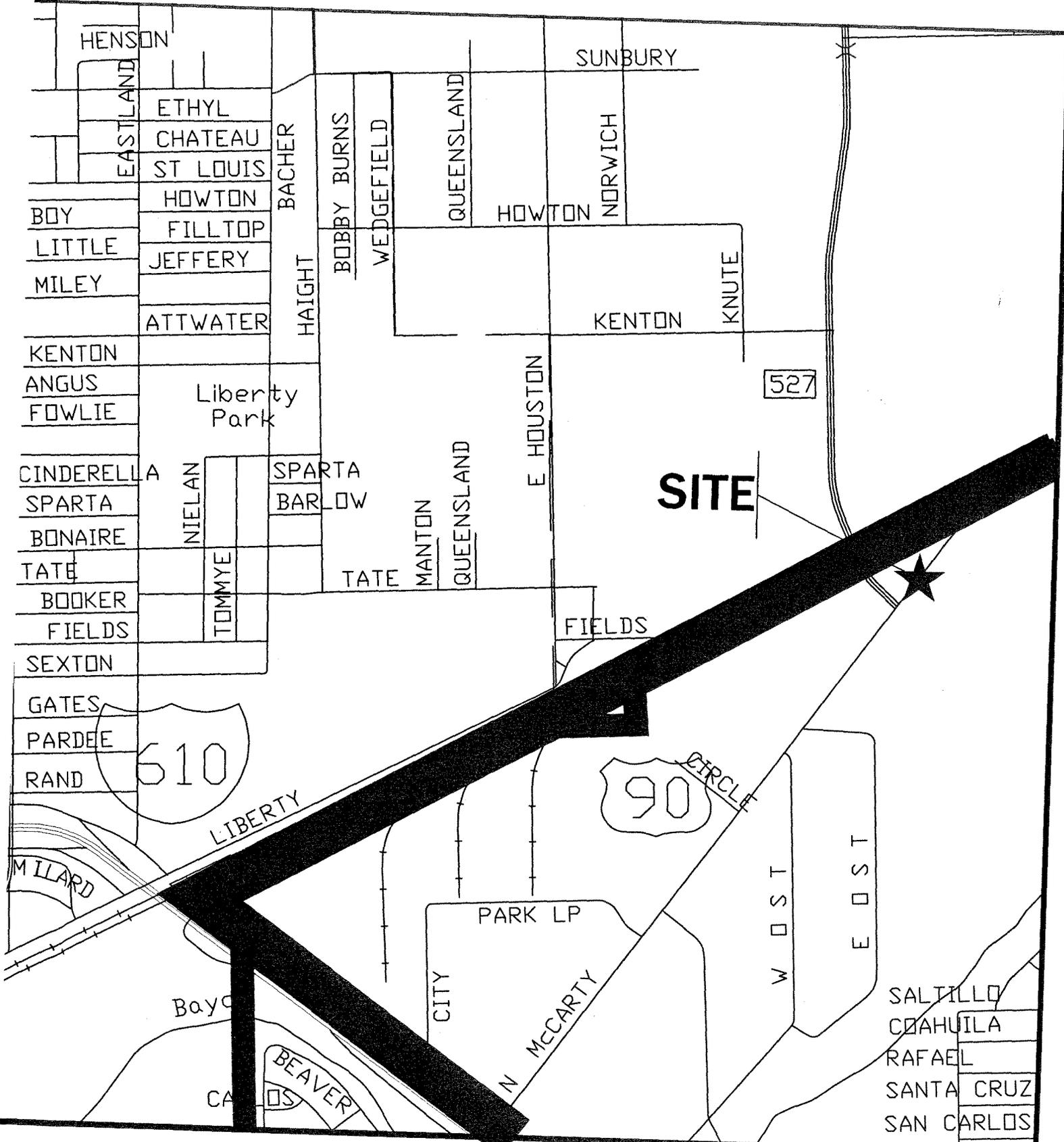
**Other Authorization:**

**Public Works and Engineering Department:**  
*[Signature]*  
Michael S. Marcotte, P.E., DEE  
Director



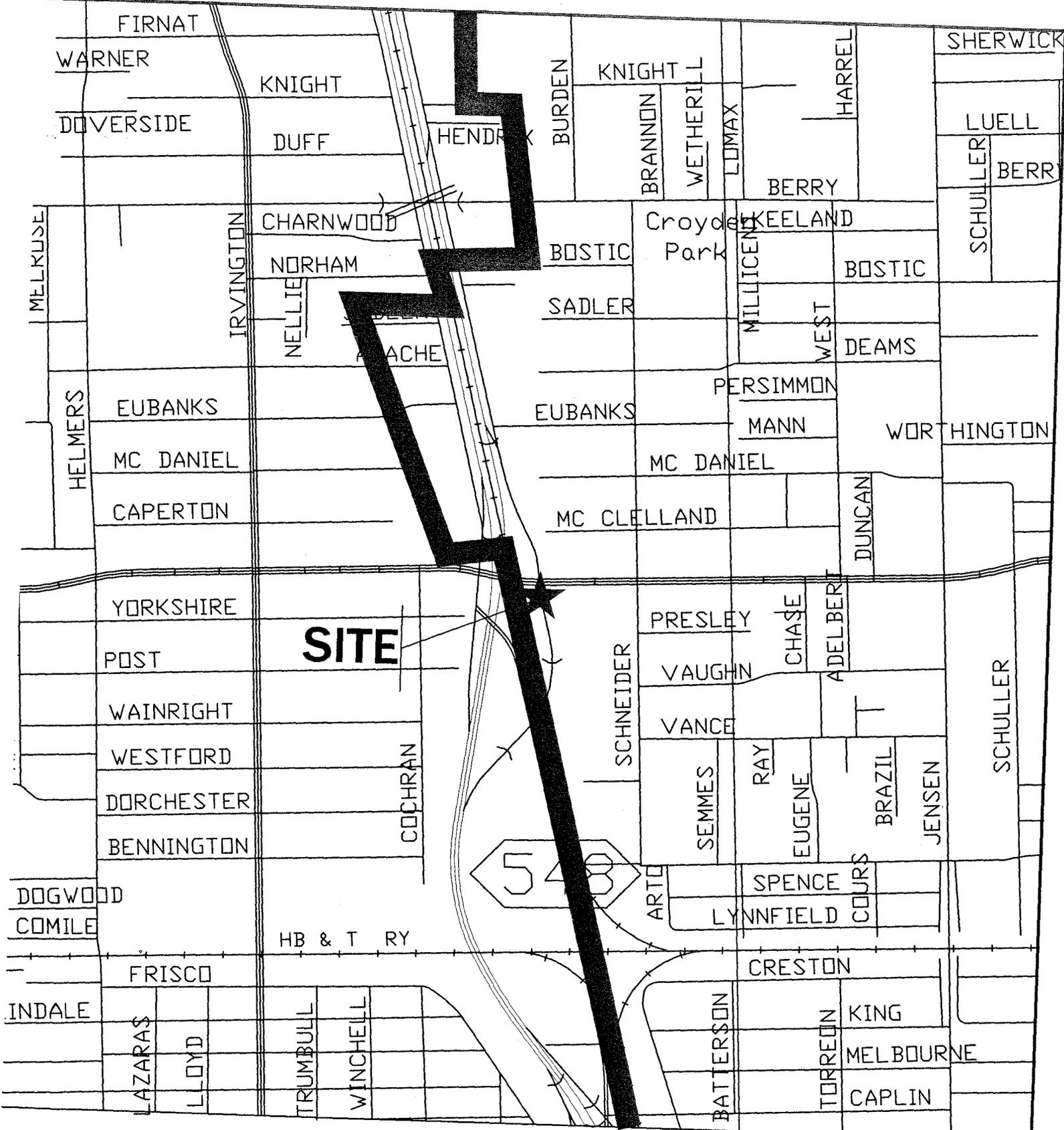
Right-of-Way and Fleet Maintenance Facilities Expansion

100 JAPHET  
HOUSTON, TX 77020



**Right-of-Way and Fleet Maintenance Facilities Expansion**

5500 McCARTY  
 HOUSTON, TX 77013



Right-of-Way and Fleet Maintenance Facilities Expansion  
 1700 E. CROSDEN  
 HOUSTON, TX 77093

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

|  |   |                             |                                   |
|--|---|-----------------------------|-----------------------------------|
| <b>SUBJECT:</b> Law Enforcement Agreement between Harris County Constable Precinct 5 and Brays Village Patio Homes Maintenance Fund, Inc.  | <b>Category #</b>   | <b>Page 1 of</b> _____      | <b>Agenda Item #</b><br>5         |
| <b>FROM: (Department or other point of origin):</b><br>Harold L. Hurtt, Chief of Police<br>Houston Police Department   | <b>Origination Date</b><br>April 29, 2008                           |                             | <b>Agenda Date</b><br>MAY 07 2008 |
| <b>DIRECTOR'S SIGNATURE:</b><br>  | <b>Council Districts affected:</b><br>F and G                       |                             |                                   |
| <b>For additional information contact:</b><br>M. W. Thaler (713) 308-1570<br>Executive Assistant Chief   | <b>Date and identification of prior authorizing Council Action:</b> |                             |                                   |
| <b>RECOMMENDATION: (Summary)</b><br><br>Approval of Law Enforcement Agreement between Harris County Constable Precinct 5 and Brays Village Patio Homes Maintenance Fund, Inc.  |   |                             |                                   |
| <b>Amount and Source of Funding:</b> N/A   |   | <b>F &amp; A Budget:</b>    |                                   |
| <b>SPECIFIC EXPLANATION:</b><br><br>The Houston Police Department has no objections to the Law Enforcement Agreement between Harris County Constable Precinct 5 and Brays Village Patio Homes Maintenance Fund, Inc. Both parties agree to have one deputy devote eighty percent (80%) of their working time to provide law enforcement services within the Association's geographical area within Harris County, Texas, beginning May 24, 2008, through December 31, 2008.<br><br>hlh:mm<br>Attachment<br><br>cc: Marty Stein |   |                             |                                   |
| <b>REQUIRED AUTHORIZATION</b>  |   |                             |                                   |
| <b>F&amp;A Director:</b>   | <b>Other Authorization:</b>   | <b>Other Authorization:</b> |                                   |

|   |  |  |                                   |                               |
|---|--|--|-----------------------------------|-------------------------------|
| <b>SUBJECT:</b> Settlement of Lawsuit styled - <i>William DeLeon and Oscar DeLeon v. City of Houston and Herman Lastrape, Jr.</i> ; in the 80 <sup>th</sup> Judicial District court of Harris County, Texas; Cause No. 2005-54717   |  | <b>Category #</b>  | <b>Page</b><br>1 of 1             | <b>Agenda Item #</b><br><br>6 |
| <b>FROM (Department or other point of origin):</b><br><br>Legal Department  |  | <b>Origination Date</b><br>5/1/09  | <b>Agenda Date</b><br>MAY 07 2008 |                               |
| <b>DIRECTOR'S SIGNATURE:</b><br><i>Andrew G. Michelozzi</i>   |  | <b>Council District affected:</b><br><br>General                           |                                   |                               |
| <b>For additional information contact:</b><br>Jaqueline Leguizamon<br>Phone: (713) 247-2068   |  | <b>Date and identification of prior authorizing Council action:</b><br>N/A |                                   |                               |
| <b>RECOMMENDATION: (Summary)</b><br><br>Approve the referenced settlement   |  |  |                                   |                               |
| <b>Amount of Funding:</b><br>\$240,000.00   |  | <b>Finance Department:</b>   |                                   |                               |
| <b>SOURCE OF FUNDING:</b> 1004 <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund   |  |  |                                   |                               |
| <input checked="" type="checkbox"/> Other (Specify) Property and Casualty Fund  |  |  |                                   |                               |
| <b>SPECIFIC EXPLANATION:</b><br><br><b>FOR SETTLEMENT PURPOSES ONLY</b><br><br>On December 18, 2003, a City of Houston Fire Department Suburban, being driven by Operator/Engineer Herman Lastrape, Jr., collided with a vehicle being driven by Adolfo Samines at the intersection of San Jacinto and Alabama. William and Oscar DeLeon were passengers in Mr. Samines' vehicle. They argue that Mr. Lastrape drove through the red light and was speeding. Plaintiffs argue that liability arises pursuant to §101.021(1) of the Texas Tort Claims Act.<br><br>As a result of the collision, Plaintiff William DeLeon sustained quadriplegic injuries. His medical bills are continuing but are currently over \$560,000.00. Plaintiff Oscar DeLeon suffered soft tissue injuries sustaining approximately \$7,600.00 in medical bills<br><br>It is recommended that Mr. William DeLeon's case be settled for Two Hundred and Twenty-Five Thousand Dollars (\$225,000.00), with two warrants, one for \$150,000.00 made payable to Plaintiff William DeLeon and his attorneys, Reed & Terry. The second warrant for \$75,000.00, made payable to Plaintiff William DeLeon, his attorneys, Reed & Terry, and Hermann Memorial Hospital. It is recommended that Mr. Oscar DeLeon's case be settled for Fifteen Thousand Dollars (\$15,000.00), with two warrants, one for \$10,850.00, made payable to Plaintiff Oscar DeLeon and his attorneys, Reed & Terry. The second warrant for \$4,150.00, made payable to Plaintiff Oscar DeLeon, his attorneys, Reed & Terry, and Hermann Memorial Hospital. |  |  |                                   |                               |
| <b>REQUIRED AUTHORIZATION</b>   |  |  |                                   |                               |
| <b>Finance Department Director:</b><br><i>Michelle Mitchell</i>   |  | <b>Other Authorization:</b>  |                                   | <b>Other Authorization:</b>   |

LC  
MS

SL

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Accept Work for City of Houston's National Pollution Discharge Elimination System – Storm Water Pollution Minimization Plan – 8430 Newcastle. WBS No. M-000126-0050-4.

Page 1 of 1

Agenda Item #

7

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

Department of Public Works and Engineering

**Origination Date**

5-1-08

**Agenda Date**

MAY 07 2008

**DIRECTOR'S SIGNATURE:**

*Michael S. Marcotte*  
Michael S. Marcotte, P.E., DEE

**Council District affected:**

C

**For additional information contact:**

J. Timothy Lincoln, P.E.  
Senior Assistant Director

*J. Timothy Lincoln*

Phone: (713) 837-7074

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

Ord. #2001-1022 dated 11/07/2001

**RECOMMENDATION:** (Summary) Pass a motion to approve the final Contract Amount of \$741,191.15 or 3.86% over the original Contract Amount, accept the Work and authorize final payment.

**Amount and Source of Funding:** No additional funding required.

Original appropriation of \$842,000.00 from the Street and Drainage Maintenance Fund No. 227

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the Storm Water Pollution Minimization Plan and was required to meet National Pollution Discharge Elimination System (NPDES) Standards.

**PROJECT DESCRIPTION/SCOPE:** This project consisted of the construction of drainage ditches with check dams, a vehicle washing facility, an asphalt storage facility, and a vehicle storage facility. Turner, Collie, and Braden, Inc. designed the project with 80 calendar days allowed for construction. The project was awarded to Reytec Construction Resources, Inc. with an original Contract Amount of \$713,634.00.

**LOCATION:** The project area was generally bounded by Beechnut on the north, Brays Bayou on the south, Newcastle on the east, and Frankway on the west. The project was located in Key Map grid 531-R.

**CONTRACT COMPLETION AND COST:** The Contractor, Reytec Construction Resources, Inc. has completed the Work under the subject Contract. The project was completed within the Contract Time with 1,023 additional days allowed by Change Order Nos. 1 thru 4. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order Nos. 1 thru 3 is \$741,191.15, an increase of \$27,557.15 or 3.86% over the original Contract Amount.

The increased cost is a result of approved Change Order Nos. 1 thru 3 and the differences between planned and measured quantities. This increase is primarily a result of an overrun in Bid Item No. 15 – Concrete channel bottom, which was necessary to complete the Work.

**M/WBE PARTICIPATION:** There was no M/WBE goal established for this project.

MSM:DWK:JTL:AK:JEC:ha

S:\constr\Admin\_AD\Admin\CONST\Projects\M-0126-50-3-NPDES\acceptwork RCA.doc

cc: Michael Ho, P.E. Velma Laws Craig Foster Marty Stein Waynette Chan File No. SM-5022/21.0

REQUIRED AUTHORIZATION

CUIC ID# 20HA09

**F&A Budget:**

**Other Authorization:**

**Other Authorization:**

*Daniel W. Krueger*

Daniel W. Krueger, P.E., Deputy Director  
Engineering and Construction Division

NA

MAPLE  
MIMOSA **O.S.C.L.**

LAFAYETTE  
EDITH

**COUNCIL DISTRICT C**

INDIGO

BEECHNUT

BOUYOU

**COUNCIL DISTRICT C**

LINKWOOD

STELLA LINK

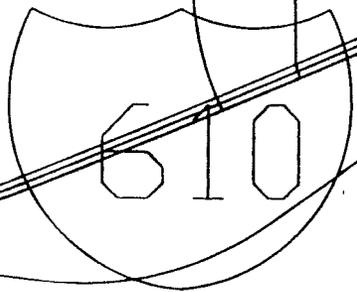
JACKWOOD

FRANKWAY

**PROJECT LOCATION**

JASON

LEVONSHIRE  
MARTINSHIRE



Brays

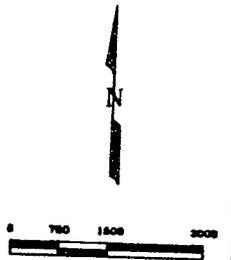
BASSON

BREAKWOOD

MEYERWOOD

WOODVALEY

**COUNCIL DISTRICT C**



KEY MAP: 531R

**LEGEND:**



PROJECT LOCATION

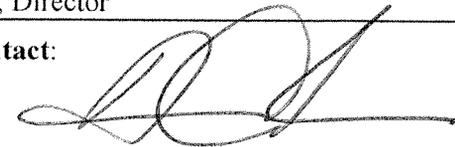
**CITY OF HOUSTON**

GFS No.:M-0126-50-3 File No.SM-5022  
COH National Pollution Discharge  
Elimination System

|  |                       |                    |                        |
|--|-----------------------|--------------------|------------------------|
| <b>SUBJECT:</b> Accept Work for Drainage Improvements at Grade Separations, WBS No. M-000241-0002-4. | <b>Category #1, 7</b> | <b>Page 1 of 2</b> | <b>Agenda Item #</b> 8 |
|--|-----------------------|--------------------|------------------------|

|  |                                   |                                   |
|--|-----------------------------------|-----------------------------------|
| <b>FROM (Department or other point of origin):</b><br>Department of Public Works and Engineering | <b>Origination Date</b><br>5/1/08 | <b>Agenda Date</b><br>MAY 07 2008 |
|--|-----------------------------------|-----------------------------------|

|   |  |            |
|---|--|------------|
| <b>DIRECTOR'S SIGNATURE:</b><br><br>Michael S. Marcotte, P.E., DEE., Director | <b>Council District affected:</b><br>D,H,I | <i>KPO</i> |
|---|--|------------|

|   |  |
|---|--|
| <b>For additional information contact:</b><br><br>J. Timothy Lincoln, P.E.<br>Senior Assistant Director<br>Phone: (713) 837-7074 | <b>Date and identification of prior authorizing Council action:</b><br>Ord. # 2005-1369 dated:12/14/2005 |
|---|--|

**RECOMMENDATION:** (Summary) Pass a motion to approve the final Contract Amount of \$2,034,808.20 or 5.36% under the original Contract Amount, accept the Work and authorize final payment.

|  |                        |
|--|------------------------|
| <b>Amount and Source of Funding:</b> No additional funding required.<br>Total Original appropriation of \$2,431,500.00 from the Drainage Improvements Commercial Paper Series F, Fund No. 49R. | <b>F&amp;A Budget:</b> |
|--|------------------------|

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the FY 2006 Stormwater Capital Improvement Program (CIP). This project provided for the upgrade and rehabilitation of Four (4) stormwater pump stations.

**DESCRIPTION/SCOPE:** This project consisted of upgrading four stormwater pump stations including: mechanical, electrical, new pumps, and safety warning lights. Infrastructure Associates, Inc. designed the project with 365 calendar days allowed for construction. The project was awarded to R J Construction Company, Inc. with an original Contract Amount of \$2,150,000.00.

**LOCATION:** The four (4) stormwater pump stations are as follows:

| <u>Locations</u>                    | <u>Key Map</u> | <u>Council District</u> |
|-------------------------------------|----------------|-------------------------|
| 1. Allen Parkway Pump Station No. 1 | 493J           | D                       |
| 2. Allen Parkway Pump Station No. 2 | 492M           | D                       |
| 3. Jensen Drive Pump Station No. 2  | 454N           | H                       |
| 4. Lawndale Underpass Pump Station  | 535H           | I                       |

**CONTRACT COMPLETION AND COST:** The Contractor, R J Construction Company, Inc. has completed the work under subject Contract. The project was completed within the Contract Time with additional 90 days approved by Change Order No. 3. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1, 2, 3, and 4 is \$2,034,808.20, a decrease of \$115,191.80 or 5.36% under the original Contract Amount.

**REQUIRED AUTHORIZATION** 20HA18

|                          |                             |  |
|--------------------------|-----------------------------|--|
| <b>F&amp;A Director:</b> | <b>Other Authorization:</b> | <b>Other Authorization:</b><br><br>Daniel W. Krueger, P.E., Deputy Director<br>Engineering and Construction Division |
|--------------------------|-----------------------------|--|

|             |  |                              |                       |
|-------------|--|------------------------------|-----------------------|
| <b>Date</b> | <b>SUBJECT:</b> Accept Work for Drainage Improvements at Grade Separations, WBS No. M-000241-0002-4. | <b>Originator's Initials</b> | <b>Page</b><br>2 of 2 |
|-------------|--|------------------------------|-----------------------|

The decreased cost is a result of difference between planned and measured quantities. This decrease is primarily due to Change Order No. 4 – Delete Storm Sewer Work. The Storm Sewer work was deleted in order to accommodate scheduled special events held in the area. The work was reassigned to another contract and is currently under design.

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 17.00%. According to Affirmative Action and Contract Compliance Division, the participation was .99%. Contractor's M/WBE performance evaluation was rated unsatisfactory.

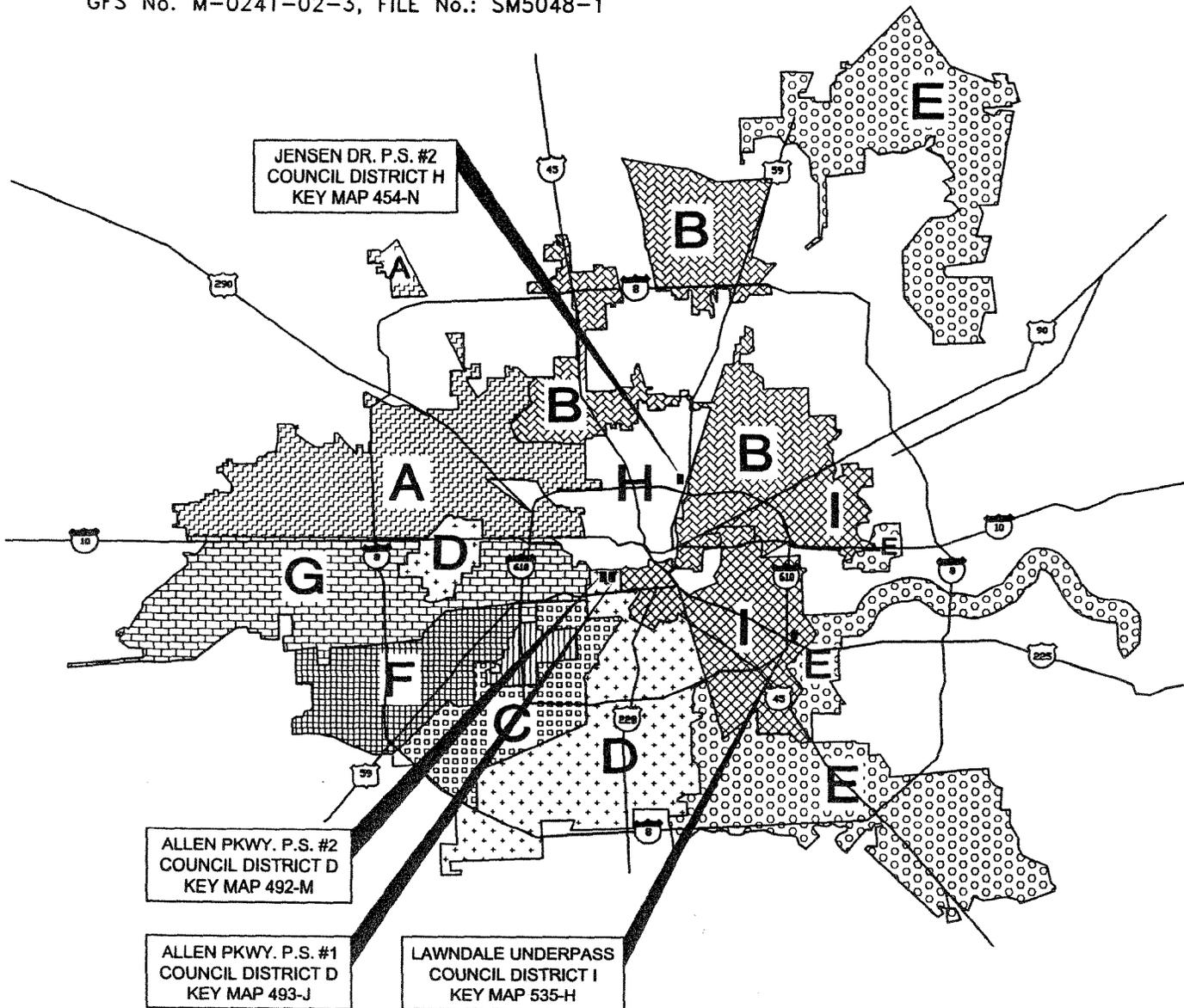


MSM:JTL:CS:GW:ha  
S:\E&C Construction\Facilities\Projects\M-0241-02-3 Drainage\RCA\RCA - Closeout.doc

c: Michael Ho, P.E    Velma Laws    Craig Foster    Waynette Chan    Marty Stein    File No.: SM5048-1/21.0

DEPARTMENT OF PUBLIC WORKS & ENGINEERING  
ENGINEERING & CONSTRUCTION DIVISION

GFS No. M-0241-02-3, FILE No.: SM5048-1



|   |
|---|
| EXHIBIT: 2  |
| COUNCIL DISTRICT MAP  |
| DRAINAGE IMPROVEMENTS<br>AT GRADE SEPARATIONS<br>PROJECT LOCATIONS MAP<br>(GFS No. M-0241-02-3; FILE No.: SM5048-1)                                       |
|  <b>Infrastructure Associates</b>                                    |
| INFRASTRUCTURE ASSOCIATES, INC.<br>6117 RICHMOND AVENUE, SUITE 100<br>HOUSTON, TEXAS 77057<br>(713) 622-0120 PH (713) 622-0557 FAX<br>www.infra-assoc.com |



CONSTRUCTION COMPANY, INC.

September 4, 2007

Mr. Joseph Kurian  
Divisional Manager Contract Compliance Section  
Affirmative Action and Contract Compliance Division  
City of Houston  
611 Walker, 7<sup>th</sup> Floor  
Houston, Texas 77002

Attn: Ms. Jean Abercrombie  
Contract Compliance Officer

Re: Drainage Improvements at Grade Separations  
Project No. M-0241-02-3; File No. SM5048-01

Ms. Abercrombie:

R J Construction Company, Inc. has made a good faith effort to meet the 17.00% MWDBE participation goal established for this project. We have executed a subcontract/purchase order agreement with the MWDBE contractors included on the original list submitted with the post-bid documents. We have used all of the listed contractors although to a lesser degree than anticipated.

Despite our efforts we were unable to achieve the established goal of 17% participation. There were circumstances beyond our control that have prevented us from doing so. The City of Houston decided to delete a major portion of work. Portions of this work was subcontracted to our MWDBE contractors. Specifically, the City of Houston Traffic and Transportation Division would not allow the necessary road closures and detours required to facilitate the proposed drainage improvement work along portions of Allen Parkway. Therefore the upgrades to the existing 15" & 18" storm sewers, inlets and paving at the Montrose underpass could not be completed. Please reference the attached letter dated 12-05-06 from the City.

This decision affected the following MWDBE subcontractors.

1) Mobley Concrete Construction

The City of Houston has elected to defer a major portion of our contracted work and "perform it under a new contract" (see attached letter). The removal and replacement of the storm sewers, inlets and paving was subcontracted to Mobley Concrete Construction. The total cost of the deleted work is \$292,325.00.

Page two  
Affirmative Action and Compliance

2) Two – Way Barricade Co.

We used this contractor for work when needed for flagmen and/or traffic control at the Jensen Drive and Lawndale locations of the project. They were to provide the traffic control, flagmen and road detours for the three month duration of the work at the Montrose underpass on Allen Parkway. Two – Way Barricade's scope of work was significantly diminished by the City's decision to delete the drainage improvements along Allen Parkway. The total amount of deleted work is about \$47,000.00.

3) Central Texas Hauling

The major portion of the dump truck services needed for the project was deleted along with the proposed improvements along Allen Parkway. This resulted in an overall deduct of about \$9,500.00.

Please feel free to contact me should you have any questions.

Thank you,



Robert D. Joseph  
President

Attachment

## Summary of MWDBE Activities

Project Description/#: Drainage Improvements at Grade Separations. M-000241-0002-4 #4600004725

|   |   |
|---|---|
| Prime Contractor: R. J. Construction Company, Inc..         | MWDBE Goal at award of contract: 17%          |
| Amount of Contract: <b>2,150,000.80</b>                     | Final Contract Amount : <b>\$2,034,808.80</b> |
| Amount of MWDBE goal with change order: <b>\$342,501.32</b> | MWDBE actual participation: <b>.99%</b>       |

| Original MWDBEs listed on RCA<br>& Letter of Intent | MWDBEs Used:                                      | List of original MWDBE, that<br>were not used: |
|---|---|--|
| Central Texas Hauling                               | Central Texas Hauling                             |  |
| Medcalf Fabrication, Inc.                           | Medcalf Fabrication, Inc.                         |  |
| Mickie Service Company, Inc.                        | Mickie Service Company, Inc.                      |  |
| Mobley, L. Concrete Construction                    | Mobley, L. Concrete Construction                  |  |
| Two-Way Barricade Equipment Sales & Rentals, Inc.   | Two-Way Barricade Equipment Sales & Rentals, Inc. |  |
|   |   |  |
|   |   |  |

**If goal was not achieved, list the amount and percentage of shortage. Briefly state the reason given by prime why goal was not achieved and why the original MWDBEs listed in the RCA were not used:**

Per Ernest Kelly of PWE, the bulk of the change order (\$135,285.35) was comprised of work that would have been allotted to MWDBE firms. However, even taking into account the deleted work, Prime still fell short of 17% goal, achieving only .99%. Per a letter by Robert Joseph, dated 09/04/07, the majority of work to be performed by the subcontractors was to be in the Allen Parkway & Montrose area, the section of the contract removed by the PWE. However, there was sufficient work on the rest of the contract for MWDBE firms and the CCO believes the prime could have met at least 50% of the goal.

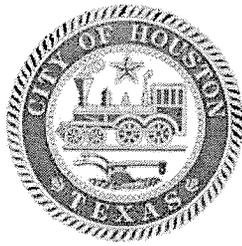
**Briefly state reason given by MWDBE why they were not used or not used to the full amount originally projected:**

Approved by:

  
 \_\_\_\_\_  
 Jean Abercrombie  
 Contract Compliance Officer

  
 \_\_\_\_\_  
 Joseph Kurian, Division Manager  
 Contract Compliance Section

December 17, 2007  
 \_\_\_\_\_  
 Date



---

## **Council Committee on Minority/Women Business Enterprise and Small Contractor Development and Contract Compliance**

---

**Council Member Adrian Garcia**  
**CHAIR**  
District H

James Rodriguez – Vice Chair  
District I

Jarvis Johnson  
District B

Jolanda Jones  
At-Large Position 5

Wanda Adams  
District D

---

### **COMMITTEE RECOMMENDATIONS**

**April 28, 2008**

Motion passed to send the below listed Requests for Council Action Items to City Council with recommendation for approval with satisfactory rating:

- 5 4/30/08 a. Review of MWBE performance on an RCA to Accept Work for Chimney Rock Paving project by **South Coast Construction**.  
agenda
- 8 4/30/08 b. Review of MWBE performance on an RCA to Accept Work for Water Well Rehabilitation by **Alsay, Incorporated**.  
agenda

Motion passed to send the below listed Requests for Council Action Items to City Council with recommendation for approval with unsatisfactory rating:

- c. Review of MWBE performance on an RCA to Accept Work for upgrading Stormwater Pump Stations by **RJ Construction Company, Inc.**
- d. Review of MWBE performance on an RCA to Accept Work for Sanitary Sewer Rehabilitation by **Allco, Inc.**

Council Members James Rodriguez, Jarvis Johnson, and Wanda Adams were present.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

|   |                             |   |                                   |
|---|-----------------------------|---|-----------------------------------|
| <b>SUBJECT:</b> Accept Work for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods<br>WBS# R-000266-0099-4   |                             | <b>Page</b><br>1 of 1   | <b>Agenda Item #</b><br>9         |
| <b>FROM (Department or other point of origin):</b><br>Department of Public Works and Engineering  |                             | <b>Origination Date</b><br>4/9/08   | <b>Agenda Date</b><br>MAY 07 2008 |
| <b>DIRECTOR'S SIGNATURE:</b><br><i>Michael S. Marcotte</i><br>Michael S. Marcotte, P.E., DEE, Director  |                             | <b>Council District affected:</b><br>A, B, C, D, E, F, G, H and I   |                                   |
| <b>For additional information contact:</b><br>Joseph G. Majdalani, P.E.<br>Sr. Assistant Director <b>Phone:</b> (713) 641-9182  |                             | <b>Date and identification of prior authorizing Council action:</b><br>Ordinance No. 2002-274 dated, 04/10/2002 |                                   |
| <b>RECOMMENDATION: (Summary)</b><br>Pass a motion to approve the final contract amount of \$3,247,170.41, which is 4.88% over the original contract amount, accept the work, and authorize final payment.   |                             |   |                                   |
| <b>Amount and Source of Funding:</b> No additional funding required.<br>Original appropriation of \$3,585,400.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 755.   |                             |   | <b>F&amp;A Budget:</b>            |
| <b>SPECIFIC EXPLANATION:</b><br><br><b>PROJECT NOTICE/JUSTIFICATION:</b> Under this project, the contractor provided sanitary sewer rehabilitation by sliplining and pipe bursting methods to deteriorated sewer collection systems throughout the City.<br><br><b>DESCRIPTION/SCOPE:</b> This project consisted of sanitary sewer rehabilitation by sliplining and pipe bursting methods. The project was awarded to Allco, Inc. with an original contract amount of \$3,096,000.00. The Notice to Proceed date was 08/05/2002 and the project had 730 calendar days for completion.<br><br><b>LOCATION:</b> The project was located at various locations within Council Districts A, B, C, D, E, F, G, H and I.<br><br><b>CONTRACT COMPLETION AND COST:</b> The contractor, Allco, Inc., has completed the work under the contract. The contract was completed within the required time. The final cost of the project is \$3,247,170.41, an increase of \$151,170.41 or 4.88% over the original contract amount. More pipe bursting was needed than anticipated.<br><br><b>MWDBE PARTICIPATION:</b> The MWDBE goal for this project was 19%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 8.66%. The contractor was awarded an "Unsatisfactory" rating from Affirmative Action.<br><br><i>JM De Fos</i><br>MSM:JT:JGM:RK:FOS:mf<br>Attachments |                             |   |                                   |
| c: Velma Laws      Michael Ho, P.E.      Craig Foster   |                             |   |                                   |
| <b>Project File 4257-25</b>   |                             | <b>REQUIRED AUTHORIZATION</b>   |                                   |
| <b>F&amp;A Director:</b>  | <b>Other Authorization:</b> | <b>Other Authorization:</b><br><i>Jeff Taylor</i><br>Jeff Taylor, Deputy Director<br>Public Utilities Division  |                                   |

| WORK ORDER     | KEY MAP | SUBDIVISION                     | BASIN | CD |
|----------------|---------|---------------------------------|-------|----|
| <b>4257-25</b> |         | <b>COUNCIL DISTRICTS</b>        |       |    |
|                |         |                                 |       |    |
| 4              | Missing | Missing                         |       |    |
| 30             | 411J    | Woodland Trails North           | WO135 | A  |
| 24             | 413Q    | Melrose Park                    | II038 | B  |
| 26             | 454C    | North Shadydale                 | FB011 | B  |
| 36             | 532S    | Westwood                        | SW213 | C  |
| 6              | 573B    | Reedwoods                       | AS092 | D  |
| 7              | 534X    | Edgewood                        | SB102 | D  |
| 8              | 574A    | Inwood Terrace                  | SB104 | D  |
| 9              | 574A    | Edgewood Terrace Sec 2          | SB104 | D  |
| 3              | 534X    | Belfort park                    | SB102 | E  |
| 5              | 534X    | F.R. Martin                     | SB102 | E  |
| 10             | 616D    | Carsdale Sec 3                  | SM003 | E  |
| 11             | 616D    | Carsdale Sec 3                  | SM003 | E  |
| 12             | 616D    | Carsdale Sec 3                  | SM003 | E  |
| 13             | 616D    | Carsdale Sec 3                  | SM003 | E  |
| 14             | 616D    | Carsdale Sec 3                  | SM003 | E  |
| 18             | 534V    | Andover Place Sec 2 & 3         | SB093 | E  |
| 19             | 534V    | Andover Place Sec 2 & 3         | SB093 | E  |
| 27             | 530Q    | Sharpstown                      | KB307 | F  |
| 28             | 530C    | Sharpstown Country Club Estates | SW084 | F  |
| 31             | 529G    | Imperial Point R/P              | BW230 | F  |
| 33             | 530M    | Sharpstown                      | SW079 | F  |
| 37             | 529K    | Bellaire West                   | BW232 | F  |
| 38             | 529G    | Brays Village East              | BW237 | F  |
| 39             | 531A    | Westmoreland Farms              | SW235 | F  |
| 34             | 490V    | Sharpstown                      | WD106 | G  |
| 35             | 490Z    | Briar Meadow                    | WD109 | G  |
| 15             | 493H    | A.C. Allen Subdivision          | LL111 | H  |
| 16             | 493H    | A.C. Allen Subdivision          | LL111 | H  |
| 23             | 413P    | F.R. Martin                     | II038 | H  |
| 1              | 495Y    | Meadowcreek Village             | CP001 | I  |
| 2              | 495Y    | Meadowcreek Village             | CP001 | I  |
| 17             | 535P    | Park Place                      | SB025 | I  |
| 20             | 494S    | Brady Place                     | SB141 | I  |
| 21             | 494S    | Brady Place Subdivision         | SB141 | I  |
| 22             | 494S    | Brady Place Subdivision         | SB141 | I  |
| 25             | 535R    | Meadowbrook                     | SB059 | I  |
| 29             | 494T    | Jackson Court                   | SB153 | I  |
| 32             | 493V    | Pierce Court                    | SB158 | I  |
|                |         |                                 |       |    |

## Summary of MWDBE Activities

Project Description/#: Wastewater #4257-25 - Sanitary sewer rehabilitation by slip lining and pipe bursting methods. R-000266-0099-4. #C4600004577

Prime Contractor: Allco, Inc.

MWDBE Goal at award of contract: **19%**

Amount of Contract: **\$3,096,000.00**

Change Orders: **\$154,800.00**

Final Contract Amount : **\$3,250,800.00**

Amount of MWDBE goal with change order:

**\$617,652.00**

MWDBE actual participation: **8.66%**

**Original MWDBEs listed on RCA  
& Letter of Intent**

**MWDBEs Used:**

**List of original MWDBE, that  
were not used:**

Cassel Excavating

Cassel Excavating

Megasand Enterprises, Inc.

Megasand Enterprises, Inc.

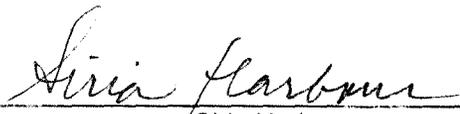
**If goal was not achieved, list the amount and percentage of shortage. Briefly state the reason given by prime why goal was not achieved and why the original MWDBEs listed in the RCA were not used:**

Amount of shortage is \$336,081.36 or 10.34%, CCO called Clyde Rice, Vice President and Contract Manager for Allco, in order to get an explanation as to why goal was not achieved. I spoke to his assistant Marty Reeden, who stated that Mr. Rice was out of town in a business trip. Requested explanation in writing from Ms. Reeden. Explanation was not provided. Therefore, the explanation on the goal's under utilization rating is not known.

**Briefly state reason given by MWDBE why they were not used or not used to the full amount originally projected:**

CCO was unable to contact either company to obtain reason as to why there were not used to the full amount originally projected. These two companies are no longer certified with the City of Houston as a minority business.

**Approved by:**

  
Siria Harbour  
Contract Compliance Officer

  
Joseph Kurian, Division Manager  
Contract Compliance Section

September 7, 2007  
Date



---

## **Council Committee on Minority/Women Business Enterprise and Small Contractor Development and Contract Compliance**

---

**Council Member Adrian Garcia**  
**CHAIR**  
District H

James Rodriguez – Vice Chair  
District I

Jarvis Johnson  
District B

Jolanda Jones  
At-Large Postion 5

Wanda Adams  
District D

---

### **COMMITTEE RECOMMENDATIONS**

**April 28, 2008**

Motion passed to send the below listed Requests for Council Action Items to City Council with recomendation for approval with satisfactory rating:

- F5 4/30/08 a. Review of MWBE performance on an RCA to Accept Work for Chimney Rock Paving project by **South Coast Construction**.  
agenda
- 8 4/30/08 b. Review of MWBE performance on an RCA to Accept Work for Water Well Rehabilitation by **Alsay, Incorporated**.  
agenda

Motion passed to send the below listed Requests for Council Action Items to City Council with recommendation for approval with unsatisfactory rating:

- c. Review of MWBE performance on an RCA to Accept Work for upgrading Stormwater Pump Stations by **RJ Construction Company, Inc.**
- d. Review of MWBE performance on an RCA to Accept Work for Sanitary Sewer Rehabilitation by **Allco, Inc.**

Council Members James Rodriguez, Jarvis Johnson, and Wanda Adams were present.

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7884**

**Subject:** Formal Bids Received for Painting the Exterior Roof Exhaust Ducts at the George R. Brown Convention Center for the Convention & Entertainment Facilities Department  
S30-C22823

Category #  
4

Page 1 of 1

Agenda Item

10

MS

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

Calvin D. Wells  
City Purchasing Agent  
Administration & Regulatory Affairs Department

*for Kevin M. Coleman*

**Origination Date**

April 08, 2008

**Agenda Date**

MAY 07 2008

**DIRECTOR'S SIGNATURE**

**Council District(s) affected**

1

**For additional information contact:**

Stephen Lewis Phone: (713) 853-8888  
Ray DuRousseau Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve an award to Keeton Contract Services, Inc. on its low bid in the amount of \$90,000.00 and contingencies (5% for unforeseen changes within the scope of work in the amount of \$4,500.00) for a total amount not to exceed \$94,500.00 for painting the exterior roof exhaust ducts at the George R. Brown Convention for the Convention & Entertainment Facilities Department.

Award Amount: \$94,500.00

**FIN Budget**

\$94,500.00 - C & E Civic Center Facility Revenue Fund (8601)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Keeton Contract Services, Inc. on its low bid in the amount of \$90,000.00 and contingencies (5% for unforeseen changes within the scope of work in the amount of \$4,500.00) for a total amount not to exceed \$94,500.00 for painting the exterior roof exhaust ducts at the George R. Brown Convention Center for the Convention & Entertainment Facilities Department and that authorization be given to issue purchase orders as necessary. This project is necessary to clean and paint the exterior roof air ducts, grills and vent covers of the George R. Brown Convention Center. The ducts require painting every five years and were last painted in 2003.

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

| <u>Company</u>                      | <u>Total Amount</u> |
|-------------------------------------|---------------------|
| 1. Keeton Contract Services, Inc.   | \$ 90,000.00        |
| 2. Blast Incorporated               | \$ 93,873.00        |
| 3. Superior Building Services, Inc. | \$117,000.00        |

The scope of work requires the construction contractor to provide all tools, materials, equipment, labor, permits, supervision and transportation necessary to clean and paint approximately 68 round air ducts, grills and vent covers. All defective paint will be removed down to the bare surfaces. The air duct surfaces will be prepared for painting and then receive one primer and two finish coats of paint. Materials and workmanship is warranted for three years. The contractor will have 30 days to complete the work on this project upon receipt of the notice-to-proceed.

Buyer: Richard Morris  
PR 1007371

MS

**REQUIRED AUTHORIZATION**

FIN Director:

Other Authorization:

Other Authorization:

*MD*

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7876**

**Subject:** Formal Bids Received for Seating Modifications for Talento Bilingue de Houston for the Convention & Entertainment Facilities Department  
S30-C22807

Category #  
4

Page 1 of 1

Agenda Item

*11 + 11A*

**FROM (Department or other point of origin):**  
Calvin D. Wells  
City Purchasing Agent  
Administration & Regulatory Affairs Department

**Origination Date**  
April 21, 2008

**Agenda Date**  
MAY 07 2008

**DIRECTOR'S SIGNATURE**  
*Calvin D. Wells*

**Council District(s) affected**  
1

**For additional information contact:**  
Stephen Lewis Phone: (713) 853-8888  
Ray DuRousseau Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the appropriation of \$299,000.00 out of the C & E Construction Fund (Fund 8611) and approve an award to Resicon, Inc. on its sole bid in the amount of \$299,000.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$14,950.00 for a total amount of \$313,950.00 for seating modifications for Talento Bilingue de Houston for the Convention & Entertainment Facilities Department.

Award Amount: \$313,950.00

**FIN Budget**

\$313,950.00 - C & E Construction Fund (8611) WBS B-000123-0001-4

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$299,000.00 out of the C&E Construction Fund (Fund 8611). It is further recommended that City Council approve and award to Resicom, Inc. on its sole bid in the amount of \$299,000.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$14,950.00 for a total amount not to exceed \$313,950.00 for seating modifications at Talento Bilingue de Houston Theater for the Convention & Entertainment Facilities Department, and that authorization be given to issue purchase orders as necessary. This project is necessary to replace the movable folding chairs that have exceeded their life expectancy.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Five prospective bidders downloaded this solicitation document on SPD's e-bidding website and one bid was received. The Strategic Purchasing Division conducted a thorough search for additional vendors who could possibly perform these services. As a result, twenty-three vendors were identified and notified of the project. Subsequent to the receipt of the bid, vendors were contacted to determine the reason for the limited response to the project; potential respondents advised that they did not have the expertise to install the seating as required in the scope of work requirements.

The scope of work requires the construction contractor to provide all labor, materials, equipment, permits, insurance, supervision and transportation necessary for the construction of cast-in place concrete on metal deck and structural steel framing seating risers, concrete steps, and 1" posts, and related accessories; installation of construction adhesives and sealants; installation of new finishes including carpet, paint, stain, resilient base; flooring accessories including rubber stair nosing and rubber thresholds; installation of new door hardware components and related patching of existing door and frames where hardware is to be removed; installation of existing aisle step lights; and installation of new fixed theatrical seating. Materials and workmanship for this project are warranted for one year and will have a life expectancy of 15 to 20 years. The contractor will have 120 days to complete the work on this project upon receipt of the notice-to-proceed.

Buyer: Richard Morris

**REQUIRED AUTHORIZATION**

FIN Director:

Other Authorization:

Other Authorization:

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7691**

|   |                 |             |                       |
|---|-----------------|-------------|-----------------------|
| <b>Subject:</b> Formal Bids Received for Medical and Emergency Medical Supplies for the Fire Department<br>S09-S22321 | Category #<br>4 | Page 1 of 2 | Agenda Item<br><br>12 |
|---|-----------------|-------------|-----------------------|

|  |   |                                       |
|--|---|---------------------------------------|
| <b>FROM (Department or other point of origin):</b><br>Calvin D. Wells<br>City Purchasing Agent<br>Administration & Regulatory Affairs Department | <b>Origination Date</b><br><br>March 26, 2008 | <b>Agenda Date</b><br><br>MAY 07 2008 |
|--|---|---------------------------------------|

|  |  |
|--|--|
| <b>DIRECTOR'S SIGNATURE</b><br> | <b>Council District(s) affected</b><br>All |
|--|--|

|  |   |
|--|---|
| <b>For additional information contact:</b><br>Jack Williams                      Phone: (713) 247-8793<br>Desiree Heath                      Phone: (713) 247-1722 | <b>Date and Identification of prior authorizing Council Action:</b> |
|--|---|

**RECOMMENDATION: (Summary)**  
Approve various awards, as shown below, in an amount not to exceed \$2,490,239.31 for medical and emergency medical supplies for the Fire Department.

|  |                         |
|--|-------------------------|
| Estimated Spending Authority: \$2,490,239.31 | <b>F &amp; A Budget</b> |
|--|-------------------------|

\$2,490,239.31 General Fund (1000)

**SPECIFIC EXPLANATION:**  
The City Purchasing Agent recommends that City Council approve various awards, as shown below, in an amount not to exceed \$2,490,239.31 for medical and emergency medical supplies for the Fire Department. It is further requested that authorization be given to make purchases as needed, for a 60-month period. These awards consist of rescue blankets, splint boards, tape, needleless systems, continuous positive airway pressure equipment and supplies, suction canisters, infection control system and accessories, medical diagnostic equipment, miscellaneous pharmaceutical drugs, and intravenous solutions to be used by EMS personnel to administer emergency medical treatment citywide.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Forty-one prospective bidders downloaded the solicitation document on SPD's e-bidding website, and fourteen bids were received as detailed in the attached support document.

**Quadmed, Inc.:** Award on its low bid meeting specifications for Line Item Nos. 24, 30, 31, 47, 64, 65, 68, 70-73, and 84 (wire ladder splint, duct and emergency resuscitation tape, wall enclosure locking system and accessories, suction canisters, blood pressure cuffs, and adjustable stretchers) in an amount not to exceed \$595,049.82.

**Cardinal Health 220, Inc.:** Award on its low bid for Line Item Nos. 32, 33, 34, 76, 80, and 85 (vial access spike clave, 60-drop IV tubing, miscellaneous drugs, intravenous solutions, and infant/toddler car seats) in an amount not to exceed \$468,274.74.

**Moore Medical, LLC:** Award on its low bid meeting specifications for Line Item Nos. 4, 5, 22, 23, 25, 35, 48, 49, 51, 66, and 69 (disposable razor, trauma blankets, padded splint boards, safety needles, endotracheal tube holders, airway flow monitors, and antiseptic hand wipes) in an amount not to exceed \$567,406.81.

**Ambu, Inc.:** Award on its low bid for Line Item Nos. 3, 44-46, and 56 (immobilization head device, infant/pediatric/adult resuscitators and exhalation filters) in an amount not to exceed \$485,727.22.

**REQUIRED AUTHORIZATION**

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

|                    |  |                                |             |
|--------------------|--|--------------------------------|-------------|
| Date:<br>3/26/2008 | Subject: Formal Bids Received for Medical and Emergency Medical Supplies for the Fire Department<br>S09-S22321 | Originator's<br>Initials<br>LM | Page 2 of 2 |
|--------------------|--|--------------------------------|-------------|

**Emergency Medical Products, Inc.:** Award on its low bid for Line Item Nos. 67, 74, 81, 82, (infection control system and accessories, and miscellaneous pre-filled pharmaceuticals) and its sole bid for Line Item No. 83 (medical equipment stow away compartment) in an amount not to exceed \$106,173.84.

**Henry Schein, Inc.:** Award on its low bid meeting specifications for Line Item Nos. 1, 63, and 75-79 (rapid deployment cold pack, suction canisters and pharmaceuticals) in an amount not to exceed \$188,424.88.

**EMS Innovations, Inc.:** Award on its low bid meeting specifications for Line Item Nos. 6, 7, 8, 57, 58, and 59 (EMS flags, tripods, tarps, triage/hazmat tape systems, and continuous positive airway pressure hardware) in an amount not to exceed \$79,182.00.

Line Item Nos. 2, 9 - 21, 26 - 29, 36 - 43, 50, 52 - 55, 60, 61, 62, and 86 are not being awarded.

A bid was received from Atlas Medical, but was not considered due to a material defect as previously determined by the Legal Department. Specifically, Atlas Medical submitted its bid without an original signature.

Buyer: Laura A. Marquez

- Attachments: 1) Support Document  
2) MWBE zero-percentage goal document approved by the Affirmative Action Division.

**Estimated Spending Authority**

| Department | FY08        | Out Years      | Total          |
|------------|-------------|----------------|----------------|
| Fire       | \$83,007.98 | \$2,407,231.33 | \$2,490,239.31 |

**Support Documentation**  
**S22321 Medical and Emergency Medical Supplies**

**Quadmed, Inc.:** Award on its low bid meeting specifications for Line Item Nos. 24, 30, 31, 47, 64, 65, 68, 70-73, and 84 (wire ladder splint, duct and emergency resuscitation tape, wall enclosure locking system and accessories, suction canisters, blood pressure cuffs, and adjustable stretchers) in an amount not to exceed \$595,049.82.

| <u>Company</u>                       | <u>Amount</u>  |
|--------------------------------------|--|
| 1. DC Consultants                    | \$ 25,250.00 (Partial Bid/Higher Unit Price)                             |
| 2. Kentron Health Care, Inc.         | \$108,420.00 (Partial Bid/Higher Unit Price/Did Not Meet Specifications) |
| 3. Laerdal Medical Corp.             | \$149,400.00 (Partial Bid/Higher Unit Price)                             |
| 4. Bron Tapes of Texas               | \$183,671.82 (Partial Bid/Higher Unit Price)                             |
| 5. Supreme Medical                   | \$184,852.92 (Partial Bid/Higher Unit Price/Did Not Meet Specifications) |
| 6. Cardinal Health 220, Inc.         | \$294,588.12 (Partial Bid/Higher Unit Price)                             |
| 7. MMSA Medical Supply               | \$356,059.92 (Partial Bid/Higher Unit Price/Did Not Meet Specifications) |
| 8. Moore Medical, LLC                | \$508,883.28 (Partial Bid/Higher Unit Price/Did Not Meet Specifications) |
| <b>9. Quadmed, Inc.</b>              | <b>\$595,049.82</b>  |
| 10. Emergency Medical Products, Inc. | \$669,464.82   |
| 11. EMS Innovations, Inc.            | \$736,286.52   |
| 12. Henry Schein, Inc.               | \$754,983.06   |

- Kentron Health Care, Inc. bid 4 of the 12 items and their unit price was higher on all items except for Item No. 71 (blood pressure cuff) they did not meet specifications. Specifically, their alternate did not meet the calibration warranty of ten years.
- Supreme Medical bid 8 of the 12 items and their unit price was higher on all items except for Item Nos. 70, 71, and 72 (blood pressure cuffs) they did not meet specifications. Specifically, their alternate did not meet the calibration warranty of ten years.
- MMSA Medical Supply bid 7 of the 12 items and their unit price was higher on all items except for Item No. 64 (1200CC suction canisters) they did not meet the contract dollar minimum.
- Moore Medical, LLC bid 9 of the 12 items, and their unit price was higher on all items except for Item Nos. 24 and 84 (splint wire ladder and adjustable scoop stretcher) did not meet specifications. Specifically, Item No. 24 did not provide a heavy vinyl coating to easily mold and shape to support and stabilize fractures. Item No. 84 is a different brand/manufacturer which is not compatible with current equipment and is not interchangeable with parts in inventory.
- Due to the disparity between the bids, the Strategic Purchasing Division (SPD) spoke with a representative of Quadmed, Inc. to discuss and review the scope of work for this procurement. Quadmed, Inc. representative stated its bid includes all cost associated with performing the work called for in the bid specifications. Based on the aforementioned, the SPD and the affected departments are confident that the recommended supplier can provide the specified supplies for the price bid.

**Support Documentation**  
**S22321 Medical and Emergency Medical Supplies**

**Cardinal Health 220, Inc.:** Award on its low bid for Line Item Nos. 32, 33, 34, 76, 80, and 85 (vial access spike clave, 60-drop IV tubing, miscellaneous drugs, intravenous solutions, and infant/toddler car seats) in an amount not to exceed \$468,274.74.

| <u>Company</u>                      | <u>Amount</u>                                |
|-------------------------------------|--|
| 1. Emergency Medical Products, Inc. | \$ 16,036.80 (Partial Bid/Higher Unit Price) |
| 2. EMS Innovations, Inc.            | \$ 84,542.76 (Partial Bid/Higher Unit Price) |
| 3. Quadmed, Inc.                    | \$242,583.12 (Partial Bid/Higher Unit Price) |
| <b>4. Cardinal Health 220, Inc.</b> | <b>\$468,274.74</b>                          |
| 5. Henry Schein, Inc.               | \$626,508.18                                 |
| 6. MMSA Medical Supply              | \$843,357.06                                 |

- Due to the disparity between the bids, the Strategic Purchasing Division (SPD) spoke with a representative of Cardinal Health 220, Inc. to discuss and review the scope of work for this procurement. Cardinal Health 220, Inc. representative stated its bid includes all cost associated with performing the work called for in the bid specifications. Based on the aforementioned, the SPD and the affected departments are confident that the recommended supplier can provide the specified supplies for the price bid.

**Moore Medical, LLC:** Award on its low bid meeting specifications for Line Item Nos. 4, 5, 22, 23, 25, 35, 48, 49, 51, 66, and 69 (disposable razor, trauma blankets, padded splint boards, safety needles, endotracheal tube holders, airway flow monitors, and antiseptic hand wipes) in an amount not to exceed \$567,406.81.

| <u>Company</u>                      | <u>Amount</u>   |
|-------------------------------------|---|
| 1. Ambu, Inc.                       | \$ 20,178.00 (Partial Bid/Higher Unit Price)                              |
| 2. Taylor Healthcare Products       | \$ 51,300.00 (Partial Bid/Higher Unit Price)                              |
| 3. Laerdal Medical Corp.            | \$ 62,016.00 (Partial Bid/Higher Unit Price)                              |
| 4. Kentron Health Care, Inc.        | \$ 86,244.40 (Partial Bid/Higher Unit Price/Did Not Meet Specifications)  |
| 5. DC Consultants                   | \$ 123,549.00 (Partial Bid/Higher Unit Price)                             |
| 6. Emergency Medical Products, Inc. | \$ 236,773.51 (Partial Bid/Higher Unit Price)                             |
| 7. Supreme Medical                  | \$ 503,477.99 (Partial Bid/Higher Unit Price)                             |
| 8. Cardinal Health 220, Inc.        | \$ 533,132.90 (Partial Bid/Higher Unit Price/Did Not Meet Specifications) |
| <b>9. Moore Medical, LLC</b>        | <b>\$ 567,406.81</b>  |
| 10. Quadmed, Inc.                   | \$ 681,348.94   |
| 11. Henry Schein, Inc.              | \$ 696,635.45   |
| 12. EMS Innovations, Inc.           | \$ 895,840.90   |
| 13. MMSA Medical Supply             | \$4,160,955.10  |

- Kentron Health Care, Inc. bid 5 of the 11 items and their unit price was higher on all items except for Line Item No. 4 (prep razors) did not meet specifications. Specifically, the prep razors did not provide a sure grip or handle for emergency medic staff. Line Item No. 5 (trauma blankets) did not meet contract dollar minimum.
- Cardinal Health 220, Inc. bid 5 of the 11 items and their unit price was higher on all items except for Line Item No. 4 (prep razors) did not meet specifications. Specifically, the blades were not platinum coated stainless steel and deemed ineffective.

**Support Documentation**  
**S22321 Medical and Emergency Medical Supplies**

**Ambu, Inc.:** Award on its low bid for Line Item Nos. 3, 44-46, and 56 (immobilization head device, infant/pediatric/adult resuscitators and exhalation filters) in an amount not to exceed \$485,727.22.

| <u>Company</u>                      | <u>Amount</u>   |
|-------------------------------------|-----------------|
| 1. <b>Ambu, Inc.</b>                | \$ 485,727.22   |
| 2. Moore Medical, LLC               | \$ 616,270.98   |
| 3. Kentron Healthcare, Inc.         | \$ 729,928.90   |
| 4. Henry Schein, Inc.               | \$ 806,675.06   |
| 5. Emergency Medical Products, Inc. | \$ 918,721.20   |
| 6. EMS Innovations, Inc.            | \$ 991,358.70   |
| 7. Quadmed, Inc.                    | \$ 1,098,755.40 |
| 8. Supreme Medical                  | \$ 1,307,660.00 |
| 9. Laerdal Medical Corp.            | \$26,425,000.00 |

**Emergency Medical Products, Inc.:** Award on its low bid for Line Item Nos. 67, 74, 81, 82, (infection control system and accessories, and miscellaneous pre-filled pharmaceuticals) and its sole bid for Line Item No. 83 (medical equipment stow away compartment) in an amount not to exceed \$106,173.84.

| <u>Company</u>                             | <u>Amount</u>                                |
|--|--|
| 1. MMSA Medical Supply                     | \$ 2,120.40 (Partial Bid/Higher Unit Price)  |
| 2. Quadmed, Inc.                           | \$ 2,205.00 (Partial Bid/Higher Unit Price)  |
| 3. EMS Innovations, Inc.                   | \$ 2,914.20 (Partial Bid/Higher Unit Price)  |
| 4. Supreme Medical                         | \$ 67,997.40 (Partial Bid/Higher Unit Price) |
| 5. Henry Schein, Inc.                      | \$ 80,778.84 (Partial Bid/Higher Unit Price) |
| <b>6. Emergency Medical Products, Inc.</b> | <b>\$ 106,173.84</b>                         |
| 7. Cardinal Health 220, Inc.               | \$ 117,446.88                                |

**Support Documentation**  
**S22321 Medical and Emergency Medical Supplies**

**Henry Schein, Inc.:** Award on its low bid meeting specifications for Line Item Nos. 1, 63, and 75-79 (rapid deployment cold pack, suction canisters and pharmaceuticals) in an amount not to exceed \$188,424.88.

| <u>Company</u>                 | <u>Amount</u>  |
|--------------------------------|--|
| 1. MMSA Medical Supply         | \$ 14,117.76 (Partial Bid)   |
| 2. Supreme Medical             | \$ 16,099.20 (Partial Bid/Higher Unit Price)                             |
| 3. Kentron Healthcare, Inc.    | \$ 39,000.00 (Partial Bid)   |
| 4. Moore Medical, LLC          | \$ 47,108.48 (Partial Bid/Higher Unit Price/Did Not Meet Specifications) |
| 5. Quadmed, Inc.               | \$ 114,521.28 (Partial Bid/Higher Unit Price)                            |
| 6. EMS Innovations, Inc.       | \$ 168,639.04 (Partial Bid/Higher Unit Price)                            |
| 7. Cardinal Health 220, Inc.   | \$ 170,190.16 (Higher Unit Price/Did Not Meet Specifications)            |
| <b>8. Henry Schein, Inc.</b>   | <b>\$ 188,424.88</b>   |
| 9. Laerdal Medical Corp.       | \$ 206,400.00  |
| 10. Emergency Medical Products | \$ 237,611.92  |

- Moore Medical, LLC bid 2 of the 6 items and Item No. 1 (rapid deployment cold pack) did not meet specifications. Specifically, the rapid cold packs were not double sided for instant cold activation and their Item No. 63 unit price was higher.
- Cardinal Health 220, Inc. bid all 6 items and their unit price was higher on all items except for Item No. 1 (rapid deployment cold pack) did not meet specifications. Specifically, the rapid cold packs were not large enough to wrap around patients limbs and deemed ineffective.

**Support Documentation**  
**S22321 Medical and Emergency Medical Supplies**

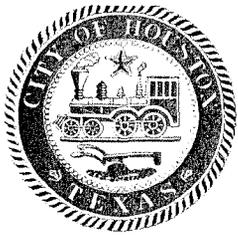
**EMS Innovations, Inc.:** Award on its low bid meeting specifications for Line Item Nos. 6, 7, 8, 58, and 59 (EMS flags, tripods, tarps, triage/hazmat tape systems, and continuous positive airway pressure hardware) and on its sole bid for Line Item No. 57 (6' oxygen supply hose) in an amount not to exceed \$79,182.00.

| <u>Company</u>                      | <u>Amount</u>  |
|-------------------------------------|--|
| 1. Quadmed, Inc.                    | \$ 13,740.00 (Partial Bid/Higher Unit Price/Did Not Meet Specifications) |
| 2. Cardinal Health 220, Inc.        | \$ 15,316.50 (Partial Bid/Higher Unit Price)                             |
| 3. Emergency Medical Products, Inc. | \$ 17,641.50 (Partial Bid/Higher Unit Price)                             |
| <b>4. EMS Innovations, Inc.</b>     | <b>\$ 79,182.00</b>  |

- Quadmed, Inc. bid 2 of the 6 items and Line Item Nos. 58 and 59 (male and female fittings/hoses for oxygen powered device) did not meet specifications. Specifically, the vendor did not submit sample or provide a complete assembly to evaluate.

Line Item Nos. 2, 9-21, 26-29, 36-43, 50, 52-55, 60-62, and 86 are not being awarded.

A bid was received from Atlas Medical, but was not considered due to a material defect as previously determined by the Legal Department. Specifically, Atlas Medical submitted its bid without an original signature.



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

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

From: Laura A. Marquez

Date: November 28, 2007

Subject: MWBE Participation Form

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

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

I am requesting a **revision** of the MWBE Goal: Yes  No  Original Goal: 11% New Goal: 0%

If requesting a revision, how many solicitations were received: 7

Solicitation Number: S09-S22321 Estimated Dollar Amount: \$2,510,516.91

Anticipated Advertisement Date: \_\_\_\_\_ Solicitation Due Date: \_\_\_\_\_

Goal On Last Contract: N/A Was Goal met: Yes  No

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

Name and Intent of this Solicitation:  
Medical and Emergency Medical Supplies that will be used by the Houston Fire Departments Medical Emergency Services.

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

These supplies are shipped directly to the City from the medical suppliers who develop and produce these types of commodities.

Concurrence:

[Signature]  
SPD Initiator

[Signature]  
Division Manager

[Signature]  
Robert Gallegos, Deputy Assistant Director  
\*Affirmative Action

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

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

RECEIVED  
NOV 29 2007  
Affirmative Action

REQUEST FOR COUNCIL ACTION

RCA# 7747

TO: Mayor via City Secretary

Subject: Formal Bids Received for Hemoglobin 201 Analyzers and Microcuvette Test Strips for the the Health and Human Services Department S21-S22608

Category # 4

Page 1 of 2

Agenda Item 13

FROM (Department or other point of origin): Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department

for Kevin McElderman

Origination Date April 02, 2008

Agenda Date MAY 07 2008

DIRECTOR'S SIGNATURE

Council District(s) affected All

For additional information contact: Daphne Sands Phone: (713) 794-9197 Desiree Heath Phone: (713) 247-1722

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary) Approve an award to Stanbio Laboratory on its low bid meeting specifications in an amount not to exceed \$488,400.00 for microcuvette test strips for the Health and Human Services Department.

Estimated Spending Authority: \$488,400.00

FIN Budget KMC

\$488,400.00 Federal State Local - Pass Through Fund (5030)

SPECIFIC EXPLANATION: The City Purchasing Agent recommends that City Council approve an award to Stanbio Laboratory on its low bid meeting specifications in an amount not to exceed \$488,400.00 for microcuvette test strips which include the HemoPoint® H2 Hemoglobin System and an extended warranty program for the Health and Human Services Department, and that authorization be given to make purchases, as needed, for a 36-month period. This award consists of 740,000 microcuvette test strips that will be used in the HemoPoint® H2 Hemoglobin System. These test strips will be used by medical personnel to test the blood of patients participating in the Women, Infants, and Children (WIC) program for low iron levels (anemia) at City health clinics. WIC policies and procedures require this blood test for pregnant, breastfeeding, and postpartum women and at least once annually for children between one and five years of age.

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

| <u>Company</u>                | <u>Total Amount</u>                                    |
|-------------------------------|--|
| 1. Atlas Medical Supply, Inc. | \$ 32,256.20 (Partial Bid/Did Not Meet Specifications) |
| 2. Stanbio Laboratory         | <b>\$488,400.00</b>                                    |
| 3. Cardinal Health            | \$818,942.20   |

- Due to the disparity between the bids Strategic Purchasing Division (SPD) spoke with a representative of Stanbio Laboratory to discuss and review the scope of work for this procurement. Stanbio Laboratory representative stated that its bid includes all costs associated with performing the work called for in the bid specifications. Based on the aforementioned, the SPD and the affected Department are confident that the recommended supplier can provide the specified supplies for the price bid.

REQUIRED AUTHORIZATION

FIN Director:

Other Authorization:

Other Authorization: MDT

|                   |  |                                |             |
|-------------------|--|--------------------------------|-------------|
| Date:<br>4/2/2008 | Subject: Formal Bids Received for Hemoglobin 201 Analyzers and<br>Microcuvette Test Strips for the the Health and Human Services<br>Department<br>S21-S22608 | Originator's<br>Initials<br>LM | Page 2 of 2 |
|-------------------|--|--------------------------------|-------------|

Attachment: MWBE Zero-Percentage Goal Document Approved by the Affirmative Action Division

Buyer: Laura A. Marquez

**ESTIMATED SPENDING AUTHORITY**

| DEPARTMENT              | FY08         | OUT YEARS    | TOTAL        |
|-------------------------|--------------|--------------|--------------|
| HEALTH & HUMAN SERVICES | \$162,800.00 | \$325,600.00 | \$488,400.00 |



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

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

From: Laura A. Marquez

Date: September 27, 2007

Subject: MWBE Participation Form

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

I am **requesting** a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes  No  0%

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

If requesting a revision, how many solicitations were received: \_\_\_\_\_

Solicitation Number: S21-S22608 Estimated Dollar Amount: \$653,100.44

Anticipated Advertisement Date: 10/12/2007 Solicitation Due Date: 11/1/2007

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

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

Name and Intent of this Solicitation:

Hemoglobin 201 Analyzers and Microcuvette Test Strips for Health and Human Services Department. The intent is to provide analyzers and test strips to test the blood of patients participating in the Women and Infant Children (WIC) Program at health clinics citywide.

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

Hemocue AB, is the original equipment manufacturer for the Hemoglobin 201 Analyzer and microcuvette test strips. Hemocue AB is located in Sweden and designates Hemocue, Inc. in California as their exclusive authorized distributor in the United States for their HemoCue patented instruments. This procurement consists of captive replacement parts and will be drop shipped via FEDEX directly from the distributor to the Health and Human Services Department limiting an opportunity for certified M/WBE's.

Concurrence:

SPD Initiator

Division Manager

Robert Gallegos, Deputy Assistant Director  
\*Affirmative Action

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

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

RECEIVED

SEP 28 2007

CITY OF HOUSTON  
Affirmative Action

REVISED: 07/09/2007

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7759**

**Subject:** Reverse Auction Bids received for Thermoplastic Pavement Marking Materials for the Public Works & Engineering Department S40-S22552RA

Category #  
4

Page 1 of 2

Agenda Item

14

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

Calvin D. Wells  
City Purchasing Agent  
Administration & Regulatory Affairs Department

*For Kevin M. Coleman*

**Origination Date**

March 06, 2008

**Agenda Date**

MAY 07 2008

**DIRECTOR'S SIGNATURE**

**Council District(s) affected**

All

**For additional information contact:**

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

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

**RECOMMENDATION: (Summary)**

Approve an award to Flint Trading, Inc. on its low bid in an amount not to exceed \$1,148,984.00, minus a reverse auction commission fee (the lesser of 2% or \$20,000.00 maximum) for Internet-based reverse auction services required under Contract with the Texas Procurement Center, L.L.C., for a net award amount not to exceed \$1,128,984.00 for thermoplastic pavement marking materials for the Public Works & Engineering Department.

Estimated Spending Authority: \$1,128,984.00

**F & A Budget**

\$1,128,984.00 General Fund (1000) *RE #116/08*

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Flint Trading, Inc. on its low bid of \$1,148,984.00, minus a reverse auction commission fee (the lesser of 2% or \$20,000.00) to the Texas Procurement Center, L.L.C., for a net award amount not to exceed \$1,128,984.00. It is further requested that authorization be given to make purchases, as needed, for a 60-month term. This award consists of one price list for thermoplastic highway marking materials; which includes but is not limited to, left standard combi arrows, pre-mark sealers, turn arrows, and white lines to be used by the Public Works & Engineering Department to direct traffic and pedestrian flow citywide at pedestrian crossings, school and handicap zones, bicycle trail crossings and traffic lanes while enhancing public safety.

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

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

| <b><u>COMPANY</u></b>                   | <b><u>SAMPLE PRICING TOTAL</u></b> |
|---|------------------------------------|
| 1. Flint Trading, Inc.                  | \$ 926.46                          |
| 2. Ennis Paint                          | \$ 994.98                          |
| 3. Professional Pavement Products, Inc. | \$1,416.29                         |

Buyer: Jeff D. Meekins

Attachment: MWBE zero-percent goal document approved by the Affirmative Action Division.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

*[Signature]*

Other Authorization:

*[Signature]*

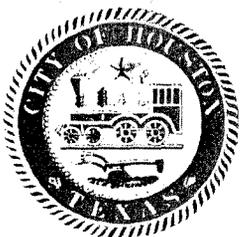
*65 CDW 7759A*

*MOT*

|                   |  |                                |             |
|-------------------|--|--------------------------------|-------------|
| Date:<br>3/6/2008 | Subject: Reverse Auction Bids received for Thermoplastic Pavement Marking Materials for the Public Works & Engineering Department S40-S22552RA | Originator's<br>Initials<br>JM | Page 2 of 2 |
|-------------------|--|--------------------------------|-------------|

**ESTIMATED SPENDING AUTHORITY**

| <b>DEPARTMENT</b>          | <b>FY08</b> | <b>OUT YEARS</b> | <b>TOTAL</b>   |
|----------------------------|-------------|------------------|----------------|
| Public Works & Engineering | \$50,000.00 | \$1,078,984.00   | \$1,128,984.00 |



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

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

From: Jeff D. Meekins

Date: October 11, 2007

Subject: MWBE Participation Form

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

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

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

If requesting a revision, how many solicitations were received: \_\_\_\_\_

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

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

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

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

Name and Intent of this Solicitation:

Thermoplastic Materials for the Public Works and Engineering Department

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

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

Concurrence:

Jeff D. Meekins  
SPD Initiator

Robert Gallegos  
Division Manager

Robert Gallegos  
Robert Gallegos, Deputy Assistant Director  
\*Affirmative Action

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

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

RECEIVED

CITY OF HOUSTON  
Affirmative Action

Pursuant to Section 15-124(e) of the Code of Ordinances of the COH, the Office of the City Controller certifies that the tax delinquency status for the current tax year is listed below for the contracting entities contained in this log.



On behalf of Annise D. Parker, City Controller

**Notice**  
**MARCH 2008 -**  
**FEBRUARY 2009**

| File        | Company Name/Address   | Account No.  | City Tax | County Tax |
|-------------|--|--------------|----------|------------|
| 65-7759-SPD | FLINT TRADING, INC.<br>115 TODD COURT<br>THOMASVILLE, NC 27360             | no del found |          |            |
|             | STEVE VETTER<br>105 SUNSET DR.<br>GREENSBORO, NC 27408                     | no del found |          |            |
|             | MATT SOULE<br>708 SIMPSON ST.<br>GRENSBORO, NC 27401                       | no del found |          |            |
|             | BB&T CAPITAL PARTNERS, LLC<br>200 W. 2ND STREET<br>WINSTON-SALEM, NC 27101 | no del found |          |            |

|  |  |                                   |                            |
|--|--|-----------------------------------|----------------------------|
| <b>SUBJECT:</b><br>Resolution approving a revised Investment Policy for the City of Houston. | <b>Category #</b>  | <b>Page</b><br>1 of 1             | <b>Agenda Item #</b><br>15 |
| <b>FROM (Department or other point of origin):</b><br>Controller's Office                    | <b>Origination Date</b><br>4/30/08   | <b>Agenda Date</b><br>MAY 07 2008 |                            |
| <b>DIRECTOR'S SIGNATURE:</b> <i>Annis D. Parker</i>  | <b>Council District Affected: All</b>  |                                   |                            |
| For Additional Information Contact: Jim Moncur<br>Phone: 713 247-2950                        | <b>Date and Identification of Prior Authorizing Council Action</b><br>Resolution no. 2008-0001, January 16, 2008 |                                   |                            |

**RECOMMENDATION:**

Council to approve a resolution approving a revised Investment Policy for the City of Houston.

Amount and Source of Funding: N/A

F&A Budget

**SPECIFIC EXPLANATION:**

The Controller's Office is requesting a resolution approving and adopting a revised Investment Policy for the City of Houston. A revision to that policy was requested by the City's Investment Committee (see below) at their meeting on April 24, 2008. The revision requested is to increase the maximum sector allocation to municipal notes and bonds from 15% of the portfolio's assets to 20%. The purpose of the revision is to allow the City to take advantage of higher yields currently available in this asset class, and to facilitate the City's purchase of its own auction rate securities.

This revision was reviewed by the Fiscal Affairs Committee at their April 29, 2008 meeting.

State law and the City Investment Policy require that the governing body of an investing entity review its investment policy not less than annually, and shall evidence by resolution that it has conducted such review. The Investment Policy was last reviewed and readopted by City Council on January 16, 2008.

**Investment Committee Members**

- Annis D. Parker      Chairperson
- Jim Moncur          Deputy City Controller
- Han Au                Investment Manager
- Michelle Mitchell    Mayor's appointee
- Susan Bandy         Mayor's appointee
- David Arthur         Mayor's appointee
- Drew Masterson     Private Sector appointee, First Southwest Securities
- Ron Stapleton        Private Sector appointee, Partners Investment Advisors
- Suresh Raghavan     Private Sector appointee, Stavis Margolis Advisory Services

**REQUIRED AUTHORIZATION**

|                          |                             |                             |
|--------------------------|-----------------------------|-----------------------------|
| <b>F&amp;A Director:</b> | <b>Other Authorization:</b> | <b>Other Authorization:</b> |
|--------------------------|-----------------------------|-----------------------------|

15

MAY 07 2008

K:\resol\rdc3534.wpd

City of Houston Resolution No. 2008-\_\_\_\_\_

**A RESOLUTION APPROVING AND ADOPTING A REVISED INVESTMENT POLICY FOR THE CITY OF HOUSTON AND MAKING VARIOUS PROVISIONS RELATED TO THE SUBJECT.**

\* \* \*

**WHEREAS**, the Public Funds Investment Act, Texas Government Code Ann., Chapter 2256 (the "Act"), provides that the governing body of an investment entity shall adopt a written investment policy regarding the investment of its funds; and

**WHEREAS**, the City Council must approve any amendments to such Investment Policy; and

**WHEREAS**, upon the recommendation of the City's Investment Committee, the City Council desires to adopt an amendment to the City's Investment Policy; and

**WHEREAS**, the written Investment Policy, as amended, will further protect City assets by identifying investment objectives, addressing the issues of investment risks versus rewards, and providing the framework for the establishment of controls, limitations and responsibilities of City employees in the performance of their fiduciary responsibilities;

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the City Council hereby approves and adopts the revised Investment Policy attached hereto as Exhibit A and made a part hereof by this reference.

**Section 2.** This Resolution shall be passed finally on the date of 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, Houston City Charter.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

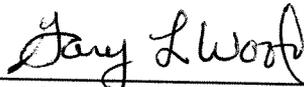
**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Resolution is \_\_\_\_\_.

\_\_\_\_\_  
City Secretary

(Prepared by Legal Department  
GLW: 05.05.08)  
Requested by James Moncur, Deputy City Controller  
L. D. File No. 0070400013001)



\_\_\_\_\_  
Sr. Assistant City Attorney

## **CITY OF HOUSTON INVESTMENT POLICY**

May 7, 2008

### **1.0 PURPOSE:**

It is the policy of the City of Houston, Texas (the City) to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City and conforming to all state and local statutes governing the investment of public funds. This policy sets forth the investment program of the City and the guidelines to be followed in achieving its objectives.

### **2.0 SCOPE:**

This policy is applicable to all investment activities and all funds of the City except employee pension funds, trusteed funds, or escrow funds - any of which is set up and administered separately and whose investment activities are conducted by third parties in accordance with instructions provided in ordinances, contracts, or escrow agreements.

#### **2.1 Funds covered by this policy:**

- 2.1.1 **General Fund** - used to account for all financial resources relating to general government operation except those required to be accounted for in other funds. The General Fund is the City's operating fund.
- 2.1.2 **Special Revenue Funds** - used to account for the proceeds of specific revenue sources which are restricted to expenditures for specific purposes.
- 2.1.3 **General Debt Service Funds** - used to account for the payment of interest and principal on all general long-term debt other than debt issued for and serviced by Enterprise Funds.
- 2.1.4 **Capital Project Funds** - used to account for all resources used for the acquisition and/or construction of capital facilities by the City, except those financed by Enterprise Funds.
- 2.1.5 **Enterprise Funds** - used to account for the acquisition, operation and maintenance of governmental facilities and services that are entirely or predominantly self-supporting through user charges.
- 2.1.6 **Trust and Agency Funds** - used to account for assets held in a trustee capacity or as an agent for individuals, private organizations, other governmental units, and/or other funds.
- 2.1.7 Other funds maintained by the City, unless specifically exempted.

### 3.0 OBJECTIVE:

Investment of the funds covered by this policy shall be governed by the following investment objectives, in order of priority:

- 3.1 **Safety:** Safety of principal is the primary objective of the investment program. Investment of the City's funds shall be undertaken in a manner that seeks to ensure the preservation of capital for the overall portfolio. To attain this objective, **diversification** is required in order that exposure to individual sectors of the market will not have an undue impact on the entire portfolio (see Section 17.0 "Diversification and Maximum Maturities").
- 3.2 **Liquidity:** The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that might be reasonably anticipated.
- 3.3 **Return on Investments:** The City's investment portfolio shall be designed with the objective of attaining the best feasible rate of return, throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio. Return on investment, although important, is subordinate to the safety and liquidity objectives described above.
- 3.4 **Legal Requirements:** The investment yield on certain funds may be restricted from time to time due to state or federal laws regarding arbitrage earnings. The City's investment portfolio shall be designed with the objective of meeting all legal requirements including yield restrictions.

### 4.0 INVESTMENT COMMITTEE:

The City Controller is charged by the City Charter with the supervision of the fiscal affairs of the City of Houston, which includes the investment of the City's funds. To assist the City Controller in this function, an Investment Committee has been established. The Committee is chaired by the City Controller with members including the Deputy Controller – Treasury Division, the Investment Manager, up to two other persons appointed by the Controller, up to three persons appointed by the Mayor, and up to three non-City employees recommended by the Investment Committee and appointed by the City Controller. The Committee will be supported, as needed, by the staff of the Internal Audit Division, Finance Division, and the Legal Department. The Committee meets quarterly, upon written notice, or as called for by the City Controller.

The major responsibilities of the Committee are to:

- 1) Monitor investment results and compliance with this policy
- 2) Recommend and monitor investment and accounting controls and procedures in accordance with this policy.
- 3) Recommend investment strategies. The Committee may, in its consideration of investment strategies, impose maturity, diversification or liquidity limits, or other investment guidelines, in addition to those required by this policy. In setting investment strategy the Committee may impose guidelines that are stricter than is required by this policy, but in no case shall recommend investments or guidelines not allowed by this policy.
- 4) Review and approve revisions to this policy.
- 5) Review, revise, and adopt, at least annually a list of qualified broker/dealers that are authorized to engage in investment transactions with the City.

#### **5.0 DELEGATION OF AUTHORITY:**

Authority to manage the City's investment program is derived from State statutes and applicable City ordinances and resolutions. Day to day management responsibility for the investment program is delegated by the City Controller, as the City's investment officer, to one or more investment managers, who shall establish written procedures for the operation of the investment program consistent with this investment policy. Procedures should include reference to:

- a) Safekeeping of investments
- b) Collateral/Depository agreements
- c) Wire Transfer agreements
- d) Master Repurchase agreements
- e) Securities Lending agreement

Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Investment Manager. The Investment Manager shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. The Investment Manager shall possess sufficient working knowledge of investment economics and the technical aspects of securities and markets, as well as the supervisory experience and judgment necessary to carry out the responsibilities outlined in this policy.

#### **6.0 INVESTMENT TRAINING:**

The City Controller, as the investment officer, and all employees who have been delegated the authority to engage in investment transactions (investment officials) shall attend at least one training session relating to their responsibilities under this policy within 12 months after taking office or assuming duties; and attend an investment training session not less than once in a two-year period and receive not less than 10 hours of investment instruction from an independent source approved by the Investment Committee. Training must include education in investment controls, security risks, strategy risks, market risks, and compliance with the Public Funds Investment Act.

### 7.0 ETHICS AND CONFLICTS OF INTEREST:

Officers and employees involved in the investment process shall not engage in personal business activity that conflicts with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Investment officials and employees who are directly involved with the investment function shall disclose to the City Controller, or the Investment Committee, any financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any personal financial/investment positions that could be related to the performance of the City's portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of their entity and shall subordinate their personal investment transactions to those of the City's, particularly with regard to the timing of purchases and sales.

Officers and employees involved in the investment process must file a disclosure statement with the Texas Ethics Commission and the City Secretary, acting on behalf of the governing body of the City of Houston, if:

- a) The officer or employee has a personal business relationship with a business organization offering to engage in an investment transaction with the City; or
- b) The officer or employee is related within the second degree, by affinity or consanguinity, to an individual seeking to transact investment business with the City.
- c) The officer or employee owns 10 percent or more of the voting stock or shares of the business or owns \$5,000 or more of the fair market value of the business organization;
- d) Funds received by the investment officer from the business organization exceed 10 percent of the officer's or employee gross income for the previous year; or
- e) The officer or employee has acquired from the business organization during the previous year an investment with a book value of \$2,500 or more for the personal account of the officer or employee.

### 8.0 PRUDENCE:

Investments shall be made with judgment and care--under investment and economic circumstances then prevailing--which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

- 8.1 The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio under prevailing economic conditions at the moment of investment commitments. Investment officials, acting in accordance with written procedures and the investment policy and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

- 8.2 In determining whether an investment official has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration the investment of all funds over which the official had responsibility rather than a consideration as to the prudence of a single investment and, whether the investment decision was consistent with the written investment policy of the entity.

#### 9.0 AUTHORIZED AND SUITABLE INVESTMENTS:

Investments described below are authorized by the Public Funds Investment Act and considered suitable by the Investment Committee. Section 12 of this Policy describes those investments that are specifically prohibited by the Act. In addition, the purchase of specific investments may at times be restricted or prohibited by the City Controller, as the investment officer, due to current market conditions. Securities that were authorized investments at the time of purchase are not required to be liquidated. Except as provided above, City funds governed by this Policy may be invested in:

- 9.1 Obligations of the United States of America or its agencies and instrumentalities.
- 9.2 Direct obligations of the State of Texas or its agencies and instrumentalities.
- 9.3 Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities.
- 9.4 Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.
- 9.5 Fully-collateralized Certificates of Deposit that are issued by a City Council-approved state, national, or savings bank, domiciled in this state, and are:
  - a) Guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor; or
  - b) Secured by obligations that are described by 9.1 above, which have a market value of not less than the principal amount of the certificates, but excluding those securities prohibited by the Public Funds Investment Act and this policy; or
  - c) Secured in any other manner and amount provided by law for deposits of the City.

Certificates of Deposit may be transacted with approved public depositories provided the City has on file a signed Security Agreement that complies with the Public Funds Collateral Act and details:

- a) Eligible collateral;
- b) Collateralization ratios for the various types of eligible collateral;
- c) Standards for collateral custody and control;
- d) Collateral valuation; and
- e) Conditions for agreement termination.

- 9.6 Fully collateralized repurchase agreements having a defined termination date, placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state, and secured by obligations described by 9.1 above, pledged to the City, held in the City's name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the City, and having a market value at the time the funds are disbursed of no less than the principal amount of the funds disbursed. Repurchase Agreements may be transacted with primary dealers and financial institutions provided the City has on file a signed Master Repurchase Agreement which details:

- a) Acceptable types of collateral;
- b) Standards for collateral custody and control;
- c) Collateral valuation and initial margin, accrued interest, marking to market, and margin calls;
- d) Method for transmitting security income;
- e) Condition for agreement termination;
- f) Acceptable methods for delivery of securities and collateral.

- 9.6.1 Reverse repurchase agreements are authorized investments if the term of the agreement does not exceed 90 days; and the maturity of the investment acquired with the proceeds of the reverse repurchase agreement does not exceed the expiration date of the reverse repurchase agreement. Reverse repurchase agreements may be transacted with primary dealers and financial institutions provided the City has on file a signed Master Repurchase Agreement.

- 9.7 Prime Domestic Bankers' Acceptances with stated maturities of 270 days or less from the date of issuance that will be, in accordance with stated terms, liquidated in full at maturity, that are eligible for collateral for borrowing from a Federal Reserve Bank, and that are accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1, or an equivalent rating by at least one nationally recognized credit rating agency.

- 9.8 Commercial Paper with a stated maturity of 270 days or less from the date of its issuance that is rated not less than A-1 or P-1 or an equivalent rating by at least:
- a) Two nationally recognized credit rating agencies; or
  - b) One nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.

The maximum exposure to any one issuer is limited to the lesser of 3% of the market value of the investment pool at the time of purchase or 10% of the issuer's commercial paper program, provided, however, that at no time will the City hold more than 1.5% of the market value of the investment pool in Commercial Paper from a single issuer with a maturity date beyond 90 days. Prior to investing any funds, the Investment Manager will evaluate programs. Individual issuers will be monitored as to credit quality and events that may have an effect on the credit quality. Adverse developments will cause the issuer to be excluded from consideration and existing positions to be liquidated as practical.

- 9.9 SEC registered and regulated no-load money market mutual funds with a dollar-weighted average stated maturity of 90 days or less, whose investment objectives include the maintenance of a stable net asset value of \$1 for each share, and provides the City with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.) The City may not invest more than 80% of its monthly average fund balance, excluding bond proceeds, reserves and other funds held for debt service, in money market mutual funds and the City's investment in any one money market mutual fund shall not exceed 10% of the total assets of the money market mutual fund. The City has a sweep relationship with the main depository bank that sweeps the overnight funds into a money market mutual fund. This relationship is subject to the same limits as any other mutual fund relationship, as previously stated.
- 9.10 SEC registered and regulated bonds issued as the direct obligations of the State of Israel.
- 9.11 Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States, subject to the provisions of Section 12.0.

- 9.12 Investment Pools that function as a money market mutual fund. To be eligible to receive and invest funds on behalf of the City of Houston, the investment pool functioning as a money market mutual fund must mark its portfolio to market daily, to the extent reasonably possible stabilize at a \$1 net asset value, have an advisory board, must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service, and have a weighted average maturity of no longer than 90 days. The City may not invest more than 80% of its monthly average fund balance, excluding bond proceeds, reserves and other funds held for debt service, in investment pools that function as money market mutual funds, and the City's investment in any one investment pool that functions as a money market fund shall not exceed 10% of total assets of that investment pool.

#### 10.0 SECURITIES LENDING:

The City may enter into a securities lending program with an authorized broker/dealer or financial institution in order to enhance investment return. The City may administer a securities lending program directly or, if conditions warrant, use an outside agent. Should an agent be used, one will be recommended by the Investment Committee using appropriate criteria. Securities lending will only be transacted with a written agreement, approved by the City Attorney, which details:

- a) Acceptable types of collateral;
- b) Standards for collateral custody and control;
- c) Collateral valuation and initial margin, accrued interest, marking to market, and margin calls;
- d) Method for transmitting security income; and
- e) Acceptable methods for delivery of securities and collateral.

#### 11.0 SECURITIES SWAPS:

The City may take advantage of security swap opportunities to improve portfolio yield. A swap that improves portfolio yield may be selected, even if the transaction results in a current accounting loss, as long as the break-even date occurs within the horizon of the swap.

**12.0 PROHIBITED INVESTMENTS:**

Under the Public Funds Investment Act, the following are not authorized investments, regardless of any other law to the contrary:

- 12.1 Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pay no principal. (Commonly referred to as IOs)
- 12.2 Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest. (Commonly referred to as POs)
- 12.3 Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.
- 12.4 Collateralized mortgage obligations, the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

**13.0 EFFECT OF LOSS OF REQUIRED RATING:**

An investment that requires a minimum rating under this subchapter does not qualify as an authorized investment during the period the investment does not have the minimum rating. The City shall take all prudent measures that are consistent with this investment policy to liquidate an investment that does not have the minimum rating.

**14.0 COLLATERALIZATION:**

All deposits of City funds, repurchase agreements and securities lending agreements, including any accrued interest will be fully collateralized by securities permitted under this policy. Collateral securities shall have a market value of not less than 102% of the amount of the deposits, secured thereby, adjusted by the insurance coverage provided those deposits by the Federal Deposit Insurance Corporation. Collateral will always be held by an independent third party with whom the City has a current custodial agreement. A clearly marked evidence of ownership (safekeeping or trust receipt) must be supplied to the City and retained. Determination of market value on collateral shall be made on a weekly basis. All collateral relationships will comply with the terms of the Public Funds Collateral Act.

### 15.0 SAFEKEEPING AND CUSTODY:

All security transactions, including collateral for repurchase and securities lending agreements but with the exception of money market transactions, entered into by the City shall be conducted on a **delivery-versus-payment (DVP) basis**. Securities will be held by a third party custodian, designated by the Controller, and held in the City's name as evidenced by safekeeping or trust receipts of the bank with which the securities are deposited. The custodian will provide listings of the securities that are held in the name of the City on a periodic basis.

### 16.0 INVESTMENT STRATEGY:

The City's investment program uses a "pooled" investment strategy where all monies of all funds covered by this policy are combined and invested in a portfolio that is stratified by various levels of maturities to meet the requirements of all working capital, construction and debt service funds. In some cases, one or more separate pools of funds may be established to meet specific requirements or yield restrictions for certain funds. By combining the net cash flows of all funds, the pooled investment strategy maximizes return on investment without sacrificing safety and liquidity because economies of scale can be taken advantage of to obtain better prices and reduce transaction and administrative costs.

- 16.1 **General Pool Strategy:** The General Pool consists of those working capital, construction and debt service funds which are not subject to yield restriction under IRS arbitrage regulations. The City combines a variation on the traditional **laddered maturity strategy** that matches assets and liabilities, with more active management strategies, such as yield curve analysis, to achieve the best feasible rate of return while fulfilling the investment objectives of this policy.

The core of the General Pool strategy is a ladder in which investment maturities are matched to monthly cash requirements for the next 12-18 months. When investments mature, the proceeds are used to pay bills or re-invested. New cash from bond proceeds, taxes, or other revenues can be invested at the long end of the ladder to take advantage of higher yields or to fill other cash requirements. The ladder may be extended for longer-term funds to take advantage of matching long-term assets against long-term liabilities. At times, some investments might be placed shorter or longer, based on the interest rate outlook.

In order to ensure the ability of the City to meet obligations and to minimize potential liquidation losses, the dollar-weighted average stated maturity of the General Pool shall not exceed 2.5 years.

All investments in this pool must comply with the objectives and restrictions set forth in this policy.

16.2 **Tax-Exempt Pool Strategy:** The Tax-Exempt Pool consists of those funds which are subject to yield restriction and arbitrage regulation under the 1986 Tax Reform Act. This pool was created to:

- a) Demonstrate compliance with IRS regulations regarding arbitrage;
- b) Maximize the amount of interest earned and retained by the City from the investment of funds subject to the regulations;
- c) Minimize the amount of the rebate liability; and
- d) Minimize the cost of administering the arbitrage tracking program.

Due to the nature of municipal bonds (more risk, less liquidity), the strategy for the Tax-Exempt Pool is, generally, to purchase at least AA rated, insured or pre-refunded municipals with short maturities (generally less than 1 year) if the yield is reasonably higher than that of tax-exempt money market mutual funds. Otherwise, funds in this pool will be invested in one or more tax-exempt money market mutual funds that meet the requirements of IRS arbitrage regulations and the liquidity needs of this pool.

In order to ensure the ability of the City to meet obligations and to minimize potential liquidation losses, the average dollar-weighted stated maturity of the Tax-Exempt Pool shall not exceed 1 year.

All investments in this pool must comply with the objectives and restrictions set forth in this policy.

16.3 **Housing Department Pool Strategy:** This pool was created to comply with the U.S. Department of Housing and Urban Development (HUD) which requires separate custodial accounts for funds received under federal HUD programs. The strategy for this portfolio is to purchase U. S. Treasury Bills with maturities less than 6 months; targeted to meet the cash needs of the City of Houston Housing and Community Development Department (HCDD)'s HUD program cash outflows. A deposit account with an approved depository institution (see section 20.2) will contain all funds pending disbursement as well as a minimal reserve, generally under \$20,000. All securities are available for sale to meet liquidity needs.

All investments in this pool must comply with the objectives and restrictions set forth in this policy.

16.4 **All Other Special Purpose Pools:** As deemed appropriate, the City Controller has created pools for special purposes, including capital projects, special revenue funds and debt service reserves. Each special purpose is limited in duration and has estimatable cash outflows, although the outflows may change over time, especially in the case of capital projects. In all cases, the City uses a traditional **laddered maturity strategy** that matches assets with projected cash outflows. The City may, on occasion, utilize more active management strategies, such as yield curve analysis, to achieve better rates of return while fulfilling the investment objectives of this policy and the purposes for which the pools were created.

The core of the strategy for each special purpose pool is a maturity ladder in which investment maturities are matched to periodic cash requirements for the expected life of the pool. As investments mature, the proceeds are disbursed according to the needs of the project or re-invested. New monies added to the pool will be invested to fill new cash requirements. At times, some investments might be placed shorter or longer, based on the interest rate outlook. As cash flow projections are revised, the portfolio ladder may be adjusted to reflect these changes, either through maturities or sales of securities.

The weighted average stated maturity of each special purpose pool shall not exceed the weighted average cash outflows for the project. This will be considered to have been accomplished by laddering the cash flows to the planned outflows.

All investments in this pool must comply with the objectives and restrictions set forth in this policy.

#### **17.0 DIVERSIFICATION AND MAXIMUM MATURITIES:**

In consultation with the Investment Committee, the City Controller will set explicit asset mix and diversification constraints within which the Investment Manager is to manage the City's portfolios. The asset mix is stated in terms of a maximum or minimum commitment to each asset category rather than ranges or targets so as to allow the Investment Manager flexibility in implementing investment decisions within the framework of this policy. The Investment Manager may set the commitments anywhere from zero (or the minimum), to the maximum level, based upon the Manager's outlook for the market. All securities must conform to the rules on Authorized and Suitable Investments in Section 9.0 of this policy.

Notwithstanding the limits in this section, for investment pools initially created for funds with limited investment horizons, especially construction projects and other capital project funds, the maximum commitments to each asset category will not apply when the pool has declined to 10% of the original funds deposited to the pool. At that time, the pool is permitted to invest up to a maximum of 100% of the remaining proceeds in money market mutual funds, US Treasuries, or US Agencies and Instrumentalities; and up to a maximum of 50% of the remaining proceeds in commercial paper with a stated maturity of one month or less, or any combination thereof. All other restrictions within this policy are still applicable, including, but not limited to, maturity, credit ratings, and any other specific concentration limitations as discussed in Section 9.

|  | Percentage of<br>Total Pool |            | Maximum<br>Maturity <sup>(a)</sup> |
|--|-----------------------------|------------|------------------------------------|
|  | Minimum                     | Maximum    |                                    |
| <b>General Pool and All Other Pools Excluding Tax-Exempt, Trust and Agency Pools</b> |                             |            |                                    |
| Money Market Mutual Funds  | 0%                          | 15%        | N/A                                |
| Repurchase Agreements  | 0%                          | 15%        | 6 months                           |
| Reverse Repurchase Agreements  | 0%                          | 15%        | 90 days                            |
| Securities Lending Agreements  | 0%                          | 50%        | 90 days                            |
| Certificates of Deposit  | 0%                          | 15%        | 2 years                            |
| Commercial Paper and BA's  | 0%                          | 15%        | 270 days (b)                       |
| <b><i>Municipal Notes and Bonds</i></b>  | <b>0%</b>                   | <b>20%</b> | <b>5 years</b>                     |
| U.S. Agencies and Instrumentalities  | 0%                          | 85 % (c)   | 5 years                            |
| Mortgage Pass-through Securities & CMOs  | 0%                          | 20% (d)    | 15 years (c)                       |
| U.S. Treasuries  | 15%                         | 100%       | 5 years                            |
| Callable Agency Securities   | 0%                          | 15%        | 5 years                            |
| <b>Tax-Exempt Pool</b>   |                             |            |                                    |
| Tax Exempt Money Market Mutual Funds   | 0%                          | 100%       | N/A                                |
| Tax Exempt Municipal Notes and Bonds   | 0%                          | 100%       | 5 years                            |

**Trust and Agency Pools**

U.S. Treasury and Agency Securities as Permitted under Trust and Agency Regulations

- (a) *Investments with maturities greater than the maximum maturity must be specifically approved by the City Controller or the Investment Committee.*
- (b) *The maximum exposure to any one CP issuer is limited to the lesser of 3% of a pool's market value or 10% of the issuer's commercial paper program, of which 1.5% of a pool's market value can have a maturity beyond 90 days.*
- (c) *The maximum exposure to any one Agency issuer is 35% of the investment pool.*
- (d) *The maximum maturity of CMOs is limited to 10 years under this policy. CMOs are further limited to 5% of the total investment portfolio.*

**18.0 SALE OF SECURITIES:**

Securities shall not be sold prior to maturity except under the following circumstances:

- a) A decline in the credit quality of the issuer;
- b) A security swap designed to improve the quality, yield, or target duration in the portfolio under the conditions of section 11.0 of this policy; or
- c) Liquidity needs require that a security be sold; or
- d) Diversification limits in section 17.0 of this policy require the reduced concentration in a particular sector.

**19.0 COMPETITIVE BIDDING:**

It is the policy of the City to require competitive bidding for all individual security purchases and sales except for those transactions with money market mutual funds (which are deemed to be made at prevailing market rates), government securities purchased at issue through an approved broker/dealer or financial institution, or commercial paper and banker's acceptances purchased either directly from the issuer or on the secondary market (verification of competitive market levels must be documented). At least three broker/dealers must be contacted in all other transactions involving individual securities. Competitive bidding for security swaps is required.

**20.0 AUTHORIZED BROKER/DEALERS AND FINANCIAL INSTITUTIONS:**

- 20.1 Broker/Dealers - The City Controller will maintain a list of approved broker/dealers and financial institutions that have been approved by the Investment Committee and are authorized to provide investment services in the State of Texas. Investments shall only be made with those firms who qualify under **Securities & Exchange Commission Rule 15C3-1 (uniform net capital rule)** and who have:
  - a) Provided audited financial statements;
  - b) Completed the City's Broker/Dealer Questionnaire;
  - c) Acknowledged, in writing, that the policy has been thoroughly reviewed by qualified representatives dealing directly with the City's account and that the organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the organization that are not authorized by the City's Investment Policy, except to the extent that this authorization depends on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards; and
  - d) Met the qualifications and standards recommended and approved by the Investment Committee.

An annual review of the financial condition and registrations of authorized broker/dealers and financial institutions providing investment services will be conducted by the City Controller. In addition, the quantity of transactions conducted with each approved broker/dealer will be reviewed at least semi-annually for the prior six-month period. Broker/dealers that have less than three transactions shall be sent a letter informing them of their status, and be given thirty days to respond in writing. The results of this review and the related recommendations shall be submitted to the Investment Committee. The Investment Committee shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the entity.

20.2 Depositories - The City Controller will maintain a list of **qualified public depositories** that are authorized to hold City funds. Deposits will only be placed with those institutions that have:

- a) Provided audited financial statements;
- b) Completed the City's Authorized Depository application;
- c) Been designated by City Council as an authorized depository;
- d) Signed the City's Security Agreement; and
- e) Provided collateral as set forth in Sections 9.5 and 14.0 of this policy.

An annual review of the financial condition of each depository holding City funds will be conducted by the City Controller.

A current audited financial statement is required to be on file for each broker/dealer and financial institution that transacts any investment activities with the City.

#### 21.0 INTERNAL CONTROL:

In conjunction with its annual financial audit, the City shall cause to be performed a compliance audit of management controls on investments, adherence to the City's established investment policies and the quarterly reports prepared by the investment manager. The results of the review shall be reported to the Investment Committee.

**22.0 REPORTING:**

- 22.1 Investment performance is continually monitored and evaluated by the Investment Manager. As requested by the City Controller, but not less than quarterly, the Investment Manager will prepare and submit to the Investment Committee, investment reports which demonstrate conformance to the requirements and objectives of this policy.

In addition, the Investment Manager will prepare and submit to the Mayor and City Council, not less than quarterly, a written report of investment transactions for all funds covered by this policy for the preceding reporting period. The report must:

- a) Describe in detail the investment position of the City on the date of the report;
  - b) Be prepared jointly by all investment officers of the entity;
  - c) Be signed by each investment officer of the entity;
  - d) Contain a summary statement, prepared in compliance with generally accepted accounting principles, of each **pool fund group** that states the beginning market value during the period, additions and changes to the market value during the period, ending market value for the period, and fully accrued interest for the reporting period;
  - e) State the book value and market value of each **separately invested asset** at the beginning and end of the reporting period by the type of asset and fund type invested;
  - f) State the maturity date of each separately invested asset that has a maturity date;
  - g) State the account or fund or pooled group fund for which each individual investment was acquired; and
  - h) State the compliance of the investment portfolio as it relates to the Public Funds Investment Act of the State of Texas and the investment strategy expressed in this policy.
- 22.2 The City will utilize the following 3 tier approach for valuing securities:
- a) **Interactive Data Corporation (IDC)** will be the primary source for valuing securities. IDC receives input from multiple dealers when generating a valuation.
  - b) As a backup for securities that are not priced using IDC, **Bloomberg, L.P.** will provide a secondary source for values.
  - c) Investment Committee approved **primary government security dealers** will offer a final backup for those securities not valued by the previous two sources.

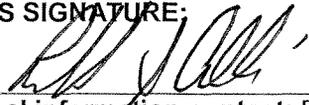
### 23.0 PERFORMANCE STANDARDS:

Subject to the investment objectives set forth in section 3.0 of this policy, the investment portfolios shall be designed with the objective of attaining the best feasible rate of return, throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs of the portfolio. The overriding objectives of portfolio management are to preserve the capital invested and to meet the liquidity and debt service needs of the City. These objectives supercede the importance of achieving any performance Benchmarks set by this policy.

- 23.1 **Market Yield (Benchmark):** The City's selection of portfolio management is active as opposed to passive. Active management uses investment strategies designed to increase portfolio value by exceeding average rates of return normally achieved using passive management. The basis used by the City Controller to determine whether market returns are being achieved shall be a benchmark recommended by the Investment Committee. The Investment Committee may revise this benchmark if liquidity and debt service needs alter the desired composition of the portfolio.

### 24.0 INVESTMENT POLICY ADOPTION:

The City's investment policy shall be adopted by resolution of City Council. The policy shall be reviewed at least annually by the Investment Committee and the City Council, and any modifications made to such policy must be approved by City Council. The City Council shall evidence by resolution that it has conducted such review. Any modifications made to such policy must be approved by City Council and reflected in such resolution.

|   |  |   |                                   |                             |
|---|--|---|-----------------------------------|-----------------------------|
| <b>SUBJECT:</b> Resolution approving the action of the City of Houston Higher Education Finance Corporation regarding the issuance of revenue bonds for Rice University.  |  | <b>Category #</b>   | <b>Page</b><br>1 of 2             | <b>Agenda Item #</b><br>16  |
| <b>FROM (Department or other point of origin):</b><br>Richard Celli, Director<br>Housing and Community Development Department   |  | <b>Origination Date</b><br>4/18/2008                                | <b>Agenda Date</b><br>MAY 07 2008 |                             |
| <b>DIRECTOR'S SIGNATURE:</b><br>   |  | <b>Council District affected:</b><br>District "C"                   |                                   |                             |
| <b>For additional information contact:</b> Barron Wallace<br>Phone: 713-758-4810  |  | <b>Date and identification of prior authorizing Council action:</b> |                                   |                             |
| <b>RECOMMENDATION: (Summary)</b><br>Adoption of a Resolution approving the action of the City of Houston Higher Education Finance Corporation regarding the issuance of City of Houston Higher Education Finance Corporation Higher Education Revenue Bonds (Rice University Project), Series 2008 <u>in an amount</u> not to exceed \$220,000,000.   |  |   |                                   |                             |
| <b>Amount of Funding:</b><br>No City funding or liability.  |  |   | <b>Finance Budget:</b>            |                             |
| <b>SOURCE OF FUNDING</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund<br><input type="checkbox"/> Other (Specify)   |  |   |                                   |                             |
| <b>SPECIFIC EXPLANATION:</b><br><p>The City of Houston Higher Education Finance Corporation (the "Corporation") is a non-profit corporation created by the City for the purpose of providing tax-exempt bond financing for institutions of higher education for educational and housing facilities.</p> <p>Rice University (the "University") has submitted an application for the issuance of tax-exempt bonds in an amount not to exceed \$220,000,000 to refund approximately \$25,000,000 of the University's outstanding commercial paper notes. The bonds are anticipated to be issued as variable rate bonds.</p> <p>The Corporation's board of directors met on April 14, 2008 and approved a resolution authorizing the issuance of the bonds. This is the [sixth] transaction done by the Corporation for Rice University.</p> <p>Although the City has no liability with respect to the Corporation's bonds, the Corporation's bylaws and federal tax laws require City Council approval of any bonds issued by the Corporation.</p> |  |   |                                   |                             |
| <b>REQUIRED AUTHORIZATION</b>   |  |   |                                   |                             |
| <b>Finance Director:</b>  |  | <b>Other Authorization:</b>   |                                   | <b>Other Authorization:</b> |

MS

JH

|             |  |  |                                     |
|-------------|--|--|-------------------------------------|
| <b>Date</b> | <b>Subject:</b> Resolution approving the action of the City of Houston Higher Education Finance Corporation regarding issuance of revenue refunding bonds for Rice University. | <b>Originator's Initials</b><br><i>Recll</i> | <b>Page</b><br><u>2</u> of <u>2</u> |
|-------------|--|--|-------------------------------------|

The Department recommends that City Council approve the resolution authorizing the issuance of the bonds.

c: City Secretary  
Legal Department  
Mayor's Office

M:HHEFC/RCA,RICE021506.DOC

Houston 3580236v3

## FACT SHEET

### CITY OF HOUSTON HIGHER EDUCATION FINANCE CORPORATION HIGHER EDUCATION REVENUE BONDS (RICE UNIVERSITY PROJECT), SERIES 2008

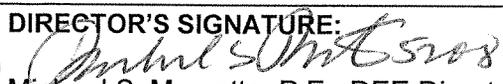
**APPLICANT:** The applicant is William Marsh Rice University (the "Borrower"), a Texas non-profit corporation. The Borrower is rated AAA by S&P and AAA by Moody's Investors Service.

**FINANCING STRUCTURE:** The City of Houston Higher Education Finance Corporation will issue a maximum of \$220,000,000 in **Higher Education Revenue Bonds (Rice University Project) Series 2008 (the "Bonds")** to finance the Project and to refund approximately \$25,000,000 of the Issuer's outstanding Commercial Paper Notes (Rice University Series A). The Bonds are anticipated to be issued as variable rate bonds in two series.

**THE PROJECT:** The Project includes various educational and student housing facilities located and to be located on and surrounding the Borrower's campus, including academic research facilities, residential colleges and related facilities, a utility plant and related facilities to service the Borrower's facilities, student housing, a data center, academic, administrative, recreational, and parking facilities, and related facilities and campus infrastructure.

#### PRINCIPAL PARTICIPANTS:

|                           |   |
|---------------------------|---|
| Bond Issuer:              | City of Houston Higher Education Finance Corporation            |
| Issuer's Co-Bond Counsel: | Vinson & Elkins L.L.P. and Bates & Coleman, P.C.                |
| Borrower:                 | William Marsh Rice University                                   |
| Trustee:                  | The Bank of New York Trust Company, National<br>Association     |
| Underwriters:             | Morgan Stanley, JPMorgan Securities; Samuel A.<br>Ramirez & Co. |
| Trustee's Counsel:        | Nathan, Sommers, Jacobs   |
| Underwriters' Co-Counsel: | Greenberg Traurig; William T. Avila                             |

|  |                             |  |                                   |                                |
|--|-----------------------------|--|-----------------------------------|--------------------------------|
| <b>SUBJECT:</b> Ordinance amending Chapter 26 of the Code of Ordinances, Houston, Texas relating to the parking of large vehicles on residential streets   |                             | <b>Category #</b>  | <b>Page</b><br>1 of 1             | <b>Agenda Item #</b><br><br>17 |
| <b>FROM (Department or other point of origin):</b><br><br>Department of Public Works and Engineering   |                             | <b>Origination Date</b><br>May 1, 2008   | <b>Agenda Date</b><br>MAY 07 2008 |                                |
| <b>DIRECTOR'S SIGNATURE:</b><br><br>Michael S. Marcotte, P.E., DEE Director  |                             | <b>Council District affected:</b><br><br>All   |                                   |                                |
| <b>For additional information contact:</b><br>Liliana Rambo <b>Phone:</b> 713.853.8276<br><b>Phone:</b>  |                             | <b>Date and identification of prior authorizing Council action:</b>  |                                   |                                |
| <b>RECOMMENDATION: (Summary)</b><br>Adopt ordinance amending Chapter 26 of the Code of Ordinances relating to the parking of large vehicles on residential streets   |                             |  |                                   |                                |
| <b>Amount and Source of Funding:</b> Not Applicable  |                             |  | <b>Finance Department Budget:</b> |                                |
| <b>SPECIFIC EXPLANATION:</b><br><br>Chapter 26 of the Code of Ordinances currently prohibits large vehicles from parking on a residential street between 6:00 p.m. and 7:00 a.m. 'Large vehicle' is defined as a motor vehicle or trailer in excess of eight feet in height or in excess of 30 feet in length. Having identified various problems that occur when large vehicles park on streets in residential neighborhoods, the Regulation, Development & Neighborhood Protection Committee requested the proposed amendments to:<br><br>(1) Amend the definition of "large vehicle" to prohibit vehicles in excess of <u>22</u> feet<br>(2) Extend the hours large vehicles are prohibited from parking on streets in residential districts; large vehicles would be prohibited from parking from <u>3:00 p.m.</u> on one day until 7:00 a.m. on the next day.<br><br>The proposed amendments were presented to the Regulation, Development & Neighborhood Protection Committee on two occasions and were recommended for Council approval on November 14, 2007. |                             |  |                                   |                                |
| <b>REQUIRED AUTHORIZATION</b>  |                             |  | <b>20RXC24</b>                    |                                |
| <b>Other Authorization:</b>  | <b>Other Authorization:</b> | <b>Other Authorization:</b><br> |                                   |                                |

MS

**Sec. 26-2. Definitions.**

\* \* \*

*Large vehicle* means a "motor vehicle" or a "trailer," as defined herein, that is in excess of eight feet in height at the highest point on the vehicle or trailer or in excess of ~~30~~ 22 feet in length. To the extent that any motor vehicle is coupled or otherwise attached to a trailer, then the motor vehicle and trailer shall together be deemed as constituting a single large vehicle if the combined length of the motor vehicle and trailer exceeds 30 feet.

\* \* \*

**Sec. 26-96. Large vehicle restrictions.**

Between the hours of ~~6:00~~ 3:00 p.m. on any day and 7:00 a.m. on the next following day, no person shall park or cause to be parked or permit to remain parked any large vehicle upon any street or highway in any residential district. It is a defense to prosecution under this section that the large vehicle is actually in the process of being loaded or unloaded or is parked while the driver or operator is performing a service visit.

City of Houston, Texas, Ordinance No. 2008-\_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO THE PARKING OF LARGE VEHICLES IN RESIDENTIAL AREAS AND ON THE STREETS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, when large vehicles are parked on residential streets, they occupy excessive curb and road space, rendering the residential streets impassible to emergency vehicles and making it difficult for residents' vehicles to travel on the streets; and

**WHEREAS**, when large vehicles are parked at curbs in residential neighborhoods, they impair visibility for residents exiting their driveways, and make it difficult for residents to maneuver their vehicles when entering and exiting their driveways; and

**WHEREAS**, when large vehicles are parked in driveways in residential neighborhoods, the vehicles often block the sidewalk at the end of the driveways in violation of Section 545.302(a)(2) of the Texas Transportation Code; and

**WHEREAS**, in residential neighborhoods, large vehicles occasionally are parked in front of entrances to private driveways in violation of Section 545.302(b)(1) of the Texas Transportation Code; and

**WHEREAS**, in residential neighborhoods, the excessive weight of large vehicles causes damage to roadways, curbs, and the right-of-way area between the curb and the sidewalk; and

**WHEREAS**, prohibiting large vehicles from being parked on the public roadway from at 3:00 p.m. until 7:00 a.m. each day will facilitate enforcement of the prohibition against parking such vehicles on residential streets; **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 definition of the term *large vehicle* in Section 26-2 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"*Large vehicle* means a 'motor vehicle' or a 'trailer,' as defined herein, that is in excess of eight feet in height at the highest point on the vehicle or trailer or in excess of 22 feet in length. To the extent that any motor vehicle is coupled or otherwise attached to a trailer, then the motor vehicle and trailer shall together be deemed as constituting a single large vehicle if the combined length of the motor vehicle and trailer exceeds 30 feet."

**Section 3.** That Section 26-96 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**"Sec. 26-96. Large vehicle restrictions.**

Between the hours of 3:00 p.m. on any day and 7:00 a.m. on the next following day, no person shall park or cause to be parked or permit to remain parked any large vehicle upon any street or highway in any residential district. It is a defense to prosecution under this section that the large vehicle is actually in the process of being loaded or unloaded or is parked while the driver or operator is performing a service visit."

**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 \_\_\_\_\_, 2008.

**APPROVED** this \_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
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. \_\_\_\_\_

TBC:asw 5/1/2008

*M. Calabrese*  
Senior Assistant City Attorney

Requested by Michael Marcotte, Director, Public Works and Engineering Department

L.D. File No. 0180700007001

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

|   |  |  |   |                                       |
|---|--|--|---|---------------------------------------|
| <b>SUBJECT:</b> Ordinance authorizing the abandonment and sale of four 10-foot-wide water line easements, all located within Gulfgate Subdivision, out of the Jacob Thomas Survey, A-762. <b>Parcel numbers SY7-059A through D</b>  |  | <b>Category #</b><br>7   | <b>Page</b><br><u>1</u> of <u>2</u>   | <b>Agenda Item #</b><br><br>18        |
| <b>FROM (Department or other point of origin):</b><br><br>Department of Public Works and Engineering  |  | <b>Origination Date</b><br><br>5/1/08  |   | <b>Agenda Date</b><br><br>MAY 07 2008 |
| <b>DIRECTOR'S SIGNATURE:</b><br><br><i>MS Michael S. Marcotte</i><br>Michael S. Marcotte, P.E., DEE, Director   |  | <b>Council District affected:</b> I<br><br>Key Map 535J <i>MS</i>                                    |   |                                       |
| <b>For additional information contact:</b><br><br><i>npc</i><br>Nancy P. Collins <b>Phone:</b> (713) 837-0881<br>Senior Assistant Director-Real Estate  |  | <b>Date and identification of prior authorizing Council Action:</b><br><br>C.M. 2007-0281 (03/21/07) |   |                                       |
| <b>RECOMMENDATION: (Summary)</b> It is recommended City Council approve an ordinance authorizing the abandonment and sale of four 10-foot-wide water line easements, all located within Gulfgate Subdivision, out of the Jacob Thomas Survey, A-762. <b>Parcel numbers SY7-059A through D</b>   |  |  |   |                                       |
| <b>Amount and Source of Funding:</b> Not Applicable   |  |  | <b>F &amp; A Budget:</b>  |                                       |
| <b>SPECIFIC EXPLANATION:</b><br>By Council Motion 2007-0281 City Council authorized the subject transaction. Houston Gulfgate Partners, L.P. [Wulfe Gulfgate Partners, Inc. (Edmond D. Wulfe, President), General Partner] wants to remove the easement encumbrances for retail development.<br><br>Houston Gulfgate Partners, L.P. has completed the Council Motion requirements, has accepted the City's offer, and has rendered payment in full.<br><br>The City will abandon and sell to Houston Gulfgate Partners, L.P.: |  |  |   |                                       |
| <b>Parcel SY7-059A</b><br>5,206-square-foot water line easement      \$22,126.00 (Rounded)<br>Valued at \$4.25 per square foot  |  |  |   |                                       |
| <b>Parcel SY7-059B</b><br>2337-square-foot water line easement      \$ 9,932.00 (Rounded)<br>Valued at \$4.25 per square foot   |  |  |   |                                       |
| <b>Parcel SY7-059C</b><br>3478-square-foot water line easement      \$14,782.00 (Rounded)<br>Valued at \$4.25 per square foot   |  |  |   |                                       |
| s:\poy\sy7-059A-D\RCA2  |  |  | CUIC #20POY001  |                                       |
| <b>REQUIRED AUTHORIZATION</b>   |  |  |   |                                       |
| <b>F&amp;A Director:</b>  |  | <b>Other Authorization:</b>  | <b>Other Authorization:</b><br><br><i>Andrew F. Icken</i><br>Andrew F. Icken, Deputy Director<br>Planning and Development Services Division |                                       |

|              |   |                              |                                     |
|--------------|---|------------------------------|-------------------------------------|
| <b>Date:</b> | <b>Subject:</b> Ordinance authorizing the abandonment and sale four 10-foot-wide water line easements, all located within Gulfgate Subdivision, out of the Jacob Thomas Survey, A-762. <b>Parcel numbers SY7-059A through D</b> | <b>Originator's Initials</b> | <b>Page</b><br><u>2</u> of <u>2</u> |
|--------------|---|------------------------------|-------------------------------------|

**Parcel SY7-059D**

5765-square-foot water line easement  
Valued at \$4.25 per square foot

\$24,501.00 (Rounded)

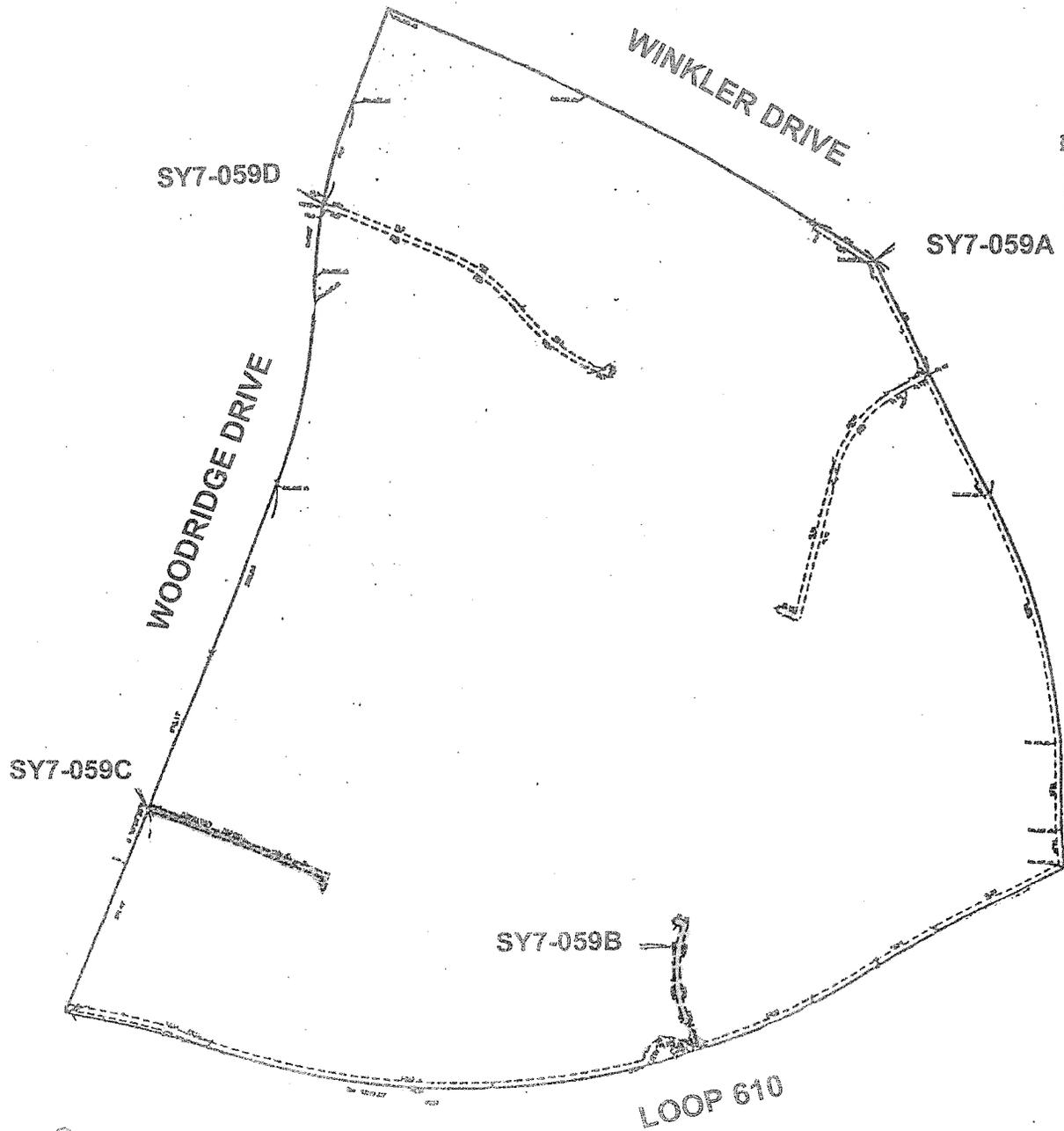
**TOTAL ABANDONMENTS**

**\$71,341.00**

Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of four 10-foot-wide water line easements, all located within Gulfgate Subdivision, out of the Jacob Thomas Survey, A-762, Parcel numbers **SY7-059A through D**.

MSM:NPC:poy

- c: Daniel W. Krueger, P.E.
- Reid K. Mrsny, P.E.
- Marty Stein
- Jeff Taylor



- SY7-059A
- SY7-059B
- SY7-059C
- SY7-059D

Abandonment and sale of four 10-foot-wide water line easements, all located within Gulfgate Subdivision, out of the Jacob Thomas Survey, A-762.

MOTION by Council Member Khan 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 Rick Radford of CLR, Inc., 7600 West Tidwell, Suite 400, Houston, Texas 77040, on behalf of Houston Gulfgate Partners, L.P. [Wulfe Gulfgate Partners, Inc. (Edmond D. Wulfe, President), General Partner], for the abandonment and sale of four 10-foot-wide water line easements, all located within Gulfgate Subdivision, out of the Jacob Thomas Survey, A-762, Parcel Nos. SY7-059A through D, be adopted as follows:

1. The City abandon and sell four 10-foot-wide water line easements, all located within Gulfgate Subdivision, out of the Jacob Thomas Survey, A-762;
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. Frank Flores and Jasmine Quinerly, independent real estate appraisers are hereby appointed to establish the value, inasmuch as the value of the property interest is expected to exceed \$25,000.00.

Seconded by Council Member Lawrence and carried.

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

PASSED AND ADOPTED this 21st day of March, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is March 27, 2007.

  
City Secretary

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

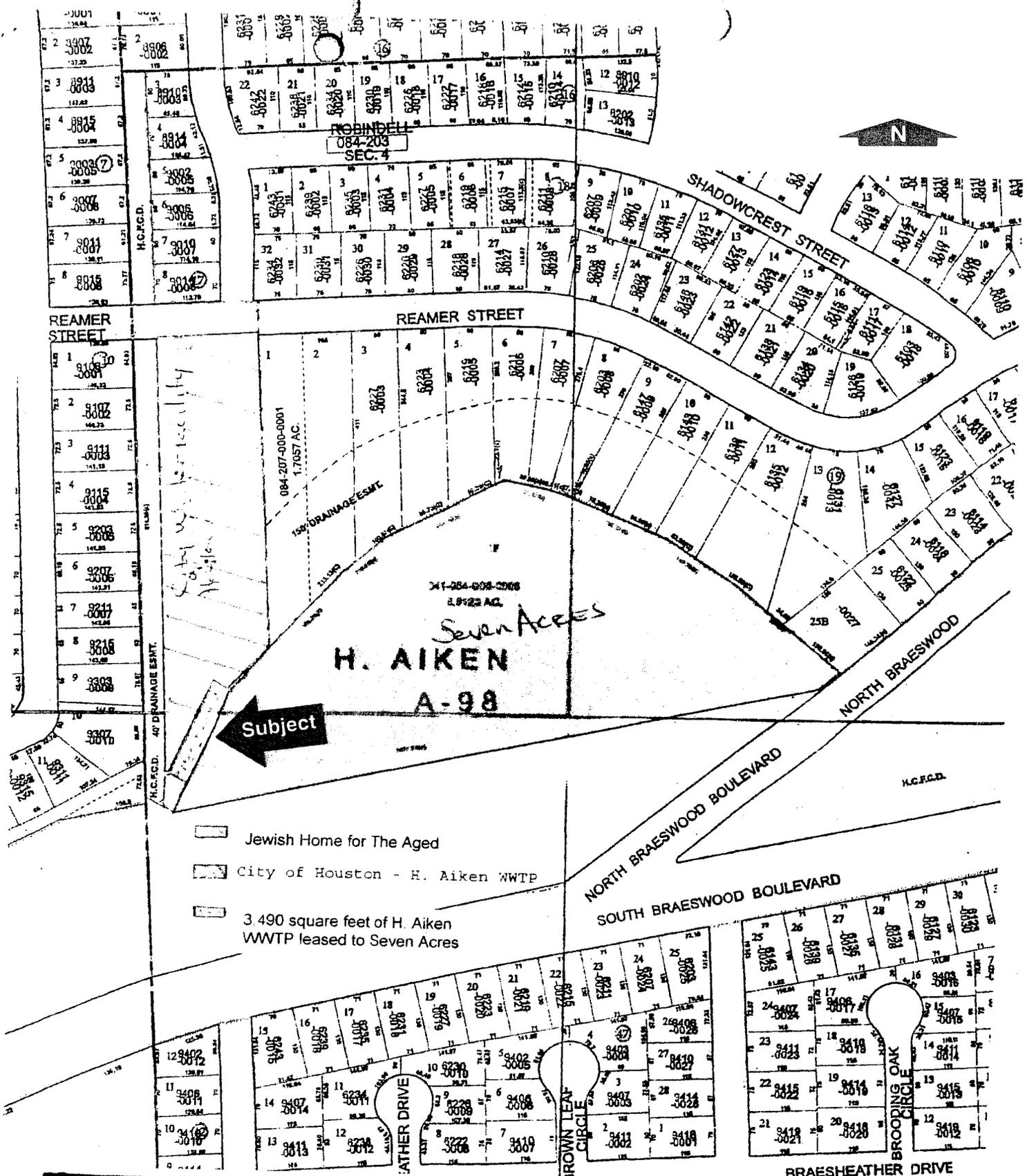
|   |  |  |   |                                       |
|---|--|--|---|---------------------------------------|
| <b>SUBJECT:</b> Ordinance authorizing the sale of 3,462-square-feet of excess fee-owned property within the Braeswood Water Well #1 Site C-116, adjacent to 5900 North Braeswood Boulevard, in exchange for conveyance to the City of a sanitary control easement over the entire area being sold, out of Tract 1A, the H. Aiken Survey, Abstract 98. <b>Parcels SY7-132 and QY7-008</b>  |  | <b>Category # 7</b>  | <b>Page 1 of 2</b>  | <b>Agenda Item #</b><br><br><i>19</i> |
| <b>FROM (Department or other point of origin):</b><br><br>Department of Public Works and Engineering  |  | <b>Origination Date</b><br><br><i>5/1/08</i>   |   | <b>Agenda Date</b><br><br>MAY 07 2008 |
| <b>DIRECTOR'S SIGNATURE:</b><br><br><i>Michael S. Marcotte</i><br>Michael S. Marcotte, P.E., DEE, Director  |  | <b>Council District affected: C</b><br><br><i>PSM</i><br>Key Map 530V                                |   |                                       |
| <b>For additional information contact:</b><br><br>Nancy P. Collins <b>Phone:</b> (713) 837-0881<br>Senior Assistant Director-Real Estate <i>NPC</i>   |  | <b>Date and identification of prior authorizing Council Action:</b><br><br>C.M. 2007-0536 (06/06/07) |   |                                       |
| <b>RECOMMENDATION: (Summary)</b> It is recommended City Council approve an ordinance authorizing the sale of 3,462-square-feet of excess fee-owned property within the Braeswood Water Well #1 Site C-116, adjacent to 5900 North Braeswood Boulevard, in exchange for a consideration of \$17,310.00 plus the conveyance to the city of a sanitary control easement over the entire area being sold, out of Tract 1A, the H. Aiken Survey, Abstract 98. <b>Parcels SY7-132 and QY7-008</b>   |  |  |   |                                       |
| <b>Amount and Source of Funding:</b> Not Applicable   |  |  | <b>F &amp; A Budget:</b>  |                                       |
| <b>SPECIFIC EXPLANATION:</b><br>By Council Motion 2007-0536, City Council authorized the subject transaction. Seven Acres Jewish Senior Care Services, Inc., (Malcolm P. Slatko, Executive Director), plans to use the subject property for vehicle parking, for which it is currently leasing the property from the City.<br><br>Seven Acres Jewish Senior Care Services, Inc. has complied with the council motion requirements, has accepted the City's offer, and has rendered payment in full.<br><br>The City will abandon and sell to Seven Acres Jewish Senior Care Services, Inc.: |  |  |   |                                       |
| <b>Parcel SY7-132</b>   |  |  |   |                                       |
| 3,462-square-foot portion of excess fee-owned land  |  | \$34,620.00  |   |                                       |
| Valued at \$10.00 per square foot   |  |  |   |                                       |
| <b>TOTAL ABANDONMENTS</b>   |  |  | <b><u>\$34,620.00</u></b>   |                                       |
| In exchange, Seven Acres Jewish Senior Care Services, Inc. will pay   |  |  |   |                                       |
| Cash  |  | \$17,310.00  |   |                                       |
| Plus convey to the City:  |  |  |   |                                       |
| <b>Parcel QY7-008</b>   |  |  |   |                                       |
| 3,462-square-foot Sanitary Control Easement   |  | \$17,310.00  |   |                                       |
| Valued at \$5.00 per square foot  |  |  |   |                                       |
| <b>TOTAL CASH AND CONVEYANCES</b>   |  |  | <b><u>\$34,620.00</u></b>   |                                       |
| s:\psm\sy7-132.rc2.doc  |  |  | CUIC #20PSM214  |                                       |
| <b>REQUIRED AUTHORIZATION</b>   |  |  |   |                                       |
| <b>F&amp;A Director:</b>  |  | <b>Other Authorization:</b>  | <b>Other Authorization:</b><br><br><i>Andrew F. Icken</i><br>Andrew F. Icken, Deputy Director<br>Planning and Development Services Division |                                       |

|              |  |                              |                                     |
|--------------|--|------------------------------|-------------------------------------|
| <b>Date:</b> | <b>Subject:</b> Ordinance authorizing the sale of 3,462-square-feet of excess fee-owned property within the Braeswood Water Well #1 Site C-116, adjacent to 5900 North Braeswood Boulevard, in exchange for conveyance to the City of a sanitary control easement over the entire area being sold, out of Tract 1A, the H. Aiken Survey, Abstract 98. <b>Parcels SY7-132 and QY7-008</b> | <b>Originator's Initials</b> | <b>Page</b><br><u>2</u> of <u>2</u> |
|--------------|--|------------------------------|-------------------------------------|

Therefore, it is recommended City Council approve an ordinance authorizing the sale of 3,462-square-feet of excess fee-owned property within the Braeswood Water Well #1 Site C-116, adjacent to 5900 North Braeswood Boulevard, in exchange for a consideration of \$17,310.00 plus the conveyance to the city of a sanitary control easement over the entire area being sold, out of Tract 1A, the H. Aiken Survey, Abstract 98.

MSM:NPC:psm

c: Daniel W. Krueger, P.E.  
 Reid K. Mrsny, P.E.  
 Marty Stein  
 Jeff Taylor



Ordinance authorizing the sale of 3,462-square-feet of excess fee-owned property within the Braeswood Water Well #1 Site C-116, adjacent to 5900 North Braeswood Boulevard, in exchange for conveyance to the City of a sanitary control easement over the entire area being sold, out of Tract 1A, the H. Aiken Survey, Abstract 98. **Parcels SY7-132 and QY7-008**

17  
 6123  
 6067

MOTION by Council Member Khan 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 Bryan Miller, Seven Acres Jewish Senior Care Services, Inc., 3203 Edloe Street, Houston, Texas 77027, for the sale of ±3,490-square-feet of excess fee-owned property within the Braeswood Water Well #1 Site C-116, adjacent to 5900 North Braeswood Boulevard, out of Tract 1A, the H. Aiken Survey, Abstract 98, Parcels SY7-132 and QY7-008, be adopted as follows:

1. The City sell ±3,490-square-feet of excess fee-owned property within the Braeswood Water Well #1 Site C-116, adjacent to 5900 North Braeswood Boulevard, in exchange for conveyance to the City of a sanitary control easement over the entire area being sold, out of Tract 1A, the H. Aiken Survey, Abstract 98;
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 interests is not expected to exceed \$25,000.00, that the value be established by staff appraisal, according to City policy.

Seconded by Council Member Alvarado and carried.

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

PASSED AND ADOPTED this 6th day of June, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is June 12, 2007.



City Secretary

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

|  |                   |                              |                                       |
|--|-------------------|------------------------------|---------------------------------------|
| <b>SUBJECT:</b> Petition for the City's consent to the addition of two (2) tracts totaling 242.6810 acres of land to Harris County Municipal Utility District No. 386 (Key Map No. 250-N, P) | <b>Category #</b> | <b>Page</b><br>1 of <u>1</u> | <b>Agenda Item #</b><br><br><b>20</b> |
|--|-------------------|------------------------------|---------------------------------------|

|  |                                   |                                   |
|--|-----------------------------------|-----------------------------------|
| <b>FROM (Department or other point of origin):</b><br>Department of Public Works and Engineering | <b>Origination Date</b><br>4/3/08 | <b>Agenda Date</b><br>MAY 07 2008 |
|--|-----------------------------------|-----------------------------------|

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

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

**RECOMMENDATION: (Summary)**

The petition for the addition of 242.6810 acres of land to Harris County Municipal Utility District No. 386 be approved.

|  |                          |
|--|--------------------------|
| <b>Amount of Funding:</b><br><br>NONE REQUIRED | <b>F &amp; A Budget:</b> |
|--|--------------------------|

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

Other (Specify)

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 386 has petitioned the City of Houston for consent to add 242.6810 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

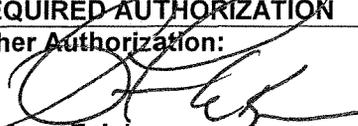
The district is located in the vicinity of FM 2920, Woodlands Parkway, FM 2978 and Gosling Road. The district desires to add 242.6810 acres, thus yielding a total of 2,179.6621 acres. The district is served by the Harris County Municipal Utility District No. 387 Sewage Treatment Plant. The other districts served by this plant are The Woodlands Municipal Utility District No. 2, Montgomery County Municipal Utility District Nos. 6, 7, 36, 39, 40, 46, 47, 60, 67, The Woodlands Wastewater Treatment Plant Nos. 1, 2, and 3 and The Woodlands Metro Center MUD. The nearest major drainage facility for Harris County Municipal Utility District No. 386 is Spring Creek which flows into the San Jacinto River and finally into Lake Houston.

Potable water is provided by Harris County Municipal Utility District No. 387 Water Plant No. 1. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

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

**Attachments**

cc: Marty Stein    Marlene Gafrick    Jeff Taylor    Dan Krueger    Mark Loethen  
Bill Zrioka    Waynette Chan    Deborah McAbee    Gary Norman

|  |  |
|--|--|
| <b>REQUIRED AUTHORIZATION</b> 20JZC402 |  |
| <b>F &amp; A Director</b>              | <b>Other Authorization:</b><br><br><br>Andrew F. Icken<br>Deputy Director<br>Planning & Development Services Div. |
|  | <b>Other Authorization:</b>  |



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

*Revisions Rec'd  
3/25/08*

*1/31/08 [Signature]*

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 242.6810 acres to Harris County MUD No. 386 under the provisions of Chapters 49 and 54 Texas Water Code.

*[Signature]*  
Attorney for the District

**Attorney: Howard M. Cohen, Schwartz, Page & Harding, L.L.P.**

Address: 1300 Post Oak Boulevard, Suite 1400, Houston Zip: 77056 Phone: 713-623-4531

**Engineer: Chad Abram, Pate Engineers, Inc.**

Address: 13333 Northwest Freeway, Suite 300 Zip: 77040 Phone: 713-462-3178

**Owners: Richard Derr, The Woodlands Land Dev. Co., L.P.**

Address: 2201 Timberloch Place, The Woodlands Zip: 77380 Phone: 281-719-6110

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

### LOCATION

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) HARRIS  
Survey William White Abstract A-829

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

North of: F.M. 2920 East of: F.M. 2978  
South of: Woodlands Parkway West of: Gosling Road

### WATER DISTRICT DATA

Total Acreage of District: 1936.9811 Existing Plus Proposed Land 2179.6621

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

Single Family Residential 96% Multi-Family Residential 4%  
Commercial      Industrial      Institutional     

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

Sewage Treatment Plant Name: Harris County MUD No. 387 Sewage Treatment Plant

NPDES/TPDES Permit No: N/A TCEQ Permit No: 14347-001



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.24

Ultimate Capacity (MGD): 3.0

Size of treatment plant site: 14 square feet/acres.

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

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

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

Total permitted capacity: 3.0

MGD of (Regional Plant).

Name of District: Harris County MUD No. 386

MGD Capacity Allocation 593,775 GPD

or property owner(s)

Name of District: The Wood. Land. Dev. Co.

MGD Capacity Allocation 2,406,225 GPD

Water Treatment Plant Name: Harris Co. MUD No. 387 Water Plant No. 1

Water Treatment Plant Address: 25802-1/2 Kuykendahl Road, Tomball

Well Permit No: HGCSD Permit No. 112566

**Existing Capacity:**

Well(s): 1,000 GPM

Booster Pump(s): 1-500; 2-1,100 GPM

Tank(s): 500,000 gal MG

**Ultimate Capacity:**

Well(s): 2,000 GPM

Booster Pump(s): 1-500, 2-1,100 GPM

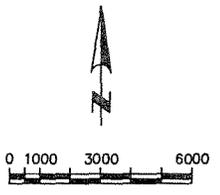
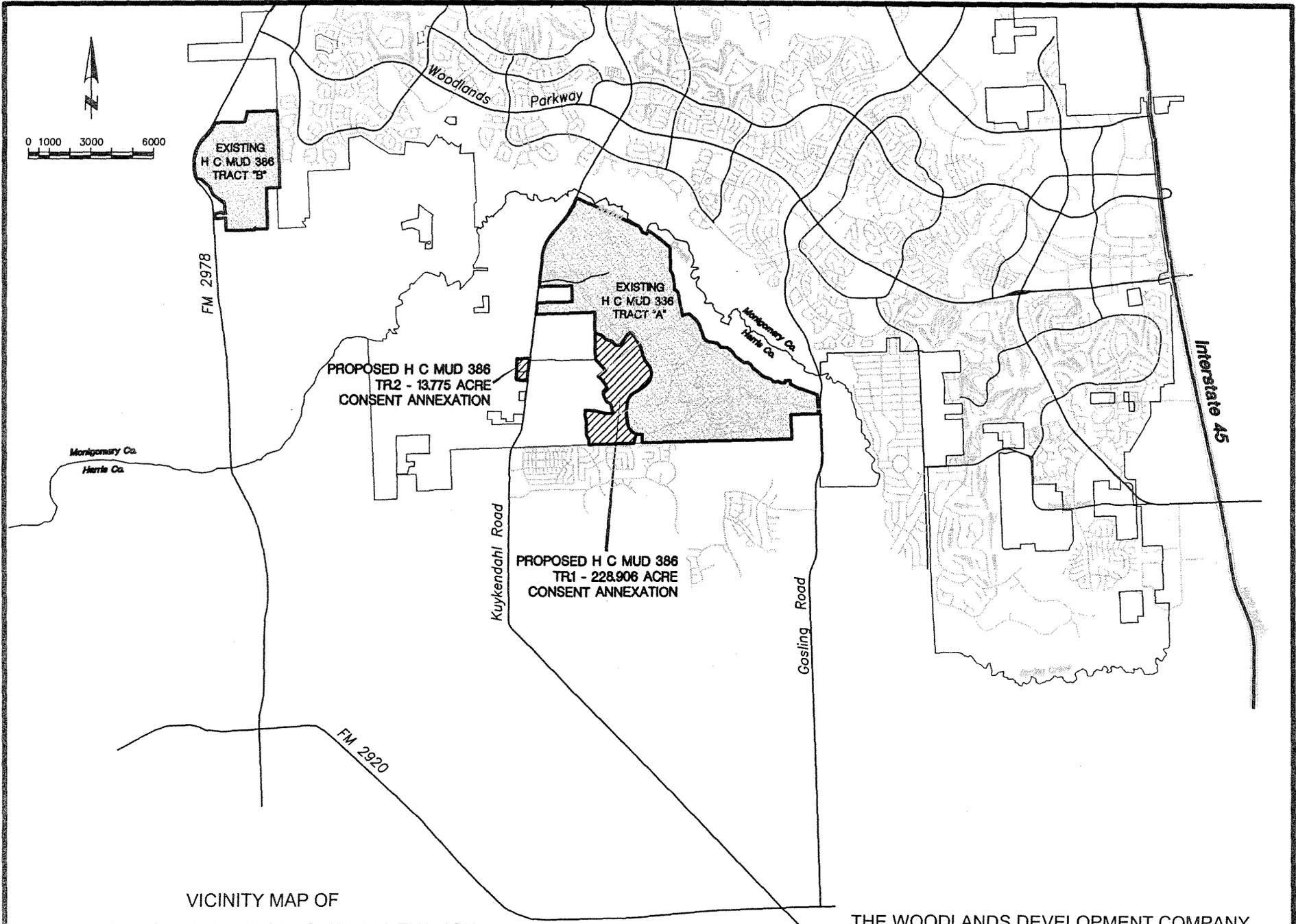
Tank(s): 1 MG

Size of Treatment Plant Site: 3.3

square feet/acres.

Comments or Additional Information: See Addendum for information regarding Sewage Treatment

Plant and Water Treatment Plant to serve property situated in Montgomery County.



VICINITY MAP OF  
 DISTRICT BOUNDARY & CONSENT ANNEXATION  
 HARRIS COUNTY M.U.D. NO. 386

**THE WOODLANDS DEVELOPMENT COMPANY**

2201 Timberloch Place The Woodlands, Texas 77380  
 Phone: (281) 719-6100 Fax: (281) 719-6111

SCALE: 1"=6000' DATE: 11/2007 DRAWING No.: M386-CON-1107

1107

**ADDENDUM TO  
WATER DISTRICT CONSENT APPLICATION FORM**

Date: December 28, 2007  
 District: Harris County Municipal Utility District No. 386  
 Application: Consent to the addition of 242.6810 acres

Survey Andrew Lawson Abstract A-509  
James Brown A-78

Sewage generated by the District within Montgomery County are served by the following Regional Plants:

**Sewage Treatment Plant Name:** The Woodlands Wastewater Treatment Plant No. 1  
**N.P.D.E.S. Permit No.:** TX0054186 **T.D.W.R. Permit No.:** 11401-01  
**Existing Capacity:** 7.8MGD **Ultimate Capacity:** 7.8 MGD  
**Size of Treatment Plant Site:** 10.5 Acres

**Sewage Treatment Plant Name:** The Woodlands Wastewater Treatment Plant No. 2  
**N.P.D.E.S. Permit No.:** TX0091715 **T.D.W.R. Permit No.:** 12597-01  
**Existing Capacity:** 6.2MGD **Ultimate Capacity:** 7.6 MGD  
**Size of Treatment Plant Site:** 24.50 Acres

**Sewage Treatment Plant Name:** The Woodlands Wastewater Treatment Plant No. 3  
**N.P.D.E.S. Permit No.:** TX0063461 **T.D.W.R. Permit No.:** 11658-001  
**Existing Capacity:** 0.900 MGD **Ultimate Capacity:** 0.900 MGD  
**Size of Treatment Plant:** 3.69 Acres

| NAME OF DISTRICT OR<br>PROPERTY OWNER(S) | MGD CAPACITY<br>ALLOCATION |
|--|----------------------------|
| The Woodlands MUD # 2                    | 0.091 MGD                  |
| Montgomery County MUD # 6                | 1.184 MGD                  |
| Montgomery County MUD # 7                | 1.339 MGD                  |
| Montgomery County MUD # 36               | 0.693 MGD                  |

|                                |           |
|--------------------------------|-----------|
| Montgomery County MUD # 39     | 0.698 MGD |
| Montgomery County MUD # 40     | 0.836 MGD |
| Montgomery County MUD # 46     | 2.503 MGD |
| Montgomery County MUD # 47     | 2.632 MGD |
| Montgomery County MUD # 60     | 1.421 MGD |
| Montgomery County MUD # 67     | 1.044 MGD |
| The Woodlands Metro Center MUD | 2.139 MGD |
| Harris County MUD # 386        | 0.319 MGD |

---

Serving the District's property situated in Montgomery County only:

**Water Plant Name:** Water Plant No. 1

**Water Plant Address:** 11439 Slash Pine, The Woodlands

**Water Plant Name:** Water Plant No. 2

**Water Plant Address:** 6140 Shadow Bend Place, The Woodlands

**Water Plant Name:** Water Plant No. 3

**Water Plant Address:** 6698 Alden Bridge Road, The Woodlands

**Well Permit Nos.** N/A

**Existing Capacity:**

Well(s): 28,500 GPM

Booster Pump(s): 29,900 GPM

Tank(s): 13.5 MG

**Ultimate Capacity:**

Well(s): 30,611 GPM

Booster Pump(s): 34,300 GPM

Tank(s): 18.0 MG

Size of Treatment Plant Site: Water Plant No. 1: 2.417 Acres

Water Plant No. 2: 3.45 Acres

Water Plant No. 3: 4.688 Acres

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

|  |                   |                              |                                       |
|--|-------------------|------------------------------|---------------------------------------|
| <b>SUBJECT:</b> Petition for the City's consent to the creation of 320.05 acres of land as Harris County Municipal District No. 494 (Key Map No.377-D) | <b>Category #</b> | <b>Page</b><br>1 of <u>1</u> | <b>Agenda Item #</b><br><br><b>21</b> |
|--|-------------------|------------------------------|---------------------------------------|

|  |                                   |                                   |
|--|-----------------------------------|-----------------------------------|
| <b>FROM (Department or other point of origin):</b><br>Department of Public Works and Engineering | <b>Origination Date</b><br>5-1-08 | <b>Agenda Date</b><br>MAY 07 2008 |
|--|-----------------------------------|-----------------------------------|

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

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

**RECOMMENDATION: (Summary)**

The petition for the creation of 320.05 acres of land as Harris County Municipal District No. 494 be approved.

|  |                          |
|--|--------------------------|
| <b>Amount of Funding:</b><br>NONE REQUIRED | <b>F &amp; A Budget:</b> |
|--|--------------------------|

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

Other (Specify)

**SPECIFIC EXPLANATION:**

The owners of two (2) tracts of land totaling 320.05 acres of land, located in both the city's extraterritorial jurisdiction and the city's corporate limits, have petitioned the City of Houston for consent to create a district.

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

The district is located in the vicinity of Lake Houston, FM 1960, and West Lake Houston Parkway. The district will consist of 320.05 acres. The district will be served by a regional wastewater treatment plant, Atascocita Joint Operations Board (AJOB). The other districts served by the AJOB are Harris County Municipal Utility Districts 46, 106, 109, 132, 151, 152, and 153. The nearest major drainage facility for Harris County Municipal District No. 494 is Lake Houston which flows into the San Jacinto River and finally into the Houston Ship Channel.

Potable water will be provided by Harris County Municipal Utility District No. 153 and Harris County Municipal Utility District No. 494 Joint Ownership. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

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

**Attachments**

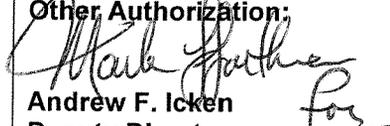
cc: Marty Stein Marlene Gafrick Jeff Taylor Earl Travis Dan Krueger  
Mark Loethen Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

**REQUIRED AUTHORIZATION**

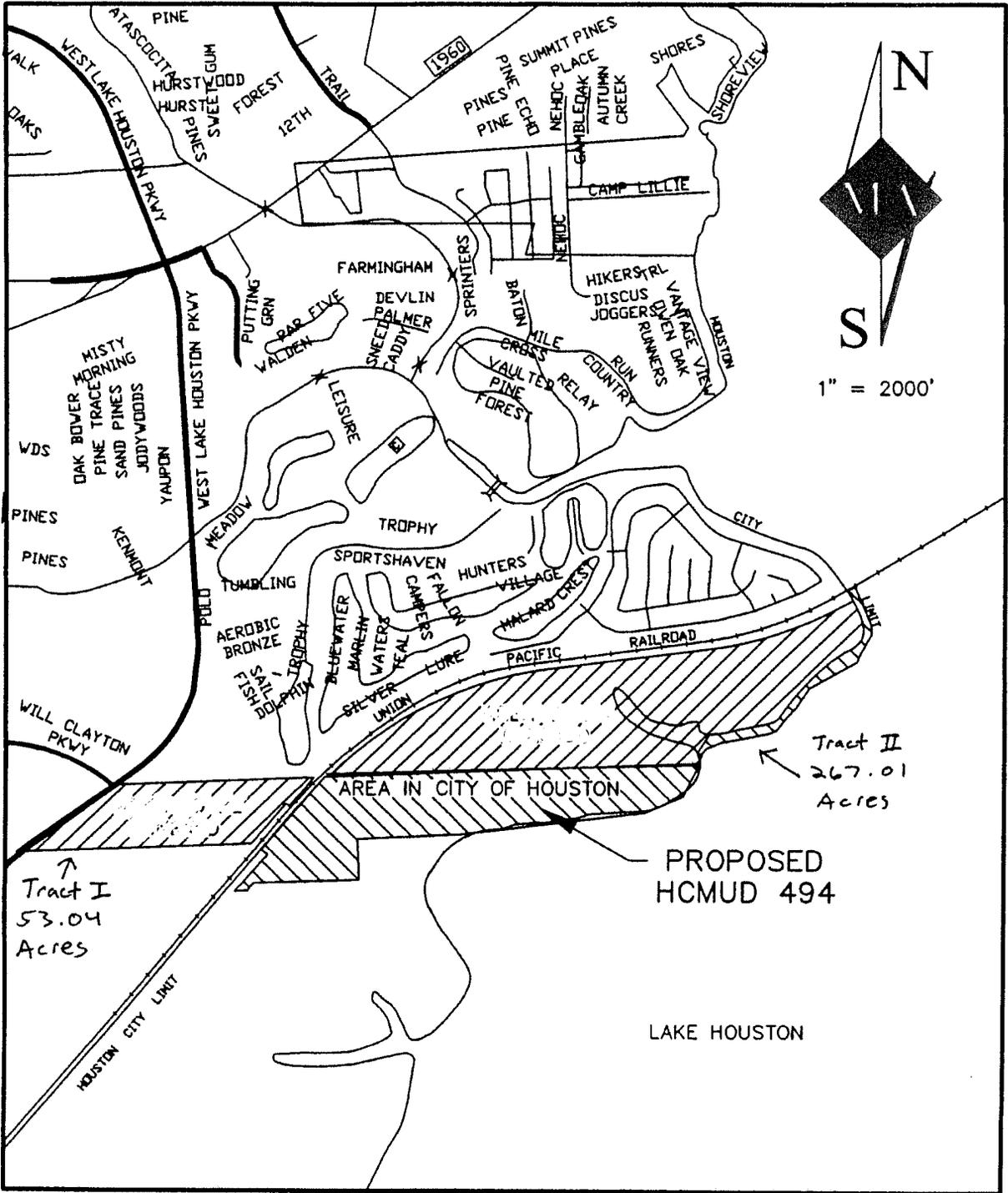
20JZC233

F & A Director

Other Authorization:

  
Andrew F. Icken  
Deputy Director  
Planning & Development Services Div.

Other Authorization:



VICINITY MAP

KEY MAP: 377



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

received  
3/13/08

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 320.05 acres to Harris County M.U.D. No. 494 under the provisions of Chapters 49 and 54 Texas Water Code.

Jillianne B. Kugle / by MRW  
Attorney for the District

**Attorney:** Coats, Rose, Yale Ryman & Lee, P.C. - J. Kugle

Address: 3 Greenway Plaza, Suite 2000, Houston, Texas Zip: 77046 Phone: 713-651-0111

**Engineer:** Montgomery and Associates - D. Borengasser

Address: 450 Gears Road, Suite 200, Houston, Texas Zip: 77067 Phone: 281-775-4650

**Owners:** WYA the Bridges at Lake Houston, Ltd

Address: 1122 Jackson Street, Suite 616, Dallas, Texas Zip: 75202 Phone: 214-593-1195

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

### LOCATION

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Harris  
Survey David Harris Abstract A-26

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

North of: Lake Houston East of: West Lake Houston Parkway  
South of: FM 1960 West of: Lake Houston

### WATER DISTRICT DATA

Total Acreage of District: 320.05 Existing Plus Proposed Land \_\_\_\_\_

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

Single Family Residential 84 Multi-Family Residential 7

Commercial 9 Industrial \_\_\_\_\_ Institutional \_\_\_\_\_

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

Sewage Treatment Plant Name: Atascocita Joint Operations Board (AJOB)

NPDES/TPDES Permit No: WQ0011533001 TCEQ Permit No: WQ0011533001



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 9.0

Ultimate Capacity (MGD): TBD

Size of treatment plant site: 20.29 square acres square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: \_\_\_\_\_ MGD.

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

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

Total permitted capacity: 9.0

MGD of (Regional Plant).

Name of District: HC MUD 494

MGD Capacity Allocation 0.432

or property owner(s)

Name of District: See Attachment

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

Water Treatment Plant Name: HC MUD 153 & HC MUD 494 Joint Ownership

Water Treatment Plant Address: South of HC MUD 494, West of Railroad

Well Permit No: To Be Obtained

### Existing Capacity:

Well(s): 0

GPM

Booster Pump(s): 0

GPM

Tank(s): 0

MG

### Ultimate Capacity:

Well(s): 2650/1562

GPM

Total/HC 494 share

Booster Pump(s): 9800/5777

GPM

Tank(s): 1.10/0.65

MG

Size of Treatment Plant Site: To Be Determined

square feet/acres.

Comments or Additional Information: Plant Currently Being Designed

ATTACHMENT  
City of Houston Water District Application Form  
Harris County M.U.D. No. 494

Allocated Capacity of Sewage Treatment Plant

| <u>District</u> | <u>Share of Rated Capacity (gpd)</u> |
|-----------------|--------------------------------------|
| HCMUD 46        | 600,000                              |
| HCMUD 106       | 600,000                              |
| HCMUD 109       | 2,100,000                            |
| HCMUD 132       | 1,540,000                            |
| HCMUD 151       | 1,120,000                            |
| HCMUD 152       | 1,360,000                            |
| HCMUD 153       | 1,680,000                            |
| <br>TOTAL =     | <br>9,000,000                        |

Notes:

1. The existing allocation will be adjusted to provide 430,000 gpd of rated capacity to HCMUD 494.
2. The plant is permitted in the name of Harris County M.U.D. No. 109



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

|  |                   |                              |                                |
|--|-------------------|------------------------------|--------------------------------|
| <b>SUBJECT:</b> Petition for the City's consent to the creation of 211.96 acres of land as Harris County Municipal Utility District No. 496 (Key Map No.283-U,V) | <b>Category #</b> | <b>Page</b><br>1 of <u>1</u> | <b>Agenda Item #</b><br><br>22 |
|--|-------------------|------------------------------|--------------------------------|

|  |  |                                       |
|--|--|---------------------------------------|
| <b>FROM (Department or other point of origin):</b><br><br>Department of Public Works and Engineering | <b>Origination Date</b><br><br>4/17/08 | <b>Agenda Date</b><br><br>MAY 07 2008 |
|--|--|---------------------------------------|

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

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

**RECOMMENDATION:** (Summary)  
  
The petition for the creation of 211.96 acres of land as Harris County Municipal Utility District No. 496 be approved.

|  |                          |
|--|--------------------------|
| <b>Amount of Funding:</b><br><br>NONE REQUIRED | <b>F &amp; A Budget:</b> |
|--|--------------------------|

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

**SPECIFIC EXPLANATION:**

The owners of 211.96 acres of land, located in the city's extraterritorial jurisdiction, have petitioned the City of Houston for consent to create a district.

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

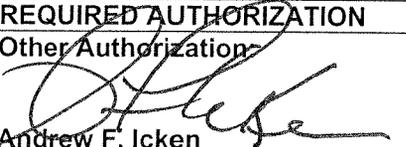
The district is located in the vicinity of US Highway 290, FM 2920 (Waller-Tomball Road), Kickapoo Road and Kermier Road. The district will consist of 211.96 acres. The district will be served by a proposed Regional plant, Harris County Municipal Utility District No. 496 Wastewater Treatment Plant. The other district that will be served by this proposed plant will be Harris County Municipal Utility District No. 497. The nearest major drainage facility for Harris County Municipal Utility District No. 496 is Little Cypress Creek which flows into Cypress Creek then to Spring Creek then into the San Jacinto River and finally into Lake Houston.

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

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

Attachments

cc: Marty Stein Marlene Gafrick Jeff Taylor Dan Krueger Mark Loethen  
 Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

|                           |  |   |
|---------------------------|--|---|
| <b>F &amp; A Director</b> | <b>REQUIRED AUTHORIZATION</b><br>Other Authorization:<br><br>Andrew F. Icken<br>Deputy Director<br>Planning & Development Services Div. | 20JZC416<br><br><b>Other Authorization:</b> |
|---------------------------|--|---|



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

5/28/08 Jue

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 211.96 acres to Harris County MUD No. 496 under the provisions of Chapters 49 and 54 Texas Water Code.

*Jim Boone*  
Attorney for the District

**Attorney: James Boone, Allen Boone Humphries RobinsonLLP**

Address: 3200 Southwest Freeway Ste. 2600, Houston,  
Texas

Zip: 77027

Phone: 713-860-6404

**Engineer: Costello, Inc**

Address: 9990 Richmond Ave., Suite 450, N. Bldg, Houston,  
Texas

Zip: 77042

Phone: 713-783-7788

**Owners: Trademark Property Company**

Address: 301 Commerce St., Suite 3635, Fort Worth, TX

Zip: 76102

Phone: 817-810-5387

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

### LOCATION

INSIDE CITY

OUTSIDE CITY

NAME OF COUNTY (S) Harris County

Survey see attached page ✓

Abstract see attached page ✓

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

North of: US Hwy. 290

East of: Kickapoo Road

South of: FM 2920 (Waller-Tomball Road)

West of: Kermier Road

### WATER DISTRICT DATA

Total Acreage of District: 211.96

Existing Plus Proposed Land \_\_\_\_\_

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

Single Family Residential 30.3

Multi-Family Residential 39.7

Commercial 30.0

Industrial \_\_\_\_\_

Institutional \_\_\_\_\_

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

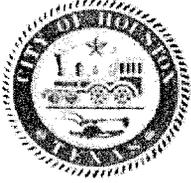
Regional Plant

Sewage Treatment Plant Name: Harris County MUD 496 Wastewater Treatment Plant

NPDES/TPDES Permit No: \_\_\_\_\_

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

Alb



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.0

Ultimate Capacity (MGD): 0.75

Size of treatment plant site: 3.32 acres square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: \_\_\_\_\_ MGD.

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

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

Total permitted capacity: 0.0

MGD of (Regional Plant).

Name of District: Proposed HCMUD No. 496

MGD Capacity Allocation 0.38

or property owner(s)

Name of District: Proposed HCMUD No. 497

MGD Capacity Allocation 0.37

Water Treatment Plant Name: Proposed HCMUD No. 496 Water Plant

Water Treatment Plant Address: To be determined

Well Permit No: To be determined

**Existing Capacity:**

Well(s): 0

GPM

Booster Pump(s): 0

GPM

Tank(s): 0

MG

**Ultimate Capacity:**

Well(s): 1,000

GPM

Booster Pump(s): 3,600

GPM

Tank(s): 0.33

MG

Size of Treatment Plant Site: approximately 1.70 acres

square feet/acres.

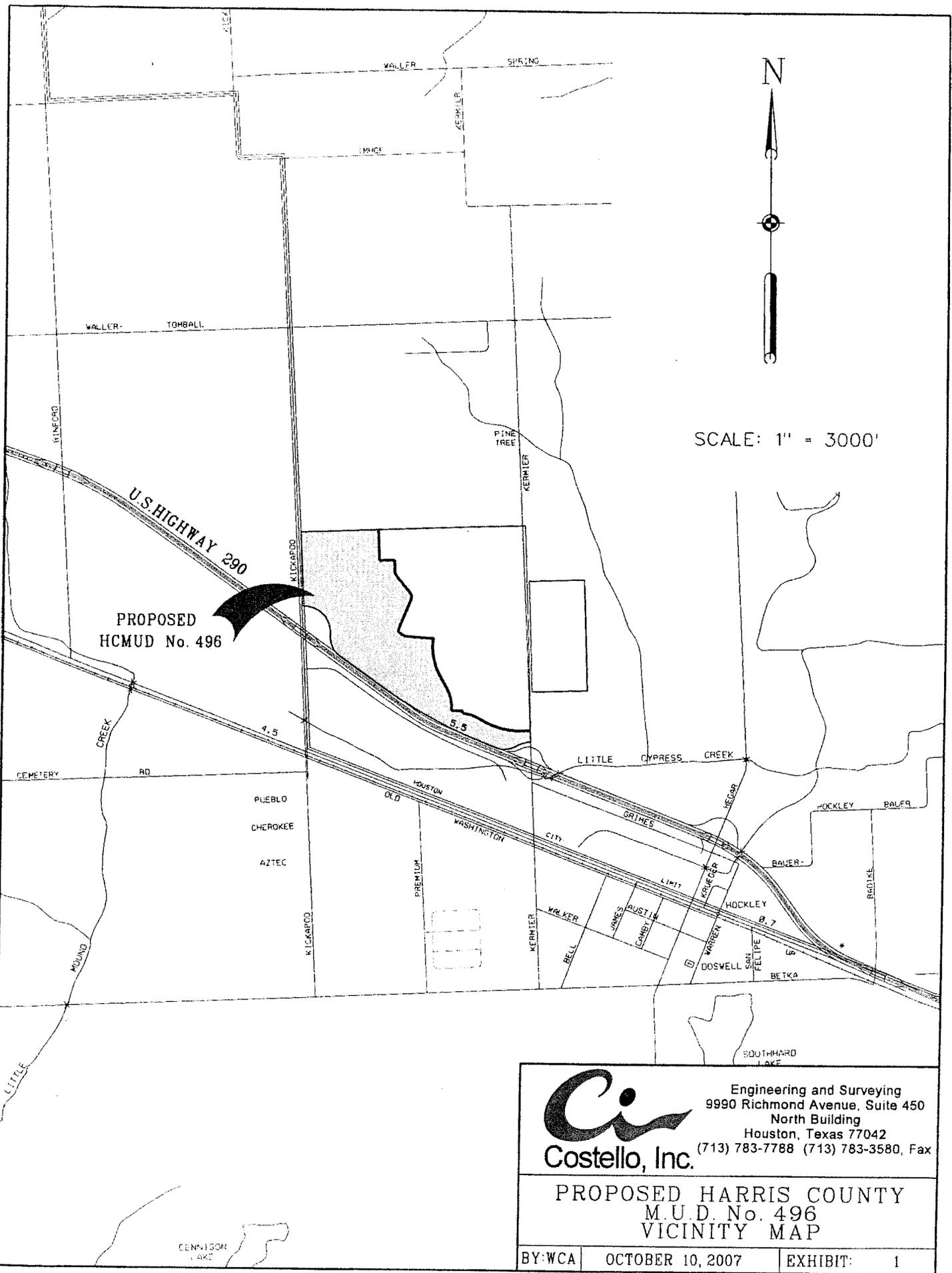
Comments or Additional Information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Survey and Abstract Information  
for the Water District Consent Application Form  
for HARRIS COUNTY MUNICIPAL DISTRICT NO. 496

Harris County School Land Survey, A-332



SCALE: 1" = 3000'

**PROPOSED  
HCMUD No. 496**

**Costello, Inc.**  
 Engineering and Surveying  
 9990 Richmond Avenue, Suite 450  
 North Building  
 Houston, Texas 77042  
 (713) 783-7788 (713) 783-3580, Fax

**PROPOSED HARRIS COUNTY  
 M.U.D. No. 496  
 VICINITY MAP**

BY: WCA    OCTOBER 10, 2007    EXHIBIT: 1

C:\Users\pca\Documents\Projects\HCMUD 496 creation\University v.s map.dwg  
 10/10/2007 10:00:00 AM

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

|   |                   |                              |                                       |
|---|-------------------|------------------------------|---------------------------------------|
| <b>SUBJECT:</b> Petition for the City's consent to the addition two (2) tracts totaling 11.22 acres of land to the in-city district, Harris County Municipal Utility District No. 499 (Key Map No. 377-Q) | <b>Category #</b> | <b>Page</b><br>1 of <u>1</u> | <b>Agenda Item #</b><br><br><i>23</i> |
|---|-------------------|------------------------------|---------------------------------------|

|  |  |                                   |
|--|--|-----------------------------------|
| <b>FROM (Department or other point of origin):</b><br>Department of Public Works and Engineering | <b>Origination Date</b><br><i>5/1/08</i> | <b>Agenda Date</b><br>MAY 07 2008 |
|--|--|-----------------------------------|

|   |  |
|---|--|
| <b>DIRECTOR'S SIGNATURE</b><br><i>Michael S. Marcotte 4/28/08</i><br>Michael S. Marcotte, P.E., DEE | <b>Council District affected:</b><br>"E" |
|---|--|

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

**RECOMMENDATION: (Summary)**

The petition for the addition of 11.22 acres of land to in-city district Harris County Municipal Utility District No. 499 be approved.

|  |                          |
|--|--------------------------|
| <b>Amount of Funding:</b><br>NONE REQUIRED | <b>F &amp; A Budget:</b> |
|--|--------------------------|

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

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 499 has petitioned the City of Houston for consent to add 11.22 acres of land to its district located entirely within the corporate limits of the city.

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

The district is located in the vicinity of Beltway 8, Atascocita Road, Wilson Road and Lake Houston. The district desires to add 11.22 acres, thus yielding a total of 298.80 acres. The district will be served by a regional plant, Harris County Municipal Utility District No. 400/City of Houston Wastewater Treatment Plant. The nearest major drainage facility for Harris County Municipal Utility District No. 499 is Lake Houston.

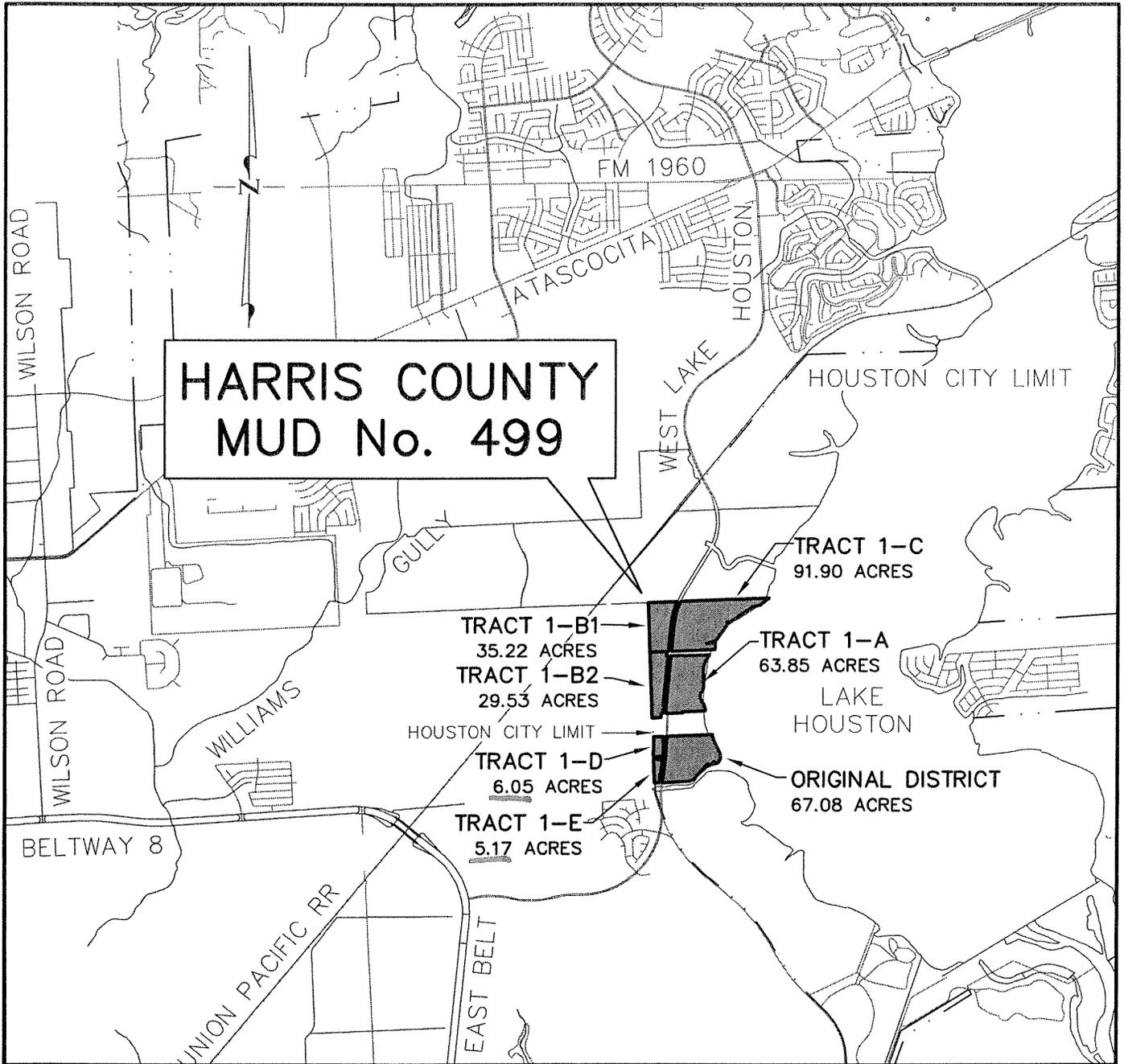
Potable water will be provided by the City of Houston's Northeast Surface Water Plant. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved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

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

**Attachments**

cc: Marty Stein Marlene Gafrick Jeff Taylor Dan Krueger Jack Sakolosky  
 Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

|                           |   |                                  |
|---------------------------|---|----------------------------------|
| <b>F &amp; A Director</b> | <b>REQUIRED AUTHORIZATION</b><br>Other Authorization:<br><i>[Signature]</i><br>Andrew F. Icken<br>Deputy Director<br>Planning & Development Services Div. | 20JZC399<br>Other Authorization: |
|---------------------------|---|----------------------------------|



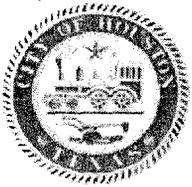
**HARRIS COUNTY  
MUD No. 499**

**VICINITY MAP**

**HARRIS COUNTY  
M.U.D. No. 499**

**Carter :: Burgess**  
 Consultants in Planning, Engineering, Architecture,  
 Construction Management and Related Services  
**CARTER & BURGESS, INC.**  
 55 Waugh Drive, Houston, Texas 77007 (713)869-7900

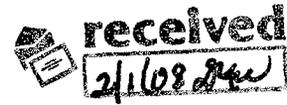
|           |        |           |            |
|-----------|--------|-----------|------------|
| SCALE:    | N.T.S. | PROJ. NO. | 032815.100 |
| DRAWN BY: | JJP    | DATE      | SHEET      |
| CHK'D BY: | WJW    | 02/25/08  | 1 of 1     |
| APPROVED: | WJW    |           |            |



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 11.22 acres to Harris County MUD No. 499 under the provisions of Chapter 49 Texas Water Code.

*Jim Boone*  
Attorney for the District

**Attorney: Mr. Jim Boone, Allen Boone Humphries Robinson, L.L.P.**

Address: 3200 Southwest Freeway, Suite 2600, Houston, TX Zip: 77027 Phone: 713-860-6404

**Engineer: Mr. Kevin J. Gilligan, P.E., Jacobs Carter Burgess**

Address: 55 Waugh Drive, Suite 800, Houston, TX Zip: 77007 Phone: 713-803-2337

**Owners: Mr. Locke Braly, II Summerlake, Ltd.**

Address: 710 N. Post Oak, Suite 400, Houston, TX Zip: 77024 Phone: 713-688-0166

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

### LOCATION

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Harris  
Survey Victor Blanco Abstract 2

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

North of: Beltway 8 East of: Wilson Road  
South of: Atascocita Road West of: Lake Houston

### WATER DISTRICT DATA

Total Acreage of District: 287.58 Existing Plus Proposed Land: 298.80

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

Single Family Residential 0 Multi-Family Residential 0  
Commercial 100 Industrial 0 Institutional 0

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

Sewage Treatment Plant Name: HCMUD 400 / City of Houston

NPDES/TPDES Permit No: Pending TCEQ Permit No: \_\_\_\_\_



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 032 (Pending)

Ultimate Capacity (MGD): 2.50

Size of treatment plant site: 15 ~~square feet~~/acres.

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

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

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

Total permitted capacity: \_\_\_\_\_

MGD of (Regional Plant).

Name of District: \_\_\_\_\_

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

or property owner(s)

Name of District: \_\_\_\_\_

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

Water Treatment Plant Name: City of Houston Northeast Surface Water Plant

Water Treatment Plant Address: 12121 North Sam Houston Pkwy East

Well Permit No: N/A

### Existing Capacity:

Well(s): 40,000,000

GPM

Booster Pump(s): \_\_\_\_\_

GPM

Tank(s): 10

MG

### Ultimate Capacity:

Well(s): 400,000,000

GPM

Booster Pump(s): \_\_\_\_\_

GPM

Tank(s): TBD

MG

Size of Treatment Plant Site: 156 Acres

square feet/acres.

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

\_\_\_\_\_

\_\_\_\_\_

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

|   |                   |                              |                                       |
|---|-------------------|------------------------------|---------------------------------------|
| <b>SUBJECT:</b> Petition for the City's consent to the addition two (2) tracts totaling 93.38 acres of land to the in-city district, Harris County Municipal Utility District No. 499 (Key Map No. 377-Q) | <b>Category #</b> | <b>Page</b><br>1 of <u>1</u> | <b>Agenda Item #</b><br><br><b>24</b> |
|---|-------------------|------------------------------|---------------------------------------|

|  |                                       |                                       |
|--|---------------------------------------|---------------------------------------|
| <b>FROM (Department or other point of origin):</b><br><br>Department of Public Works and Engineering | <b>Origination Date</b><br><br>5/1/08 | <b>Agenda Date</b><br><br>MAY 07 2008 |
|--|---------------------------------------|---------------------------------------|

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

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

**RECOMMENDATION: (Summary)**  
  
The petition for the addition of 93.38 acres of land to in-city district Harris County Municipal Utility District No. 499 be approved.

|  |                          |
|--|--------------------------|
| <b>Amount of Funding:</b><br><br>NONE REQUIRED | <b>F &amp; A Budget:</b> |
|--|--------------------------|

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

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 499 has petitioned the City of Houston for consent to add 93.38 acres of land to its district located entirely within the corporate limits of the city.

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

The district is located in the vicinity of Beltway 8, Atascocita Road, Wilson Road and Lake Houston. The district desires to add 93.38 acres, thus yielding a total of 287.58 acres. The district will be served by a regional plant, Harris County Municipal Utility District No. 400/City of Houston Wastewater Treatment Plant. The nearest major drainage facility for Harris County Municipal Utility District No. 499 is Lake Houston.

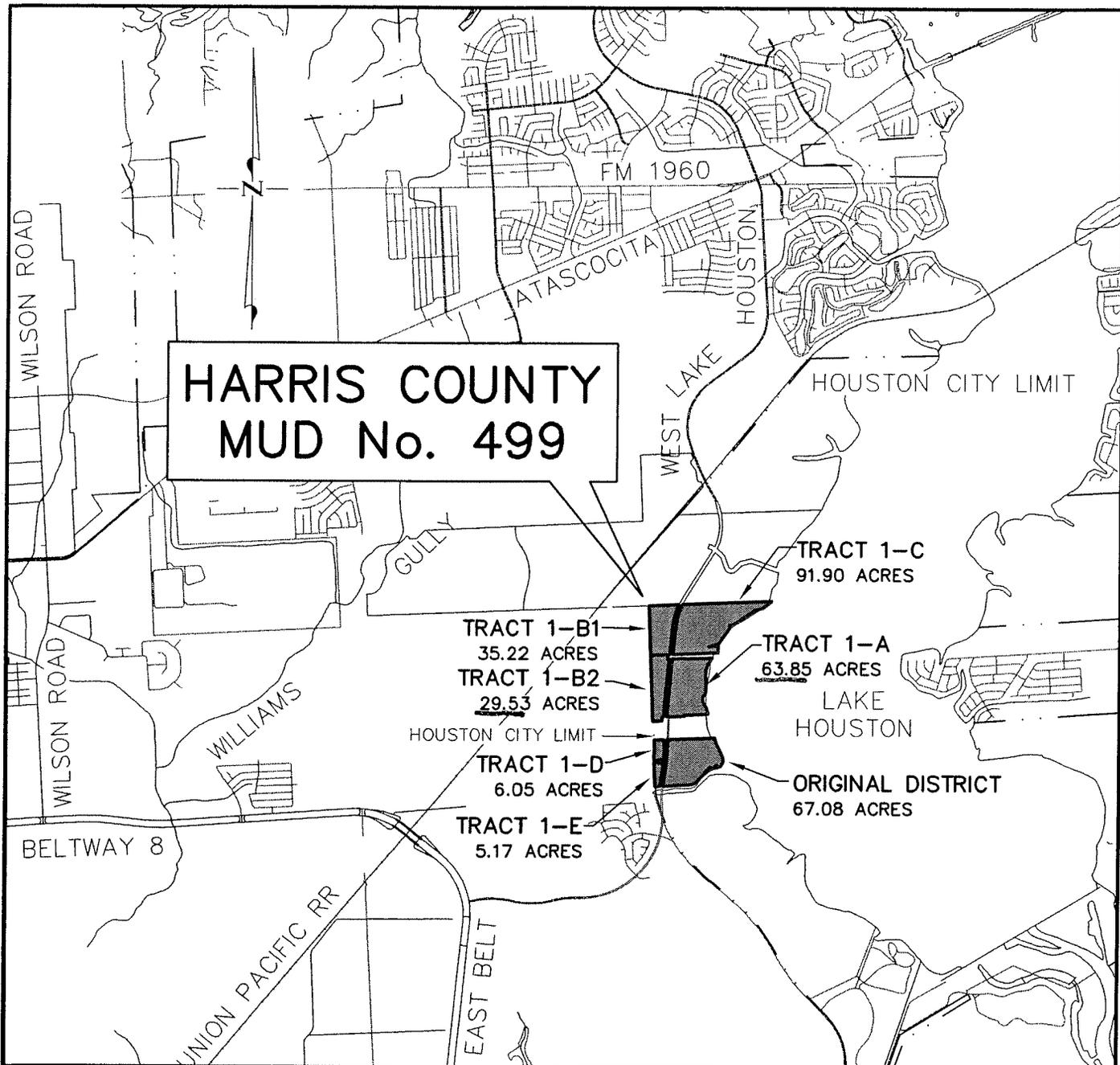
Potable water will be provided by the City of Houston's Northeast Surface Water Plant. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved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

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

**Attachments**

cc: Marty Stein   Marlene Gafrick   Jeff Taylor   Dan Krueger   Jack Sakolosky  
Bill Zrioka   Waynette Chan   Deborah McAbee   Gary Norman

|                           |   |                                  |
|---------------------------|---|----------------------------------|
| <b>F &amp; A Director</b> | <b>REQUIRED AUTHORIZATION</b><br>Other Authorization:<br><i>Andrew F. Icken</i><br>Andrew F. Icken<br>Deputy Director<br>Planning & Development Services Div. | 20JZC398<br>Other Authorization: |
|---------------------------|---|----------------------------------|



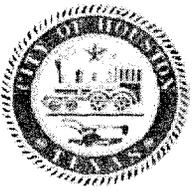
**VICINITY MAP**

**HARRIS COUNTY  
M.U.D. No. 499**

**Carter :: Burgess**

Consultants in Planning, Engineering, Architecture,  
Construction Management and Related Services  
**CARTER & BURGESS, INC.**  
55 Waugh Drive, Houston, Texas 77007 (713)869-7900

|           |        |           |            |
|-----------|--------|-----------|------------|
| SCALE:    | N.T.S. | PROJ. NO. | 032815.100 |
| DRAWN BY: | JJP    | DATE      | SHEET      |
| CHK'D BY: | WJW    | 02/25/08  | 1 of 1     |
| APPROVED: | WJW    |           |            |



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 93.38 acres to Harris County MUD No. 499 under the provisions of Chapter 49 Texas Water Code.

*Jim Boone*  
Attorney for the District

**Attorney: Mr. Jim Boone, Allen Boone Humphries Robinson, L.L.P.**

Address: 3200 Southwest Freeway, Suite 2600, Houston, TX Zip: 77027 Phone: 713-860-6404

**Engineer: Mr. Kevin J. Gilligan, P.E., Jacobs Carter Burgess**

Address: 55 Waugh Drive, Suite 800, Houston, TX Zip: 77007 Phone: 713-803-2337

**Owners: Mr. Michael Ross, 760 W. Lake Houston Pkwy, JV**

Address: 3200 Southwest Frwy, Suite 3000, Houston, TX Zip: 77027 Phone: 713-535-2250

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

**LOCATION**

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Harris  
Survey Victor Blanco Abstract 2

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

North of: Beltway 8 East of: Wilson Road  
South of: Atascocita Road West of: Lake Houston

**WATER DISTRICT DATA**

Total Acreage of District: 194.20 Existing Plus Proposed Land 287.58

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

Single Family Residential 70 Multi-Family Residential 0

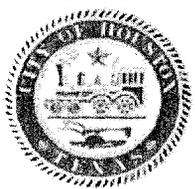
Commercial 30 Industrial 0 Institutional 0

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

Sewage Treatment Plant Name: HCMUD 400 / City of Houston

NPDES/TPDES Permit No: Pending TCEQ Permit No: \_\_\_\_\_

398



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 032 (Pending)

Ultimate Capacity (MGD): 2.50

Size of treatment plant site: 15 square feet/acres.

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

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

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

Total permitted capacity: \_\_\_\_\_

MGD of (Regional Plant).

Name of District: \_\_\_\_\_

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

or property owner(s)

Name of District: \_\_\_\_\_

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

Water Treatment Plant Name: City of Houston Northeast Surface Water Plant

Water Treatment Plant Address: 12121 North Sam Houston Pkwy East

Well Permit No: N/A

**Existing Capacity:**

Well(s): 40,000,000 GPM

Booster Pump(s): \_\_\_\_\_ GPM

Tank(s): 10 MG

**Ultimate Capacity:**

Well(s): 400,000,000 GPM

Booster Pump(s): \_\_\_\_\_ GPM

Tank(s): TBD MG

Size of Treatment Plant Site: 156 Acres

square feet/acres.

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

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

|  |                   |                              |                                       |
|--|-------------------|------------------------------|---------------------------------------|
| <b>SUBJECT:</b> Petition for the City's consent to the addition two (2) tracts totaling 127.12 acres of land to the in-city district, Harris County Municipal Utility District No. 499 (Key Map No. 377-Q) | <b>Category #</b> | <b>Page</b><br>1 of <u>1</u> | <b>Agenda Item #</b><br><br><b>25</b> |
|--|-------------------|------------------------------|---------------------------------------|

|  |                                   |                                   |
|--|-----------------------------------|-----------------------------------|
| <b>FROM (Department or other point of origin):</b><br>Department of Public Works and Engineering | <b>Origination Date</b><br>5/1/08 | <b>Agenda Date</b><br>MAY 07 2008 |
|--|-----------------------------------|-----------------------------------|

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

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

**RECOMMENDATION: (Summary)**

The petition for the addition of 127.12 acres of land to in-city district Harris County Municipal Utility District No. 499 be approved.

|  |                          |
|--|--------------------------|
| <b>Amount of Funding:</b><br>NONE REQUIRED | <b>F &amp; A Budget:</b> |
|--|--------------------------|

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

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 499 has petitioned the City of Houston for consent to add 127.12 acres of land to its district located entirely within the corporate limits of the city.

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

The district is located in the vicinity of Beltway 8, Atascocita Road, Wilson Road and Lake Houston. The district desires to add 127.12 acres, thus yielding a total of 194.20 acres. The district will be served by a regional plant, Harris County Municipal Utility District No. 400/City of Houston Wastewater Treatment Plant. The nearest major drainage facility for Harris County Municipal Utility District No. 499 is Lake Houston.

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

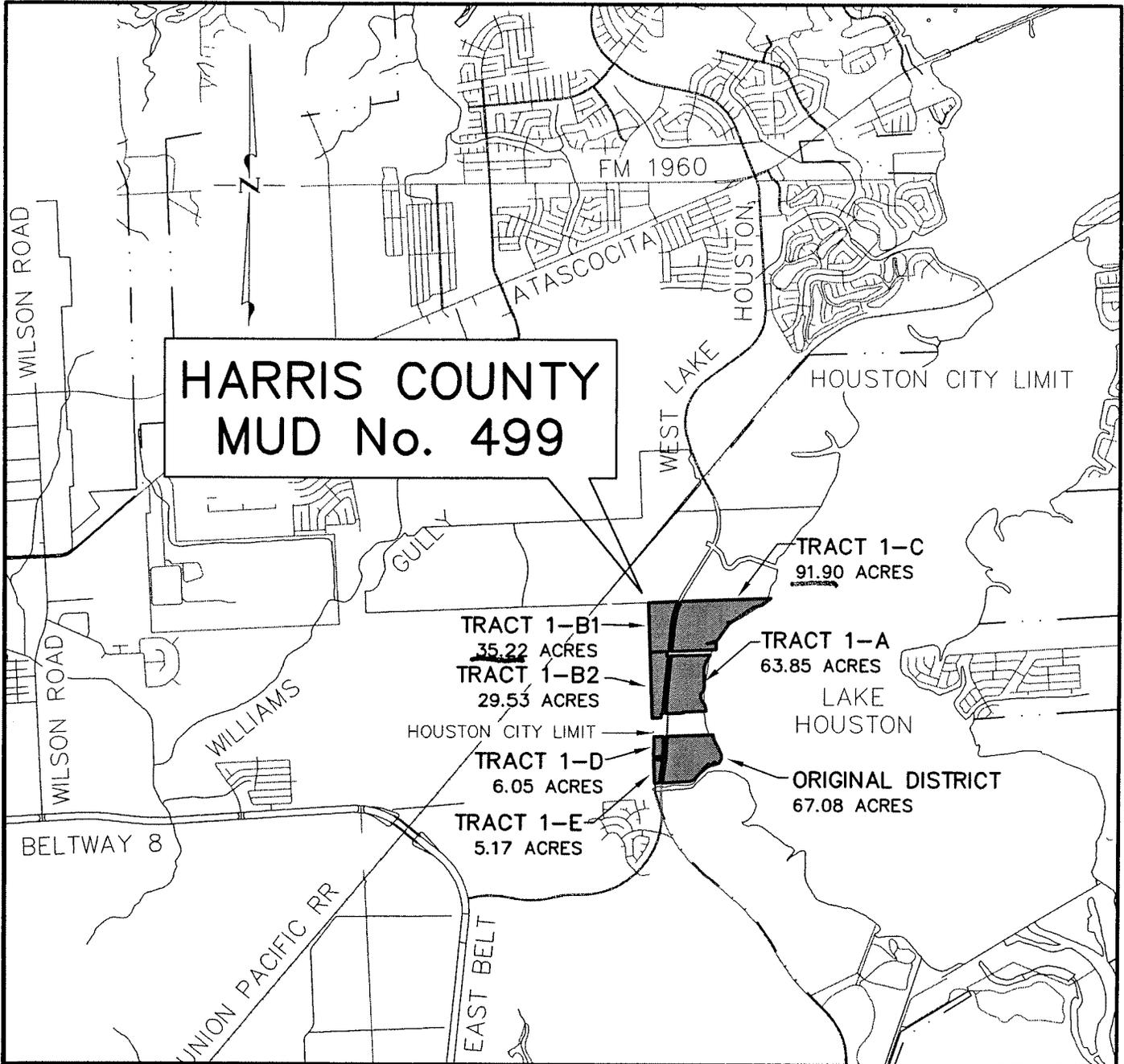
The Utility District Review Committee recommends that the subject petition be approved.

**Attachments**

cc: Marty Stein Marlene Gafrick Jeff Taylor Dan Krueger Jack Sakolosky  
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

**REQUIRED AUTHORIZATION** 20JZC397

|                           |   |                             |
|---------------------------|---|-----------------------------|
| <b>F &amp; A Director</b> | <b>Other Authorization:</b><br><i>Andrew F. Icken</i><br>Andrew F. Icken<br>Deputy Director<br>Planning & Development Services Div. | <b>Other Authorization:</b> |
|---------------------------|---|-----------------------------|



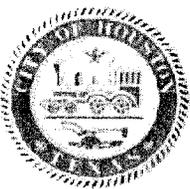
VICINITY MAP

HARRIS COUNTY  
M.U.D. No. 499

**Carter :: Burgess**

Consultants in Planning, Engineering, Architecture,  
Construction Management and Related Services  
CARTER & BURGESS, INC.  
55 Waugh Drive, Houston, Texas 77007 (713)869-7900

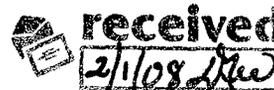
|           |        |           |            |
|-----------|--------|-----------|------------|
| SCALE:    | N.T.S. | PROJ. NO. | 032815.100 |
| DRAWN BY: | JJP    | DATE      | SHEET      |
| CHK'D BY: | WJW    | 02/25/08  | 1 of 1     |
| APPROVED: | WJW    |           |            |



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 127.12 acres to Harris County MUD No. 499 under the provisions of Chapter 49 Texas Water Code.

  
Attorney for the District

**Attorney: Mr. Jim Boone, Allen Boone Humphries Robinson, L.L.P.**

Address: 3200 Southwest Freeway, Suite 2600, Houston, TX Zip: 77027 Phone: 713-860-6404

**Engineer: Mr. Kevin J. Gilligan, P.E., Jacobs Carter Burgess**

Address: 55 Waugh Drive, Suite 800, Houston, TX Zip: 77007 Phone: 713-803-2337

**Owners: Mr. Collin Campbell, Land Tejas Park Lakes 1023**

Address: 2450 Fondren, Suite 210, Houston, TX Zip: 77063 Phone: 713-783-6702

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

**LOCATION**

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Harris  
Survey Victor Blanco Abstract 2

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

North of: Beltway 8 East of: Wilson Road  
South of: Atascocita Road West of: Lake Houston

**WATER DISTRICT DATA**

Total Acreage of District: 67.08 Existing Plus Proposed Land 194.20

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

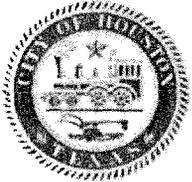
Single Family Residential 89 Multi-Family Residential 11  
Commercial 0 Industrial 0 Institutional 0

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

Sewage Treatment Plant Name: HCMUD 400 / City of Houston

NPDES/TPDES Permit No: Pending TCEQ Permit No: \_\_\_\_\_

3/2/08



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 032 (Pending)

Ultimate Capacity (MGD): 2.50

Size of treatment plant site: 15 square feet/acres.

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

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

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

Total permitted capacity: \_\_\_\_\_

MGD of (Regional Plant).

Name of District: \_\_\_\_\_

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

or property owner(s)

Name of District: \_\_\_\_\_

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

Water Treatment Plant Name: City of Houston Northeast Surface Water Plant

Water Treatment Plant Address: 12121 North Sam Houston Pkwy East

Well Permit No: N/A

### Existing Capacity:

Well(s): 40,000,000

GPM

Booster Pump(s): \_\_\_\_\_

GPM

Tank(s): 10

MG

### Ultimate Capacity:

Well(s): 400,000,000

GPM

Booster Pump(s): \_\_\_\_\_

GPM

Tank(s): TBD

MG

Size of Treatment Plant Site: 156 Acres

square feet/acres.

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

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

|   |                   |                              |                                       |
|---|-------------------|------------------------------|---------------------------------------|
| <b>SUBJECT:</b> Petition for the City's consent to the creation of two (2) tracts of land totaling 705.36 acres as Harris County Municipal Utility District No. 521 (Key Map No.325-Q, R) | <b>Category #</b> | <b>Page</b><br>1 of <u>1</u> | <b>Agenda Item #</b><br><br><b>26</b> |
|---|-------------------|------------------------------|---------------------------------------|

|  |                                    |                                   |
|--|------------------------------------|-----------------------------------|
| <b>FROM (Department or other point of origin):</b><br>Department of Public Works and Engineering | <b>Origination Date</b><br>4/24/08 | <b>Agenda Date</b><br>MAY 07 2008 |
|--|------------------------------------|-----------------------------------|

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

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

**RECOMMENDATION: (Summary)**  
The petition for the creation of 705.36 acres of land as Harris County Municipal Utility District No. 521 be approved.

|  |                          |
|--|--------------------------|
| <b>Amount of Funding:</b><br>NONE REQUIRED | <b>F &amp; A Budget:</b> |
|--|--------------------------|

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

**SPECIFIC EXPLANATION:**

The owners of 705.36 acres of land, located in the city's extraterritorial jurisdiction, have petitioned the City of Houston for consent to create a district.

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

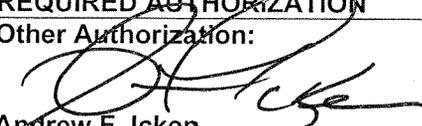
The district is located in the vicinity of Cypress Creek, US Highway 290, Becker Road, and Fry Road. The district will consist of 705.36 acres. The district will be served by a regional plant, proposed Harris County Municipal Utility District No. 522 Wastewater Treatment Plant. The nearest major drainage facility for Harris County Municipal Utility District No. 521 is Cypress Creek which flows into Spring Creek and then to the San Jacinto River and finally into Lake Houston.

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

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

**Attachments**

cc: Marty Stein Marlene Gafrick Jeff Taylor Dan Krueger  
Mark Loethen Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

|  |  |
|--|--|
| <b>REQUIRED AUTHORIZATION</b> 20JZC418 |  |
| <b>F &amp; A Director</b>              | <b>Other Authorization:</b><br><br>Andrew F. Icken<br>Deputy Director<br>Planning & Development Services Div. |
|  | <b>Other Authorization:</b>  |



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

**received**  
3/27/08 v.o.

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 705.36 acres to Harris County MUD No. 521 under the provisions of Sections 49 and 54 Texas Water Code.

Attorney for the District

**Attorney: Steve Robinson, Allen Boone Humphries Robinson LLP**

Address: 3200 Southwest Freeway, Suite 2600 Zip: 77027 Phone: 713-860-6400

**Engineer: Brown & Gay Engineers, Inc.**

Address: 10777 Westheimer, Suite 400, Houston, TX Zip: 77042 Phone: 281-558-8700

**Owners: Mason Westgreen, LP, a Texas limited partnership**

Address: 1117 Traweek, Houston, Texas Zip: 77055 Phone: 281-444-6617

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

### LOCATION

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Harris  
Survey JNO. W BAKER, MOSES MERRITT, J.W. MOODY  
Abstract 116, 579, 547 (respectively)

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

North of: Cypress Creek East of: Becker Road  
South of: US Hwy. 290 West of: Fry Road

### WATER DISTRICT DATA

Total Acreage of District: 705.36 Existing Plus Proposed Land 705.36

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

Single Family Residential 50 Multi-Family Residential 35

Commercial 15 Industrial 0 Institutional 0

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

Sewage Treatment Plant Name: HCMUD No. 522 Wastewater Treatment Plant-PROPOSED

NPDES/TPDES Permit No: N/A TCEQ Permit No: N/A



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0

Ultimate Capacity (MGD): 2.6

Size of treatment plant site: 5 acres square feet/acres.

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

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

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

Total permitted capacity: 2.6

MGD of (Regional Plant).

Name of District: HCMUD 521

MGD Capacity Allocation 1.7

or property owner(s)

Name of District: HCMUD 522

MGD Capacity Allocation 0.9

Water Treatment Plant Name: HCMUD 522 Water Plants 1 & 2 - PROPOSED

Water Treatment Plant Address: N/A

Well Permit No: N/A

**Existing Capacity:**

Well(s): 0 GPM

Booster Pump(s): 0 GPM

Tank(s): 0 MG

**Ultimate Capacity:**

Well(s): 4,700 GPM

Booster Pump(s): 21,000 GPM

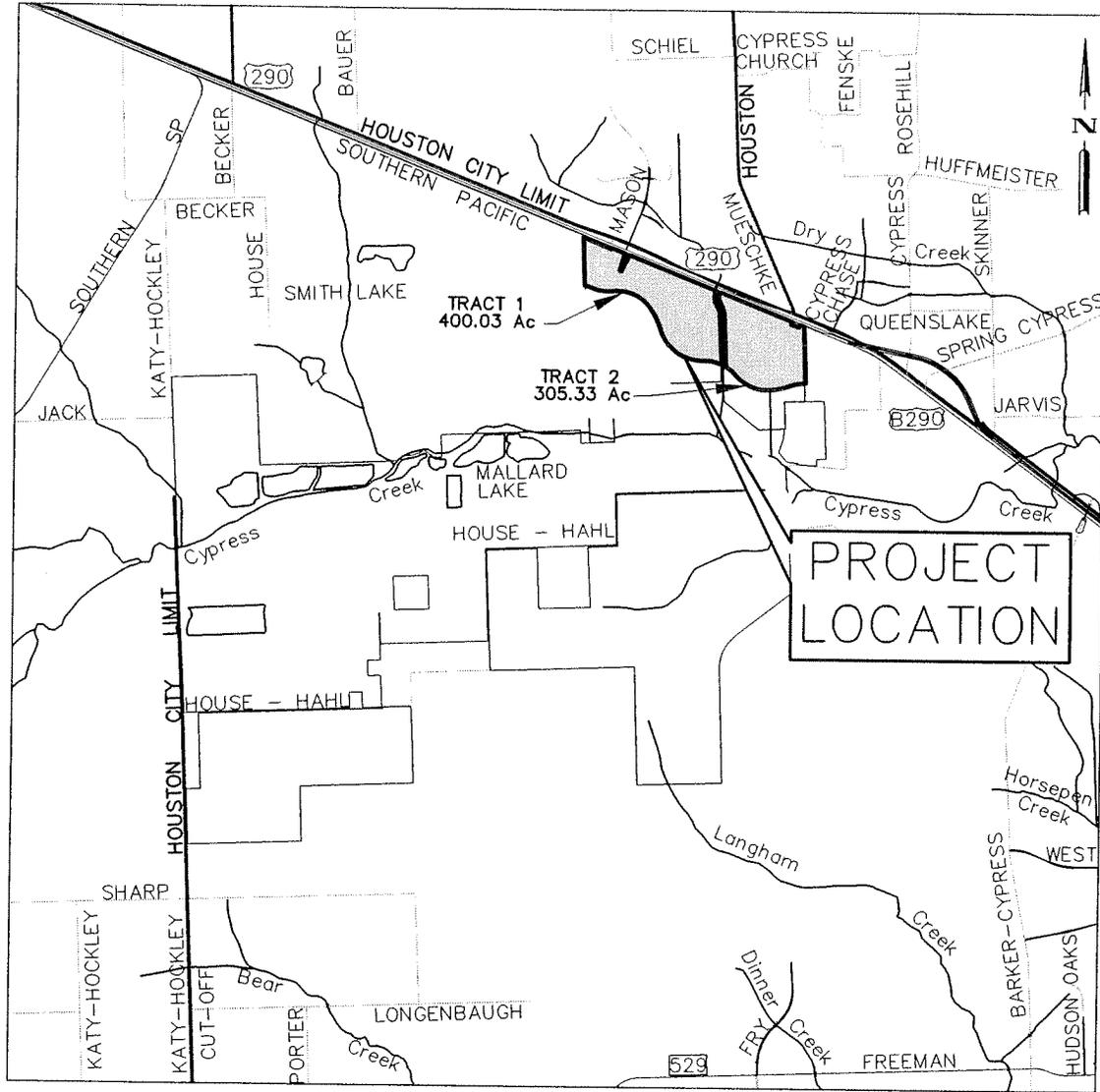
Tank(s): 1.7 MG

Size of Treatment Plant Site: 4 acres (2 acres/plant)

square feet/acres.

Comments or Additional Information: Ultimate Capacity figures shown above is the summation of both proposed water plants.

L:\Projects\Dungrove LLP\DUN01-01\CADD\I - DISTRICT LOCATION MAP\_521.dwg, 3/31/2008 4:28:02 PM, Rodriguez, 1:200



VICINITY MAP  
N.T.S.

**BROWN & GAY**  
ENGINEERS, INC.

CIVIL ENGINEERS & SURVEYORS  
HOUSTON, TEXAS

HARRIS COUNTY MUNICIPAL  
UNITILY DISTRICT NO. 521  
VICINITY MAP

|                  |                      |                    |               |
|------------------|----------------------|--------------------|---------------|
| Scale:<br>N.T.S. | Job No.:<br>DUN01-01 | Date:<br>FEB, 2008 | Exhibit:<br>1 |
|------------------|----------------------|--------------------|---------------|





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

**received**  
3/27/08 v.d.

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 622.07 acres to Harris County MUD No. 522 under the provisions of Sections 49 and 54 Texas Water Code.

Attorney for the District

**Attorney: Steve Robinson, Allen Boone Humphries Robinson LLP**

Address: 3200 Southwest Freeway, Suite 2600 Zip: 77027 Phone: 713-860-6400

**Engineer: Brown & Gay Engineers, Inc.**

Address: 10777 Westheimer, Suite 400, Houston, TX Zip: 77042 Phone: 281-558-8700

**Owners: Mason Westgreen, LP, a Texas limited partnership**

Address: 1117 Traweek, Houston, Texas Zip: 77055 Phone: 281-444-6617

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

### LOCATION

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Harris

Survey JNO. W BAKER, MOSES MERRITT, J.W.

MOODY Abstract 116, 579, 547 (respectively)

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

North of: Cypress Creek East of: Becker Road

South of: US Hwy. 290 West of: Fry Road

### WATER DISTRICT DATA

Total Acreage of District: 622.07 Existing Plus Proposed Land 622.07

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

Single Family Residential 50 Multi-Family Residential 35

Commercial 15 Industrial 0 Institutional 0

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

Sewage Treatment Plant Name: HCMUD No. 522 Wastewater Treatment Plant-PROPOSED

NPDES/TPDES Permit No: N/A TCEQ Permit No: N/A



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0

Ultimate Capacity (MGD): 2.6

Size of treatment plant site: 5 acres square feet/acres.

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

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

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

Total permitted capacity: 2.6

MGD of (Regional Plant).

Name of District: HCMUD 521

MGD Capacity Allocation 1.7

or property owner(s)

Name of District: HCMUD 522

MGD Capacity Allocation 0.9

Water Treatment Plant Name: HCMUD 522 Water Plants 1 & 2 - PROPOSED

Water Treatment Plant Address: N/A

Well Permit No: N/A

**Existing Capacity:**

Well(s): 0 GPM

Booster Pump(s): 0 GPM

Tank(s): 0 MG

**Ultimate Capacity:**

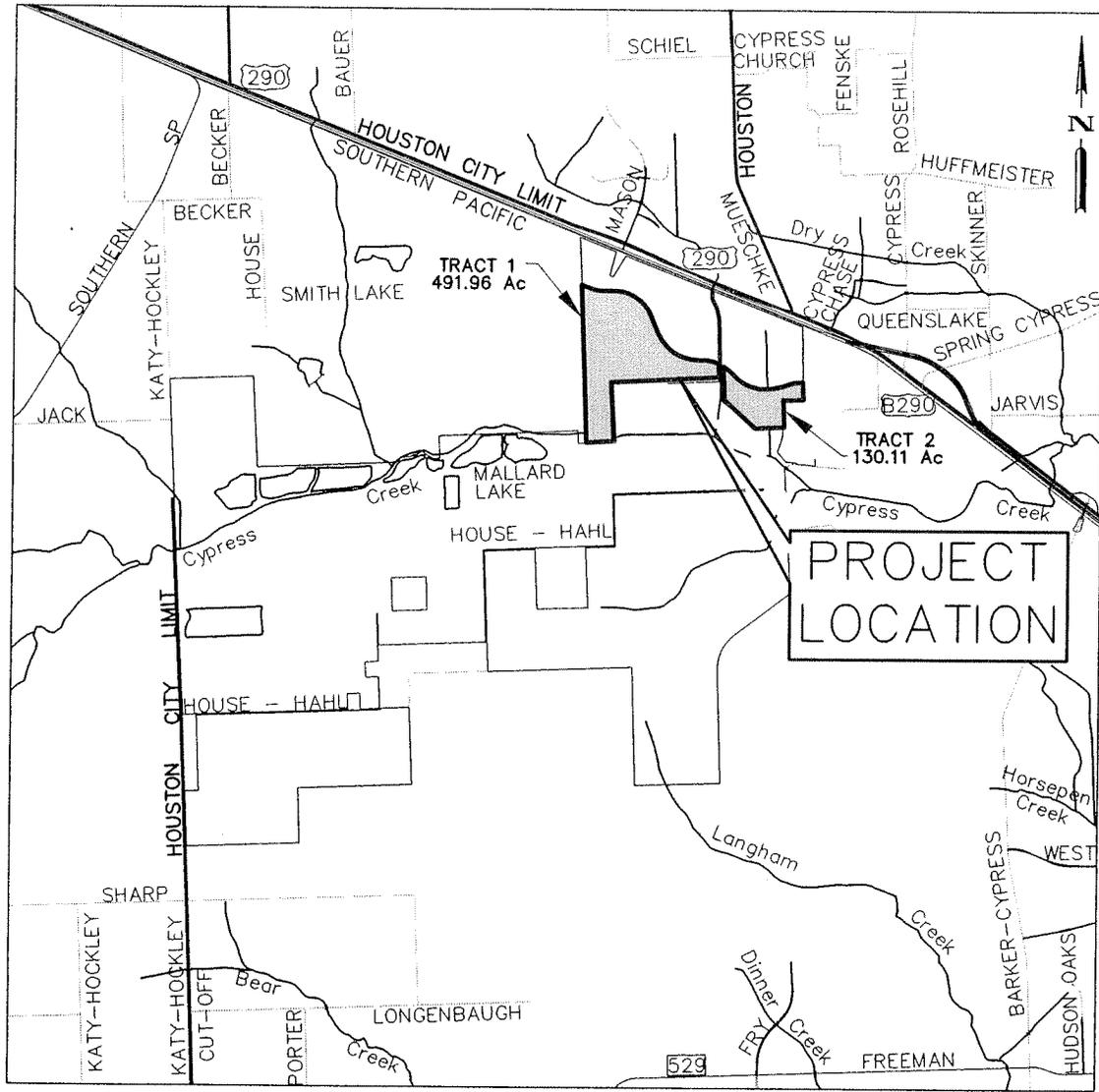
Well(s): 4700 GPM

Booster Pump(s): 21,000 GPM

Tank(s): 1.7 MG

Size of Treatment Plant Site: 4 acres (2 acres/plant) square feet/acres.

Comments or Additional Information: Ultimate Capacity figures shown above is the summation of both proposed water plants.



# VICINITY MAP

N.T.S.

|   |          |   |          |
|---|----------|---|----------|
| <b>BROWN &amp; GAY</b><br><small>ENGINEERS, INC.</small>            |          | CIVIL ENGINEERS & SURVEYORS<br>HOUSTON, TEXAS |          |
| HARRIS COUNTY MUNICIPAL<br>UNITILY DISTRICT NO. 522<br>VICINITY MAP |          |   |          |
| Scale:  | Job No.: | Date:   | Exhibit: |
| N.T.S.  | DUN01-01 | FEB, 2008                                     | I        |

Secretary **REQUEST FOR COUNCIL ACTION**

for the City's consent to the creation of two (2) tracts of land as Harris County Municipal Utility District No. 522

Category #

Page 1 of 1

Agenda Item # **27**

Department or other point of origin):

Origination Date  
**4/24/08**

Agenda Date  
**MAY 07 2008**

Department of Public Works and Engineering

DIRECTOR'S SIGNATURE

*Michael S. Marcotte*  
Michael S. Marcotte, P.E., DEE, Director

Council District affected:  
"ETJ"

For additional information contact:

Jun Chang, P.E. *JC*  
Senior Assistant Director Phone: (713) 837-0433

Date and identification of prior authorizing Council action:

**RECOMMENDATION:** (Summary)

The petition for the creation of 622.07 acres of land as Harris County Municipal Utility District No. 522 be approved.

Amount of Funding: **NONE REQUIRED**

F & A Budget:

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

Other (Specify)

**SPECIFIC EXPLANATION:**

The owners of 622.07 acres of land, located in the city's extraterritorial jurisdiction, have petitioned the City of Houston for consent to create a district.

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

The district is located in the vicinity of Cypress Creek, US Highway 290, Becker Road, and Fry Road. The district will consist of 622.07 acres. The district will be served by a regional plant, proposed Harris County Municipal Utility District No. 522 Wastewater Treatment Plant. The nearest major drainage facility for Harris County Municipal Utility District No. 521 is Cypress Creek which flows into Spring Creek and then to the San Jacinto River and finally into Lake Houston.

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

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

**Attachments**

cc: Marty Stein Marlene Gafrick Jeff Taylor Dan Krueger  
Mark Loethen Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

**REQUIRED AUTHORIZATION**

20JZC419

F & A Director

Other Authorization:

*Andrew F. Icken*

Andrew F. Icken  
Deputy Director  
Planning & Development Services Div.

Other Authorization:



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

**received**  
3/27/08 No.

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 622.07 acres to Harris County MUD No. 522 under the provisions of Sections 49 and 54 Texas Water Code.

Attorney for the District

**Attorney: Steve Robinson, Allen Boone Humphries Robinson LLP**

Address: 3200 Southwest Freeway, Suite 2600 Zip: 77027 Phone: 713-860-6400

**Engineer: Brown & Gay Engineers, Inc.**

Address: 10777 Westheimer, Suite 400, Houston, TX Zip: 77042 Phone: 281-558-8700

**Owners: Mason Westgreen, LP, a Texas limited partnership**

Address: 1117 Traweek, Houston, Texas Zip: 77055 Phone: 281-444-6617

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

### LOCATION

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Harris  
Survey JNO. W BAKER, MOSES MERRITT, J.W. MOODY Abstract 116, 579, 547 (respectively)

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

North of: Cypress Creek East of: Becker Road  
South of: US Hwy. 290 West of: Fry Road

### WATER DISTRICT DATA

Total Acreage of District: 622.07 Existing Plus Proposed Land 622.07

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

Single Family Residential 50 Multi-Family Residential 35  
Commercial 15 Industrial 0 Institutional 0

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

Sewage Treatment Plant Name: HCMUD No. 522 Wastewater Treatment Plant-PROPOSED

NPDES/TPDES Permit No: N/A TCEQ Permit No: N/A



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0

Ultimate Capacity (MGD): 2.6

Size of treatment plant site: 5 acres square feet/acres.

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

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

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

Total permitted capacity: 2.6

MGD of (Regional Plant).

Name of District: HCMUD 521

MGD Capacity Allocation 1.7

or property owner(s)

Name of District: HCMUD 522

MGD Capacity Allocation 0.9

Water Treatment Plant Name: HCMUD 522 Water Plants 1 & 2 - PROPOSED

Water Treatment Plant Address: N/A

Well Permit No: N/A

**Existing Capacity:**

Well(s): 0 GPM

Booster Pump(s): 0 GPM

Tank(s): 0 MG

**Ultimate Capacity:**

Well(s): 4700 GPM

Booster Pump(s): 21,000 GPM

Tank(s): 1.7 MG

Size of Treatment Plant Site: 4 acres (2 acres/plant) square feet/acres.

Comments or Additional Information: Ultimate Capacity figures shown above is the summation of both proposed water plants.



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

|  |                   |                       |                            |
|--|-------------------|-----------------------|----------------------------|
| <b>SUBJECT:</b> Petition for the City's consent to the addition of 13.51 acres of land to the in-city district, Northwood Municipal Utility District No. 1 (Key Map No. 333-U) | <b>Category #</b> | <b>Page</b><br>1 of 1 | <b>Agenda Item #</b><br>28 |
|--|-------------------|-----------------------|----------------------------|

|  |                                   |                                   |
|--|-----------------------------------|-----------------------------------|
| <b>FROM (Department or other point of origin):</b><br>Department of Public Works and Engineering | <b>Origination Date</b><br>3/6/08 | <b>Agenda Date</b><br>MAY 07 2008 |
|--|-----------------------------------|-----------------------------------|

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

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

**RECOMMENDATION: (Summary)**  
The petition for the addition of 13.51 acres of land to Northwood Municipal Utility District No. 1 be approved.

|  |                          |
|--|--------------------------|
| <b>Amount of Funding:</b><br>NONE REQUIRED | <b>F &amp; A Budget:</b> |
|--|--------------------------|

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

**SPECIFIC EXPLANATION:**

Northwood Municipal Utility District No. 1 has petitioned the City of Houston for consent to add 13.51 acres of land to its district located entirely within the corporate limits of the city.

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

The district is located in the vicinity of Farrell Street, Aldine Westfield Road, Richey Road, and Intercontinental Airport Houston. The district desires to add 13.51 acres, thus yielding a total of 441.114 acres. The district is served by the City of Houston Intercontinental Airport Regional Wastewater Treatment Plant. The nearest major drainage facility for Northwood Municipal Utility District No. 1 is Turkey Creek, which flows into Cypress Creek, then to the San Jacinto River, and finally into Lake Houston.

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

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

Attachments

cc: Marty Stein Marlene Gafrick Jeff Taylor Dan Krueger Jack Sakolosky  
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

|                           |   |                                  |
|---------------------------|---|----------------------------------|
| <b>F &amp; A Director</b> | <b>REQUIRED AUTHORIZATION</b><br>Other Authorization:<br><i>Andrew F. Icken</i><br>Andrew F. Icken<br>Deputy Director<br>Planning & Development Services Div. | 20JZC386<br>Other Authorization: |
|---------------------------|---|----------------------------------|



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 13.51 acres to Northwood MUD No. 1 under the provisions of Chapter 54, Texas Water Code.

Day Philbin  
Attorney for the District

**Attorney: Paul A. Philbin & Associates, P.C.**

Address: 6363 Woodway, Suite 725 Zip: 77057 Phone: 713-783-4120

**Engineer: Jones & Carter, Inc.**

Address: 6335 Gulfton Zip: 77081 Phone: 713-777-5337

**Owners: Northwood Business Park Company**

Address: 2123 West Governor's Circle, Suite 400 Zip: 77099 Phone: 713-956-0555

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

**LOCATION**

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Harris  
Survey J.L. Runnels Abstract No. 979

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

North of: Farrell Street East of: Aldine Westfield Road  
South of: Richey Road West of: IAH

**WATER DISTRICT DATA**

Total Acreage of District: 427.604 ac Existing Plus Proposed Land 441.114 ac

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

Single Family Residential 0 Multi-Family Residential 0

Commercial 100% Industrial 0 Institutional 0

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

Sewage Treatment Plant Name: City of Houston Intercontinental Airport Regional

NPDES/TPDES Permit No: TX0034916 TCEQ Permit No: 10495-078



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 8.0

Ultimate Capacity (MGD): 8.0

Size of treatment plant site: 98 acres square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: \_\_\_\_\_ MGD.

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

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

Total permitted capacity: 8.0

MGD of (Regional Plant).

Name of District: Northwood MUD No. 1

MGD Capacity Allocation 1.0

or property owner(s)

Name of District: \_\_\_\_\_

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

Water Treatment Plant Name: Northwood MUD No. 1 Water Plant No. 1

Water Treatment Plant Address: 20440 Aldine Westfield Road, Humble, Texas 77338

Well Permit No: 124446

### Existing Capacity:

Well(s): 2,050 GPM

Booster Pump(s): 1,500 GPM

Tank(s): 0.2 MG

### Ultimate Capacity:

Well(s): 2,050 GPM

Booster Pump(s): 3,000 GPM

Tank(s): 1.5 MG

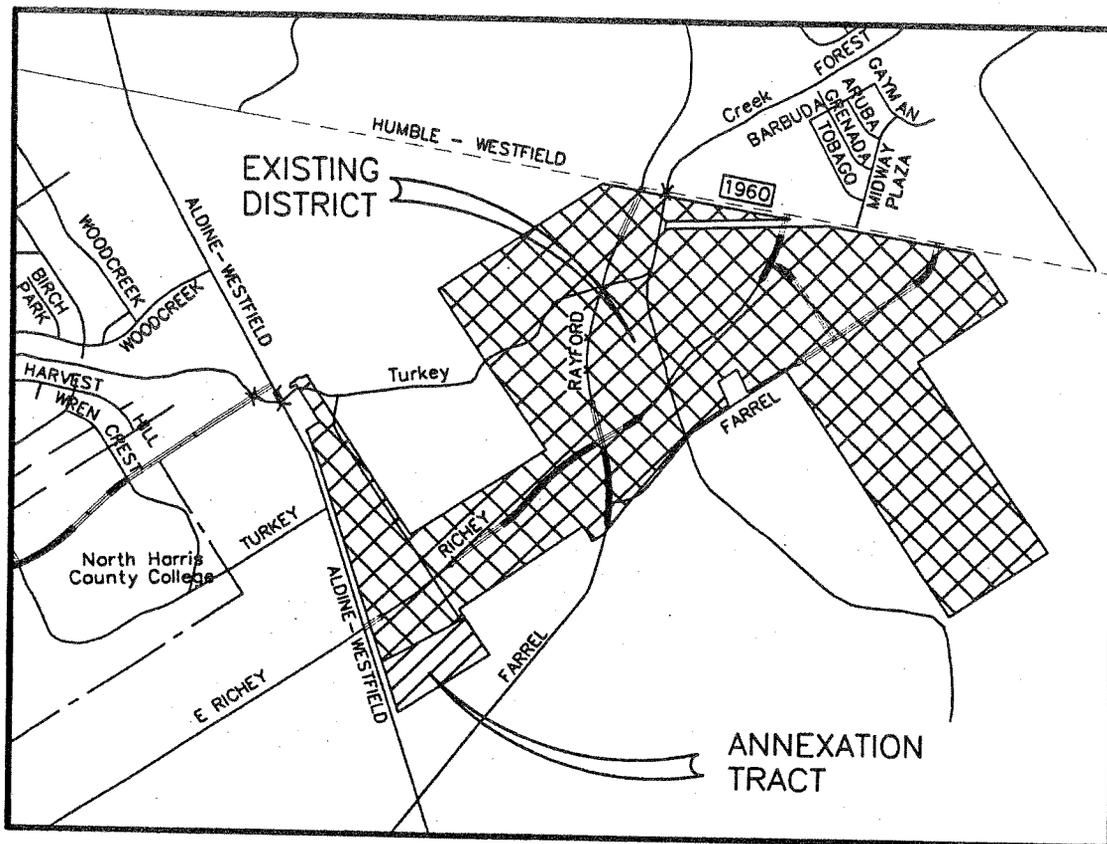
Size of Treatment Plant Site: 2.07 acres

square feet/acres.

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

\_\_\_\_\_

\_\_\_\_\_



VICINITY MAP

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

|   |                   |                              |                                       |
|---|-------------------|------------------------------|---------------------------------------|
| <b>SUBJECT:</b> Petition for the City's consent to the addition of three (3) tracts of land totaling 5.926 acres to Porter Municipal Utility District (Key Map No. 295-C,D & H) | <b>Category #</b> | <b>Page</b><br>1 of <u>1</u> | <b>Agenda Item #</b><br><br><b>29</b> |
|---|-------------------|------------------------------|---------------------------------------|

|  |                                    |                                   |
|--|------------------------------------|-----------------------------------|
| <b>FROM (Department or other point of origin):</b><br>Department of Public Works and Engineering | <b>Origination Date</b><br>4-17/08 | <b>Agenda Date</b><br>MAY 07 2008 |
|--|------------------------------------|-----------------------------------|

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

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

**RECOMMENDATION: (Summary)**  
The petition for the addition of 5.926 acres of land to Porter Municipal Utility District be approved.

|  |                          |
|--|--------------------------|
| <b>Amount of Funding:</b><br>NONE REQUIRED | <b>F &amp; A Budget:</b> |
|--|--------------------------|

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

**SPECIFIC EXPLANATION:**

Porter Municipal Utility District has petitioned the City of Houston for consent to add 5.926 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Canterbury Lane, FM 1314, Sorters Road and Kennedy Lane. The district desires to add 5.926 acres, thus yielding a total of 3,812.071 acres. The district is served by the Porter Municipal Utility District Sewage Treatment Plant. The other district served by this plant is Woodridge Municipal Utility District. The nearest major drainage facility for Porter Municipal Utility District is the San Jacinto River which flows into Lake Houston.

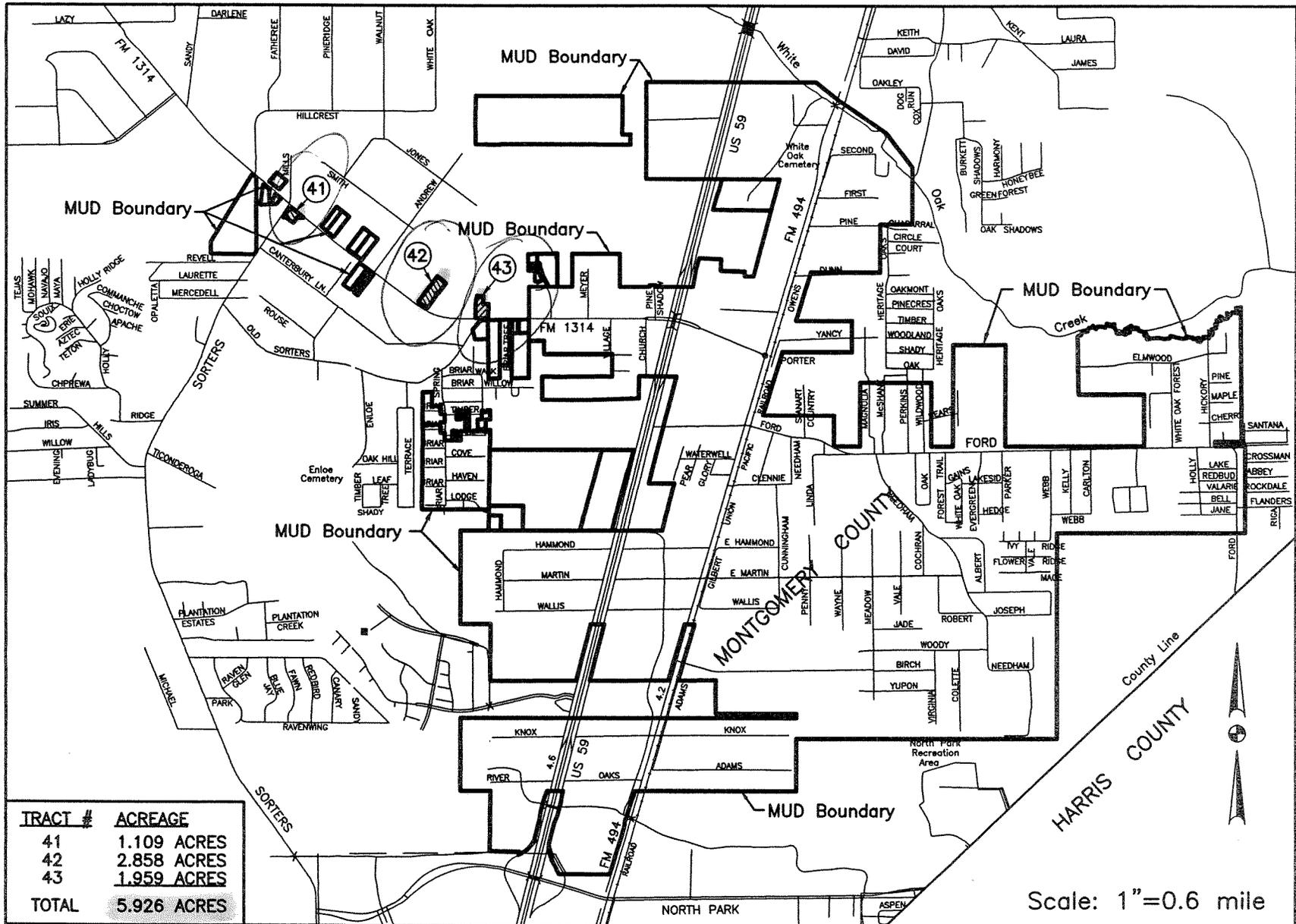
Potable water is provided by Porter Special Utility District. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston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

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

**Attachments**

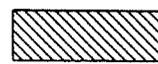
cc: Marty Stein Marlene Gafrick Jeff Taylor Dan Krueger Mark Loethen  
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

|                           |   |                                  |
|---------------------------|---|----------------------------------|
| <b>F &amp; A Director</b> | <b>REQUIRED AUTHORIZATION</b><br>Other Authorization:<br><i>Andrew F. Icken</i><br>Andrew F. Icken<br>Deputy Director<br>Planning & Development Services Div. | 20JZC415<br>Other Authorization: |
|---------------------------|---|----------------------------------|



| TRACT #      | ACREAGE            |
|--------------|--------------------|
| 41           | 1.109 ACRES        |
| 42           | 2.858 ACRES        |
| 43           | 1.959 ACRES        |
| <b>TOTAL</b> | <b>5.926 ACRES</b> |

**LEGEND:**

-  M.U.D. BOUNDARY
-  PROPOSED ANNEXATION
-  ANNEXATION TRACT NUMBER

**A&S ENGINEERS, INC.**

10377 STELLA LINK • HOUSTON, TX 77025-5445  
 PHONE (713) 942-2700 • FAX (713) 942-2799

PREPARED: OCTOBER 1, 2007  
 REVISED: MARCH 10, 2008

AN ANNEXATION MAP OF  
 TRACTS 41-43, INCLUSIVE  
 PORTER MUNICIPAL UTILITY DISTRICT  
 BEING 5.926 ACRES OF LAND  
 OUT OF THE  
 F.M. NOBLE SURVEY, A-669  
 AND ELLA B. WALKER SURVEY, A-702  
 MONTGOMERY COUNTY, TEXAS



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

received  
3/25/08 *[Signature]*

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 5.926 acres to Porter M.U.D. under the provisions of Chapters 49 & 54 Texas Water Code.

*Nancy E. Ought*  
Attorney for the District

#### Attorney: J. Ron Young, Young & Brooks

Address: 1415 Louisiana, Fifth Floor, Houston, Texas Zip: 77002 Phone: 713-951-0800

#### Engineer: Gerald L. Gehman, P.E. - A & S Engineers, Inc.

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

#### Owners: National Convenience Stores Incorporated

Address: 23214 FM 1314 Zip: 77365 Phone: 281-578-9595

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

### LOCATION

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Montgomery  
Survey Ella B. Walker Abstract # 702

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

North of: Canterbury Lane East of: Sorters Road  
South of: FM 1314 West of: Kennedy Lane

### WATER DISTRICT DATA

Total Acreage of District: 3806.145 Existing Plus Proposed Land 3812.071

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

Single Family Residential 11% Multi-Family Residential       
Commercial 27% Industrial      Institutional 62%

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

Sewage Treatment Plant Name: Porter MUD Sewage Treatment Plant

NPDES/TPDES Permit No: TX0084042 TCEQ Permit No: 12242-001

415



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 1.60

Ultimate Capacity (MGD): 1.60

Size of treatment plant site: 13.18 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: \_\_\_\_\_ MGD.

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

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

Total permitted capacity: 1.60

MGD of (Regional Plant).

Name of District: Woodridge MUD

MGD Capacity Allocation 0.7245

or property owner(s)

Name of District: Porter MUD

MGD Capacity Allocation 0.8755

Water Treatment Plant Name: Porter Special Utility District

Water Treatment Plant Address: 22162 Water Well Road, Porter, Texas 77065

Well Permit No: 5 wells:

### Existing Capacity:

Well(s): 4,280 (5 wells)

GPM

Booster Pump(s): 4,300

GPM

Tank(s): 1.286

MG

### Ultimate Capacity:

Well(s): 11,250

GPM

Booster Pump(s): 12,000

GPM

Tank(s): 3.35

MG

Size of Treatment Plant Site: 5 sites; 12.5 acres

square feet/acres.

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

\_\_\_\_\_

\_\_\_\_\_

**CITY OF HOUSTON**  
**Attachment to Water District Consent Application Form**  
**Locations**

**Tract 41**

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY(S) Montgomery

Survey: Ella B. Walker

Abstract: # 702

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

North of Canterbury Lane

East of Sorters Road

South of FM 1314 State Highway

West of Andrew Lane

**Owner(s):** National Convenience Stores Incorporated

**Attn:** Mr. Doug Miller

**Address:** 23213 FM 1314, Porter Texas 77365    **Phone:** (210) 345-4346

**Tract 42**

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY(S) Montgomery

Survey: F. M. Noble Survey

Abstract: 669

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

North of FM 1314

East of Andrew Lane

South of Smith Road

West of Old Sorters Rd.

**Owner(s):** Porter Animal Hospital

**Attn:** Dr. Phillip Elmer, DVM

**Address:** 23545 FM 1314, Porter Texas 77365    **Phone:** (281) 354-8099

**Tract 43**

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY(S) Montgomery

Survey: F. M. Noble Survey

Abstract: 669

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

North of FM 1314

East of Old Sorters

South of White Oak Creek

West of US 59

**Owner(s):** CVS Pharmacy, Inc., A Rhode Island Corporation  
c/o CVS Caremark Corporation

**Attn:** Property Administration Department, Store # 7435

**Address:** One CVS Drive

**Phone:** 401-765-1500

**Of** Woonsocket, Rhode Island,

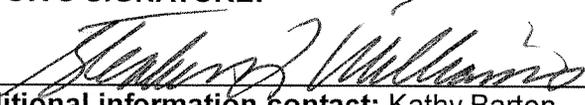
**Owner** 02895

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

|   |                      |                       |                          |
|---|----------------------|-----------------------|--------------------------|
| <b>SUBJECT:</b> An ordinance approving an agreement with The Family Center of Hope to provide transition and relocation support for clients affected by Hurricanes Katrina and Rita | <b>Category</b><br>9 | <b>Page</b><br>1 of 1 | <b>Agenda Item</b><br>30 |
|---|----------------------|-----------------------|--------------------------|

|  |   |                                   |
|--|---|-----------------------------------|
| <b>FROM (Department or other point of origin):</b><br>Stephen L. Williams, M.Ed., M.P.A.<br>Director-Houston Department of Health and Human Services | <b>Origination Date</b><br>March 13, 2008 | <b>Agenda Date</b><br>MAY 07 2008 |
|--|---|-----------------------------------|

|   |                                   |
|---|-----------------------------------|
| <b>DIRECTOR'S SIGNATURE:</b><br> | <b>Council District affected:</b> |
|---|-----------------------------------|

|   |   |
|---|---|
| <b>For additional information contact:</b> Kathy Barton<br>Phone: 713-794-9998<br>Phone: 713-826-5801 | <b>Date and identification of prior authorizing Council action:</b> |
|---|---|

**RECOMMENDATION:** Approval of an ordinance for an agreement with The Family Center of Hope to facilitate transition and relocation support for clients affected by Hurricanes Katrina and Rita.

|   |                          |
|---|--------------------------|
| <b>Amount and Source of Funding:</b><br>Total Contract Value: \$80,000.00<br>Federal State Local – Pass Through Fund (5030) | <b>F &amp; A Budget:</b> |
|---|--------------------------|

**SPECIFIC EXPLANATION:**

The Houston Department of Health and Human Services (HDHHS) recommends that City Council approve an ordinance authorizing an agreement with The Family Center of Hope to facilitate transition and relocation support for clients affected by Hurricanes Katrina and Rita. This agreement will begin on March 15, 2008 and continue until the City provides a ten days termination notice. The agreement is for \$10,000.00 per month for eight months for a total contract value of \$80,000.00.

**PROJECT LOCATION:**

The initial contact and referral will begin in the Houston Metropolitan Area and will continue at the City of New Orleans.

**PROJECT DESCRIPTION:**

HDHHS will partner with The Family Center of Hope in New Orleans to coordinate resources and service delivery. This partnership will ensure that clients have linkages to resources and continuity of care as they transition from Houston to the greater New Orleans area. HDHHS and The Family Center of Hope will document all referrals of: 1) available housing ; 2) client contacts, progress and stabilization; 3) resource information on housing transportation; 4) physical and mental health care services ; 5) child care facilities and schools essential in relocation; 6) collaboration with employment and social services agencies.

cc: Finance & Administration  
Legal Department  
Agenda Director

**REQUIRED AUTHORIZATION** NDT

|                             |                             |
|-----------------------------|-----------------------------|
| <b>Other Authorization:</b> | <b>Other Authorization:</b> |
|-----------------------------|-----------------------------|

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

|   |                        |                       |                            |
|---|------------------------|-----------------------|----------------------------|
| <b>SUBJECT:</b> An ordinance authorizing acceptance of a grant from the U.S. Dept. of Housing and Urban Development (HUD) and commitment of Houston Department of Housing and Community Development (HDHCD) of Community Development Block Grant (CDBG) funds for use as a match for the Round 15 Lead-Hazard Reduction Demonstration Program | <b>Category #</b><br>9 | <b>Page</b><br>1 of 1 | <b>Agenda Item #</b><br>31 |
|---|------------------------|-----------------------|----------------------------|

|  |                                     |                                   |
|--|-------------------------------------|-----------------------------------|
| <b>FROM (Department or other point of origin):</b><br>Stephen L. Williams, M.Ed., M.P.A.<br>Director-Houston Department of Health and Human Services | <b>Origination Date</b><br>03/10/08 | <b>Agenda Date</b><br>MAY 07 2008 |
|--|-------------------------------------|-----------------------------------|

|   |  |
|---|--|
| <b>DIRECTOR'S SIGNATURE:</b><br> | <b>Council District affected:</b><br>ALL |
|---|--|

|   |   |
|---|---|
| <b>For additional information contact: Kathy Barton</b><br>Telephone: 713-794-9998 – 713-826-5801 | <b>Date and identification of prior authorizing Council action:</b> |
|---|---|

**RECOMMENDATION: (Summary)**  
 Approval of an ordinance authorizing the acceptance of a grant from the U.S. Dept. of Housing and Urban Development (HUD) and commitment of Houston Department of Housing and Community Development (HDHCD) of CDBG funds for use as match for the Round 15 of the Lead-Based paint Hazard Control Grant.

|                    |   |                       |
|--------------------|---|-----------------------|
| Amount of Funding: | <b>Total Project Cost: \$3,975,000.00</b><br><b>\$3,000,000.00 Federal Government Grant Funds (5000)</b><br><b>\$975,000.00 Community Development Block Grant Fund (5000)</b> | <b>F&amp;A Budget</b> |
|--------------------|---|-----------------------|

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

**SPECIFIC EXPLANATION:**

The Houston Department of Health and Human Services (HDHHS) and Houston Department of Housing and Community Development (HDHCD) requests City Council approval of acceptance of a grant from the United States Department of Housing and Urban Development (HUD) and commitment of Houston Department of Housing and Community Development CDBG funds for use as a match for the Round 15 of the Lead-Hazard Reduction Demonstration Program. Funding for this project has been awarded to the City since 1997.

HDHHS requests City Council to authorize the Director of HDHHS to: 1) accept and expend approved funding as soon as awarded; and 2) accept supplemental awards offered by HUD during the project period. This is a collaborative effort between the HDHHS and HDHCD to improve the safety of older, low income housing for Houston families. The term for this project will extend through September 30, 2010.

The Round 15 grant will operate using the cost-effective lead hazard reduction methods including paint stabilization; enclosure of child-accessible surfaces; and component replacement of friction and impact surfaces. The principal goals of the demonstration grant are:

- To maximize the number of children protected from lead based paint exposure, the program targets pre-1978 rental units with tenant turnover rate greater than 45% per 15 month period.
- The FY 2007 Lead-Based Paint Hazard Control Grant will continue to work with community-based organizations to research and educate target populations on childhood lead poisoning. Grant staff will work with state, county and local committees in an effort to identify the needs of the program and to recommend further actions for making Houston a lead-safe city.

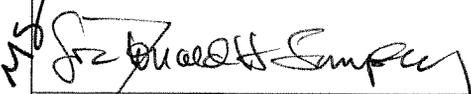
The HDHHS has adopted lead poisoning prevention as a priority for community education and outreach. Grant staff will work with state, county and local committees in an effort to identify the needs of the community and to recommend further actions for making Houston a lead-safe city. Certified contractors have made 226 units lead safe in the current grant period and 1,425 since 1995.

cc: Finance & Administration, Legal Department, Agenda Director

| REQUIRED AUTHORIZATION  |                             |  |
|-------------------------|-----------------------------|--|
| <b>F&amp;A Director</b> | <b>Other Authorization:</b> | <b>Other Authorization:</b><br> |

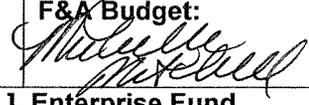
|  |                     |               |                         |
|--|---------------------|---------------|-------------------------|
| <b>SUBJECT:</b> An Ordinance authorizing a \$500,000 Loan Agreement between the City of Houston and Village of Zion, LP. | <b>Category #</b> 1 | <b>Page</b> 1 | <b>Agenda Item #</b> 32 |
|--|---------------------|---------------|-------------------------|

|  |                                     |                                   |
|--|-------------------------------------|-----------------------------------|
| <b>FROM (Department or other point of origin):</b><br>Richard S. Celli, Director<br>Housing and Community Development Department | <b>Origination Date</b><br>5/1/2008 | <b>Agenda Date</b><br>MAY 07 2008 |
|--|-------------------------------------|-----------------------------------|

|  |   |
|--|---|
| <b>DIRECTOR'S SIGNATURE:</b><br> | <b>Council District affected:</b><br>District "I" |
|--|---|

|  |   |
|--|---|
| <b>For additional information contact:</b> Donald Sampley<br>Phone: 713-868-8458 | <b>Date and identification of prior authorizing Council action:</b> |
|--|---|

**RECOMMENDATION: (Summary)**  
The Department recommends approval of an Ordinance authorizing a \$500,000 loan Agreement between the City of Houston and Village of Zion, LP to assist in financing land acquisition and development a 50-unit senior citizen complex.

|  |   |
|--|---|
| <b>Amount of Funding:</b><br>\$500,000 | <b>F&amp;A Budget:</b><br> |
|--|---|

**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify)      HOME FUNDS

**SPECIFIC EXPLANATION:**  
Village of Zion, LP, a Texas limited partnership, is the owner and developer of the proposed Zion Village Senior Apartments. TKNNet, LLC, a Texas corporation, is the general partner of Village of Zion, LP. Thomas Jones and Marvalette Hunter are the principals of the partnership. Sun America Affordable Housing Partners, Inc. will acquire a 99.99% interest in the partnership. Sun America Affordable Housing Partners is the designee of Sun America, a national tax- credit syndicator, which will acquire an interest in the partnership.

Zion Village Senior Apartments, a fifty-unit apartment complex, is designated for seniors earning 60% of median income and below. The development site is 3154 Gray between Nettleton and Webster. The development is a 53,375 square foot three-story garden style apartment building consisting of 13 one-bedroom units and 37 two-bedroom units with one elevator. The units are housed in a single u-shaped building comprised of 75% brick and 25% hardiplank. Zion Village Senior Apartments will offer the following amenities: private garden, barbecues grills, picnic tables, a community dinning room, controlled gate access, business center, community room, fitness center, health screening room, secured entry, and a senior activity room.

Village of Zion, LP has been awarded \$541,765 in tax credits by the TDHCA per year for the next 10 years. for a total of \$5,417,654. The equity proceeds from the tax credits comes in the sale of the limited partnership interest on 99.99% of the ownership of the partnership. The equity proceeds will be paid by the partnership to pay down Sun America construction loan. The construction loan and permanent financing will be provided by Sun America. The City's Land Use Restriction Agreement will be superior to Sun America's first lien.

The City will make a Performance Based Loan (PBL) to Village of Zion, LP secured by a lien on the subject property. The covenants will ensure that the property will be restricted in such a way as to fulfill HOME compliance. The City's Performance Based Loan will reference the Applicable Federal Rate with a 20-year term. The PBL will be forgiven at the end of the 20-year period so long as the Borrower complies with the terms and conditions of the City loan agreement, and the property is in compliance with all HUD and City requirements.

| REQUIRED AUTHORIZATION   |                             |   |
|--------------------------|-----------------------------|---|
| <b>F&amp;A Director:</b> | <b>Other Authorization:</b> | <b>Other Authorization:</b>  |

**Date:**  
5/1/2008

**Subject:** An Ordinance authorizing a \$500,000 Loan Agreement between the City of Houston and Village of Zion, LP.

**Originator's  
Initials**

**Page  
2 of 2**

Approximately, 12% or 6 units will be designated as HOME affordable units for a 20-year period. The affordable unit mix is as follows: Two (2) one bedroom units and four (4) two bedroom units. The unit cost for each one-bedroom unit is \$65,000 and the unit cost for each two-bedroom unit is \$92,500, which is less than the \$96,619 maximum HUD unit requirement.

**Sources of Funds and Development Cost**

**Total Sources:**

|                                   |                |                   |
|-----------------------------------|----------------|-------------------|
| Tax Credit Equity from Sale of LP | \$4,711,333    |                   |
| Permanent Loan                    | 800,000        |                   |
| COH HOME FUNDS                    | 500,000        | \$10,000 per unit |
| Deferred Developer Fee            | <u>186,687</u> |                   |
| Total Sources of Funds            | \$6,011,333    |                   |

**Development Cost**

|                        |                |                       |
|------------------------|----------------|-----------------------|
| Hard Cost              | \$3,842,804    | \$76,856 per unit     |
| Soft Cost              | 1,868,529      | 37,371 per unit       |
| Land Acquisition       | <u>300,000</u> | <u>6,000</u> per unit |
| Total Development Cost | \$6,011,333    | \$120,227 per unit    |

The project is consistent with the City's Consolidated Plan to provide affordable housing for very low-income and low-income residents.

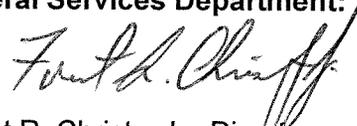
The Department recommends approval of an Ordinance authorizing a Loan Agreement between the City of Houston and Village of Zion, LP.

RC:DS:JN  
Attachment

Cc: Mayor's Office  
City Secretary  
Legal Department  
City Controller

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

|  |  |   |                                   |
|--|--|---|-----------------------------------|
| <b>SUBJECT:</b> Lease Agreement with the Houston Chinese Church<br>City of Houston Parcels RE-90 & RE-93   |  | <b>Page</b><br>1 of 1   | <b>Agenda Item</b><br>33          |
| <b>FROM (Department or other point of origin):</b><br>General Services Department  |  | <b>Origination Date</b><br>5/1/08                                   | <b>Agenda Date</b><br>MAY 07 2008 |
| <b>DIRECTOR'S SIGNATURE:</b><br>Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush 4/22/08</i>   |  | <b>Council District affected:</b> C                                 |                                   |
| <b>For additional information contact:</b><br>Jacquelyn L. Nisby 713-247-1814  |  | <b>Date and identification of prior authorizing council action:</b> |                                   |
| <b>RECOMMENDATION:</b> Approve and authorize a Lease Agreement with Houston Chinese Church, Tenant, for parking on City of Houston Parcels RE-90 & RE-93.  |  |   |                                   |
| <b>Amount and Source Of Funding:</b> Revenue   |  | <b>Finance Budget:</b>  |                                   |
| <p><b>SPECIFIC EXPLANATION:</b> The General Services Department recommends that City Council approve and authorize a Lease Agreement with Houston Chinese Church for 35,600 square feet of real property described as City of Houston Parcels RE-90 and RE-93, to be used for parking. The parcels of land are located behind Houston Chinese Church at 10305 S. Main. Houston Chinese Church has utilized this land for parking since 1990 at an annual rental of \$400.00.</p> <p>The proposed Lease Agreement provides for a five-year lease term with five one-year renewal options. On the effective date of each renewal term, the rental payment will increase automatically at a rate of 2.5% compounded annually. The monthly rental is \$400; however if the tenant elects an annual payment schedule, it will receive a 10% discount.</p> <p>The base lease term will commence on the first day of the first calendar month following the date of countersignature by the City Controller.</p> <p>Houston Chinese Church 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 City reserves the right to terminate this agreement upon 120 days written notice to the tenant.</p> <p>The revenue will be directed to the General Fund.</p> <p>IZD:BC:JLN:JES:ddc</p> <p>xc: Marty Stein, Jacquelyn L. Nisby, Anna Russell</p> |  |   |                                   |
| <b>REQUIRED AUTHORIZATION</b>  |  |   | CUIC ID# 25 JES 13                |
| <b>General Services Department:</b><br><br>Forest R. Christy, Jr., Director<br>Real Estate Division   |  |   |                                   |

|  |  |   |  |                                |
|--|--|---|--|--------------------------------|
| <b>SUBJECT</b><br>An Ordinance approving a contract between the City of Houston and ACORN HOUSING CORPORATION, INC. to fund \$155,000 for counseling services to assist at-risk income households from going into foreclosure. |  | <b>Category #</b>   | <b>Page 1 of 1</b>                           | <b>Agenda Item #</b><br><br>34 |
| <b>FROM (Department or other point of origin):</b><br>Richard S. Celli,<br>Housing and Community Development Department  |  | <b>Origination Date</b><br>5/1/08                           | <b>Agenda Date (Proposed)</b><br>MAY 07 2008 |                                |
| <b>DIRECTOR'S SIGNATURE:</b><br>  |  | <b>Council District affected:</b><br>Council District "ALL" |  |                                |
| <b>For additional information contact:</b> Rosalinda Cabezuela<br>Phone: 713-868-8463  |  | <b>Date and identification of prior authorizing</b>         |  |                                |

**RECOMMENDATION: (Summary)**  
The Housing and Community Development Department recommends City Council's approval of an Ordinance approving a contract between the City of Houston and ACORN HOUSING CORPORATION, INC. for \$155,000 to provide foreclosure preventative counseling to at-risk homeowners.

|  |  |                                     |  |
|--|--|-------------------------------------|--|
| <b>SOURCE OF FUNDING</b>                 | <input type="checkbox"/> General Fund              | <input type="checkbox"/> Grant Fund | <b>Finance Department Budget:</b><br> |
| <input type="checkbox"/> Enterprise Fund | <input checked="" type="checkbox"/> CDBG \$155,000 |                                     |  |

**SPECIFIC EXPLANATION:**

The City of Houston Housing and Community Development Department (HCDD) have selected ACORN HOUSING CORP., INC. to carry out a foreclosure preventative program. This contract will allow ACORN HOUSING CORP., INC., 2600 South Loop West, Suite 270, Houston, Texas, 77054, to actively recruit participation of at-risk homeowners and engage them in negotiations with skilled delinquency counselors to negotiate an affordable mortgage resolution with the mortgage servicer. With increased capacity, ACORN Housing Corp. would be able to service hundreds of homeowners a month, to work out fair loan arrangements and avoid foreclosures. ACORN Housing Corp. would receive referrals through the recruitment efforts sponsored by the City and loan servicers, its own referrals networks, the HUD hotline, and the Predatory Lending Hotline.

ACORN Housing Corp., Inc. needs funding support to dedicate trained, community organizers to outreach to borrowers in the target communities, and provide them with timely, accurate, and culturally appropriate information about this opportunity to resolve their problem loans. ACORN Housing Corp., Inc. will need support to expand its counseling program so that it can act as an effective interface between the borrowers and the servicers, and ensure that borrowers receive modifications that result in truly affordable long-term loans. The amount of funding under the contract is \$155,000. The funding will cover the expenses of salaries, counseling services, personnel and operational expenses. Due to the foreclosure crisis prevalent in the housing market HCDD believes funding this project will be an excellent opportunity to assist homeowners maintain their residence and at the same time re-invest in the community.

City Council approval is recommended.

RC:GV/BS

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

**REQUIRED AUTHORIZATION**

|   |                             |                             |
|---|-----------------------------|-----------------------------|
| <b>Finance Department Director:</b>       | <b>Other Authorization:</b> | <b>Other Authorization:</b> |
| <br>                                      | <br>                        | <br>                        |
| <b>Finance Department 011.C.REV. 1/92</b> |                             |                             |

HCD-08-73

|  |                   |                    |                            |
|--|-------------------|--------------------|----------------------------|
| <b>SUBJECT:</b> Ordinance authorizing an amendment to a Grant Agreement between the City of Houston and Star of Hope Mission granting \$100,000.00 in additional funds and extending the Time of Performance to December 31, 2008. | <b>Category #</b> | <b>Page 1 of 1</b> | <b>Agenda Item #</b><br>35 |
|--|-------------------|--------------------|----------------------------|

|   |                                     |                                   |
|---|-------------------------------------|-----------------------------------|
| <b>FROM (Department or other point of origin):</b><br>Richard S. Celli, Director<br>Housing and Community Development | <b>Origination Date</b><br>03/06/08 | <b>Agenda Date</b><br>MAY 07 2008 |
|---|-------------------------------------|-----------------------------------|

|  |   |
|--|---|
| <b>DIRECTOR'S SIGNATURE:</b><br><i>[Signature]</i> | <b>Council District affected:</b><br>District I |
|--|---|

|  |  |
|--|--|
| <b>For additional information contact:</b><br>David Godwin <i>[Signature]</i><br>Phone: 713-868-8351 | <b>Date and identification of prior authorizing Council action:</b> 10/20/04 Ordinance 04-1066<br>09/13/06 Ordinance 06-0938 |
|--|--|

**RECOMMENDATION: (Summary)** Adopt an Ordinance authorizing an amendment to a Grant Agreement between the City of Houston and Star of Hope Mission granting \$100,000.00 in additional funds and extending the Time of Performance to December 31, 2008.

|   |  |
|---|--|
| <b>Amount of Funding:</b><br>\$100,000.00 | <b>FINANCE</b><br><b>F&amp;A Budget:</b><br><i>[Signature]</i> |
|---|--|

|  |   |  |  |
|--|---|--|--|
| <b>SOURCE OF FUNDING</b>                 | <input type="checkbox"/> General Fund                 | <input checked="" type="checkbox"/> Grant Fund | <input type="checkbox"/> Enterprise Fund |
| <input type="checkbox"/> Other (Specify) | Community Development Block Grant (CDBG)<br>Fund 5000 |  |  |

**SPECIFIC EXPLANATION:**

The Women and Family Emergency Shelter opened in 1986 and houses between 250 to 300 individuals daily. (150-175 of these are children) They provide temporary shelter for families with nowhere else to go. They provide over 75 programs and support services to help individuals reestablish their independence.

The Housing and Community Development Department requests approval of an amendment to a Contract between the City of Houston and Star of Hope Mission for renovations to the Women and Family Emergency Shelter located at 419 Dowling Street, Houston, Texas 77003. On Oct. 20, 2004, Council approved CDBG funding in the amount of \$500,000 for this project. In May 2005, a problem with the sewer system was discovered, forcing work to shut down after only \$100,000 had been expended. The sewer issue was resolved but the contract expired. A new contract for \$400,000 was approved on Sept. 13, 2006. Star of Hope was to provide a match of \$500,705. This additional funding will make up for private funds that Star of Hope was not able to raise. The total projected cost of the repairs is \$1,000,705. The project's scope of work includes:

- Kitchen renovation.
- CCTV Security System Upgrade.
- Fire Alarm System Upgrade to Code.
- Exterior Physical Security Upgrade.
- Exterior Painting and Siding Replacement.
- Roof Replacement.
- Interior Painting.
- Plumbing Repair and Replacement.

Approval of this Ordinance is recommended.

RS:DG:hb

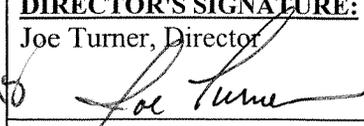
xc: City Attorney  
Mayor's Office  
City Secretary  
Finance and Administration

**REQUIRED AUTHORIZATION**

|                          |                             |                             |
|--------------------------|-----------------------------|-----------------------------|
| <b>F&amp;A Director:</b> | <b>Other Authorization:</b> | <b>Other Authorization:</b> |
|--------------------------|-----------------------------|-----------------------------|

*NOT*

**REQUEST FOR COUNCIL ACTION**

|  |  |   |                                   |                              |
|--|--|---|-----------------------------------|------------------------------|
| <b>To:</b> Mayor via City Secretary  |  |   |                                   |                              |
| <b>Subject:</b> Ordinance approving an Interlocal Agreement between the City of Houston and Harris County for operation and maintenance of Pinewood Village and Mary Withers Parks.  |  | Category #  | Page 1 of 1                       | Agenda Item<br><br><b>36</b> |
| <b>FROM (Department or other point of origin):</b><br>Houston Parks and Recreation Department  |  | <b>Origination Date:</b><br>5-1-08                                  | <b>Agenda Date</b><br>MAY 07 2008 |                              |
| <b>DIRECTOR'S SIGNATURE:</b><br>Joe Turner, Director<br>   |  | <b>Council District(s) affected:</b> B                              |                                   |                              |
| <b>For additional information contact:</b> Renissa Garza Montalvo, 713-865-9342<br>Dan Pederson, 713-865-4507  |  | <b>Date and Identification of prior authorizing Council Action:</b> |                                   |                              |
| <b>RECOMMENDATION: (Summary):</b><br><br>Adopt an ordinance approving an Interlocal Agreement between the City of Houston and Harris County for operation and maintenance of Pinewood Village and Mary Withers Parks.  |  |   |                                   |                              |
| <b>Amount of Funding:</b><br><br>No Funding Required   |  |   | <b>F&amp;A Budget:</b>            |                              |
| <b>SPECIFIC EXPLANATION:</b><br><br>City Council is asked to approve an interlocal agreement between the City of Houston Parks and Recreation Department (HPARD) and Harris County for the operation and maintenance of Pinewood Village and Mary Withers Parks. Both parks are currently operated and maintained by HPARD.<br><br>The agreement will be for a term of thirty (30) years from the date of passing the proposed ordinance and the agreement shall be entered into for the full benefit of City and County residents. During the term of this agreement both Pinewood Village and Mary Withers Parks will be operated according to the County's park rules and regulations. The County will be responsible for and pay all costs associated with the operation, maintenance and development under this agreement.<br><br>Pinewood Village Park is located at 2800 Briarwick Lane (key map 414S) and Mary Withers Park is located at 10600 Shady Lane (key map 414W).<br><br>The Commissioners Court of Harris County unanimously approved this agreement on March 4, 2008. |  |   |                                   |                              |
| <b>REQUIRED AUTHORIZATION</b>  |  |   |                                   |                              |
| <b>F&amp;A Director:</b>   |  | <b>Other Authorization:</b>   |                                   | <b>Other Authorization:</b>  |

\*TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

|  |                   |                       |                            |
|--|-------------------|-----------------------|----------------------------|
| <b>SUBJECT:</b><br>An Ordinance authorizing the execution of a Utility Functions and Services Allocation Agreement between the City of Houston and Harris County Municipal Utility District No. 460. | <b>Category #</b> | <b>Page</b><br>1 of 1 | <b>Agenda Item #</b><br>37 |
|--|-------------------|-----------------------|----------------------------|

|  |                                    |                                   |
|--|------------------------------------|-----------------------------------|
| <b>FROM (Department or other point of origin):</b><br>Department of Public Works and Engineering | <b>Origination Date</b><br>4/24/08 | <b>Agenda Date</b><br>MAY 07 2008 |
|--|------------------------------------|-----------------------------------|

|   |  |
|---|--|
| <b>DIRECTOR'S SIGNATURE</b><br><i>Michael S. Marcotte</i><br>Michael S. Marcotte, P.E., DEE, Director | <b>Council District affected:</b><br>D & E |
|---|--|

|   |   |
|---|---|
| <b>For additional information contact:</b> Jun Chang<br>Phone: 837.0433 | <b>Date and identification of prior authorizing Council action:</b> |
|---|---|

**RECOMMENDATION: (Summary)**  
It is recommended that City Council approve an ordinance authorizing the Mayor to execute a Utility Functions and Services Allocation Agreement between the City of Houston and Harris County Municipal Utility District No. 460.

|  |                          |
|--|--------------------------|
| <b>Amount of Funding:</b><br>NO FUNDS REQUIRED | <b>F &amp; A Budget:</b> |
|--|--------------------------|

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

**SPECIFIC EXPLANATION:**  
Request that City Council approve a Utility Functions and Services Allocation Agreement between the City of Houston and Harris County Municipal Utility District No. 460. The District consists of 449.4786 acres of land located in the vicinity of South Acres, Mykawa, Cullen, and South Beltway 8 East, and is entirely within the corporate limits of the City. Development of the tract will require storm drainage and water and wastewater service, including collection, distribution, treatment and water supply facilities.

The District will construct improvements in accordance with City standards and convey all facilities to the City as they are constructed. The agreement establishes the terms and conditions which govern services provided. The City will acquire the infrastructure of the District, and will collect taxes and wastewater and water revenues from residents of the District on the same basis as all other city customers. When applicable, the City will make annual payments to the District for that portion of the taxes collected within the boundaries of the District which represent duplicate taxes for storm water facilities charged by both the District and the City. The projected total annual water/wastewater revenue to be generated by the District is approximately \$1,086,000. Projected build out of the District will result in an estimated \$267,030,000 in assessed value.

JC:VO

cc: Jeff Taylor Susan Bandy Jack Sakolosky Bill Beauchamp Dan Krueger

|  |                             |   |
|--|-----------------------------|---|
| <b>REQUIRED AUTHORIZATION</b> 20JZC373 |                             |   |
| <b>F &amp; A Director</b>              | <b>Other Authorization:</b> | <b>Other Authorization:</b><br><i>Andrew F. Icken</i><br>Andrew F. Icken, Deputy Director |

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 7914

**Subject:** Ordinance Authorizing a First Amendment to Contract No. 4600008601 for Onsite Water Treatment Sludge Dewatering, Hauling & Disposal Services for the Public Works & Engineering Department S29-L22377-A1

Category #  
4

Page 1 of 2

Agenda Item

**38**

**FROM (Department or other point of origin):**  
Calvin D. Wells  
City Purchasing Agent  
Administration & Regulatory Affairs Department

**Origination Date**  
April 24, 2008

**Agenda Date**  
MAY 07 2008

**DIRECTOR'S SIGNATURE**  
*Calvin D. Wells*

**Council District(s) affected**  
B, E

**For additional information contact:**  
David Guernsey Phone: (713) 238-5241  
Ray DuRousseau Phone: (713) 247-1735

**Date and Identification of prior authorizing Council Action:**  
Ordinance 2008-0126; Passed February 13, 2008

**RECOMMENDATION: (Summary)**

Approve an amending ordinance authorizing a first amendment to Contract No. 4600008601 between the City of Houston and Merrell Bros., Inc. to increase the maximum contract amount from \$3,852,811.00 to \$4,816,013.75; reduce the contract term from three years with two one-year options to two years and five months; and increase the scope of work for the Public Works & Engineering Department.

Maximum Contract Increased by: \$963,202.75

**F & A Budget**

FY 08 - \$479,763.12 - Water & Sewer System Operating Fund (8300)  
Out Years - \$483,439.63 - Water & Sewer System Operating Fund (8300)  
-----  
Total: \$963,202.75

*PLR 4/24/08*

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance authorizing a first amendment to Contract No. 4600008601 to increase the maximum contract amount between the City of Houston and Merrell Bros., Inc. from \$3,852,811.00 to \$4,816,013.75 for onsite water treatment sludge dewatering, hauling and disposal services. Additionally, it is recommended that the contract term be reduced from a three year term with two one-year options, to two years and five months; and increase the scope of work to allow for the contractor to remove sediments from the sedimentation basins and the forebay of the City's East Water Purification Plant (EWPP).

This contract was awarded on February 13, 2008 by Ordinance No. 2008-0126 for a three-year term with two one-year options to extend, in the amount of \$3,852,811.00. Expenditures as of April 24, 2008 totaled \$308,666.65. The additional spending authority is needed to address the imminent hazards of removing the sediments at the EWPP.

The scope of work requires the contractor to provide all supervision, labor, parts, tools, materials, transportation, equipment, supplies and permits necessary to operate the onsite dewatering system, and to haul away and dispose of water treatment plant sludge in accordance with all applicable statutes and regulations which shall include, but not be limited to, Federal, State, county and local regulations.

The contractor has agreed to a 6% M/WBE participation goal. The Affirmative Action Division will monitor this contract to ensure maximum M/WBE participation.

Buyer: Douglas Moore

**REQUIRED AUTHORIZATION**

Other Authorization:

*J. Taylor*

Other Authorization:

*Paula Smith*

*65 CDW 7914*

*MPT*

*520x*

|  |                       |                              |
|--|-----------------------|------------------------------|
| <b>SUBJECT:</b> First Amendment to Professional Architectural Services Contract<br>Huitt-Zollars, Inc.<br>Right-of-Way and Fleet Maintenance Facilities Expansion<br>WBS No. N-00653C-0001-3 | <b>Page</b><br>1 of 2 | <b>Agenda Item</b><br><br>39 |
|--|-----------------------|------------------------------|

|   |                                    |                                   |
|---|------------------------------------|-----------------------------------|
| <b>FROM (Department or other point of origin):</b><br>General Services Department | <b>Origination Date</b><br>4-30-08 | <b>Agenda Date</b><br>MAY 07 2008 |
|---|------------------------------------|-----------------------------------|

|  |  |
|--|--|
| <b>DIRECTOR'S SIGNATURE:</b><br>Issa Z. Dadoush, P.E. <i>[Signature]</i> 4/17/08 | <b>Council District(s) affected:</b><br>H, I |
|--|--|

|  |  |
|--|--|
| <b>For additional information contact:</b><br>Jacquelyn L. Nisby Phone: (713) 247-1814 | <b>Date and identification of prior authorizing Council action:</b><br>Ordinance No. 2007-0949; dated 08/22/2007 |
|--|--|

**RECOMMENDATION:** Approve First Amendment to professional pre-design services contract and appropriate additional funds for the project.

|   |   |
|---|---|
| <b>Amount and Source of Funding:</b><br>\$121,730.00- Street & Bridge Consolidated Construction Fund (4506) | <b>Finance Budget:</b> <i>[Signature]</i><br><br><i>[Signature]</i> |
|---|---|

**Previous Funding:**  
 \$500,000.00 - Street & Bridge Consolidated Construction Fund (4506)

**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council approve a First Amendment to the professional pre-design services contract with Huitt-Zollars, Inc. for the Right-of-Way and Fleet Maintenance Facilities Expansion for the Department of Public Works and Engineering (PWE).

On August 22, 2007, City Council approved a professional pre-design services contract with Huitt-Zollars, Inc. to develop a fully programmed plan to consolidate and relocate PWE's Street, Storm Water and Fleet Maintenance operations from Gillette, Evergreen and Newcastle, and to house a portion of the drainage maintenance operations currently at E. Crosstimbers into a single location on City owned property at 3300 West Belfort. However, the needs-based program developed by Huitt-Zollars concluded that it was not operationally efficient or cost effective to consolidate these functions at one location.

The First Amendment is necessary to develop a program and schematic design to provide PWE with a more efficient and modern operation. Instead of consolidating and relocating to a single site, the scope of work will include renovating and expanding the three existing fleet maintenance facilities noted below. The Gillette location will be vacated and PWE will continue its operations at the Evergreen and Newcastle locations.

- PROJECT LOCATIONS:**
- 100 Japhet (Key Map 494L)
  - 5500 McCarty (Key Map 455Y)
  - 1700 E. Crosstimbers (Key Map 454J)

**REQUIRED AUTHORIZATION**

CUIC #25DSGN17

|   |  |
|---|--|
| <b>General Services Department:</b><br><br><i>[Signature]</i><br>Phil Golembiewski, P.E.<br>Chief of Design & Construction Division | <b>Department of Public Works &amp; Engineering:</b><br><br><i>[Signature]</i><br>Michael S. Marcotte, P.E., DEE<br>Director |
|---|--|

|             |  |                                    |                       |
|-------------|--|------------------------------------|-----------------------|
| <b>Date</b> | <b>Subject:</b> First Amendment to Professional Architectural Services Contract<br>Huitt-Zollars, Inc.<br>Right-of-Way and Fleet Maintenance Facilities Expansion<br>WBS No. N-00653C-0001-3 | <b>Originator's Initials</b><br>CL | <b>Page</b><br>2 of 2 |
|-------------|--|------------------------------------|-----------------------|

**FUNDING SUMMARY:** The First Amendment provides for a Basic Services Fee to be paid as a lump sum and certain Additional Services to be paid on a reimbursable basis.

\$ 69,500.00 Basic Services

\$ 52,230.00 Additional Services

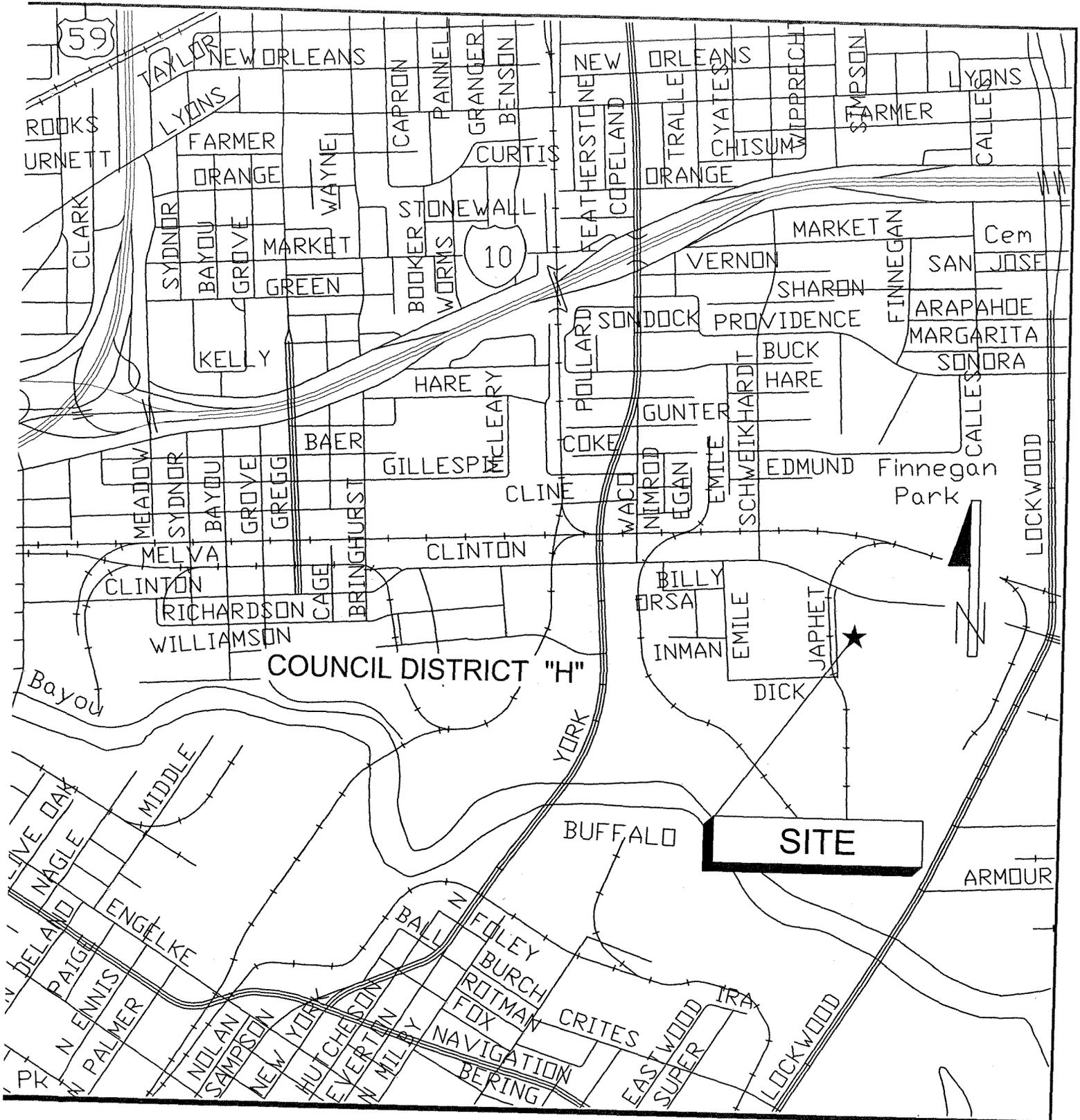
**\$121,730.00 Total Appropriation**

**M/WBE INFORMATION:** The original contract and this additional appropriation have a 24% M/WBE goal. To date, the consultant has utilized its sub-consultants to achieve 24.77%.

The consultant will utilize the certified firms referenced in the original contract to achieve the 24% goal on this additional appropriation.

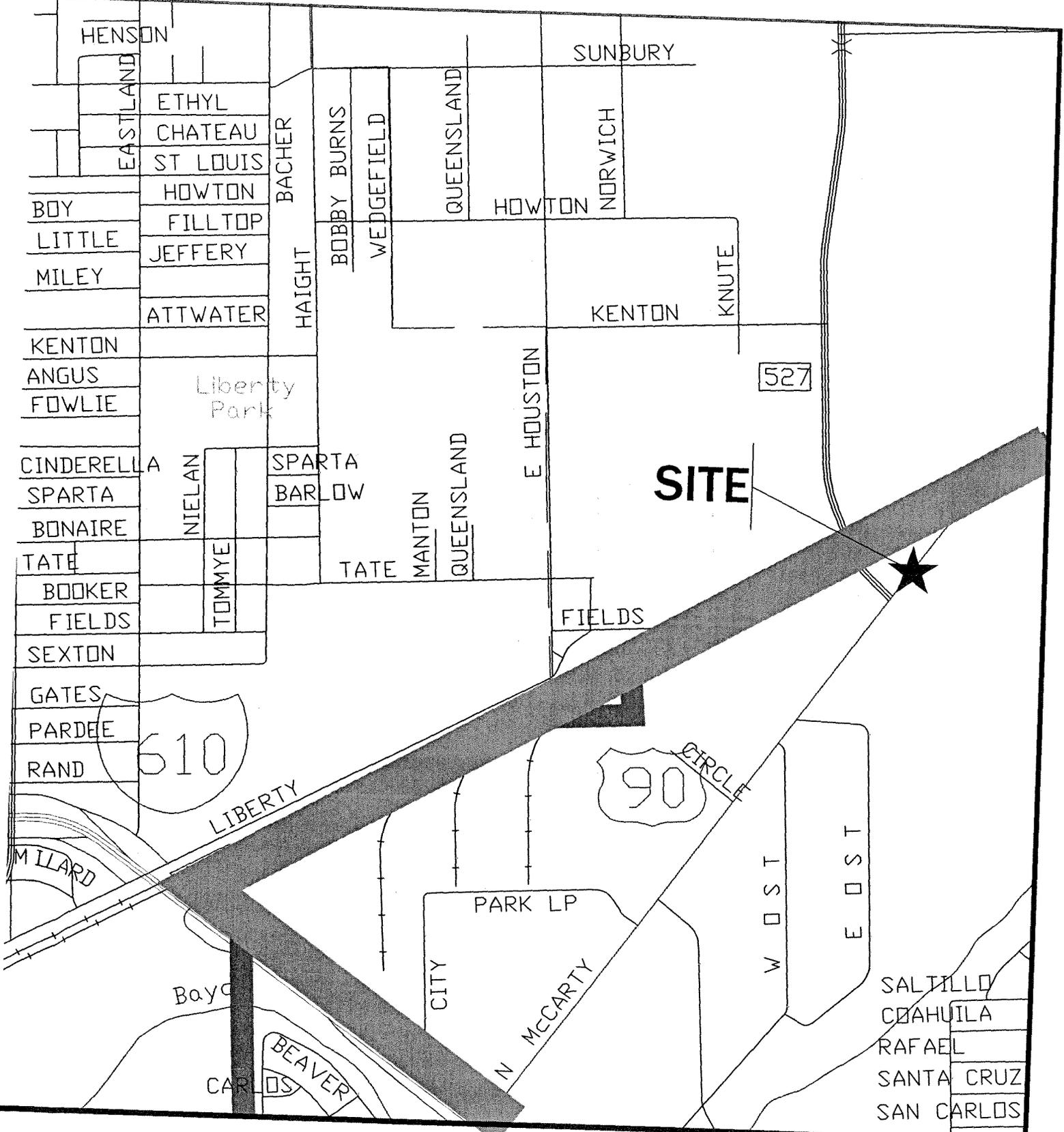
  
IZB:JLN:JT:RAV:CL:ps

c: Marty Stein, Jacquelyn L. Nisby, Michael S. Marcotte, P.E., Howard Hillard, Carl Bowker, Velma Laws, Joseph Kurian, File 507



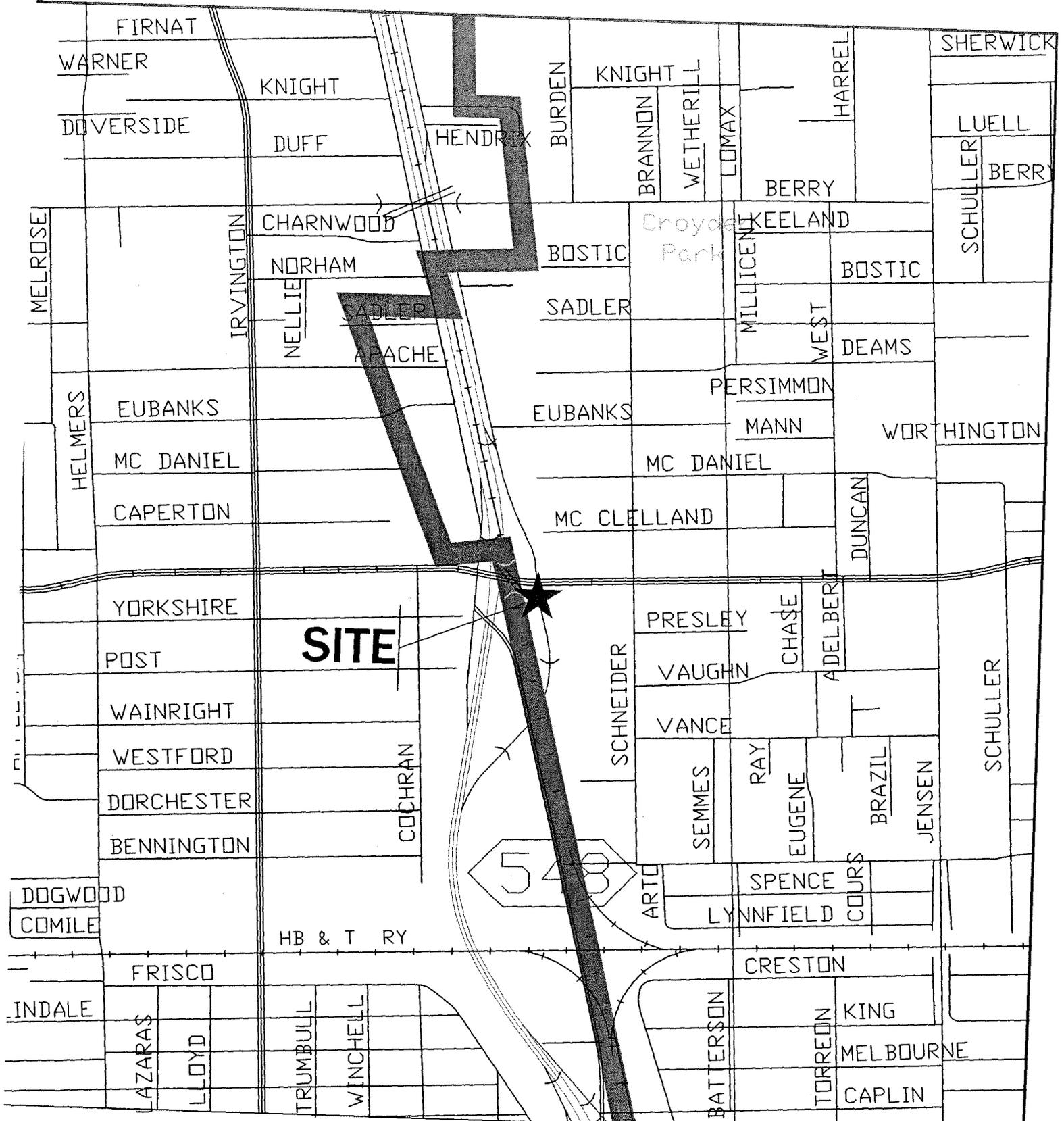
Right-of-Way and Fleet Maintenance Facilities Expansion

100 JAPHET  
HOUSTON, TX 77020



Right-of-Way and Fleet Maintenance Facilities Expansion

5500 McCARTY  
HOUSTON, TX 77013



Right-of-Way and Fleet Maintenance Facilities Expansion  
 1700 E. CROSSTIMBERS  
 HOUSTON, TX 77093

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

|  |                       |                          |
|--|-----------------------|--------------------------|
| <b>SUBJECT:</b> Award Construction Contract<br>Air Handler Units Upgrade at 611 Walker<br>Meridian Commercial, L.P.<br>WBS No. R-000268-0058-4 | <b>Page</b><br>1 of 2 | <b>Agenda Item</b><br>40 |
|--|-----------------------|--------------------------|

|   |                                     |                                   |
|---|-------------------------------------|-----------------------------------|
| <b>FROM (Department or other point of origin):</b><br>General Services Department | <b>Origination Date</b><br>04-25-08 | <b>Agenda Date</b><br>MAY 07 2008 |
|---|-------------------------------------|-----------------------------------|

|   |   |
|---|---|
| <b>DIRECTOR'S SIGNATURE:</b><br>Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush</i><br>3/27/08 | <b>Council District(s) affected:</b><br>1 |
|---|---|

|   |   |
|---|---|
| <b>For additional information contact:</b><br>Jacquelyn L. Nisby <i>J. Nisby</i><br>Phone: 713-247-1814 | <b>Date and identification of prior authorizing Council action:</b> |
|---|---|

**RECOMMENDATION:** Award construction contract and appropriate funds for the project.

**AMOUNT AND SOURCE OF FUNDING:**

**\$3,567,000.00** PWE-W&S System Consolidated Construction Fund (8500)

*Breake*  
*04/22/08*

*Finance*  
~~F&A Budget:~~ *MWS*  
*Michael S. Marcotte*

**SPECIFIC EXPLANATION:** The General Services Department (GSD) recommends that City Council award a construction contract to Meridian Commercial, L.P. on the negotiated amount of \$3,117,933.00 for construction services in connection with replacement of the HVAC system at 611 Walker for the Department of Public Works and Engineering. GSD is requesting a 10% contingency to address unforeseen conditions that are typically inherent in the renovation of aged facilities.

On November 23, 2007 and November 30, 2007, GSD advertised a Request for Competitive Sealed Proposals containing selection criteria that ranked the respondents on price, experience, references, sub-contractors and schedule. The Competitive Sealed Proposals were due on December 20, 2007, and four firms responded. GSD formed a selection committee to evaluate the respondents. The selection committee evaluated the proposals and Meridian Commercial, L.P. received the most points and offers the best value to the City based on the advertised criteria.

**PROJECT LOCATION:** 611 Walker, (493L)

**PROJECT DESCRIPTION:** Existing Air Handler Units (AHUs) at 611 Walker are over 20 years of age and have exceeded their life cycles. The project involves the removal and replacement of the original Air Handler Units (AHU's) throughout 611 Walker.

**PROPOSALS:** The following four proposals were received on December 20, 2007 and are ranked as follows:

**Proposer**

1. Meridian Commercial, L.P.
2. The Gonzalez Group, L.P.
3. Hunter's Allied (nonresponsive)
4. DT Construction (nonresponsive)

**REQUIRED AUTHORIZATION**

CUIC ID#25CONS29

*WST*

**General Services Department:**

*Phil Golembiewski*

Phil Golembiewski, P.E.  
Chief of Design & Construction Division

**Department of Public Works and Engineering:**

*Michael S. Marcotte*  
42208

Michael S. Marcotte, P.E., D.E.E.  
Director *MT*

|             |  |  |                       |
|-------------|--|--|-----------------------|
| <b>Date</b> | <b>Subject:</b> Award Construction Contract<br>Air Handler Units Upgrade at 611 Walker<br>Meridian Commercial, L.P.<br>WBS No. R-000268-0058-4 | <b>Originator's<br/>Initials</b><br>CL | <b>Page</b><br>2 of 2 |
|-------------|--|--|-----------------------|

**AWARD:** It is recommended that City Council award the construction contract to Meridian Commercial, L.P., and appropriate funds for the project, including additional appropriations of \$71,043.49 for construction management services under the existing contract with Carter & Burgess, Inc., and \$6,210.00 for asbestos abatement project management services under the existing contract with Technology Serving People, Inc.

**FUNDING SUMMARY:**

|                        |                                       |
|------------------------|---------------------------------------|
| \$ 3,117,933.00        | Construction Contract                 |
| \$ 311,793.30          | 10% Contingency                       |
| <b>\$ 3,429,726.30</b> | <b>Total Contract Services</b>        |
| \$ 6,210.00            | Asbestos abatement Project Management |
| \$ 71,043.49           | Construction Management               |
| \$ 60,020.21           | Civic Art (1.75%)                     |
| <b>\$ 3,567,000.00</b> | <b>Total Funding</b>                  |

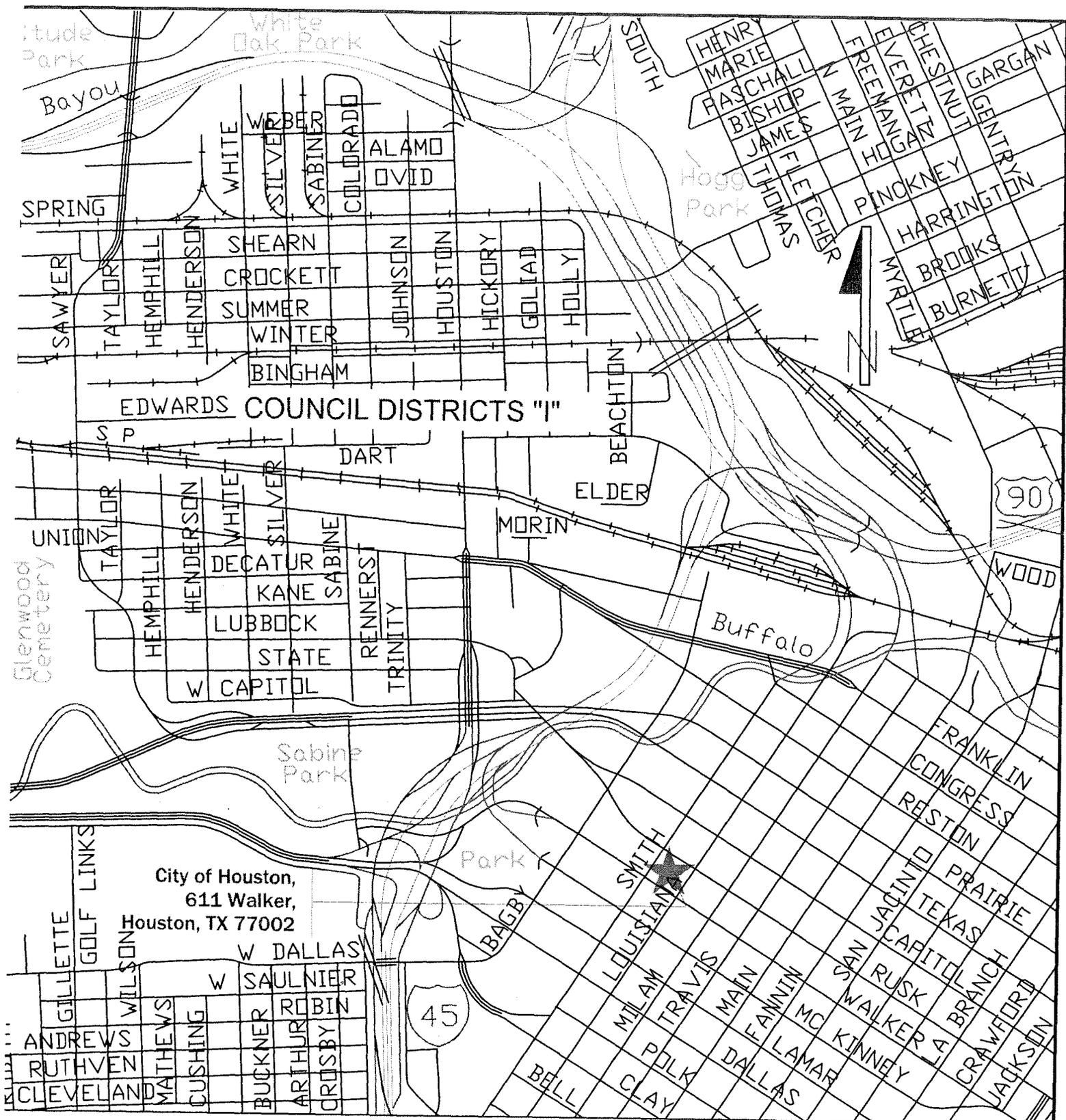
**CONSTRUCTION GOALS:** The project was bid with a MBE goal of 15% and SBE goal of 5%. The City reduced the scope of work to include only HVAC replacement to bring the project within budget. As a result, HVAC replacement presented fewer opportunities for participation because of the project's specialized and technical complexity. The contractor submitted a Good Faith Efforts package to the Affirmative Action and Contract Compliance Division. Affirmative Action has reviewed the process and determined that the contractor has made a Good Faith Effort to utilize its subcontractors to the fullest extent possible, as described in the attached correspondence.

The contractor has submitted the following certified subcontractors to achieve the goals:

| <u>FIRM (MBE)</u>                                 | <u>WORK DESCRIPTION</u>         | <u>AMOUNT</u>       | <u>% OF CONTRACT</u> |
|---|---------------------------------|---------------------|----------------------|
| NEXLEVEL Mechanical                               | Electrical                      | \$69,000.00         | 2.2%                 |
| <br>  |                                 |                     |                      |
| <u>FIRM (WBE)</u>                                 | <u>WORK DESCRIPTION</u>         | <u>AMOUNT</u>       | <u>% OF CONTRACT</u> |
| Southern Insulation Contractors, L.P.             | Pipe Insulation                 | \$175,000.00        | 5.6%                 |
| <br>  |                                 |                     |                      |
| <u>FIRM (SBE)</u>                                 | <u>WORK DESCRIPTION</u>         | <u>AMOUNT</u>       | <u>% OF CONTRACT</u> |
| Distrib Aire, Inc.                                | Supplier of Misc Air Components | \$5,250.00          | 0.2%                 |
| Hazard Assessment Leaders, Inc.,<br>DBA HAL, Inc. | Asbestos Abatement              | \$6,500.00          | 0.2%                 |
|   | <b>TOTAL</b>                    | <b>\$255,750.00</b> | <b>8.2%</b>          |

IZD:JLN:PJG:RAV;CL:ps

c: Marty Stein, Joe Goodman, Jacquelyn Nisby, Velma Laws, Joseph Kurian, James Tillman, Project File 813



City of Houston,  
611 Walker,  
Houston, TX 77002

# AIR HANDLER UNITS UPGRADE

## 611 Walker, Houston, TX 77002



# CITY OF HOUSTON

Office of the Mayor

## Interoffice

---

Correspondence  
Affirmative Action and  
Contract Compliance  
Division

To: Issa Dadoush  
Director  
General Services Department

From: Velma Laws  
Director

A handwritten signature in black ink, appearing to read "Velma Laws", written over the printed name.

Date: March 28, 2008

Subject: **611 Walker AHU Upgrades**  
**WBS Number R-000268-0058-4**  
**Corrected MWBE/SBE Goals**

We have reviewed and evaluated Meridian's Good Faith Efforts (GFE) as it relates to the project listed above. Our findings show that Meridian's correct M/W/BE goals, per the bid document, were set as follows: 15% MWBE, and 5% SBE.

- The Good Faith Efforts reflect 7.8% MWBE participation and 0.3% SBE participation, for an overall total of 8.1% S/M/WBE participation
- Meridian has identified other work areas whereby additional M/BE utilization can be achieved totaling approximately \$70,000. This represents an additional 2.2% MBE participation
- Meridian has also communicated to their largest HVAC contractor, Accurate Air Systems (non-MBE), to encourage the participation of S/M/W/BE subcontractors and suppliers on this project
- Their GFE included sending invitations to bid to more than 90 certified S/M/W/BEs
- Invitations to bid were categorized by work areas needed for this project, such as abatement, HVAC, electrical, masonry, carpentry, painting, glass and drywall
- HVAC work is the only work being assigned to a non-certified vendor, Accurate Air Systems, due to the high risk and difficulty factor associated with this project
- A certified M/W/BE vendor, NexLevel Mechanical, also put in a bid for the HVAC work but in the final analysis, Accurate Air Systems was selected due to the size of the project and prior experience
- Meridian personnel met with NexLevel Mechanical to explain to them why they decided to utilize Accurate Air Systems. After the meeting, Meridian offered the electrical portion on this project to NexLevel Mechanical. The electrical part on this project represents 2.2% but Meridian has made a commitment to NexLevel to foster greater relationships
- As stated before, Accurate Air Systems is not a certified M/W/BE but has committed to using additional certified M/W/BE suppliers throughout the duration of this project
- The largest, yet more difficult portion of this project, is the HVAC work. It represents approximately 2.5 million dollars. It involves the replacement of all air handlers servicing 611 Walker without interruption to the delivery of work week conditioned air to occupants of our building. If this portion had been awarded to one of our M/W/BEs, it would represent about 79% utilization. However, NexLevel is far less experienced with the size of this project than Accurate Air Systems and Mr. Arthur Bob, owner of NexLevel, understands the scope of services on this project

Based on our findings and conversations with GSD personnel, we are approving Meridian's Good Faith Efforts submission.

03/08:65

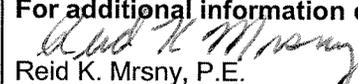
TO: - Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

|   |                       |                            |
|---|-----------------------|----------------------------|
| <b>SUBJECT:</b> Contract Award for Proposed 42-inch Water Line along Allum, Player and Tidewater from Hiram Clarke to Candleshade.<br>W.B.S. No. S-000900-00AE-4. | <b>Page</b><br>1 of 2 | <b>Agenda Item #</b><br>41 |
|---|-----------------------|----------------------------|

|   |                                    |                                    |
|---|------------------------------------|------------------------------------|
| <b>FROM: (Department or other point of origin):</b><br>Department of Public Works and Engineering | <b>Origination Date:</b><br>5/2/08 | <b>Agenda Date:</b><br>MAY 07 2008 |
|---|------------------------------------|------------------------------------|

|   |   |
|---|---|
| <b>DIRECTOR'S SIGNATURE:</b><br><br>Michael S. Marcotte, P.E. DEE | <b>Council District affected:</b><br>D 1512 |
|---|---|

|  |  |
|--|--|
| <b>For additional information contact:</b><br><br>Reid K. Mrsny, P.E. Phone: (713) 837-0452<br>Senior Assistant Director | <b>Date and identification of prior authorizing Council action:</b><br>Motion Number 2008-0074 (January 23, 2008)<br>Ordinance Number 2007-1182 (October 24, 2007)<br>Ordinance Number 2006-0654 (June 21, 2006) |
|--|--|

**RECOMMENDATION: (Summary)**  
Accept low bid, award construction contract, de-appropriate funds from a previous contract with Boyer, Inc., and appropriate these and other funds to this contract with Texas Sterling Construction Co.

**Amount and Source of Funding:**  
Total of \$5,059,100.00 from the Water and Sewer System Consolidated Construction Fund No. 8500 with \$3,659,297.21 from funds to be de-appropriated from a terminated contract with Boyer, Inc. *03/26/08*

**SPECIFIC EXPLANATION:** The Public Works and Engineering Department recommends that the City Council de-appropriate \$3,659,297.21 from a terminated contract with Boyer, Inc. These funds were originally appropriated to Boyer, Inc. to rehabilitate large diameter air release valves. Due to water line shutdown scheduling conflicts, work was suspended by the City, and Boyer, Inc. elected to terminate the contract under Article 14.4 of the General Conditions. A portion of the work not completed by Boyer, Inc. was included in a construction package awarded on October 24, 2007 (Ord. No. 2007-1182) to Huff & Mitchell, Inc.

The de-appropriated funds are needed to complete programmed surface water transmission work as proposed in the CIP.

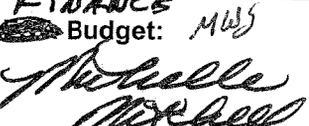
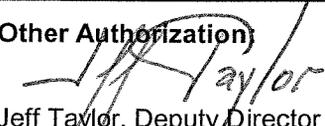
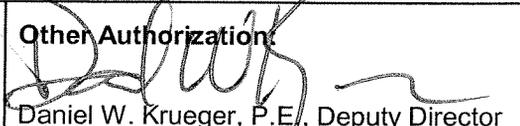
**PROJECT NOTICE/JUSTIFICATION:** This project is part of the Surface Water Transmission program and is required to increase circulation and availability of water in the Sims Bayou Pump Station service area.

**DESCRIPTION/SCOPE:** This project consists of approximately 6,200 linear feet of proposed 42-inch water line, 2,600 linear feet of proposed 8-inch water line, valves, and appurtenances, including pavement replacement. The contract duration for this project is 270 calendar days. This project was designed by Lockwood, Andrews and Newnam, Inc.

**LOCATION:** The project area is generally bound by Allum Road on the north, Tidewater Drive on the south, Hiram Clarke Road on the east and Candleshade Lane on the west. The project is located in Key Map Grids 571-H, L, and M.

**BIDS:** Bids were received on January 17, 2008. The ten (10) bids are as follows:

| Bidder                             | Bid Amount     |
|------------------------------------|----------------|
| 1. Texas Sterling Construction Co. | \$4,285,135.00 |
| 2. Triple B Services, L.L.P.       | \$4,594,657.25 |
| 3. Huff & Mitchell, Inc.           | \$4,625,875.00 |
| 4. Pace Services, LP               | \$4,693,218.75 |
| 5. George Construction             | \$4,880,059.25 |
| 6. SER Construction Partners, Ltd. | \$4,889,796.80 |
| 7. Calco Contracting, Ltd.         | \$5,110,579.00 |
| 8. C.E. Barker, Ltd.               | \$5,153,439.93 |
| 9. Reytec Construction Resources   | \$5,337,540.50 |
| 10. E.P. Brady, Ltd.               | \$5,485,721.25 |

|   |  |   |                      |  |  |
|---|--|---|----------------------|--|--|
| <b>Required Authorization</b>   |  |   | <b>CUIC# 20BLL19</b> |  |  |
| <b>Budget:</b> <i>MWS</i><br> |  | <b>Other Authorization:</b><br><br>Jeff Taylor, Deputy Director<br>Public Utilities Division |                      | <b>Other Authorization:</b><br><br>Daniel W. Krueger, P.E., Deputy Director<br>Engineering and Construction Division |  |

|             |  |   |                       |
|-------------|--|---|-----------------------|
| <b>Date</b> | <b>Subject:</b> Contract Award for Proposed 42-inch Water Line along Allum, Player and Tidewater from Hiram Clarke to Candleshade. W.B.S. No. S-000900-00AE-4. | <b>Originator's Initials</b><br><i>DL</i> | <b>Page</b><br>2 of 2 |
|-------------|--|---|-----------------------|

**AWARD:** It is recommended that this construction contract be awarded to Texas Sterling Construction Co. with a low bid of \$4,285,135.00 and that Addendum Number 1 be made a part of this contract.

**PROJECT COST:** The total cost of this project is \$5,059,100.00 to be appropriated as follows:

|   |                                  |                |
|---|----------------------------------|----------------|
| • | Bid Amount                       | \$4,285,135.00 |
| • | Contingencies                    | \$214,256.75   |
| • | Engineering and Testing Services | \$140,000.00   |
| • | Project Management               | \$ 85,722.25   |
| • | Construction Management          | \$333,986.00   |

Engineering and Testing Services will be provided by Geoscience Engineering & Testing, Inc. under a previously approved contract.

Construction Management Services will be provided by Lockwood, Andrews & Newnam, Inc. under a previously approved contract.

Bonus of early completion is \$30,000.00. This represents the number of days between the contract substantial completion date and the early completion date, 30 calendar days maximum, multiplied by \$1,000.00 per day. The actual amount, if applicable, will be based upon the early completion date.

**M/WBE PARTICIPATION:** The goal established for this project was 14% MBE, 5% WBE and 3% SBE. The Affirmative Action & Contract Compliance Department has reviewed and approved the following plan as a good faith effort of the contractor in complying with the MWSBE goal. The low bidder has submitted the following proposed MBE participation of 8.88%, WBE participation of 3.78%, and SBE participation of 0.28% to satisfy the goal for this project.

| <u>MBE - Name of Firms</u>                    | <u>Work Description</u>           | <u>Amount</u>       | <u>% of Contract</u> |
|---|-----------------------------------|---------------------|----------------------|
| 1. N. Garza Trucking                          | Trucking                          | \$190,515.00        | 4.44%                |
| 2. Two-Way Barricade Equipment Sales & Rental | Traffic Control & Flagmen         | \$ 53,050.00        | 1.24%                |
| 3. GMJ Paving Company General Partnership     | Asphalt Paving                    | \$ 97,536.25        | 2.28%                |
| 4. Maintenance To Go, Inc.                    | Tree & Plant Protection & Sodding | \$ 39,244.25        | 0.92%                |
|   | <b>TOTAL</b>                      | <b>\$380,345.50</b> | <b>8.88%</b>         |

| <u>WBE - Name of Firms</u>        | <u>Work Description</u> | <u>Amount</u>       | <u>% of Contract</u> |
|-----------------------------------|-------------------------|---------------------|----------------------|
| 1. El Dorado Paving Company, Inc. | Sidewalk Paving         | \$ 54,777.10        | 1.28%                |
| 2. Choctaw Pipe & Equipment, Inc. | Pipe Supplier           | \$107,128.37        | 2.50%                |
|                                   | <b>TOTAL</b>            | <b>\$161,905.47</b> | <b>3.78%</b>         |

| <u>SBE - Name of Firms</u>      | <u>Work Description</u> | <u>Amount</u>       | <u>% of Contract</u> |
|---------------------------------|-------------------------|---------------------|----------------------|
| 1. Environmental Allies, L.P.   | Hydromulch Seeding      | \$ 2,340.00         | 0.05%                |
| 2. Mickie Service Company, Inc. | TS&V Installation       | \$ 9,925.00         | 0.23%                |
|                                 | <b>TOTAL</b>            | <b>\$ 12,265.00</b> | <b>0.28%</b>         |

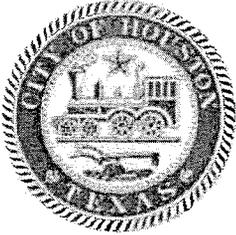
All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

*DL*  
MSM:DWK:RKM:HH:BLL:JP

S:\design\A-WS-DIV\Projects\S-0900-02-2\WA10875-03\_(S-0900-AE-2)\Advertise-Bid-Award\RCA Package\Construction RCA.DOC

- c: Marty Stein  
Velma Laws  
Susan Bandy  
Michael Ho, P.E.  
Craig Foster  
File S-000900-00AE-3 (3.7)





# CITY OF HOUSTON

Office of the Mayor

## Interoffice

Correspondence  
Affirmative Action and  
Contract Compliance  
Division

**To:** Gary Norman  
Public Information Officer  
Public Works & Engineering

**From:** Velma Laws  
Director

**Date:** February 29, 2008

**Subject:** 42" Water Line along Allum, Player and  
Tidewater  
WBS # S-000900-00AE-4

We have reviewed and evaluated Texas Sterling Construction (TSC) Company's Good Faith Efforts as it relates to the project listed above. Our findings show that TSC's M/W/BE goal was set at 14% MBE, 5% WBE, and 3% SBE.

- TSC notified potential M/W/BEs to bid on this project in the work areas of: (1) dirt work (including excavation, lime sub grade and base installation); (2) traffic control (flagmen, stripping, control devices); (3) tree & plant protection; (4) asphalt; (5) driveways and sidewalks; (6) hydro mulch; (7) sodding; (8) dewatering; (9) concrete paving (10) trucking
- TSC sent to M/W/BEs a list of where to obtain plans for this project
- TSC provided quotes received from various S/M/W/D/BEs, spreadsheets indicating how low their bids were and bids distributed by work category
- TSC's M/W/BE participation is 12.94% as of this writing and there is no foreseeable work that can be subcontracted at this time.
- TSC also included a work item that was not quoted by any M/W/BE in an attempt to achieve the M/W/BE participation goal

NOTE: As part of the Good Faith Efforts review process, our office reviews the General Contractor's historical data as it relates to past history of meeting or exceeding their M/W/BE goals. TSC has had a total of 34 contracts with the COH. Of these, 18 were rated Outstanding, 14 were rated Satisfactory, 1 Unsatisfactory (June 20, 2006) and 1 had no M/W/BE goal.

After careful review and evaluation, we recommend approval of Texas Sterling Construction's Good Faith Efforts request.

02/08:84

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**SUBJECT:**  
Ordinances granting Commercial Solid Waste Operator Franchises

Category #

Page 1 of 1

RCA #

Agenda Item #

*2nd Reading*

~~40-41~~  
~~37-38~~

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

Alfred J. Moran Jr., Director  
Administration & Regulatory Affairs

Origination Date

April 14, 2008

Agenda Date

~~APR 23 2008~~

**DIRECTOR'S SIGNATURE:**

Council Districts affected:

ALL

*42-43*  
MAY 07 2008

**For additional information contact:**

Juan Olguin *JO* Phone: (713) 837- 9623  
Tina Paez *TP* Phone: (713) 837- 9630

**Date and identification of prior authorizing Council Action:** Ord. # 2002-526 – June 19, 2002; Ord. # 2002-1166-December 18, 2002.

**RECOMMENDATION: (Summary)**

Approve ordinances granting Commercial Solid Waste Operator Franchises

**Amount of Funding:**  
REVENUE

**F & A Budget:**

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

**SPECIFIC EXPLANATION:**

It is recommended that City Council approve ordinance(s) granting Commercial Solid Waste Operator Franchises to the following solid waste operators pursuant to Article VI, Chapter 39. The proposed Franchisees are:

1. Inland Environments, LTD.
2. Stanz Integrated Cleaning Solutions

The proposed ordinances grant the Franchisees the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, each Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise terms expire on December 31, 2013.

**REQUIRED AUTHORIZATION**

Finance Director:

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7799**

**Subject:** Formal Bids Received for Telephone Equipment and Accessories for the Information Technology Department  
S11-S22291

Category #  
4

Page 1 of 3

Agenda Item

44

**FROM (Department or other point of origin):**  
Calvin D. Wells  
City Purchasing Agent  
Administration & Regulatory Affairs Department

**Origination Date**  
March 18, 2008

**Agenda Date**  
MAY 07 2008

**DIRECTOR'S SIGNATURE**  
*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**  
Janis Benton Phone: (832) 393-0004  
Desiree Heath Phone: (713) 247-1722

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

**RECOMMENDATION: (Summary)**  
Approve various awards, as shown below, in an amount not to exceed \$1,838,119.80 for telephone equipment and accessories for the Information Technology Department.

Estimated Spending Authority: \$1,838,119.80

**F & A Budget**

\$1,838,119.80 Central Service Revolving Fund (1002)

**SPECIFIC EXPLANATION:**  
The City Purchasing Agent recommends that City Council approve various awards, as shown below, in an amount not to exceed \$1,838,119.80 for telephone equipment and accessories for the Information Technology Department. It is further requested that authorization be given to make purchases, as needed, for 36-months, with two one-year options. These awards consist of various handsets, headsets, telephones, control units, power supplies, amplifiers, speakers, paging systems, transformers, microphones, ringers, relays, designation strips, digital voice terminals, desk sets, and other types of communication equipment which will be used by the department personnel to install/repair telephone lines and/or replace obsolete equipment throughout the City.

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

This project was advertised in accordance with the requirements of the State of Texas bid laws. Twenty prospective bidders downloaded the solicitation document on SPD's e-bidding website, and nine bids were received as detailed in the attached support document.

**Call One, Inc:** Award on its low bid for Item Nos. 1, 2, 3, 7 thru 10, 55, 56, 69 and 78 (various types of headsets, handsets, and speakers), in an amount not to exceed \$86,855.40.

**Calence, LLC:** Award on its low bid for Group IX (Cisco VOIP/Global price list which includes, but is not limited to, telephone multi-line w/color display sets and wireless IP phones), in an amount not to exceed \$425,128.50.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*MA*

|                    |   |                                |             |
|--------------------|---|--------------------------------|-------------|
| Date:<br>3/18/2008 | Subject: Formal Bids Received for Telephone Equipment and Accessories for the Information Technology Department<br>S11-S22291 | Originator's<br>Initials<br>GK | Page 2 of 3 |
|--------------------|---|--------------------------------|-------------|

**Graybar Electric:** Award on its low bid for Item Nos. 75, 76, 77, 83 thru 89, 91, 94, 95, 96, 98, 99, 104 thru 108, 219; Group XI, and Group XII (paging equipment, bells, ringers, signals, backup batteries, power protectors, Viking price list for telephone accessories; which includes, but is not limited to 8port line concentrators, loop and ring detect boards, and talk boosters; and Cortelco price list for telephone equipment; which includes, but is not limited to wall speakers, weather horns and telephone analog sets); sole bid for Item Nos. 80, 81, 82, and 102 (horns and control restructures); and low bid meeting specifications for Group No. X, Valcom price list for telephone accessories; which includes, but is not limited to control units and wall speakers), in an amount not to exceed \$240,419.60.

**Liberty Communications, Inc.:** Award on its low bid for Item Nos. 24, 35, 38, 70 thru 74, 79, 90, 92, 93, 97, 100, 101, 103, 109, 112, 113, 119 thru 121, 123, 125, 127, 129 thru 133, 137, 139, 141, 143, 145, and 147 thru 151 (digital voice terminals, display terminals, designation strips, 16 port analog interface and tie trunk/attendant interfaces), in an amount not to exceed \$173,462.00.

**WalkerCom, Inc.:** Award on its low bid for Item Nos. 22, 47, 48, 51, 118, 152, 169 thru 171, 175, 179, 186, 201, 205, and 206 (voice displays w/auxiliary power, voice terminals, trunk cartridges, key lamps, flash voice mail and telephone mounting cords), in an amount not to exceed \$88,681.30.

**Telecom Remarketing Corporation of America, dba TRCA:** Award on its low bid for Item Nos. 4 thru 6, 11 thru 21, 34, 59, 157 thru 164, 166, 168, 173, 180, 181, 199, 200, 203, 204, 207 thru 211, 213, 214, 217, 218, 220, 223, 240, 241, 244, 245, 246, 248, 249, 252, and 253; and sole bid for Item Nos. 122, 124, 126, 128, 136, 138, 140, 142, 144, 146, 185, 192, 193, 195, 196, and 198 (handsets, cords detanglers, digital line interfaces, fiber truck modules, fiber expansions, voice mail upgrade channels, and telephone receiver cords), in an amount not to exceed \$257,113.20.

**ComTalk, Inc.:** Award on its low bid for Item Nos. 23, 26 thru 33, 36, 37, 39 thru 46, 49, 50, 53, 54, 57, 58, 60 thru 68, 114 thru 117, 134, 135, 156, 165, 167, 174, 176, 177, 182 thru 184, 187 thru 191, 194, 202, 212, 216, 222, 224 thru 227, 230 thru 237, 247 and 251 (voice terminals w/auxiliary power, voice terminals w/display, black analog sets, attendant console w/display, destination strips, and PBX memory flash cards), in an amount not to exceed \$506,259.80.

Tie bids were received from Liberty Communications, Inc. and ComTalk, Inc. for Item Nos. 25, 52, 110, and 111 in the amount of \$60,200.00. It is requested that City Council draw lots for these items.

Item Nos. 153, 154, 155, 172, 178, 197, 215, 221, 228, 229, 238, 239, 242, 243 and 250 are not being awarded.

**M/WBE Subcontracting:**

This bid was issued with a 3% goal for M/WBE participation.

**Liberty Communications, Inc.** has designated the below named company as its certified M/WBE subcontractor:

| <u>Name</u>                   | <u>Type of Work</u>         | <u>Amount</u> |
|-------------------------------|-----------------------------|---------------|
| AM-PM Telephone Service, Inc. | Service Telephone Equipment | \$5,203.86    |

**Graybar Electric** has designated the below named company as its certified M/WBE subcontractor

| <u>Name</u>            | <u>Type of Work</u> | <u>Amount</u> |
|------------------------|---------------------|---------------|
| Sunrise Delivery, Inc. | Delivery            | \$7,212.58    |

|                    |   |                                |             |
|--------------------|---|--------------------------------|-------------|
| Date:<br>3/18/2008 | Subject: Formal Bids Received for Telephone Equipment and Accessories for the Information Technology Department<br>S11-S22291 | Originator's<br>Initials<br>GK | Page 3 of 3 |
|--------------------|---|--------------------------------|-------------|

**Telecom Remarketing Corporation of America dba TRCA** has designated the below named company as its certified M/WBE subcontractor

| <u>Name</u>                   | <u>Type of Work</u> | <u>Amount</u> |
|-------------------------------|---------------------|---------------|
| Redline Carrier Express, Inc. | Delivery            | \$7,713.29    |

**ComTalk, Inc.** has designated the below named company as its certified M/WBE subcontractor

| <u>Name</u>                   | <u>Type of Work</u> | <u>Amount</u> |
|-------------------------------|---------------------|---------------|
| Jones Delivery Services, Inc. | Delivery            | \$15,187.79   |

These awards were reviewed by the MWBE Committee on April 28<sup>th</sup> and they were recommended to Council with approval.

The Affirmative Action and Contract Compliance Department will monitor these awards.

Buyer: Gloria Jordan-King

- Attachments: 1) RCA Support Documentation  
2) M/WBE zero-percent goal document approved by the Affirmative Action Division for Calence, LLC

**Estimated Spending Authority:**

| <u>Department</u>      | <u>FY 2008</u> | <u>Out Years</u> | <u>Total</u>   |
|------------------------|----------------|------------------|----------------|
| Information Technology | \$300,000.00   | \$1,538,119.80   | \$1,838,119.80 |

**TELEPHONE EQUIPMENT & ACCESSORIES**

**Support Documentation for RCA 7799**

**S11 – S22291**

**Call One, Inc:** Award on its low bid for Item Nos. 1, 2, 3, 7 thru 10, 55, 56, 69 and 78 (various types of headsets and handsets), in an amount not to exceed \$86,855.40.

| <u>COMPANY</u>  | <u>TOTAL AMOUNT</u> |
|---|---------------------|
| 1. <b>Call One, Inc.</b>                                | <b>\$ 86,855.40</b> |
| 2. Graybar Electric                                     | \$ 98,423.80        |
| 3. Liberty Communications, Inc.                         | \$100,640.00        |
| 4. ComTalk, Inc.  | \$104,723.50        |
| 5. WalkerCom, Inc.                                      | \$108,993.50        |
| 6. Telecom Remarketing Corporation of America, dba TRCA | \$114,057.00        |

**Calence, LLC:** Award on its low bid for Group IX (Cisco VOIP/Global price list for telephone accessories; which includes, but is not limited to, telephone multi-line w/color display sets and wireless IP phones), in an amount not to exceed \$425,128.50.

| <u>COMPANY</u>                  | <u>SAMPLE PRICING</u> |
|---------------------------------|-----------------------|
| 1. <b>Calence, LLC</b>          | <b>\$ 764.50</b>      |
| 2. Liberty Communications, Inc. | \$1,225.00            |

**Graybar Electric:** Award on its low bid for Item Nos. 75, 76, 77, 83 thru 89, 91, 94, 95, 96, 98, 99, 104 thru 108, 219; Group XI, and Group XII (paging equipment, bells, ringers, signals, backup batteries, power protectors, Viking price list for telephone accessories; which includes, but is not limited to 8port line concentrators, loop and ring detect boards, and talk boosters; and Cortelco price list for telephone equipment; which includes, but is not limited to wall speakers, weather horns and telephone analog sets); sole bid for Item Nos. 80, 81, 82, and 102 (horns and control restructures); and low bid meeting specifications for Group No. X, Valcom price list for telephone accessories; which includes, but is not limited to control units and wall speakers), in an amount not to exceed \$240,419.60.

| <u>COMPANY</u>  | <u>SAMPLE PRICING and LINE ITEM TOTAL</u>                                 |
|---|---|
| 1. Call One, Inc.                                       | \$ 653.63 (Partial Bid/Higher Unit Price/<br>Did Not Meet Specifications) |
| 2. Affiliated Communication, Inc.                       | \$ 1,112.00 (Partial Bid/Higher Unit Price)                               |
| 3. Telecom Remarketing Corporation of America, dba TRCA | \$ 1,580.00 (Partial Bid/Higher Unit Price)                               |
| 4. ComTalk, Inc.  | \$ 4,977.45 (Partial Bid/Higher Unit Price)                               |
| 5. WalkerCom, Inc.                                      | \$54,175.00 (Partial Bid/Higher Unit Price)                               |
| <b>6. Graybar Electric</b>                              | <b>\$73,688.69</b>  |
| 7. Liberty Communications, Inc.                         | \$85,047.00   |

- A lower bid was received from Call One, Inc. for Group No. X; however, it did not meet specifications. Specifically, the supplier stated they thought they were only bidding on the individual items listed as sample pricing items. They did not understand that they would be responsible for providing all of the items that were available from the Valcom price list.

**TELEPHONE EQUIPMENT & ACCESSORIES**  
**Support Documentation for RCA 7799 (continued)**  
**S11 – S22291**

**Liberty Communications, Inc.:** Award on its low bid for Item Nos. 24, 35, 38, 70 thru 74, 79, 90, 92, 93, 97, 100, 101, 103, 109, 112, 113, 119 thru 121, 123, 125, 127, 129, 130 thru 133, 137, 139, 141, 143, 145, and 147 thru 151 (digital voice terminals, display terminals, designation strips, 16 port analog interface and tie trunk/attendant interfaces), in an amount not to exceed \$173,462.00.

| <b><u>COMPANY</u></b>                                   | <b><u>TOTAL AMOUNT</u></b>                   |
|---|--|
| 1. Telecom Remarketing Corporation of America, dba TRCA | \$106,915.00 (Partial Bid/Higher Unit Price) |
| 2. Graybar Electric                                     | \$120,279.80 (Partial Bid/Higher Unit Price) |
| <b>3. Liberty Communications, Inc.</b>                  | <b>\$173,462.00</b>                          |
| 4. ComTalk, Inc.  | \$197,750.00                                 |
| 5. WalkerCom, Inc.                                      | \$235,839.70                                 |

**WalkerCom, Inc.:** Award on its low bid for Item Nos. 22, 47, 48, 51, 118, 152, 169 thru 171, 175, 179, 186, 201, 205, and 206 (voice displays w/auxiliary power, voice terminals, trunk cartridges, key lamps, flash voice mail and telephone mounting cords), in an amount not to exceed \$88,681.30.

| <b><u>COMPANY</u></b>                                   | <b><u>TOTAL AMOUNT</u></b>                   |
|---|--|
| 1. Affiliated Communication, Inc.                       | \$ 11,708.20 (Partial Bid/Higher Unit Price) |
| 2. Liberty Communications, Inc.                         | \$ 53,900.00 (Partial Bid/Higher Unit Price) |
| 3. ComTalk, Inc.  | \$ 76,482.50 (Partial Bid/Higher Unit Price) |
| <b>4. WalkerCom, Inc.</b>                               | <b>\$ 88,681.30</b>                          |
| 5. Telecom Remarketing Corporation of America, dba TRCA | \$145,863.00                                 |

**Telecom Remarketing Corporation of America, dba TRCA:** Award on its low bid for Item Nos. 4 thru 6, 11 thru 21, 34, 59, 157 thru 164, 166, 168, 173, 180, 181, 199, 200, 203, 204, 207 thru 211, 213, 214, 217, 218, 220, 223, 240, 241, 244, 245 246, 248, 249, 252, and 253; and sole bid for Item Nos. 122, 124, 126, 128, 136, 138, 140, 142, 144, 146, 185, 192, 193, 195, 196, and 198 (handsets, cords detanglers, digital line interfaces, fiber truck modules, fiber expansions, voice mail upgrade channels, and telephone receiver cords), in an amount not to exceed \$257,113.20.

| <b><u>COMPANY</u></b>  | <b><u>TOTAL AMOUNT</u></b>                  |
|--|---|
| 1. Cobra USA   | \$ 25.00 (Partial Bid/Higher Unit Price)    |
| 2. Call One, Inc.  | \$ 99.00 (Partial Bid/Higher Unit Price)    |
| 3. Graybar Electric  | \$ 5,451.00 (Partial Bid/Higher Unit Price) |
| 4. Liberty Communications, Inc.                                | \$18,798.50 (Partial Bid/Higher Unit Price) |
| 5. WalkerCom, Inc.   | \$59,908.50 (Partial Bid/Higher Unit Price) |
| 6. ComTalk, Inc.   | \$83,618.50 (Partial Bid/Higher Unit Price) |
| 7. Affiliated Communication, Inc.                              | \$59,908.50 (Partial Bid/Higher Unit Price) |
| <b>8. Telecom Remarketing Corporation of America, dba TRCA</b> | <b>\$257,113.20</b>                         |

**TELEPHONE EQUIPMENT & ACCESSORIES**  
**Support Documentation for RCA 7799 (continued)**  
**S11 – S22291**

**ComTalk, Inc.:** Award on its low bid for Item Nos. 23, 25 thru 33, 36, 37, 39 thru 46, 49, 50, 52, 53, 54, 57, 58, 60 thru 68, 114 thru 117, 134, 135, 156, 165, 167, 174, 176, 177, 182 thru 184, 187 thru 191, 194 202, 212, 216, 222, 224 thru 227, 230 thru 237, 247 and 251 (voice terminals w/auxiliary power, voice terminals w/display, black analog sets, attendant console w/display, destination strips, and PBX memory flash cards), in an amount not to exceed \$506,259.80.

| <u>COMPANY</u>  | <u>TOTAL AMOUNT</u>                          |
|---|--|
| 1. Affiliated Communication, Inc.                       | \$ 77,914.16 (Partial Bid/Higher Unit Price) |
| <b>2. ComTalk, Inc.</b>                                 | <b>\$506,259.80</b>                          |
| 3. WalkerCom, Inc.                                      | \$531,847.85                                 |
| 4. Liberty Communications, Inc.                         | \$546,730.00                                 |
| 5. Telecom Remarketing Corporation of America, dba TRCA | \$780,125.00                                 |

Tie bids were received from Liberty Communications, Inc. and ComTalk, Inc. for Item Nos. 25, 52, 110, and 111 in the amount of \$60,200.00. It is requested that City Council draw lots for these items.

Item Nos. 153, 154, 155, 172, 178, 197, 215, 221, 228, 229, 238, 239, 242, 243, and 250 are not being awarded.



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

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

From: Gloria Jordan-King

Date: 02/26/2008

Subject: MWBE Participation Form

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

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

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

If requesting a revision, how many solicitations were received: \_\_\_\_\_

Solicitation Number: S22291 Estimated Dollar Amount: \$425,128.50

Anticipated Advertisement Date: \_\_\_\_\_ Solicitation Due Date: \_\_\_\_\_

Goal On Last Contract: N/A Was Goal met: Yes  No

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

Name and Intent of this Solicitation:

Telephone Equipment & Accessories

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

Calence is being recommended for Group IX for Price List VOIP/Globa. Calence is a Cisco Gold Partner and a DIR Go-Direct Vendor. The pricing available on this award would be thru the DIR contract and requires Calence to place the order with Cisco direct, therefore no subcontracting opportunities exist. The City of Houston would place all orders directly with Calence. Orders received from this award will be shipped directly from the Cisco facility via UPS or Fed-ex from different sites across the US. The Cisco IP telephone equipment is necessary to maintain and support the Library Cisco VOIP Telephone Network is under Group IX of the new award. The City does not presently have a contract to service this type of equipment. This is the best possible pricing available to the City of Houston. Therefore, SPD is requesting a zero goal for Group IX.

Attachment: Letter from Calence, dated 2-19-2008.

Concurrence:

SPD Initiator

Division Manager

Robert Gallegos, Deputy Assistant Director  
\*Affirmative Action

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

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

45  
MAY 07 2008

MOTION NO. 2008 0280

MOTION by Council Member Sullivan that the following item be postponed for two weeks:

Item 28 - Ordinance appropriating \$689,912.00 out of Street and Bridge Consolidated Construction Fund, awarding contract to Deyar Builders, Inc., for Safe Sidewalk Program F2, WBS N-00610A-00F2-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund

Seconded by Council Member Clutterbuck and carried.

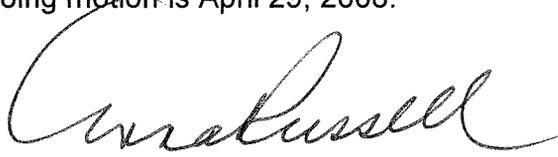
Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown, Lovell, Noriega and Jones voting aye  
Nays none  
Council Member Green absent

Mayor White and Council Member Khan out of the City on City business

Mayor Pro Tem Garcia presiding

PASSED AND ADOPTED this 23rd day of April, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is April 29, 2008.



City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

|   |                |  |
|---|----------------|--|
| SUBJECT: Contract Award for Safe Sidewalk Program F2. W.B.S. No. N-00610A-00F2-4. | Page<br>1 of 2 | Agenda Item #<br><b>45</b> <del>28</del> |
|---|----------------|--|

|  |                              |   |
|--|------------------------------|---|
| FROM: (Department or other point of origin):<br>Department of Public Works and Engineering | Origination Date:<br>4/16/08 | Agenda Date:<br><del>APR 28 2008</del><br>MAY 07 2008 |
|--|------------------------------|---|

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

|   |  |
|---|--|
| For additional information contact:<br><i>Reid K. Mrsny</i><br>Reid K. Mrsny, P.E. Phone: (713) 837-0452<br>Senior Assistant Director | Date and identification of prior authorizing Council action: |
|---|--|

**RECOMMENDATION: (Summary)**  
Accept low bid, award construction Contract and appropriate funds.

**Amount and Source of Funding:** \$689,912.00 Street and Bridge Consolidated Construction Fund No. 4506.  
*Pruett 03/27/08*

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the continuing effort by the City to construct sidewalks throughout the City of Houston to meet the needs of the citizens.

**DESCRIPTION/SCOPE:** This project provides for the construction of sidewalk improvements at several locations. The Contract duration for this project is 180 calendar days. This project was designed by Metroplexcore.

**LOCATION:** The project is located in Key Map Grids 578-X, 576-Q, 616-D, 534-X, 576-K.

**BIDS:** Bids were received on November 29, 2007. The eight (8) bids are as follows:

| Bidder                              | Bid Amount     |
|-------------------------------------|----------------|
| 1. DeYar Builders, Inc.             | \$578,964.00   |
| 2. Caan Construction Services, Inc. | \$581,835.00   |
| 3. Mar-Con Services, L.L.C.         | \$597,886.00   |
| 4. Metro City Construction, L.P.    | \$601,346.15   |
| 5. GLM Contracting, L.P.            | \$670,668.00   |
| 6. Total Contracting, Ltd.          | \$671,688.00   |
| 7. Tikon Group, Inc.                | \$855,872.50   |
| 8. Jerdon Holding, L.L.C.           | \$1,029,292.92 |

**REQUIRED AUTHORIZATION** 2006 LIC# 20M XB02 NDT

|  |   |
|--|---|
| F&A Budget: <i>Mitchell</i><br><i>Mitchell</i> | Other Authorization:<br><i>Daniel W. Krueger</i><br>Daniel W. Krueger, P.E., Deputy Director<br>Engineering and Construction Division |
|--|---|

|             |   |                                  |                        |
|-------------|---|----------------------------------|------------------------|
| <b>Date</b> | <b>Subject:</b> Contract Award for Safe Sidewalk Program F2.<br>W.B.S. No. N-00610A-00F2-4. | <b>Originator's<br/>Initials</b> | <b>Page<br/>2 of 2</b> |
|-------------|---|----------------------------------|------------------------|

**AWARD:** It is recommended that this construction Contract be awarded to DeYar Builders, Inc. with a low bid of \$578,964.00 and that no Addendum be made a part of this Contract.

**PROJECT COST:** The total cost of this project is \$689,912.00 to be appropriated as follows:

- Bid Amount \$578,964.00
- Contingencies \$28,948.00
- Engineering and Testing Services \$53,000.00
- Project Management \$29,000.00

Engineering and Testing Services will be provided by Austin-Reed Engineers, LLC under a previously approved contract.

**M/WBE PARTICIPATION:** No M/WBE goal has been established for this project.

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

*MAB*

MSM:DWK:RKM:MAB

- c:** Marty Stein  
Susan Bandy  
Velma Laws  
Michael Ho, P.E.



2004 Safe Sidewalk Program - Council District E (South Houston)

| Drawing No.  | CD | ID      | Requestor/Contact            | Street             | From               | To           | Key Map | Distance (ft) | Estimated Cost   |
|--------------|----|---------|------------------------------|--------------------|--------------------|--------------|---------|---------------|------------------|
| 1            | E  | E-S-003 | Letter                       | 7800-8000 Belbay   | Belfort            | Vasser       | 534-X   | 1,754         | \$72,757.27      |
| 2            | E  | E-S-010 | <i>Citizen</i>               | Clear Lake Blvd    | El Dorado          | Middle Brook | 578-X   | 3,984         | \$165,302.37     |
| 3            | E  | E-S-008 | Letter                       | Frey Rd.           | Hartsook           | Shaver       | 576-K   | 1,862         | \$77,263.37      |
| 4            | E  | E-S-009 | Council Members Letter/Phone | Palm Springs 11802 | Gulf Palms         | Almeda Genoa | 576-Q   | 2,654         | \$110,121.36     |
| 4            | E  | E-S-009 | Council Members Letter/Phone | Gulf Palms         | Palm Springs 11802 | Almeda Genoa | 576-Q   | 311           | \$12,895.90      |
| 5            | E  | E-S-012 | COH Letter                   | Ramada Drive       | Sea Liner          | Sea Lark     | 618-P   | 159           | \$6,597.32       |
| 6            | E  | E-S-011 | <i>Citizen</i>               | Rhinebeck          | Astoria            | Sandy Hook   | 616-D   | 821           | \$34,061.28      |
| 7            | E  | E-S-006 | Council Member Letter        | Vennard            | Barada             | Hinds        | 576-F,K | 1,909         | \$79,192.78      |
| <b>Total</b> |    |         |                              |                    |                    |              |         | <b>13,453</b> | <b>\$558,200</b> |

**REQUEST FOR COUNCIL ACTION**

|   |           |                              |
|---|-----------|------------------------------|
| <b>SUBJECT:</b> Ordinance amending Sections 21-161, 21-164 and 21-166 of Division 2 of Chapter 21 of the Code of Ordinance, Houston, Texas, relating to registration of air pollution sources | Page 1 of | Agenda Item<br><b>#46 +3</b> |
|---|-----------|------------------------------|

|   |  |   |
|---|--|---|
| <b>FROM (Department or other point of origin):</b><br>Mayor's Office of Health and Environmental Policy | <b>Origination Date:</b><br>April 23, 2008 | <b>Agenda Date:</b><br><del>APR 30 2008</del><br><b>MAY 07 2008</b> |
|---|--|---|

|   |                                       |
|---|---------------------------------------|
| <b>DIRECTOR'S SIGNATURE:</b><br><i>Elena Marks</i><br>Elena Marks, Director | <b>Council District affected:</b> All |
|---|---------------------------------------|

|  |   |
|--|---|
| <b>For additional information contact:</b><br>Elena Marks 832 393 1081 | <b>Date and identification of prior authorizing Council action:</b><br>Ord. No. 2007-208, Feb. 14, 2007 |
|--|---|

**RECOMMENDATION:**  
Adopt Ordinance amending Section 21-164, 21-164 and 21-166 of Division 2 of Chapter 21 of the Code of Ordinances, Houston, Texas, relating to registration of air pollution sources

|   |                      |
|---|----------------------|
| <b>Amount and source of funding:</b> not applicable | <b>Finance Dept.</b> |
|---|----------------------|

**EXPLANATION:**

Chapter 21, Division 2 of the Code of Ordinances currently sets out the registration requirements and fees for various sources of air pollution emissions. The monies paid by the emission sources are used to support the operations of the Health and Human Services Department's Bureau of Air Quality Control (BAQC), which monitors, inspects and enforces air pollution rules regarding these sources. Council amended the ordinance in February 2007 to expand the number of air pollution sources that must register with the City.

In the months since the expanded program was implemented, some members of the regulated community have requested clarification of certain language about the scope and intent of the ordinance in two areas.

First, there was confusion regarding the maximum registration fee the City could collect from a company that has multiple "facilities" at one site. The proposed amendments clarify that the City will charge fees for up to 4 facilities (at a maximum of \$3,000/facility or \$12,000).

Second, there was confusion about the City's intended scope of enforcement authority under the ordinance because the ordinance was silent regarding affirmative defenses for actions that are permitted by the State. The amending language clarifies the ordinance by stating explicitly our intent that our enforcement authority under this ordinance is limited to the authority permitted to the State, and is not broader.

**REQUIRED AUTHORIZATION**

|  |                             |                             |
|--|-----------------------------|-----------------------------|
| <b>Other Authorization:</b><br><i>copy signed</i><br>Stephen L. Williams, MPA<br>Director, Health & Human Services | <b>Other Authorization:</b> | <b>Other Authorization:</b> |
|--|-----------------------------|-----------------------------|

**City of Houston, Texas, Ordinance No. 2008-\_\_\_\_\_**

**AN ORDINANCE AMENDING SECTIONS 21-161, 21-164, AND 21-166 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS RELATING TO REGISTRATION OF AIR POLLUTION SOURCES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL, PROVIDING AFFIRMATIVE DEFENSES THERETO AND PENALTIES THEREFOR; CONTAINING A SAVINGS CLAUSE; 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**, pursuant to Division 1 of Article VI of Chapter 21 of the Code of Ordinances, Houston, Texas, the Health Officer conducts a program for the abatement of air pollution within the City which is reasonable and necessary to protect the health, safety, and welfare of the public; and

**WHEREAS**, registration of sources of air pollution assists the Health Officer to locate and inspect the sources of air pollution; and

**WHEREAS**, the City Council finds that the source registration requirements of Division 2 of Article VI of Chapter 21 of the Code of Ordinances, Houston, Texas have been beneficial to the health, safety, and welfare of the public generally by accomplishing its objectives; and

**WHEREAS**, the City Council finds that the adoption of the amendments to certain provisions of Division 2 of Article VI of Chapter 21 of the Code of Ordinances, Houston, Texas

would further enhance the benefits derived to the public health, safety, and welfare; **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 Subsection (a) of Section 21-161 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new definition of the term *Act*, in alphabetical order in the appropriate position, that reads as follows:

“*Act* means the Texas Clean Air Act, Chapter 382 of the Texas Health & Safety Code, as may be amended from time to time.”

**Section 3.** That the caption of Section 21-164 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**“Sec. 21-164. Incorporation of state rules; compliance; penalty.”**

**Section 4.** That Subsection (b) of Section 21-164 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(b) The director shall ensure that the health officers carry out a regulatory compliance program to determine whether registered facilities are in compliance with all applicable state and federal air pollution control laws and regulations. The regulatory compliance program shall include, but need not be limited to, on site inspections, complaint investigations and reviews of applicable compliance documentation.”

**Section 5.** That Section 21-164 of the Code of Ordinances, Houston, Texas, is hereby amended by adding new Subsections (c) thru (f) that read as follows:

“(c) It shall be unlawful for any person to operate or cause to be operated any facility that does not comply with the requirements in subsection (a) of this section.

(d) It is an affirmative defense to prosecution under this section that the prosecuted condition or activity has been:

- (1) Approved or authorized by the Act, state rule or state order; and
- (2) That the facility is in compliance with any such approval or authorization under the Act, state rule or state order.

(e) Violation of this section shall be punishable upon first conviction by a fine of not less than \$250.00 nor more than \$1,000.00. If the violator has been previously convicted under this section, a violation of this section shall be punishable by a fine of not less than \$1,000.00 nor more than \$2,000.00.

(f) Each day that any violation under this section continues shall constitute a separate offense.”

**Section 6.** That Item (2) of Subsection (a) of Section 21-166 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(2) Gasoline dispensing site:

1--6 gasoline pump nozzles, per site . . . . \$250.00

7 or more gasoline pump nozzles, per site . . . . \$500.00

Where pumps are so configured that two or more nozzles dispensing different types or grades of fuel are attached to one meter, then the nozzles attached to each such meter shall be regarded as one nozzle for purposes of the above calculation.”

**Section 7.** That Subsection (b) of Section 21-166 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(b) Should more than one facility exist on any premises, then the total of all applicable fees shall be payable up to a maximum of the equivalent of a fee for the four facilities with the highest fees.”

**Section 8.** 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

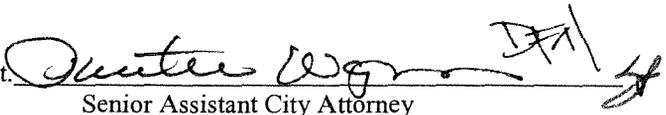
thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 9.** The provisions of this Ordinance shall apply to facility registration applications that are filed on or after the effective date of this Ordinance. Registration applications filed before the effective date of this Ordinance shall be governed by the former provisions of the Code of Ordinances, Houston, Texas, which are hereby saved from repeal for the limited purpose of their continued application to previously filed registration applications.

**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 immediately upon its passage and approval by the Mayor.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Mayor of the City of Houston

Prepared by Legal Dept. 

PSW:ltsm 4/24/08

Senior Assistant City Attorney

Requested by Elena Marks, Director, Mayor's Office of Health and Environmental Policy

L.D. File No. \_\_\_\_\_

## DIVISION 2.

### SOURCE REGISTRATION\*

#### Sec. 21-161. Definitions; scope.

(a) *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:

*Act* means the Texas Clean Air Act, Chapter 382 of the Texas Health & Safety Code, as may be amended from time to time.

*Automotive body repair shop* means any premises that engages in, conducts, or carries on automobile, truck or trailer body repairing or painting, or both.

*Dry cleaning plant* means any premises where fabrics or textiles are cleaned by use of perchlorethylene or petroleum solvents unless the devices used for the cleaning are coin-operated.

*Facility* means an automotive body repair shop, dry cleaning plant, gasoline dispensing site, sewage treatment plant, used vehicle sales lot or any facility or source as those terms are defined in the Texas Clean Air Act, Chapter 382 of the Texas Health & Safety Code, as may be amended from time to time, that emits one ton per year or more of airborne contaminants.

*Gasoline dispensing site* means any premises where gasoline is dispensed from a fixed storage tank into vehicles.

*Registration* means a current and valid registration issued under this division.

*Sewage treatment plant* means a premises operated for the purpose of treating waste flowing into a publicly owned sanitary sewage system.

*Used vehicle* means an automobile, truck or trailer of any type that is used or intended for use on the streets and that has previously been registered in Texas or elsewhere.

*Used vehicle sales lot* means any premises utilized by a person required to be licensed as a dealer in motor vehicles under chapter 8 of this Code for the display of used motor vehicles for sale or trade.

(b) *Scope.* This article shall not be applicable to a facility that is owned and operated by the State of Texas or the United States of America.

**Sec. 21-162. Registration required; penalty.**

(a) It shall be unlawful for any person to operate or cause to be operated any facility unless there is a registration for the facility.

(b) It is an affirmative defense to prosecution under this section with respect to gasoline dispensing sites that the premises has dispensed less than 10,000 gallons per month in each calendar month beginning with January 1, 1991. Any site that exceeded 10,000 gallons in January of 1991 or that has exceeded 10,000 gallons in any ensuing month is not subject to this affirmative defense.

(c) Violation of this section shall be punishable upon first conviction by a fine of not less than \$250.00 nor more than \$1,000.00. If the violator has been previously convicted under this section, a violation of this section shall be punishable by a fine of not less than \$1,000.00 nor more than \$2,000.00.

(d) Each day that any violation under this section continues shall constitute a separate offense.

**Sec. 21-163. Issuance; expiration.**

Registrations shall be issued by the health officer. The director shall promulgate application forms on which applications shall be made. Upon the submission of a properly completed application form and the tender of the applicable fee, the health officer shall issue the registration. A separate application shall be required for each facility. A registration shall be valid for one year commencing on the date of its issuance and shall only apply to the facility identified on the registration. A registration is personal and may not be assigned, conveyed or transferred in any manner.

**Sec. 21-164. Incorporation of state rules; compliance; penalty.**

(a) The following state air pollution control laws as they currently are and as they may be changed from time to time, are hereby incorporated as if written word for word in this section, including appendices and other matters promulgated as part of the state rules.

- (1) 30 Tex. Admin. Code § 101 (2006)(General Air Quality Rules).
- (2) 30 Tex. Admin. Code § 106 (2006)(Permits by Rule).
- (3) 30 Tex. Admin. Code § 111 (2006)(Control of Air Pollution from Visible Emissions and Particulate Matter).
- (4) 30 Tex. Admin. Code § 112 (2006)(Control of Air Pollution from Sulfur Compounds).

- (5) 30 Tex. Admin. Code § 113 (2006)(Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants).
- (6) 30 Tex. Admin. Code § 114 (2006)(Control of Air Pollution from Motor Vehicles).
- (7) 30 Tex. Admin. Code § 115 (2006) (Control of Air Pollution from Volatile Organic Compounds).
- (8) 30 Tex. Admin. Code § 116 (2006)(Control of Air Pollution by Permits for New Construction or Modification).
- (9) 30 Tex. Admin. Code § 117 (2006)(Control of Air Pollution from Nitrogen Compounds).
- (10) 30 Tex. Admin. Code § 122 (2006)(Federal Operating Permits Program).

(b) The director shall ensure that the health officers carry out a regulatory compliance program to determine whether registered facilities are in compliance with all applicable state and federal air pollution control laws and regulations. The regulatory compliance program shall include, but need not be limited to, on site inspections, complaint investigations and reviews of applicable compliance documentation. ~~Civil, administrative and criminal sanctions imposed by law shall be pursued where violations are determined to exist.~~

(c) It shall be unlawful for any person to operate or cause to be operated any facility that does not comply with the requirements in subsection (a) of this section.

(d) It is an affirmative defense to prosecution under this section that the prosecuted condition or activity has been:

(1) Approved or authorized by the Act, state rule or state order; and

(2) That the facility is in compliance with any such approval or authorization under the Act, state rule or state order.

(e) Violation of this section shall be punishable upon first conviction by a fine of not less than \$250.00 nor more than \$1,000.00. If the violator has been previously convicted under this section, a violation of this section shall be punishable by a fine of not less than \$1,000.00 nor more than \$2,000.00.

(f) Each day that any violation under this section continues shall constitute a separate offense.

**Sec. 21-165. Cumulative.**

The purpose of this division is to provide a viable means of locating and monitoring by routine compliance inspections sources of air contamination. A registration under this division shall neither excuse the securing of any license, permit, registration or other compliance document required under state or federal pollution laws or regulations, nor excuse full compliance with any applicable state or federal law or regulation. This division is cumulative of all other applicable laws and regulations.

**Sec. 21-166. Registration fees.**

(a) There are hereby assessed the following fees for the issuance of registrations:

(1) Automotive body repair shop . . . . \$500.00

(2) Gasoline dispensing site:

1--6 gasoline pump nozzles, per ~~nozzle-site~~ . . . . \$250.00

7 or more gasoline pump nozzles, per ~~nozzle-site~~ . . . . \$500.00

Where pumps are so configured that two or more nozzles dispensing different types or grades of fuel are attached to one meter, then the nozzles attached to each such meter shall be regarded as one nozzle for purposes of the above calculation.

(3) Dry cleaning plant (based upon the normal number of employees):

Fewer than 6 employees . . . . \$100.00

6 to 10 employees . . . . \$200.00

11 or more employees . . . . \$250.00

(4) Used vehicle sales lot (based on the number of vehicles normally offered for sale):

1--5 vehicles . . . . No charge

6--100 vehicles . . . . \$250.00

101 or more vehicles . . . . \$350.00

(5) Other facilities based upon annual airborne contaminant emissions:

1 ton or more but less than 5 tons . . . . \$600.00

5 tons or more but less than 10 tons . . . . \$1,200.00

10 tons or more . . . . \$3,000.00

In any instance in which a facility is unable to produce the records needed to establish its emissions with a reasonable degree of certainty, then the health officer shall estimate the amount on the basis of the best available information.

(6) Dual chambered incinerators . . . . \$350.00

Pathological waste incinerators . . . . \$750.00

(7) Sewage treatment plant, based upon design capacity in gallons per day:

Less than 500,000 . . . . \$500.00

500,001 to 9,999,999 . . . . \$1,200.00

10,000,000 to 39,999,999 . . . . \$2,000.00

40,000,000 or more . . . . \$2,500.00

(b) Should more than one facility exist on any premises, then the total of all applicable fees shall be payable up to a maximum of the equivalent of a fee for the four facilities with the highest fees.

(c) The foregoing fees shall apply to all privately and publicly owned facilities. Facilities owned and operated by a county, and city facilities that are operated with general fund revenues, shall be exempt from payment of the fees but shall be required to be registered.