

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

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

**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 TO 6:00 P.M.**

**HEARING - 6:00 P.M.**

1. **PUBLIC HEARING** on the proposal to establish a tax rate of \$.63875/\$100 of value for Tax Year 2008

**RECONVENE**

**WEDNESDAY - OCTOBER 1, 2008 - 9:00 A. M.**

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

**MAYOR'S REPORT**

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

**CONSENT AGENDA NUMBERS 2 through 37**

**MISCELLANEOUS** - NUMBERS 2 through 4

2. RECOMMENDATION from Director Finance Department and the City Controller to approve purchaser term sheet submitted by **JPMORGAN CHASE BANK, N.A.** relative to the issuance of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2008A
3. RECOMMENDATION from Acting Director of Human Resources Department to approve an additional 365 day period for pay differential for employees called to active duty status during a time of war or state of emergency
4. RECOMMENDATION from Acting Director of Human Resources Department for approval of the Holiday Schedule for Calendar Year 2009

**ACCEPT WORK** - NUMBERS 5 through 6A

5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,040,501.01 awarded to **STRUCTURE MANAGEMENT L.L.C.** and acceptance of work by final payment to the surety, **WESTERN SURETY COMPANY** for Parks Master Plan - Burnett Bayland Park, WBS F-504A16-0001-4 - 4.32% over the original contract amount **DISTRICT F - KHAN**
6. ORDINANCE appropriating \$88,702.29 out of Water & Sewer System Consolidated Construction Fund as additional appropriation for Construction Contract with **BOYER, INC** (approved by Ordinance No. 06-0590; for 8/12-inch Water Line Installation and 24/30/36-inch Water Line Rehabilitation along Calumet, Westpark, Mid Lane and Westheimer, WBS S-000900-00A5-4, **DISTRICTS C - CLUTTERBUCK; D - ADAMS and G - HOLM**
- a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,032,899.24 and acceptance of work on contract with **BOYER, INC** for 8/12-inch Water Line Installation and 24/30/36-inch Water Line Rehabilitation along Calumet, Westpark, Mid Lane and Westheimer, WBS S-000900-00A5-4 - 6.88% over the original contract amount - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and G - HOLM**

**PROPERTY** - NUMBERS 7 and 8

7. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and withdraw the City's objections to the award in connection with eminent domain proceeding styled City of Houston v. FVL, Ltd., a Texas limited partnership & Frost Properties, Ltd., et al., Cause No. 908,308; for acquisition of Parcels AY5-189, LY5-195 & LY5-194; for the **BUFFALO SPEEDWAY PAVING PROJECT from W. Orem - W. Airport**, WBS/CIP N-000619-0001-2-01-01 - **DISTRICT D - ADAMS**
8. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY7-040, located at 1026 Blackhaw Street, owned by Joe L. Werner, Sr., for the **PARK ROW ROAD PAVING PROJECT from State Highway 6 to Eldridge Parkway**, WBS N-000723-0001-2 - **DISTRICT A - LAWRENCE**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 9 through 11

9. **ARROW SERVICES, INC** for Asbestos Abatement, Demolition and Site Clean-up Services for Police Department - \$419,550.00 and contingencies for a total amount not to exceed \$461,505.00 Dangerous Building Consolidated Fund - **DISTRICT F - KHAN**
10. **CST ENVIRONMENTAL, INC** for Asbestos Abatement, Demolition, and Site Clean-up Services for Police Department - \$72,500.00 and contingencies for a total amount not to exceed \$79,750.00 - Dangerous Building Consolidated Fund - **DISTRICT H - GARCIA**
11. **INLAND ENVIRONMENTS, LTD.,** for Asbestos Abatement, Demolition, and Site Clean-up Services for Police Department - \$123,265.00 and contingencies for a total amount not to exceed \$135,591.50 - Dangerous Building Consolidated Fund - **DISTRICTS B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GARCIA and I - RODRIGUEZ**

**ORDINANCES** - NUMBERS 12 through 37

12. ORDINANCE **AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Convention and Entertainment Facilities Department; containing findings and other provisions relating to the foregoing subject; providing for severability
13. ORDINANCE **AMENDING SECTION 116.2 OF THE CITY OF HOUSTON BUILDING CODE** relating to hearings provided for by that section; containing findings and other provisions relating to the foregoing subject; providing for severability
14. ORDINANCE authorizing the issuance of City of Houston, Texas Public Improvement Refunding Bonds, Series 2008A for the purpose of refunding certain outstanding General Obligation Commercial Paper Notes; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, an Escrow Agreement and a Bond Purchase Agreement relating to such bonds; approving the use of a Preliminary Official Statement and authorizing the preparation and distribution of an official statement to be used in connection with the sale of the bonds; approving a Co-Bond Counsel Agreement and a Co-Special Disclosure Counsel Agreement, and other related and necessary agreements pertaining to the bonds; delegating authority to enter into such agreements and to approve certain other procedures and provisions related thereto; making other findings and provisions relating to the subject and matters incident thereto; and declaring an emergency
15. ORDINANCE authorizing the issuance of City of Houston, Texas Tax and Revenue Certificates of Obligation, Series 2008B; authorizing the execution and delivery of a Paying Agent/Registrar Agreement and a Bond Purchase Agreement; approving the use of a Preliminary Official Statement and authorizing the preparation and distribution of an official statement to be used in connection with the sale of the bonds; approving a Co-Bond Counsel Agreement and a Co-Special Disclosure Counsel Agreement, and other related and necessary agreements pertaining to the bonds; and delegating authority to enter into such agreements and to approve certain other procedures and provisions related thereto; making other findings and provisions relating to the subject and matters incident thereto; and declaring an emergency
16. ORDINANCE authorizing issuance of City of Houston, Texas Taxable Pension Obligation Bonds Series 2008B; authorizing the execution and delivery of a Paying Agent/Registrar Agreement and a Bond Purchase Agreement; approving the use of a Preliminary Official Statement and authorizing the preparation and distribution of an official statement to be used in connection with the sale of the Series 2008B Bonds; approving a Co-Bond Counsel Agreement and a Co-Special Disclosure Counsel Agreement, and other related and necessary agreements pertaining to the series 2008B bonds; and delegating authority to enter into such agreements and to approve certain other procedures and provisions related thereto; making other findings and provisions relating to the subject and matters incident thereto; and declaring an emergency

**ORDINANCES** - continued

17. ORDINANCE approving and authorizing application to the **DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY'S NATIONAL PREPAREDNESS DIRECTORATE** for the assistance to Firefighters Grant Program; declaring the City's eligibility for such grant; authorizing the Mayor or his designee to act as the City's representative with authority to approve, accept, reject, alter or terminate grant funds awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program \$936,000.00
- a. ORDINANCE appropriating \$237,903.12 out of Equipment Acquisition Fund as the required 20% match for grant award from the **DEPARTMENT OF HOMELAND SECURITY**, assistance to Firefighters Grant Program for the Houston Fire Department
18. ORDINANCE approving and authorizing Interlocal Agreements between the City of Houston and the **TEXAS DEPARTMENT OF PUBLIC SAFETY**, the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY** and **FORT BEND COUNTY**; for their participation in the Major Accessory Shop Enforcement/17 Grant
19. ORDINANCE approving and authorizing first amendment to Second Lien Construction Financing Agreement between the City of Houston, Affordable Communities Development Corporation, and Capital One Community Development Corporation II to replace the property description (Exhibit A) in order to correctly identify the ten (10) lots to be developed under the agreement  
**DISTRICT D - ADAMS**
20. ORDINANCE approving and authorizing contract between the City of Houston and **BERING OMEGA COMMUNITY SERVICES**, providing up to \$2,273,000.00 in Housing Opportunities For Persons with AIDS ("HOPWA") Funds, which amount includes a limitation on additional funding in the amount of \$1,136,500.00, for the administration of a Tenant Based Rental Assistance Program, Short Term Rent, Mortgage and Utility Assistance Program and for Supportive Services  
**DISTRICT D - ADAMS**
21. ORDINANCE approving and authorizing contract between the City of Houston and **MEMORIAL PARK CONSERVANCY, INC** for Park Development for the Parks and Recreation Department  
**DISTRICT G - HOLM**
22. ORDINANCE relating to the Retail Water and Sewer Rates of Southern Water Corporation; setting a hearing to determine just and reasonable rates to be observed within the City of Houston; containing findings and other provisions relating to the foregoing subject; providing for severability - **DISTRICT B - JOHNSON**  
**HEARING DATE - 9:00A.M. - WEDNESDAY- OCTOBER 15, 2008**
23. ORDINANCE approving and adopting updated ongoing Service and Assessment Plan for and on behalf of the **LAMAR TERRACE PUBLIC IMPROVEMENT DISTRICT NO. 2** covering the period 2008 through 2017 pursuant to Chapter 372 of the Texas Local Government Code - **DISTRICT C - CLUTTERBUCK**
- a. ORDINANCE appropriating \$245,848.63 out of Fund 7508, Lamar Terrace Public Improvement District No. 2 Fund, for payment to **SAINT GEORGE PLACE REDEVELOPMENT AUTHORITY** pursuant to Ordinance No. 2003-0432 - **DISTRICT C - CLUTTERBUCK**
24. ORDINANCE approving and authorizing contract between the City of Houston and **OLSON AND OLSON, L.L.P.** for Legal Services relating to preparation of new development ordinance changes necessary to implement the Urban Corridor Planning Process; establishing a maximum contract amount - \$60,000.00 - General Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; G - HOLM; H - GARCIA and I - RODRIGUEZ**



**ORDINANCES** - continued

25. ORDINANCE approving and authorizing contract with **JEFFERSON WELLS INTERNATIONAL, INC d/b/a JEFFERSON WELLS** and contract with **ACCRETIVE SOLUTIONS - HOUSTON, LP**, for Professional Accounting and Financial Services for the Finance Department; providing a maximum contract amount - 2 years - \$300,000.00 - General Fund
26. ORDINANCE awarding contract between the City of Houston and **CHARLOTTE J. WORD** and **ROBIN W. COTTON** for Forensic DNA Consulting Services for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,250,000.00 General Fund
27. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **BECKER INDUSTRIES, INC** for certain premises near George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON**
28. ORDINANCE appropriating \$1,922,000.00 out of Airports Improvement Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CARTER & BURGESS, INC** for Electrical Power Distribution System Evaluation for the Houston Airport System, (Project No. 634), WBS A-000557-0001-3-01 - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
29. ORDINANCE appropriating \$39,214,368.00 out of Airport System Consolidated 2004 AMT Construction Fund and \$635,418.00 out of Airports Improvement Fund and awarding construction contract to **MANHATTAN CONSTRUCTION COMPANY** for Construction of Automated People Mover Phase 3, Packages 3 and 4 - APM Station and Secure Corridor at George Bush Intercontinental Airport/Houston, (Project No. 536L and 536M), WBS A-000354-0007-4-01; providing funding for contingencies relating to construction of facilities financed by such funds for engineering testing services, and for the Civic Art Program - **DISTRICT B - JOHNSON**
30. ORDINANCE appropriating \$151,881.50 out of Equipment Acquisition Consolidated Fund (1800); approving and authorizing Purchase and Sale Agreement between Webster and Barbara Beavers, Seller, and the City of Houston, Texas, Purchaser (the "City"), for 12,780 square feet of land and a 3,392 square foot building, more or less, more commonly known as 6401 East Tidwell Road, Houston, Texas for the Parks & Recreation Department for a purchase price of \$150,000.00 and closing costs - **DISTRICT B - JOHNSON**
31. ORDINANCE appropriating \$2,198,815.00 out of Parks Consolidated Construction Fund and \$8,000,000.00 out of General Improvement Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to Construction Management-At-Risk Contract (approved by Ordinance No. 2008-102) between the City of Houston and **GILBANE BUILDING COMPANY** for the Renovation to the Parks & Recreation Department Campus and Park, WBS F-0504D1-0002-4; providing funding for engineering and testing services, Civic Art Program, and contingencies related to construction of facilities financed by the Parks Consolidated Construction Fund and the General Improvement Consolidated Construction Fund **DISTRICT I - RODRIGUEZ**
32. ORDINANCE appropriating \$26,771.00 out of Solid Waste Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to construction contract (approved by Ordinance No. 2008-0539) between the City of Houston and **EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, L.P.** for Underground Fuel Storage Tank Removal at Kelley Light Vehicle Maintenance Facility, WBS L-000052-0002-4; providing funding for contingencies relating to construction of facilities financed by the Solid Waste Consolidated Construction Fund - **DISTRICT B - JOHNSON**

**ORDINANCES** - continued

33. ORDINANCE awarding construction contract to **AAA ASPHALT PAVING, INC** for the Police Academy Running Track, WBS G-HPD002-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and materials testing services, and contingencies relating to construction of facilities financed by the Police Special Services Fund - \$517,000.00 - **DISTRICT B - JOHNSON**
34. ORDINANCE appropriating the transfer of an amount not to exceed \$100,000,000 from the Combined Utility System General Purpose Fund for Combined Utility System capital expenditures; declaring the Combined Utility System's intent to reimburse the General Purpose Fund with bond proceeds
35. ORDINANCE increasing the maximum contract amount for the agreement between the City of Houston and **ITRON, INC** for implementation of the Automated Meter Reading System for the Department of Public Works & Engineering, WBS S-000956-0002-5 - \$3,500,000.00 - Enterprise Fund
36. ORDINANCE appropriating \$6,805,850.00 out of Street & Bridge Consolidated Construction Fund, \$934,150.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL CONTRACTING LIMITED** for Neighborhood Street Reconstruction (NSR) 455, WBS N-000387-0001-4, S-000500-0069-4, R-000500-0069-4; 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 Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS**
37. ORDINANCE granting to **SAFETY KLEEN, INC, a Wisconsin Corporation**, 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 - **FIRST READING**

**END OF CONSENT AGENDA**

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

**MATTERS HELD** - NUMBERS 38 through 40

38. MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$1,432,000.41 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for 12/16/20-inch service upgrades and grid extensions in the Greater Greenspoint Area, WBS S-000900-00A4-4 - 9.50% over the original contract amount - **DISTRICT B - JOHNSON** - **TAGGED BY COUNCIL MEMBER JOHNSON**  
This was Item 7A on the Agenda of September 24, 2008
39. ORDINANCE amending Ordinance No. 2007-315 to increase the maximum contract amount for an Animal Shelter Feeding Services Agreement between the City of Houston and **HILL'S PET NUTRITION, INC** - \$60,000.00 - General Fund - **TAGGED BY COUNCIL MEMBER LAWRENCE**  
This was Item 18 on Agenda of September 24, 2008
40. ORDINANCE approving and authorizing applications and Budget Submissions to the Department of State Health Services (DSHS) for the following four (4) Public Health Services: (1) Tuberculosis Control; (2) Titles V, XX, & X - Family Planning Services (3) Immunization Program; and (4) Bureau of Nutritional Services for the WIC Program for the 2008-2009 contract period; authorizing the Director of the Health & Human Services Department to accept the initial funding and applicable contract change notices and expend approved funding as awarded; to accept any supplemental change notices during the grant period; declaring the City's eligibility for such grants; authorizing the Director of the Health & Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any - \$13,311,897.00 Grant Fund - **TAGGED BY COUNCIL MEMBER SULLIVAN**  
This was Item 20 on Agenda of September 24, 2008

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Clutterbuck first

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

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

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

OCT 01 2008

MOTION NO. 2008 0695

MOTION by Council Member Khan that the recommendation of the Director of the Finance Department relative to the tax rate for the Tax Year 2008, be adopted, and the City Council hereby approves placing the proposed tax rate of \$.63875/\$100 of value for tax year 2008 on the Agenda of City Council for October 22, 2008, and schedules the following public hearings on the proposed tax rate and authorizes publication of an analysis of anticipated increased revenues:

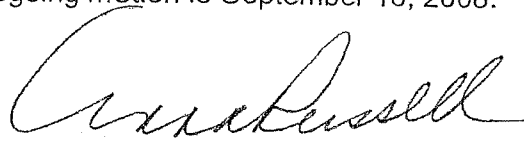
6:00 P.M. - Tuesday - September 23, 2008;  
6:00 P.M. - Tuesday - September 30, 2008; and  
9:00 A.M. - Wednesday - October 8, 2008.

Seconded by Council Member Garcia and carried.

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

PASSED AND ADOPTED this 10th day of September, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is September 16, 2008.

  
City Secretary

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:** A Motion to Approve Purchaser Term Sheet relating to the Issuance of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2008A relating to Hurricane Ike recovery costs.

**Category #**

**Page 1 of 1**

**Agenda Item#**

**2**

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

Finance Department and Office of City Controller

**Origination Date**

9/26/2008

**Agenda Date**

**OCT 01 2008**

**DIRECTOR'S SIGNATURE:**

*Michelle Mitchell*

**For additional information contact:**

Charles Leal 713-837-9892

Jim Moncur 713-247-2950

**Council Districts affected:** All

**Date and identification of prior authorizing Council**

**Action:** May 14, 2008 – 2008-435

May 14, 2008 – 2008-436

**RECOMMENDATION: (Summary)** Approve a Motion to Approve Purchaser Term Sheet submitted by JPMorgan Chase Bank, N.A. relative to the Issuance of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2008A relating to Hurricane Ike recovery costs.

**Amount of Funding:** N/A

**Finance Budget:**

**SOURCE OF FUNDING:**

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

**SPECIFIC EXPLANATION:** On May 14, 2008, City Council approved Ordinance No. 2008-435, which authorized the issuance of Tax and Revenue Anticipation Notes ("TRANS") in an amount not to exceed \$175 million, of which \$80 million was issued on July 1, 2008. In conjunction with the ordinance described above, the City also approved Ordinance No. 2008-436 (the "Supplemental TRANS Ordinance"), which authorized additional supplemental TRANS borrowings to the extent needed during Fiscal Year 2009 up to the maximum amount described above. Taking into account the initial \$80 million TRANS offering, the City has \$95 million available to be issued as supplemental TRANS for fiscal year 2009.

The TRANS are issued because the City's revenue inflows do not match expenditure outflows during the fiscal year. Due to Hurricane Ike, the General Fund is expected to incur substantial costs related to the recovery effort. The proceeds from the issuance of the supplemental TRANS will mitigate the effects of these increased General Fund costs. While General Fund taxes and revenues will be pledged under the supplemental TRANS, the City expects that FEMA reimbursements will cover most of the costs associated with the recovery. The City expects to receive FEMA reimbursement to repay the TRANS by June 30. However, if FEMA reimbursement is not timely, the City will have to use another source of cash for repayment in the interim, such as General Fund fund balance. If that becomes the case, the Finance Working Group will return to Council for authorization.

The Supplemental TRANS Ordinance authorized the Mayor and City Controller to solicit term sheets from one or more purchasers relating to the structure, interest rate and maturity relating to the supplemental TRANS. The Supplemental TRANS Ordinance requires the City Council to approve the Purchaser Term Sheet as recommended by the Mayor and City Controller. Due to recent events and anticipated expenses related to Hurricane Ike, this Request for Council Action is to authorize a supplemental borrowing, consistent with the Supplemental TRANS Ordinance in an amount up to \$95 million. It is the intent of the Finance Working Group to structure the \$95 million as a "line of credit." Credit will be drawn only as needed, not to exceed \$95 million.

Based on the most favorable terms offered, the Mayor and City Controller recommends the attached Term Sheet submitted by JPMorgan Chase Bank.

A memorandum regarding this item will be presented to Budget and Fiscal Affairs Committee on Tuesday September 30.

The Finance Working Group recommends approval of this item.

## **REQUIRED AUTHORIZATION**

**Finance Director:**

**Other Authorization:**

**Other Authorization:**



**Presentation**

**To**

**First Southwest Company**

**On**

**City of Houston, Texas**

**September 25, 2008**

**Confidential Information**

Mr. Trey Cash  
First Southwest Company  
1021 Main Street, Suite 2200  
Houston, TX 77002

Dear Mr. Cash:

RE: City of Houston, Texas - Supplemental Issuances of fiscal year 2009 Tax and Revenue Anticipation Notes in an amount up to \$95,000,000.

We are pleased to bid for the City of Houston's private placement issue of up to \$95,000,000 Supplemental Issuances of fiscal year 2009 Tax Exempt Non Bank Qualified Tax and Revenue Anticipation Notes referred to in your request for proposal) dated September 23, 2008, and the information attached thereto.

**Financing Terms and Conditions**

Borrower/Seller:	City of Houston, Texas ("City")
Lender/Purchaser:	JPMorgan Chase Bank, N.A., its Successor or Assigns ("Bank")
Bank Contacts:	<p>Pam Davis Senior Vice President Government Banking 712 Main St., Floor 9, Houston, TX 77002 Tel. 713-216-1147, Fax 713-216-4499 <a href="mailto:pam.j.davis@chase.com">pam.j.davis@chase.com</a></p> <p>Roger Brown Vice President Government, Not-for-Profit, Healthcare Banking 2200 Ross Avenue, Floor 8, Dallas, TX 75201 Tel. 214-965-3955, Fax 214-965-2778 <a href="mailto:roger.s.brown@chase.com">roger.s.brown@chase.com</a></p>

**JPMorgan Chase Bank, N.A.****Term Sheet****September 25, 2008**

*This outline of terms is for discussion purposes only. Any commitment to lend is subject to completion of a JPMorgan Chase Bank due diligence review, approval of the appropriate JPMorgan Chase credit authority and is further contingent upon execution and delivery of mutually acceptable legal documentation. Credit approval has been obtained to release this Term Sheet. No commitment should be construed or implied herein until such notice of approval is conveyed in writing to the Borrower. The following terms are indicative and additional customary terms would be incorporated into final documentation.*

*This Term Sheet is for the City of Houston's confidential use only and may not be disclosed to any other person other than its employees, attorneys and financial advisors (but not other banks), and then only in connection with the proposed transaction and on a confidential basis, except where disclosure is required by law or where JPMorgan Chase consents to the proposed disclosure, which consent shall not be unreasonably withheld.*

*This Term Sheet requires that Ordinance No. 2008-436 has not been amended since it was originally passed on May 14, 2008, and that any further amendments to this Ordinance would require approval by JPMorgan Chase through the duration of the Facility. Additional proposed terms and conditions are outlined on the following pages. If any of the following terms and conditions do not meet the needs of the City of Houston for this financing request, the Bank is willing to potentially provide a substitute Term Sheet upon further discussion.*



**Financing Terms and Conditions****Lender/**

**Purchaser:** JPMorgan Chase Bank, N.A., its Successor or Assigns ("JPMorgan Chase" or "Bank").

**Borrower/Seller:** City of Houston.

**Facility:** Up to \$95,000,000 Non Bank Qualified Tax Exempt Supplemental Notes via a private placement with physical delivery requested.

**Purpose:** Fund general fund expenditures due to the uneven nature of revenue collections throughout the Borrower's fiscal year.

**Maturity:** No later than June 30, 2009.

**Interest Rate:** Variable Rate with interest due at Maturity. Below are indicative rates as of September, 25, 2008, for a one month Libor and Prime rate options. Prime option has a floor rate of 3.0%. Libor options include one, two, and three month durations. Libor tranches are prepayable at any time, subject to any breakage penalties.

a.  $(\text{Prime} - .15\%) \times 63.4\% = (5.00\% - .15\%) \times 63.4\% = 3.0749\%$ .

b.  $(\text{Libor} + 1.15\%) \times 63.4\% = (3.70875\% + 1.15\%) \times 63.4\% = 3.080448\%$ .

**Minimum****Advance Amount**

**Per Note:** \$5,000,000.

**Fees:** None other than as noted below.

**Reporting:** Annual audited financial statements on Borrower.

**Expenses:** All documentation, legal expenses, and MAC fee, if any, to be paid by the Borrower. Legal costs are anticipated to be \$20,000.00. MAC fee to be determined by First Southwest Company.

**Conditions**

**Precedent:**

- Borrower and all other parties to execute and deliver such documentation as Bank may request in form and substance satisfactory to Bank and its counsel.

- Standard representations and warranties.
- Purchase Agreement
- Authority to borrow for this transaction on a Non BQTE basis.
- City motion/resolution authorizing the issuance of the Non Bank Qualified Tax Exempt Supplemental Notes.
- Opinion of nationally recognized bond counsel on the tax-exempt status of each Non Bank Qualified Tax Exempt Supplemental Note.
- Confirmation that Attorney General approval of subject transaction is not required. If required, Attorney General approval of subject transaction.
- No material adverse change shall have occurred regarding the City's financial position since June 30, 2007.

**Governing law:** State of Texas

**Credit Approval:** *Credit Approval has been obtained for this transaction.* However, the closing of the transaction is subject to Conditions Precedent described above and completion of the Due Diligence described below.

**Completion of**

**Due Diligence:** Closing of this transaction is subject to completion by Bank of its due diligence investigation, including, without limitation, a legal analysis of the transaction contemplated herein.

Sincerely,

Pam Davis

<b>SUBJECT:</b> Motion to extend pay differential for 365 days for employees called to active duty status during a time of war or national emergency		<b>Category</b>	<b>Page</b>	<b>Agenda Item</b> 3
<b>FROM (Department or other point of origin):</b> Human Resources Department		<b>Origination Date</b> September 11, 2008	<b>Agenda Date</b> OCT 01 2008	
<b>DIRECTOR'S SIGNATURE:</b> CC Aldridge		<b>Council Districts affected:</b>		
<b>For additional information contact:</b> Candy Aldridge Phone: (713) 837-9333		<b>Date and identification of prior authorizing Council Action:</b> Motion 2007-0968 dated 10/03/2007		
<b>RECOMMENDATION: (Summary)</b>  Human Resources Department recommends City Council adopt a motion to approve a 365-day period for Military Leave pay differential as authorized in Article IV – Section 14 – 254.				
<b>Amount of Funding:</b> Not applicable			<b>Budget:</b>	
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)				
<b>SPECIFIC EXPLANATION:</b>  Section 14-254 (a) of Chapter 14, Article IV - Military Leaves in the City Code of Ordinances authorizes pay differential for employees called to active duty status as full time members of military forces during time of war or state of emergency. Section 14 – 256 limits the initial authorization to a period of 90 calendar days from the date the employee is called to active duty.  The events of September 11, 2001 began the first 90-day period. Council has approved subsequent extensions. Several employees were activated shortly thereafter, and many have since been activated. Currently, 45 City of Houston employees have received military orders and are on active duty. The current 365-day period expires October 26, 2008.  It is not foreseeable that the national state of emergency will be resolved within the current 365-day period. To avoid undue disruptions to the economic circumstances of these City employees who continue on military leave, the Human Resources Department recommends that City Council authorize a 365-day or one year period during which City employees on authorized military leave may be compensated at the same rate and on the same terms as specified in Chapter 14, Article IV – Section 14 - 254, et seq. In the event that the state of emergency or war ends prior to the expiration of these extensions then this order will be rescinded.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b>	<b>Other Authorization:</b>		<b>Other Authorization:</b>	

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA#**

**Subject:**

Holiday Schedule for Calendar Year 2009

Category #

Page 1 of 1

Agenda Item

4

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

Human Resources

**Origination Date**

September 10, 2008

**Agenda Date**

OCT 01 2008

**DIRECTOR'S SIGNATURE**

*C. Aldridge*

**Council District(s) affected**

All

**For additional information contact:**

Candy Clarke Aldridge

Roderick J. Newman

**Phone:**

(713) 837-9333

(713) 837-9411

**Date and Identification of prior authorizing**

**Council Action:** Motion 2007-0995, October 10, 2007

**RECOMMENDATION: (Summary)**

It is recommended that City Council approve the following Holiday Schedule for 2009.

**Amount of Funding:**

None Required

**FIN Budget**

**SOURCE OF FUNDING:**

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

None Required

**SPECIFIC EXPLANATION:**

The proposed 2009 Holiday Schedule listed below is similar to those in the past.

## **Proposed 2009 Holiday Schedule**

New Year's Day	Thursday	01-01-09
Martin Luther King, Jr.	Monday	01-19-09
Memorial Day	Monday	05-25-09
Independence Day (Observed)	Friday	07-03-09
Labor Day	Monday	09-07-09
Veteran's Day	Wednesday	11-11-09
Thanksgiving Day	Thursday	11-26-09
Day after Thanksgiving	Friday	11-27-09
Christmas Eve	Thursday	12-24-09
Christmas	Friday	12-25-09

**Plus one (1) floating holiday granted according to guidelines established and administered by the Administration.**

**Cc:** Anthony Hall

Marty Stein

## **REQUIRED AUTHORIZATION**

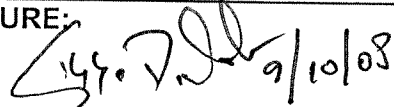



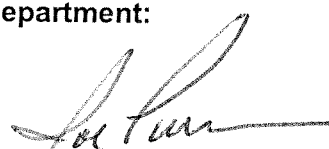
**FIN Director:**

**Other Authorization:**

**Other Authorization:**

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work Structure Management L.L.C. / Western Surety Company Parks Master Plan – Burnett Bayland Park WBS No. F-504A16-0001-4		<b>Page</b> 1 of 2	<b>Agenda Item</b>  5
<b>FROM (Department or other point of origin):</b> General Services Department		<b>Origination Date</b> 9-25-08	<b>Agenda Date</b> OCT 01 2008
<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P. E.  9/10/08		<b>Council District affected:</b> F	
<b>For additional information contact:</b> Jacquelyn L. Nisby  Phone: 832-393-8023		<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2004-0014, Dated 01-07-04	
<b>RECOMMENDATION:</b> Pass a motion approving the final contract amount of \$1,040,501.01 accept the work, and authorize final payment.			
<b>Amount and Source of Funding:</b> No Additional Funding Required		<b>F &amp; A Budget:</b>	
<b>Previous Funding:</b> \$776,474.50 – Parks Consolidated Construction Fund 421 \$300,000.00 – CDBG – BFY03/132/36/PARK/1125/4105/2C30 \$1,076,474.50 – Total Funding			
<b>SPECIFIC EXPLANATION:</b> The General Services Department (GSD) recommends that City Council approve the final contract amount of \$1,040,501.01 or 4.32% over the original contract amount, accept the work and authorize final payment to the surety, Western Surety Company. After GSD granted substantial completion to the contractor, the surety expended funds to resolve payment bond claims filed by subcontractors on the project, and has provided the documents necessary to issue a Final Completion Certificate for this project.			
<b>PROJECT LOCATION:</b> 6000 Chimney Rock (531B)			
<b>PROJECT DESCRIPTION:</b> This project consisted of selective demolition of the existing community center and constructed a 3,500 square foot classroom/office addition; renovated the existing community center to include replacement of metal siding, building insulation, acoustical panels, linoleum tile flooring, HVAC system, lighting, electrical and painting. Additionally, this project included site grading, landscaping and landscape irrigation; new water and sanitary utilities; drainage improvements; new fencing; paving and playground structures; and fitness equipment.			
<b>CONTRACT COMPLETION AND COST:</b> The contractor substantially completed the project within the contract time, plus an additional 242 days approved by Change Orders. The final cost of the project, including Change Orders is \$1,040,501.01, an increase of \$ 43,101.01 over the original contract amount.			
The project design consultant and construction manager was Park Team Plus.			
<b>REQUIRED AUTHORIZATION</b> <span style="float: right;">CUIC ID# 25PARK42</span>			
<b>General Services Department:</b>   Humberto Bautista Chief of Design & Construction Division	<b>Housing and Community Development:</b>   Richard Celli Director	<b>Parks and Recreation Department:</b> <span style="float: right;">MST</span>   Joe Turner Director	

<b>Date</b>	<b>Subject:</b> Accept Work Structure Management, L.L.C. / Western Surety Company Parks Master Plan – Burnett Bayland Park WBS No. F-504A16-0001-4	<b>Originator's Initials</b> MS	<b>Page</b> 2 of 2
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**PREVIOUS CHANGE ORDERS:** Change Orders 1-9 included eave modifications, fencing upgrades, gym floor striping, additional roof decking, playground curb modifications, window eave modifications, a new roll-up door at the servery, additional park benches, additional floor tiles installation, new accessible ramps, new backflow preventor and court surfacing.

IZD:HB:JLN:LJ:MS:ms

c: Marty Stein, Mark Ross, Jacquelyn L. Nisby, Pirooz Farhoomand, Webb Mitchell, Project File 1108

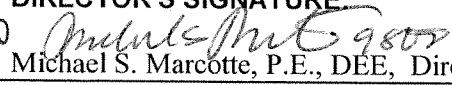


# **Burnett-Bayland Park**

## **6000 Chimney Rock, Houston, TX**

**COUNCIL DISTRICT "F"**

**KEYMAP No. 531B**

<b>SUBJECT:</b> Appropriate Additional Funds and Accept Work for 8/12-inch Water Line Installation and 24/30/36-inch Water Line Rehabilitation along Calumet, Westpark, Mid Lane and Westheimer. WBS. No. S-000900-00A5-4.		Page 1 of 1	Agenda Item # <b>6+6A</b>
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		Origination Date <b>9-18-08</b>	Agenda Date <b>OCT 01 2008</b>
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director		Council Districts affected: C, D, G <b>4</b>	
<b>For additional information contact:</b> J. Timothy Lincoln, P.E. Senior Assistant Director		Date and Identification of prior authorizing Council Action: Ord. #2006-590 dated 06/07/2006 <b>C</b>	
<b>RECOMMENDATION: (Summary)</b> Approve an ordinance appropriating an additional \$88,702.29. Adopt a motion approving the final Contract Amount of \$5,032,899.24, accepting the Work and authorizing the final payment.			
<b>Amount and Source of Funding:</b> Additional appropriation of \$88,702.29 from Water and Sewer System Consolidated Construction Fund No. 8500. Original appropriation of \$5,319,800.00 from Water and Sewer System Consolidated Construction Fund No. 755. <b>2/24/08</b>			

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the Surface Water Transmission Program (SWTP) and was required to rehabilitate large diameter transmission lines and add new distribution lines. The project will provide redundancy and reliability to maintain supply and system pressure in the Galleria, Greenway, Kirby, University and Medical Center areas.

**DESCRIPTION/SCOPE:** The project consisted of 11,444 linear feet of 8/12-inch water line installation and 12,400 linear feet of 24/30/36-inch water line rehabilitations. Lockwood, Andrews, & Newnam, Inc. designed the project with 240 calendar days allowed for construction. The project was awarded to Boyer, Inc. with an original Contract Amount of \$4,708,759.00.

**LOCATION:** The project is located along Calumet, Westpark, Mid Lane, and Westheimer in Key Map grids 491-V & Z, 492-W & X, 493-W and 533-A & B.

The requested appropriation of \$88,702.29 will cover the overrun costs for Bid Item No. 22 – 24-inch Access Manway on Existing Pipe, Tapping, Bid Item No. 23 – 60-inch Diameter Manholes for Water Lines, and Bid Item No. 51 – 16-inch Diameter by 8-inch Diameter Tapping Sleeve and Valve. These items exceeded their original budgeted amounts due to underestimation in the design phase. As the original scope of work did not change, no formal change order is required.

**CONTRACT COMPLETION AND COST:** The Contractor, Boyer, Inc. has completed the Work under the subject Contract. The project was completed within the Contract Time with 271 additional days approved by Change Order Nos. 1, 2, and 3. The final cost of the project, including overrun and underrun of estimated bid quantities, and previously approved Change Order Nos. 1, 2, and 3 is \$5,032,899.24, an increase of \$324,140.24 or 6.88% over the original Contract Amount.

The increased cost is primarily a result of Change Order No. 2, which was necessary to complete the Work.

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 15.66%. The Contractor achieved a "Satisfactory" rating for the MWDDBE Compliance.

MSM:JTL:AR:PK:mq

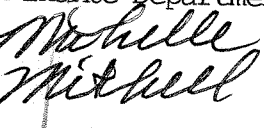
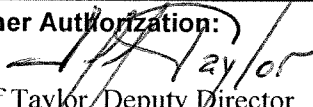
S:\E&amp;C Construction\North Sector\PROJECT FOLDER\S-000900-00A5-4 Westheimer Calumet westpark\21.0 close out\RCA\RCA-Closeout.DOC

c: Velma Laws

Michael Ho, P.E.

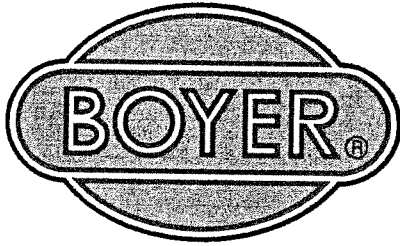
File No. S-000900-00A5-4 - Closeout

**REQUIRED AUTHORIZATION****CUIC ID# 20MZQ058**

Finance Department: 	Other Authorization:  Jeff Taylor/Deputy Director Public Utilities Division	Other Authorization: <b>NOT</b>
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**6+6A**





Inc. 8904 Fairbanks N. Houston • Houston, Texas 77064  
Telephone: (713) 466-5395 • Fax: (713) 466-8198  
[www.boyerinc.com](http://www.boyerinc.com)

June 24, 2008

Mrs. Velma Laws  
City of Houston  
611 Walker, 7<sup>th</sup> Floor  
Houston, TX 77002  
Attn: Donald Black – Via Email

Re: 8/12" Water Line Installation & 24/30/36" Water Line Rehabilitation along  
Calumet, Westpark, Mid Lane and Westheimer  
GFS No. S-0900-A5-3 File No. WW#10448-08  
**M/WDBE Monthly Reporting – Statewide Tree Service**

Dear Mrs. Laws:

This letter comes to elucidate why our MWDBE subcontractor Statewide Tree Service was not used to its full percentage on the above referenced project.

Due to the result of the extensive delay in issuing the Change Order for Westheimer the sub-contractor was forced to proceed with other projects and was not in a position, after the Change Order was finally issued to remobilize for this project and as time was then critical, Boyer elected to self-perform this work.

Considering this project's overall percentage is currently at 15.66%, Boyer, Inc. has made a Good Faith Effort during the performance of this contract in attempting to meet the M/WDBE goal considering the extensive delay of this project.

If you should have any questions regarding the above mentioned changes, please feel free to call.

Sincerely,

Gordon Reavis  
Project Manager

Cc: Job File #362

## Summary of MWDBE Activities

Project Description/#: Water #10448-08 - WL along Calumet, Westpark. S-000900-00A5-4; #46000006719

Prime Contractor: Boyer, Inc.

Amount of Contract: **\$4,708,759**

Amount of MWDBE goal with change order:

Change Orders: **\$324,140.24**

**\$855,593.00**

MWDBE Goal at award of contract: 17%

Final Contract Amount: **\$5,032,899.24**

MWDBE actual participation: 15.66%

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

Paradigm Outdoor Supply, LLC  
Municipal Marketing Systems, Inc.

### MWDBEs Used:

Lopez Brothers Enterprises, Inc.  
Paradigm Outdoor Supply, LLC  
Municipal Marketing Systems, Inc.

List of original MWDBE, that  
were not used:

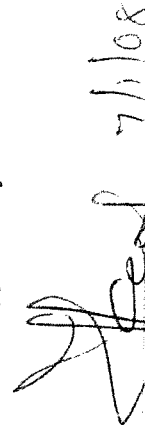
**If goal was not achieved, list the amount and percentage of shortage. Briefly state the reason given by prime why goal was not achieved and why the original MWDBEs listed in the RCA were not used:**

Per Gordan Reavis, Boyer, Inc., Statewide Tree Services was not used to its full percentage because of an extensive delay in the project. The project was delayed waiting for approval of a change order, however, during that time, Statewide was already committed to another project and had to proceed forward with that commitment. Camell Allison, Statewide Tree Service, concurred with Mr. Reavis claim. Boyer, Inc. elected to complete the work themselves. Without the full participation of Statewide Tree Service, Boyer, Inc. was only able to attain 15.66% (1.33% below the goal) of the 17%.

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

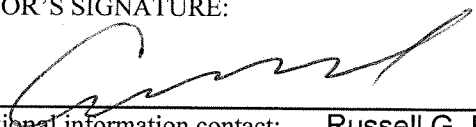
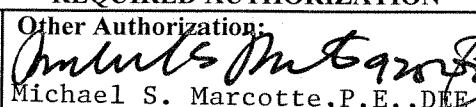
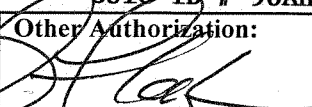
Approved by:

  
Donald W. Black  
Contract Compliance Officer

 7/1/08  
Joseph Kurian, Division Manager  
Contract Compliance Section

June 26, 2008  
Date



SUBJECT: Parcels AY5-189, LY5-195 & LY5-194; City of Houston v. FVL, Ltd., a Texas limited partnership & Frost Properties, Ltd., et al., Cause No. 908,308; Buffalo Speedway Paving Extension Project (W. Orem - W. Airport); WBS/CIP No. N-000619-0001-2-01-01; Legal Department File No. 052-0400034-011;		Page 1 of 2	Agenda Item # <b>7</b>
FROM (Department or other point of origin): Legal Department - Real Estate Division Arturo Michel, City Attorney		Origination Date July 29, 2008	Agenda Date OCT 01 2008
DIRECTOR'S SIGNATURE: 		Council District affected: "D" Wanda Adams; Key Map #572K	
For additional information contact: <b>Russell G. Richardson</b> <i>RRR</i> Phone: 832.393.6285 (alternatively Joseph N. Quintal 832.393.6286)		Date and identification of prior authorizing Council action: Authorizing Ord. # 2006-942, psd. 9/13/06; BAO# 2005-397, psd. 4/20/05	
<b>RECOMMENDATION:</b> (Summary) That the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay all costs of court and withdraw the City's objections to the Award. Funding will be provided by a previously approved blanket Appropriation Ordinance.			
Amount and Source of Funding: \$204,427.00; No appropriation needed as funding will be provided by previously approved Appropriation Ordinance No. 2005-397, psd. 4/20/05. Street & Bridge Consolidated Construction Fund			
<b>SPECIFIC EXPLANATION:</b> <p>The Buffalo Speedway Paving Extension Project (W. Orem - W. Airport) will provide for right-of-way acquisition, engineering and construction of two 24 foot-wide concrete roads with curbs, sidewalks and the necessary underground utilities. The project will upgrade the existing roadway to major thoroughfare standards.</p> <p>This eminent domain proceeding involves the fee simple acquisition of Parcel AY5-189, containing 2.1308 acres (92,817 s.f.) of land for street right-of-way, and the fee simple acquisition of Parcel LY5-195, containing 2.0359 acres (88,686 s.f.) of land for a detention pond and a permanent easement in and to LY5-194, containing 3,245 s.f (0.0745 acre -) of land. The property is located in the 3300 block of West Orem and is owned by FVL Ltd., a Texas limited partnership and Frost Properties, Ltd. Efforts by Public Works &amp; Engineering to purchase the property were unsuccessful and the matter was referred to the Legal Department to commence eminent domain proceedings.</p> <p><b>City's Testimony Before the Special Commissioners:</b> \$183,126.00          (i.e. Parcel AY5-189 \$92,817.00 or \$1.00 psf; Parcel AY5-195 \$88,686.00 or \$1.00 psf and Parcel AY5-194 \$1,623.00 or \$0.50 psf)</p> <p><b>Agreed Award of Special Commissioners:</b> \$195,000.00          The Legal Department filed Objections to the Award of Special Commissioners to preserve the City's legal options pending City Council's consideration and approval of this matter.</p>			
h:\mark\fvlrca.wpd.		REQUIRED AUTHORIZATION	
Other Authorization:		CUIC ID # 90AH205 C	
 Michael S. Marcotte, P.E., D.E. Director, PW & E		 Andrew F. Icken, Deputy Director Planning and Development Services Division	

Date July 29, 2008	SUBJECT: Parcels AY5-189, LY5-195 & LY5-194; City v. FVL, Ltd., et al., Cause No. 908,308; Buffalo Speedway Paving Extension Project;	Originator's Initials RGR/JNQ	Page 2 of 2
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The "**Costs of Court**" are as follows, to wit: \$177.00 filing fee; \$150.00 Service of process fee; \$1,350.00 Special Commissioners' fees (i.e. \$450.00 x 3); \$7,750.00 Appraiser's fee; **Total: \$9,427.00**. These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed herein.

We recommend that the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay all costs of court and withdraw the City's objections to the Award. Funding will be provided by a previously approved blanket Appropriation Ordinance.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N02°15'52"W	49.79'
L2	N86°30'26"E	104.30'
L3	S02°15'52"E	28.59'

Sheet 1067

# ART Z

4

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** CONDEMNATION of Parcel AY7-040, located at 1026 Blackhaw Street for the PARK ROW ROAD PAVING PROJECT (from State Highway 6 to Eldridge Parkway).  
WBS N-000723-0001-2  
OWNER: Joe L. Werner, Sr.

Page  
1 of 1

Agenda Item  
#

8

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

Origination Date

9/25/08

Agenda Date

OCT 01 2008

Department of Public Works and Engineering

**DIRECTOR'S SIGNATURE:**

Council District affected:

  
Michael S. Marcotte, P.E., DEE

A

Key Map 488 C

**For additional information contact:**

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

Nancy P. Collins Phone: (713) 837-0881  
Senior Assistant Director



Ordinance 2005-397, April 20, 2005

**RECOMMENDATION: (Summary)**

Authority be given through Council Motion to CONDEMN Parcel AY7-040

**Amount and** No additional funding required (covered under Blanket  
**Source of Funding:** Appropriation Ordinance 2005-397 N-00663A-00RE-2-01  
Street and Bridge Consolidated Construction Fund 4506)

**SPECIFIC EXPLANATION:**

The PARK ROW ROAD PAVING PROJECT (from State Highway 6 to Eldridge Parkway) provides for the acquisition of land necessary for street improvements to extend Park Row from State Highway 6 to Eldridge Parkway in order to improve traffic flow in the service area. The parcel is located at 1026 Blackhaw Street.

**PURCHASE:**

The City desires to acquire 5,430 square feet of improved residential land. Condemnation is being recommended because the record owner has rejected the City's offer. The City's offer was based on an appraisal by Gerald A. Teel, MAI, CRE, Independent Fee Appraiser. This valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

**LAND:**

Parcel AY7-040 (Easement)

5,430 square feet @ \$10.25.....\$55,658.00 (rounded)

TOTAL CONSIDERATION .....\$55,658.00

It is recommended that authority be given through Council Motion to CONDEMN Parcel AY7-040, owned by Joe L. Werner, Sr. The property is to be used as street right of way. This parcel contains 5,430 square feet of land situated in the Joel Wheaton Survey, Abstract 80, Harris County, Texas and being out of Lot 7, Block 2 of the Addicks Dam Subdivision according to the map or plat thereof, recorded in Volume 36, Page 15 of the Harris County Map Records, as conveyed to Joe L. Werner, Sr. and wife Dorothy S. Werner in Harris County Clerk's File P016424 of the Official Public Records of Real Property, Harris County, Texas according to City of Houston field notes.

MSM:NPC:hht

cc: Marty Stein

Tyler/AY7040RCA

CUIC #20HHT187

**REQUIRED AUTHORIZATION**

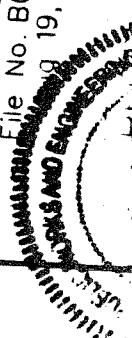
**Finance Department:**

**Other Authorization:**

**Other Authorization:**

  
Andrew F. Icken, Deputy Director  
Planning and Development Services Division

Calvin M. Frank and wife,  
Irene Francis Frank  
File No. B056356  
Jan 19, 1959



21192

Conoco, Inc.  
File No. K284076  
Sept. 12, 1985

LOT 8

N 87° 32' 43" E

60.00

Tania Newinn and  
Henry Newinn  
File No. M464357  
Jan 4, 1990

*Handwritten signature*

Blackhaw Street  
(60' ROW)

ADDICKS DAM  
SUBDIVISION  
VOL. 36, PG. 15  
H.C.M.R.



SCALE 1"=50'

Paul N. Cheatham  
File No. G633151  
Aug. 8, 1980

BLOCK 2  
LOT 9

PROPOSED R.O.W. LINE SET

Conoco, Inc.  
File No. K284076  
Sept. 12, 1985

PROPOSED PARK ROW BLVD.  
(R.O.W. VARIES)

PROPOSED BASELINE

FND. 5/8" IR  
BEARS N 78° 26' 05" W, 0.20'

S 88° 37' 40" W 185.45'

N 01° 18' 11" W  
31.03'

11

0.125 ACRES  
5,430 SQ. FT.

SET

S 87° 32' 43" W 185.49'

P.O.B., PARCEL 11  
SET 5/8" IR

X=3,040.213.17  
Y=13,851.147.58  
STA. 61+69.33,  
60.00' RT.

LOT 7

Joe L. Werner, Sr. and wife,  
Dorothy S. Werner  
File No. P016424  
Dec. 22, 1992

PROPOSED R.O.W. LINE

Charles D. Yates, Trustee  
File No. P016424  
Dec. 22, 1992

Charles D. Yates, Trustee  
File No. P016424  
Dec. 22, 1992

FND. 5/8" IR  
BEARS S 62° 26' 45" E  
0.32'  
S 01° 18' 11" E  
27.53'

JOEL WHEATON SURVEY, A-80

Parcel 11  
Sheet 4 of 4



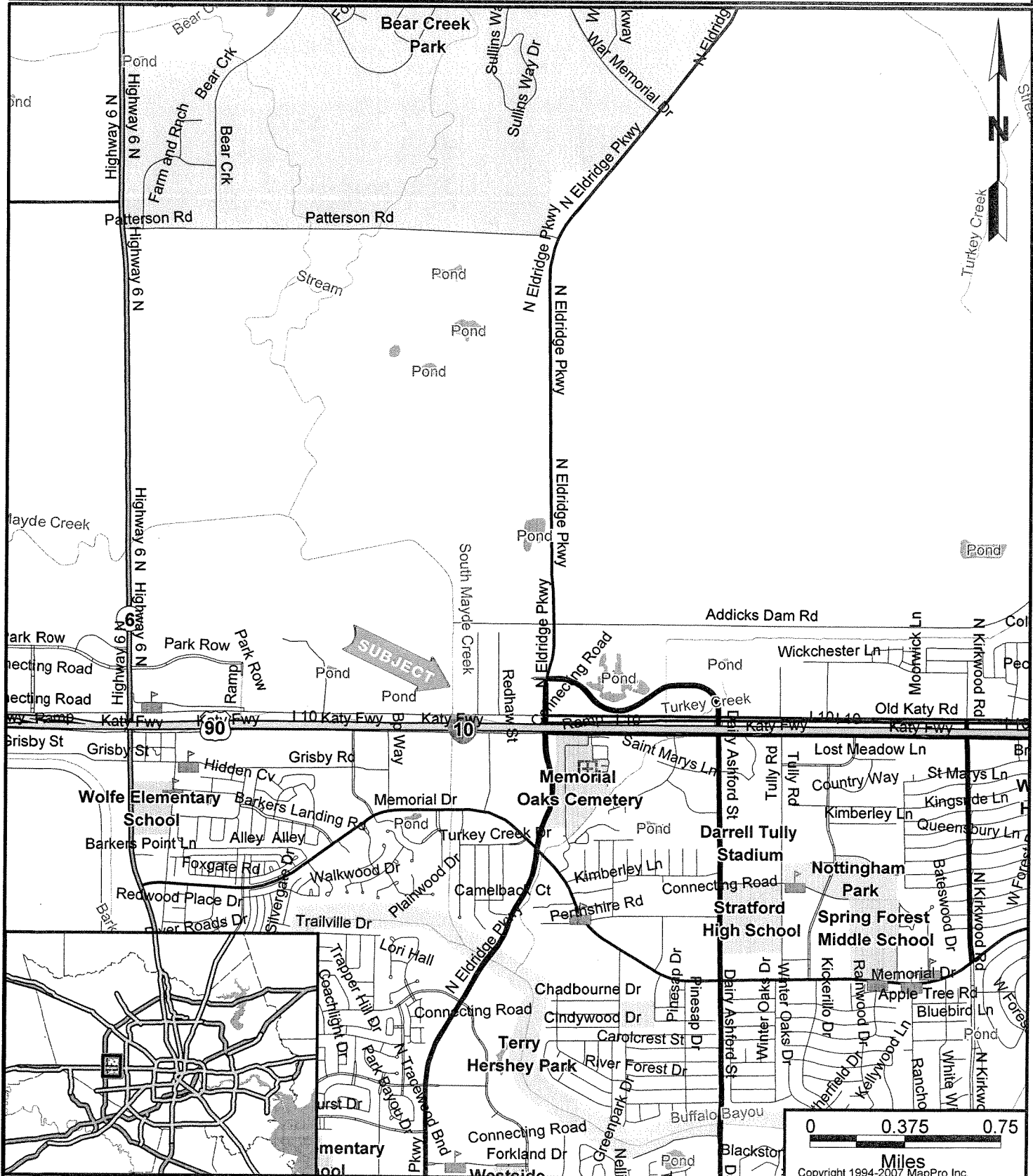
# LOCATION MAP

Description: Park Row Road Paving Project (from State Highway 6 to Eldridge Parkway)

Located at 1026 Blackhaw Street, Parcel AY7-040

WBS N-000723-0001-2, Key Map 488 C, Council District A

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



## CAUTION:

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

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

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8028

Subject: Purchase of Asbestos Abatement, Demolition and Site Clean-Up Services for the Police Department  
S08-Q23022

Category #  
4

Page 1 of 2

Agenda Item

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

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

**Origination Date**

August 25, 2008

**Agenda Date**

OCT 01 2008

**DIRECTOR'S SIGNATURE**

**For additional information contact:**

Joseph Fenninger Phone: (713) 308-1708  
Ray DuRousseau Phone: (832) 393-8726

**Council District(s) affected**  
F

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

**RECOMMENDATION: (Summary)**

Approve an award to Arrow Services, Inc. on its low exempt bid in the amount of \$419,550.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$41,955.00 for a total amount not to exceed \$461,505.00 for asbestos abatement, demolition and site clean-up services for the Police Department.

Award Amount: \$461,505.00

**Finance Budget**

\$461,505.00 - Dangerous Building Consolidated Fund (1801)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Arrow Services, Inc. on its low exempt bid in the amount of \$419,550.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$41,955.00 for a total amount not to exceed \$461,505.00 for asbestos abatement, demolition and clean-up services for the Police Department and that authorization be given to issue purchase orders as necessary. The structural integrity of these abandoned buildings is unsound; therefore, these services are needed to protect and preserve the health and safety of the residents in the areas surrounding these commercial and residential buildings.

Three of the ten certified companies approved by City Council to perform these types of services were requested to submit a bid on this project as itemized below:

	<u>Company</u>	<u>Total Amount</u>
1.	Arrow Services, Inc.	\$419,550.00
2.	AAR Incorporated	\$423,451.00
3.	Assured Environmental Quality	\$544,378.00

The scope of work requires the contractor to provide all labor, materials, equipment, supervision and transportation necessary to provide asbestos abatement, demolition and site clean-up services. The abandoned buildings and pools listed on Page 2 of 2 were determined to be dangerous and pose an imminent threat to the health and safety of citizens in the immediate areas. Due to the 10-day "waiting period" as required by the Texas Department of Health, this project will take approximately 136 calendar days to complete. The school principals are notified by City inspectors of current and future demolitions/abatements in the area.

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

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

Date: 8/25/2008	Subject: Purchase of Asbestos Abatement, Demolition and Site Clean-Up Services for the Police Department S08-Q23022	Originator's Initials AD	Page 2 of 2
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This purchase is related to public health and safety, and is therefore exempt from the competitive bid laws.

<b><u>Address:</u></b>	<b><u>Council District</u></b>	<b><u>Nearest School</u></b>
835 Autumnwood		
(Bldg. #3)	F	Roland Harris Elementary
(Bldg. #4)	F	Roland Harris Elementary
(Bldg. #5-Slab)	F	Roland Harris Elementary
(Bldg. #6-Slab)	F	Roland Harris Elementary
840 Autumnwood		
(Bldg. #1)	F	Roland Harris Elementary
(Bldg. #2-Slab)	F	Roland Harris Elementary
(Bldg. #3)	F	Roland Harris Elementary
(Bldg. #4)	F	Roland Harris Elementary
(Bldg. #5)	F	Roland Harris Elementary
(Bldg. #6)	F	Roland Harris Elementary
(Bldg. #7)	F	Roland Harris Elementary
(Bldg. #8)	F	Roland Harris Elementary
(Bldg. #9)	F	Roland Harris Elementary
(Bldg. #10)	F	Roland Harris Elementary
(Bldg. #11)	F	Roland Harris Elementary
(Bldg. #12)	F	Roland Harris Elementary
(Bldg. #13)	F	Roland Harris Elementary
(Bldg. #14-slab)	F	Roland Harris Elementary
(Pool #1)	F	Roland Harris Elementary
(Pool # 2)	F	Roland Harris Elementary

Buyer: Angela Dunn  
PR 10055739

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8029

Subject: Asbestos Abatement, Demolition, and Site Clean-up Services for the Police Department  
S19-Q23023

Category #  
4

Page 1 of 2

Agenda Item

10

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

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

**Origination Date**

August 29, 2008

**Agenda Date**

OCT 01 2008

**DIRECTOR'S SIGNATURE**

Council District(s) affected  
H

**For additional information/contact:**

Joseph Fenninger Phone: (713) 308-1708  
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

**RECOMMENDATION: (Summary)**

Approve an award to CST Environmental, Inc. on its low exempt bid in the amount of \$72,500.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$7,250.00 for a total amount not to exceed \$79,750.00 for asbestos abatement, demolition, and site clean-up services for the Police Department.

Award Amount: \$79,750.00

**Finance Budget**

\$79,750.00 - Dangerous Building Consolidated Fund (1801)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to CST Environmental, Inc. on its low exempt bid in the amount of \$72,500.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$7,250.00 for a total amount not to exceed \$79,750.00 for asbestos abatement, demolition, and site clean-up services for the Police Department and that authorization be given to issue purchase orders as necessary. The structural integrity of these abandoned buildings is unsound; therefore, these services are needed to protect and preserve the health and safety of the residents in the areas surrounding these commercial and residential buildings.

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

	<u>Company</u>	<u>Total Amount</u>
1.	CST Environmental, Inc.	\$72,500.00
2.	Abatement, Inc.	\$78,000.00
3.	AAR, Inc.	\$79,650.00

The scope of work requires the contractor to provide all labor, materials, equipment, supervision and transportation necessary to provide asbestos abatement, demolition and site clean-up services. The abandoned buildings listed below were determined to be dangerous and pose an imminent threat to the health and safety of citizens in the immediate areas. Due to the 10-day "waiting period" as required by the Texas Department of Health, the listed property will take approximately 35 calendar days to complete. The school principals are notified by City inspectors of current demolitions/abatements in the area.

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

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

10

Date: 8/29/2008	Subject: Asbestos Abatement, Demolition, and Site Clean-up Services for the Police Department S19-Q23023	Originator's Initials RK	Page 2 of 2
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This purchase relates to public health and safety and is therefore, exempt from the competitive bid laws.

**Address:**

4202 Airline

**Council District**

H

**Nearest School**

Burrus Elementary

Buyer: Roy Korthals

Purchase Requisition 10055737

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8005

Subject: Asbestos Abatement, Demolition, and Site Clean-up Services  
for the Police Department  
S19-Q23000

Category #  
4

Page 1 of 2

Agenda Item

11

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

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

**Origination Date**

August 29, 2008

**Agenda Date**

OCT 01 2008

**DIRECTOR'S SIGNATURE**

**Council District(s) affected**

B, D, E, H, I

**For additional information contact:**

Joseph Fenninger Phone: (713) 308-1708  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**

Approve an award to Inland Environments, Ltd. on its low exempt bid in the amount of \$123,265.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$12,326.50 for a total amount not to exceed \$135,591.50 for the Police Department.

Award Amount: \$135,591.50

**Finance Budget**

\$135,591.50 - Dangerous Building Consolidated Fund (1801)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Inland Environments, Ltd. on its low exempt bid of in the amount of \$123,265.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$12,326.50 for a total amount not to exceed \$135,591.50 for asbestos abatement, demolition, and clean-up services for the Police Department and that authorization be given to issue a purchase order as necessary. The structural integrity of these abandoned buildings is unsound; therefore, these services are needed to protect and preserve the health and safety of the residents in the areas surrounding these commercial and residential buildings.

Six certified companies approved by City Council to perform these types of services were requested to submit a bid on the projects as itemized below.

**Group 1:**

	<u>Company</u>	<u>Total Amount</u>
1.	Inland Environments, Ltd.	\$ 56,434.00
2.	AAR, Inc.	\$ 76,495.00
3.	CST Environmental, Inc.	\$118,240.00
4.	Abatement, Inc.	\$245,950.00

**Group 2:**

	<u>Company</u>	<u>Total Amount</u>
1.	Inland Environments, Ltd.	\$ 66,841.00
2.	Arrow Services	\$ 77,700.00
3.	Assured Environment Quality	\$ 91,925.00
4.	AAR, Inc.	\$ 99,970.00
5.	Abatement, Inc.	\$188,500.00

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

MT

11/09/08

Date: 8/29/2008	Subject: Asbestos Abatement, Demolition, and Site Clean-up Services for the Police Department S19-Q23000	Originator's Initials RK	Page 2 of 2
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The scope of work requires the contractor to provide all labor, materials, equipment, supervision and transportation necessary to provide asbestos abatement, demolition and site clean-up services. The abandoned buildings listed below were determined to be dangerous and pose an imminent threat to the health and safety of citizens in the immediate areas. Due to the 10-day "waiting period" as required by the Texas Department of Health, the listed properties will take approximately 49 calendar days to complete. The school principals are notified by City inspectors of current demolitions/abatemments in the area.

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

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

**Group 1:**

<b><u>Address</u></b>	<b><u>Council District</u></b>	<b><u>Nearest School</u></b>
9205 Rosehaven	D	Reynolds Elementary
6713 Conley	D	Foster Elementary
7113 St. Augustine	D	Foster Elementary
7311 Amarillo Bldg. #1	E	Martinez Elementary
7311 Amarillo Bldg. #2	E	Martinez Elementary
7311 Amarillo Bldg. #3	E	Martinez Elementary
7311 Amarillo Bldg. #4	E	Martinez Elementary
3302 Folger	H	Mendel Elementary
1501 Berry Rd.	H	Berry Elementary
132 Owens	I	MacArthur Elementary
6728 Avenue B	I	Tijerina Elementary

**Group 2:**

<b><u>Address</u></b>	<b><u>Council District</u></b>	<b><u>Nearest School</u></b>
1202-1210 75 <sup>th</sup>	B	Gallegos Elementary
7820 King	B	Hilliard Elementary
7818 King	B	Hilliard Elementary
7525 E. Houston	B	Hilliard Elementary
1826 Wilburforce	B	Bethune Elementary
2327 W. Little York	B	Bethune Elementary
2331 W. Little York	B	Bethune Elementary
4203 Reed	D	Grimes Elementary
6911 Calhoun	D	Cook Elementary

Buyer: Roy Korthals  
Purchase Requisitions 10057666 and 10057632

**REQUEST FOR COUNCIL ACTION****TO:** Mayor via City Secretary**SUBJECT:** Ordinance approving Amendments to Chapter 12 of the City of Houston Code of Ordinances.

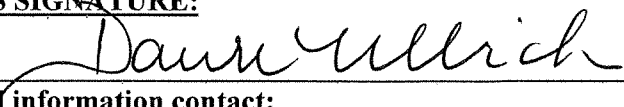
Category #

Page  
1 of 1Agenda  
Item # **12****FROM: (Department or other point of origin):**Dawn Ullrich, Director  
Convention and Entertainment Facilities Department**Origination Date**

August 28, 2008

**Agenda  
Date**

OCT 01 2008

**DIRECTOR'S SIGNATURE:***45*  
**Council Districts affected:**

District I - Rodriguez

**For additional information contact:**

Stephen W. Lewis

Phone: 713-853-8888

**Date and identification of prior  
authorizing Council Action:****RECOMMENDATION: (Summary)**

Approve an Ordinance amending Chapter 12 of the City of Houston Code of Ordinances, reflecting provisions related to operations with the Convention and Entertainment Facilities Department.

**Amount of Funding:**

N/A

FIN Budget:

**Enterprise Fund C&E –****SPECIFIC EXPLANATION:**

The Convention & Entertainment Facilities Department seeks approval of certain amendments to Chapter 12 of the City of Houston Code of Ordinances.

Collectively, these amendments reflect operational and procedural changes designed to increase the efficiency of administering the facilities. Specific changes include some clarification of key terms, a revision of the manner in which applications for use of the facilities are processed, and the deletion of obsolete sections and definitions. We further propose to adjust facility license fees as well as the structure of those fees to more accurately reflect current market conditions and the progressively diverse utilization of facility space by licensees.

The amendments will allow the surcharge for ticketed events to be increased to a maximum of \$2.00 per ticket, although any increase affecting Theater District resident companies must be made in accordance with existing contracts established between the City and the resident companies at those facilities. The revenue derived from the ticket surcharge in the Theater District will continue to be used for primarily backstage improvements at those facilities.

And finally, we propose that the range for the non-contract parking rate for the Theater District Garage be increased to allow for rate adjustments to reflect current market rates for the Downtown area.

The Convention and Entertainment Facilities Department recommends that City Council approve the amendments to Chapter 12.

*12*  
LH:dv**REQUIRED AUTHORIZATION**

Finance Department

Other Authorization

Other Authorization



12  
OCT 01 2008

CHAPTER 12  
CONVENTION AND ENTERTAINMENT FACILITIES

ARTICLE I. IN GENERAL

Sec. 12-1. Definitions.

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

*Applicant* means a person who applies to the department for occupancy of a facility.

*Approved applicant* means an applicant whose application for use of a facility has been considered and approved by the director, but who is not yet a licensee as herein defined.

~~*Class I event* means an event, other than a seated meal or a convention, trade show or corporate meeting, sponsored by any group other than a nonprofit organization.~~

~~*Class II event* means an event, other than a seated meal or a convention, trade show or corporate meeting, sponsored solely by a nonprofit organization.~~

~~*Class III event* means a seated meal, other than a seated meal that is conducted as part of a convention, trade show or corporate meeting.~~

*Consumer show* means an event, other than a convention, trade show or meeting, that is generally open to the public and usually requires an entrance fee.

~~*Convention, or trade show or corporate meeting* means a gathering that is conducted at the George R. Brown Convention Center of the members of an organization, or the practitioners of a specific trade or the employees of a specific corporation:~~

- (1) That is generally held at sites located in the United States or other countries on a regularly scheduled basis; and
- (2) Whose site is generally selected by competitive bid; and
- (3) Whose attendees patrons will, based upon the director's projection, occupy the requisite number of 400 or more traceable hotel sleeping rooms in accordance with rules promulgated by the director. ~~for two or more nights in any one or more buildings located~~

~~within the corporate limits of the city where the public may obtain sleeping accommodations for a consideration in excess of \$2.00 per day. The term "building" includes hotels, motels, tourist homes, tourist houses, tourist courts, lodging houses, inns, rooming houses, or other buildings where rooms are furnished for consideration, but excludes hospitals, sanitariums and nursing homes.~~

*Department* means the convention and entertainment facilities department.

*Director* means the director of the department, or any person designated by the director to perform any of the director's functions.

*Event* means the particular any-type of function or activity for which a facility may will be occupied, as described in the license agreement.

*Facility* means the Jesse H. Jones Hall for the Performing Arts, the Gus S. Wortham Theater Center, ~~or the George R. Brown Convention Center, or the Theater District Outdoor Venues~~ or any part or parts thereof.

~~*Firearm* means any device designed, made, or adapted to expel a projectile through a barrel or cylinder by using the energy generated by an explosion or burning substance or pressurized air or gas or any device readily convertible to that use.~~

*General admission or festival seating* means ticketed, seated events in which seating is unassigned and available only on a first come, first served basis.

~~*Gun show* means any event at which firearms are displayed and are available for purchase by members of the public. The term does not include an "outdoor trade show," as defined below.~~

*Holiday* means any day designated by city council as a holiday to be observed by the general closure of city offices.

*Licensee* means an approved applicant who has entered into a license agreement and has submitted any required deposit(s) or paid the license rental fee provided that the term shall not include any person whose license agreement has been terminated or cancelled.

*Meeting* means an event other than a convention, trade show, or consumer show.

~~*Nonprofit organization* means an entity organized for religious or not for-profit purposes that holds a determination letter from the Internal Revenue~~

~~Service that it is exempt from taxes under section 501(a) of the Internal Revenue Code of 1986, as amended, by virtue of section 501(c)(3); a church or a convention or association of churches within the meaning of section 170(b)(1)(A)(ii) of the Internal Revenue Code of 1986 as amended; or an entity listed in Internal Revenue Service Publication No. 72, Cumulative List of Organizations Described in Section 170(c) of the Internal Revenue Code of 1986, as amended. The term also includes the State of Texas and the United States of America and their agencies and political subdivisions.~~

~~Occupancy means that the licensee, his agent, employee, contractor, subcontractor, or any patron of the licensee's event, is physically present within the facility.~~

~~Outdoor trade show means a convention, trade show or corporate meeting, as defined herein, that consists of a national or state association convention primarily involving the display of products by business entities engaged in the shooting, hunting or outdoor sports industries, that is open to industry representatives and the media, and that is not open to the general public; provided that no firearms or ammunition shall be made available for retail purchase and that any firearms that may be made available for retail purchase and any firearms or ammunition that may be displayed shall have been deactivated and rendered incapable of being fired.~~

~~Parking facility means the Theater District Garage (formerly known as the Tranquillity Parking Garage and the Civic Center Garage), any of the George R. Brown Convention Center surface lots operated by the department, city parking lot C or H, the municipal courts parking lot, the Convention District Garage, or the Margaret Westerman City Hall Annex Parking Garage.~~

~~Properties means the facilities and the parking facilities.~~

~~Rental fee means the total of all charges prescribed in this chapter for the use or occupancy of a facility.~~

~~Run of events means two or more consecutive events sponsored or promoted by the same person, occurring in the same facility, and consisting of the same subject matter, for which patrons must purchase separate tickets.~~

~~Season of events means a series of events during any period between September 1 to August 31, for which multiple tickets are sold at one price for the series, entitling the purchaser to admission to at least four distinct events in the series over a period of at least six months, as determined by the director, provided that the season of events shall be advertised as such, and all of the events shall occur in the same facility.~~

Student event means an event at a venue other than the George R. Brown Convention Center other than a seated meal or a convention, trade show or corporate meeting held on a regularly scheduled school day between the hours of 8:00 a.m. and 12:00 noon, or between the hours of 9:00 a.m. and 1:00 p.m., or between the hours of 10:00 a.m. and 2:00 p.m., at which at least 90 percent of the patrons-attendees are enrolled in elementary, junior high, or senior high schools.

Theater District Outdoor Venues means Jones Plaza, Sesquicentennial Parks I and II, Ray C. Fish Plaza, Root Memorial Square, or the Sabine-to-Bagby Promenade, or any part or parts thereof.

#### **Sec. 12-2. Department created.**

There is hereby created the convention and entertainment facilities department of the city.

#### **Sec. 12-3. Director.**

The office of director of the convention and entertainment facilities department is hereby created. The director shall be head of the department and shall be appointed by the mayor and confirmed by the city council.

#### **Sec. 12-4. Former name; references.**

To the extent that this Code or any other ordinance or any motion, resolution, contract or other document devolves duties upon the former civic center department or upon the employees or director thereof, then such references shall be construed to mean the convention and entertainment facilities department and the employees and director thereof.

#### **Sec. 12-5. Duties of the director.**

The director shall perform all duties and responsibilities as are required of him by law and such other functions, duties and powers as may be assigned to him by the mayor. Without limiting the foregoing duties, functions, powers and responsibilities, the director shall:

- (1) Be executive head of the department and have control, supervision and authority over all officers and employees therein in the performance of the duties of the department.
- (2) Direct, control and manage the properties, including the grounds surrounding them, and any other premises placed under his control by the mayor, and direct the improvement and maintenance thereof.

- (3) Promulgate and enforce or cause to be enforced administrative rules and regulations governing the use, control and operation of the properties and any other premises placed under his control, including, without limitation, rules regarding the acceptance, review and approval of applications for occupancy, and the rental and use of the properties. The rules and regulations shall not be inconsistent with applicable state, federal or local laws, rules and regulations. A copy of the rules and regulations shall be maintained for public inspection in the offices of the director and the city secretary.
- (4) Accept, review and approve applications for use of the properties, including the grounds surrounding them.
- (5) LicenseRent the facilities and other city-owned property operated and managed by the department utilizing license agreements.
- (6) Manage all facilities and operations for ~~public~~ parking assigned to the department.
- (7) ~~Administer the city's residential parking permit program contained in article XVII of chapter 45 of this Code or appoint a designee to carry out such function.~~
- (8) ~~Serve, or designate a person within his department to serve, as an ex-officio member of the public parking commission authorized by article III of this chapter.~~

#### **Sec. 12-6. Hearing.**

Any interested person who is aggrieved by a decision made under this chapter regarding the ~~rental or use of the facilities or the parking facilities~~ by the director may request a hearing by filing in writing a request for the hearing in the office of the director within ten days of the person's receipt of notice of the decision upon which the hearing is requested. The hearing shall be conducted informally by an impartial hearing officer under rules promulgated by the director. In addition to the appellant, any other person who has a direct interest in the matter shall be notified and, upon request, shall also be allowed to participate as a party to the proceeding. The director shall cause the hearing to be conducted and a written decision to be rendered within 20 days from the date of receipt of the request, unless an extension of time is granted by the hearing officer for cause. The decision of the hearing officer shall be final.

#### **Sec. 12-7. Compliance with law required.**

(a) All licensees and other users of any of the properties, and their officers, agents and employees, shall comply with the applicable provisions of this Code, the

Construction Code, the Fire Code, state and federal law, and the rules and regulations promulgated by the director.

(b) The director, all other employees of the department and members of the City of Houston Police Department are hereby individually and severally authorized and directed for and on behalf of the city to notify any person who fails or refuses to comply with any applicable provision of law or of departmental rules and regulations to depart from any city property or building under the control of the department. Any such person who upon such notice fails to depart from any such property or building shall be subject to prosecution under section 30.05 of the Texas Penal Code for criminal trespass in addition to prosecution for any other crime that he may have committed thereupon.

**Secs. 12-8--12-20. Reserved.**

## **ARTICLE II. LICENSINGRENTAL OF FACILITIES**

### **DIVISION 1. IN GENERAL**

#### **Sec. 12-21. License agreement.**

The director, for the mayor and on behalf of the city, may execute written license agreements and any amendments thereto for the facilities and other city-owned property operated and managed by the department upon standard forms, including such terms, conditions and stipulations as the city attorney may approve.

#### **Sec. 12-22. General admission seating prohibited.**

General admission seating or festival seating is not permitted at any facility except upon express written permission of the director and shall be authorized only if the director determines that use of general admission will not result in a significant chance of injury to persons or damage to property. Except where permission for general admission seating or festival seating has been granted, the licensee shall issue a fixed number of tickets, each specifying the location of the attendee's seat by the seat number, the row in which the attendee's seat is located, and the section in which the row is located, which may not exceed the maximum seating capacity of the facility. The director may request that any licensee provide a certified ticket manifest to demonstrate compliance with this section.

#### **Sec. 12-23. City owned/sponsored events.**

The director may provide by rule for the use of the properties for city sponsored not-for-profit events, events hosted by the department, events hosted by other city departments and other events ~~of similar character that are determined by the director or the city council to merit an occupancy on terms other than are as generally provided in this chapter. Any such use shall be consistent with applicable laws and any covenants governing the city's use of the facility. Unless otherwise provided by the director, s~~Such uses shall be ~~secondary to conventional uses by license agreement and shall be~~

subject to cancellation by the director if the director determines the cancellation to be in the best interest of the city. In establishing fees for such uses, the director shall endeavor seek to recover the lesser of the estimated license fee rental rate for such occupancy or the city's operating costs for the occupancy; provided, whichever is less. ~~H~~However, that the director may sponsor an event at no charge, if, in his reasoned judgment, the event will generate direct or indirect business for the department and the department is clearly identified as a sponsor for the event.

**~~Sec. 12-24. Reserved.~~**

Editor's note: ~~Ord. No. 03-1174, § 2, adopted December 3, 2003, repealed § 12-24 in its entirety. Formerly, said section pertained to use of facilities for gun shows and derived from Ord. No. 96-50, § 3, 1-17-96, Ord. No. 96-1379, § 2, 12-18-96.~~

**~~Secs. 12-2524--12-30. Reserved.~~**

**DIVISION 2. LICENSE RENTAL PROVISIONS**

**Sec. 12-31. Application.**

(a) Any person who desires to occupy or have occupancy of any of the facilities for any purpose other than a convention or trade show shall make application to the director in any form deemed acceptable on a standard form in accordance with rules promulgated by the director, which shall require the provision of any information reasonably required by the director to make any determination necessary under this chapter or the rules and regulations promulgated hereunder. ~~Without limitation, the director may require the submission of a non-refundable application processing fee, which shall not be applied toward any rental fees, to defray any costs of processing the application.~~

(b) The director shall review and approve an application unless:

- (1) The application is incomplete or any statement or information included therein is found to be materially false or intentionally misleading;
- (2) The applicant is in default of a license agreement;
- (3) The facility requested is unavailable upon the date or dates requested;
- (4) Based upon the provisions of section 12-33 of this Code, the director has determined that the applicant is not entitled to occupy the facility requested;
- (5) Based upon the schedule set forth in section 12-32 of this Code, the application was not timely submitted;

- (6) The applicant has for any other reason failed to demonstrate compliance with the terms of this chapter and applicable rules and regulations; or
- (7) The proposed event will, in the director's determination, conflict either physically or practically with an event previously scheduled in the facility.

(c) In accordance with the director's rules and regulations, a single one application may be made for one or more ~~a season of events or a run of events~~, and applications may be made for alternate dates for the same event.

(d) If the application is approved, the director shall notify the approved applicant and advise the approved applicant of the requirements for entering into a license agreement and becoming a licensee.

(e) If the application is denied, the director shall so notify the applicant in writing of the reasons therefor. If the director determines that the reasons for the denial are curable, he shall allow the applicant to amend and resubmit the application, without payment of an additional application fee.

#### **Sec. 12-32. Advance booking periods.**

(a) An application for an event of any type at the George R. Brown Convention Center may be submitted no sooner than the time prescribed in the applicable rules of the director.

(b) For facilities other than the George R. Brown Convention Center:

- (1) An application for a season of events, for a run of events in a season of events or for a run of events that is not part of a season of events may be submitted no sooner than the time prescribed in the applicable rules of the director.
- (2) An application for any other event may be submitted no more than 450 days before the first proposed date of the event.

#### **Sec. 12-33. Contract ~~Risk index; damage deposit~~.**

(a) Based upon information provided by the applicant ~~in the application~~, information obtained from operators of other facilities, information obtained from other sources that are believed to be credible, and information contained in records of the department, the director shall use the following formula and table to determine the license agreement ~~damage~~ contract deposit that the applicant shall be required to furnish:

$$\text{Deposit Indicator} = 57A + 36B + 54C + 3D + 3E$$



In the above formula:

(1) "A" represents the probability risk of damage to a facility occasioned by acts of the applicant, his agents, employees, contractors, subcontractors, and ~~patrons~~ attendees at the event. The director shall assign a numerical rating of the probability of damage to a facility from 04 to 5, with 5 being the highest to the risk of damage. A rating of 1 represents the lowest risk of damage to the facility. In making the determination as to the numerical rating that the event should receive, the director shall consider:

- a. ~~Damage to the facilities or injury to persons that has resulted from the same event or similar events in the past at the facilities.~~
- b. ~~Reports of D~~damage to the facilities or injury to persons that has resulted from the owners or operators of other same event or similar events in the past at other venuesfacilities the applicant has occupied in the United States.
- c. Whether the event will consist primarily of a concert, sporting event, or other activity associated with an elevated degree of risk.
- c. ~~Damage to the facilities or injury to persons that resulted from other events sponsored or promoted by the applicant in the past at the facilities.~~
- d. ~~Damage to the facilities or injury to persons that has resulted from other events sponsored or promoted by applicant in the past at other facilities in the United States.~~
- e. ~~The probability that patrons at the event will engage in any of the following activities in the facilities:~~
  1. ~~Spitting, except in the restrooms.~~
  2. ~~Fighting.~~
  3. ~~Smoking in areas other than those designated as areas where smoking is permitted.~~
  4. ~~Drinking in areas other than those designated as areas where drinking is permitted.~~
  5. ~~Eating in areas other than those designated as areas where eating is permitted.~~

- 6. Possessing weapons or controlled substances on their persons.
- 7. Standing on seats.
- 8. Defacing the facilities.
- 9. Rushing the stage.

(2) "B" represents the applicant's compliance history. The director shall assign a numerical rating from 04 to 5 to the applicant's history of compliance with the applicable law, including but not limited to ordinances, rules, regulations and policies governing the any facilityies the applicant has previously occupied, particularly those ordinances, rules, regulations and policies that relate to the health and safety of the public or to the condition of the facilities. A rating of 04 represents consistent compliance with applicable lawsuch ordinances, rules, regulations and policies. ~~An applicant who has never occupied one or more of the facilities shall be given an initial rating of 3.~~

~~(3) C represents the applicant's history of meeting his financial obligations with the department. The director shall rate such history on a scale from 1 to 5. A rating of 1 represents the lowest risk of failure in meeting such financial obligations. In making a determination as to the rating of the applicant's history of meeting his financial obligations with the department, the director shall examine the records of the department for the three years prior to the date of the application. The director, in the course of such an examination, shall consider:~~

- ~~a. Whether the applicant has met his financial obligations to the city with regard to rental fees; and~~
- ~~b. Whether the applicant has met his financial obligations to the city with regard to any other charges that the city has assessed.~~

~~Applicants who have never occupied any facility shall be given an initial rating of 3.~~

(3) ~~D~~"C" represents the applicant's credit, rating which ~~T~~the director shall rate the ~~applicant's credit rating~~ on a scale of 04 to 5. A rating of 04 represents the best credit rating. In making a determination as to the rating that the ~~applicant's credit rating~~ should receive, the director shall consider one or more of the following:

- a. Financial Rreports from the owners or operators of other facilities that the applicant has occupied.

b. The applicant's history of meeting financial obligations with the department.

c. Financial reports or disclosures filed with a federal regulatory agency within the six month period preceding the submission of the application.

d. A report from at least one of the banks in which the applicant maintains a checking and/or savings account.

(4) E"D" represents the probability of incurring additional charges, including but not limited to equipment rental, in the form of charges for additional time, charges for the use of equipment of any type, or charges for use of additional square footage. The director shall assign a numerical rating on a scale of 0 to 5. A rating of 0 represents the lowest probability of incurring additional charges.

(b) The deposit indicator shall be applied to the following table to compute the amount of the damage deposit.

Deposit Indicator	Amount of Deposit
<u>0-10</u>	<u>\$0.00</u>
<u>11-20 19-26</u>	<u>\$1,000.00</u>
<u>21-35 27-40</u>	<u>\$2,000.00</u>
<u>36-50 41-60</u>	<u>\$4,000.00</u>
<u>51-60</u>	<u>\$6,000.00</u>
<u>61-6570</u>	<u>\$8,000.00</u>
<u>66-7071-80</u>	<u>\$10,000.00</u>

If the deposit indicator is greater than 870, the director may determine that the applicant is not entitled to occupy the facility or may require a license agreement damage deposit in an amount greater than the amounts in the table above.

(c) If additional information about an applicant comes to the attention of the director prior to an event, then the director may adjust the amount of the deposit to cover costs reasonably expected to be incurred during the event.

#### **Sec. 12-34. Priority of events; challenge.**

(a) Applications for use and occupancy of the Jesse H. Jones Hall for the Performing Arts or the Gus S. Wortham Theater Center shall be processed on a first-come-first-served basis and ~~and~~ Aan amended application shall be treated as a new application for purposes of determining priority, if the amendment causes a change of any date or time of occupancy of a ~~the requested~~ facility.

(b) Where an applicant for use and occupancy of the Jesse H. Jones Hall for the Performing Arts or the Gus S. Wortham Theater Center submits an application that is subject to approval in all respects but for the fact that there is already an approved applicant for use of any the requested facility at the same time, then the first approved applicant's requested liscenserental shall be challenged as follows:

- (1) The director shall cancel the first approved applicant's requested liscenserental, if the director determines that the second applicant's proposed use will result in at least as much revenue to the department and will result in greater economic benefit to the community, provided that the second applicant, within ten days of notice from the director, proceeds to take the steps necessary to become a licensee for the purposes proposed in his application.
- (2) If the director determines that the economic circumstances specified in item (1) do not exist, then the director shall notify the first approved applicant that his right of occupancy has been challenged and that he must take the steps necessary to become a licensee for the purposes proposed in his application. Challenges shall be conducted in accordance with rules promulgated for that purpose by the director.

#### **Sec. 12-35. Transition to licensee status.**

In order to become a licensee, an approved applicant must post any required damage deposit, provide proof of insurance in the amount required under regulations established by the director and pay or make a deposit toward the liscenserental fee in accordance with the rules promulgated by the director; then the approved applicant and the department shall execute a license agreement.

#### **Sec. 12-36. Cancellation by director.**

(a) The director may cancel an approved application in accordance with rules promulgated for that purpose in the event that the approved applicant fails to timely take any action that is necessary to become a licensee. In lieu of cancellation, the director may apply other remedies that are consistent with the terms of the director's rules and the license agreement.

(b) The director shall cancel any license agreement if the event being promoted or sponsored by the licensee has been declared obscene within the community of Houston, Texas, by a court of competent jurisdiction. The director may cancel a license agreement or order an event closed if injury or damage to the facilities or the licensees or patrons thereof is imminent.

(c) The director may cancel an event or order a licensee to close if the licensee does not use and occupy a facility or any specific portion thereof for the purpose described in the applicable license agreement.

(d) The director may cancel a license agreement upon any failure of the licensee to observe any of the terms of the license agreement or upon failure of the licensee to make payment(s) of his licenserental fee in a timely manner.

(e) Where additional information about a licensee comes to the attention of the director, the director may reassess the licensee's damage deposit determination under section 12-33 of this Code. Based upon the reassessment and consistent with section 12-33, the director may cancel the license agreement or require that the deposit amount be adjusted.

**~~Sec. 12-37. Cancellation by licensee--Refund.~~**

~~(a) A licensee may cancel his license agreement by delivering to the director written notification of the cancellation, which shall be effective upon the date the director receives the written notification.~~

~~(b) The provisions of this subsection are applicable to a cancelling licensee other than one who has obtained his license agreement by virtue of the provisions of subsection (b) of section 12-34 of this Code. The cancelling licensee shall be entitled to a refund of the rental fee for each definite date that the director resells. If the director is unable to resell a definite date previously held by a cancelling licensee, the cancelling licensee shall owe the city the amount of liquidated damages provided for in the cancelling licensee's license agreement.~~

~~(c) A cancelling licensee who has obtained his license agreement by virtue of the provisions of subsection (b) of section 12-34 of this Code shall not be entitled to a refund.~~

**~~Sec. 12-38. Same--Change of date.~~**

~~(a) A cancelling licensee who has obtained his license agreement by virtue of the provisions of subsection (b) of section 12-34 of this Code shall not be entitled to the amendment or reformation of the license agreement to provide for use or occupancy at a different time.~~

~~(b) This subsection applies to cancelling licensees other than those who are subject to subsection (a), above. The director shall promulgate rules under which license agreements may be amended or reformed to provide for use or occupancy at different times. For purposes of priority, a request to amend or reform shall have the same status as an original application for occupancy under section 12-34 of this Code.~~

**Secs. 12-37--12-38. Reserved.**

### **Sec. 12-39. Refund for unused space or time.**

No refund will be made to a licensee if the licensee does not use all of the space or time contracted for pursuant to the license agreement or for the purpose described in the license agreement.

### **~~Sec. 12-40. Director's reservations for the George R. Brown Convention Center.~~**

~~For conventions, trade shows, and corporate meetings, the director may place a temporary reservation on the George R. Brown Convention Center for a date or dates certain requested by a potential licensee to accommodate the potential licensee's planning and scheduling of the event. The director shall not extend such a temporary reservation unless he has substantial reason to believe that the potential licensee has serious intentions to utilize the facility and will be able to qualify to obtain a license agreement. During the period of a temporary reservation, the potential licensee shall have the same rights and privileges and shall be treated in all respects as an approved applicant. The director need not receive an application from the potential licensee in order to grant a temporary reservation. The potential licensee's right of occupancy may be challenged in the same manner as provided in section 12-34(b) of this Code.~~

### **Secs. 12-41~~40~~--12-45. Reserved.**

## **DIVISION 3. LICENSE FEES~~RENTAL RATES~~ FOR FACILITIES**

### **Sec. 12-46. Definitions.**

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

~~*Additional time* means the period of time during which a licensee occupies a facility in excess of the hours specified in his license agreement.~~

*Day, unless otherwise specified in the license agreement,* with respect to occupancy of the George R. Brown Convention Center, means the period of time from 6:00 a.m. to 11:59 a.m. and, with respect to all other facilities, means the period of time from 8:00 a.m. to 2:00 a.m.

*Event period* means:

- (1) Any period of six consecutive hours between the hours of 6:00 a.m. and 4:00 p.m.;
- (2) Any period of eight consecutive hours between the hours of 8:00 a.m. and 8:00 p.m.; or

- (3) The period of ten consecutive hours between the hours of 4:00 p.m. and 2:00 a.m. during which a licensee conducts an event in a facility.

*Exhibit space charge* means the license fee for exhibit space, which may be set at a per-event rate of \$0.5065 to \$2.004.25 per net square foot multiplied by the total exhibit space in square feet.

~~*Function space* means the Meeting Rooms, the Ballroom or the General Assembly Hall in the George R. Brown Convention Center, or any portion or combination thereof.~~

*Gross ticket sales* means that total dollar amount received from all tickets sold for all of a licensee's events, excluding any and all applicable taxes.

*Hour* means a period of time greater than 30 minutes and less than 61 minutes.

*License fee* means the sum of all charges prescribed in this chapter for the use or occupancy of a facility.

*Net square footage* means the total area of exhibit space, excluding registration, concession, lounge, aisle and cross-aisle areas.

*Non-event day* means a day on which the event for which the facility is occupied is not being conducted but during which the licensee requires access to the facility in order to set up or break down for the event or perform other incidental activities.

*Non-event period* means:

- (1) Any period of six consecutive hours between the hours of 6:00 a.m. and 4:00 p.m.;
- (2) Any period of eight consecutive hours between the hours of 8:00 a.m. and 8:00 p.m.; or
- (3) The period of ten consecutive hours between the hours of 4:00 p.m. and 2:00 a.m. during which a licensee does not actually conduct an event but requires access to the facility in order to set up, break down, or perform other incidental activities relating to an event.

~~*Rental charge* means the total rate per day or per session multiplied by the number of days or sessions the facility is occupied, as determined by the applicable rent table.~~

Tax-exempt rate means the license fee charged for non-exhibit space to the United States government, State of Texas, their agencies and political subdivisions and organizations that are exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; provided that the applicant must demonstrate to the sole satisfaction of the director that the applicant has a material role in the production of the event for which the facility is being licensed. For example, the director will review the following criteria to make his determination: if the applicant is (i) financially at risk for the staging and production of the event; (ii) executes contracts with the artists, production companies, and other event service providers that may be required; (iii) exercises significant control over the marketing campaign for the event including, but not limited to, placing the advertising with various mediums; and (iv) exercises significant control over ticket pricing and expenses. An applicant whose role is primarily signing the license agreement in exchange for payment to allow another organization the benefit of a reduced license fee shall not qualify for the tax-exempt rate.

#### **Sec. 12-47. Ticket surcharge.**

(a) In addition to the rental fees specified in this division for occupancy of the George R. Brown Convention Center, there is imposed a surcharge of not less than \$1.00 nor more than \$2.00 per ticket for each event, as determined by the director on the basis of the needs of the facility for maintenance, operation, and improvements. The proceeds of the ticket surcharge for the George R. Brown Convention Center shall be deposited in the department's operating fund and shall be utilized for any lawful purpose relating to maintenance, operation or improvement of the George R. Brown Convention Center as directed by the city council. ~~that shall be payable in the following amounts for each event to which an admission fee of \$5.00 or more per ticket is imposed:~~

\$1.00	<del>Upon each admission ticket sold at a face value of \$10.00 or more.</del>
\$0.50	<del>Upon each admission ticket sold at a face value of at least \$5.00 but less than \$10.00.</del>

(b) Surcharges within the same range and based on the same factors as those provided in subsection (a) of this section for the George R. Brown Convention Center are also imposed for occupancy of the Jesse H. Jones Hall for the Performing Arts and the Gus S. Wortham Theater Center in accordance with contractual provisions established between the city and operating companies using those facilities. If any one or more of the agreements with the operating companies expires or is terminated, the director shall implement the surcharge in accordance with rules that the director may prescribe for any facility for which no agreement has been reached. Proceeds from the surcharge, whether imposed contractually or by the director, shall be retained and utilized for backstage operation and maintenance, theatrical equipment and depreciable



capital improvements of the respective facilities and in accordance with the contract with the operating company, if a contract exists.

(c) As used herein, the term "ticket" includes all forms of entry control utilized to impose a fee of any sort for admission to an event with the exception of registration fees for a convention, entry charges for seated meal functions a class III event or fees charged for other functions of like character, where admission is typically by registration as determined by the director in his sole discretion. The surcharge shall be imposed in accordance with rules adopted by the director. In addition to any other deposits, the director may require a deposit for the anticipated surcharge and may require the licensee to use serially numbered tickets to ensure an accurate accounting of the surcharge. To the extent that the amount of the surcharge is subject to any tax or fee imposed by law, the licensee shall ensure that entry charges are adjusted or take whatever other action may be required to ensure that the director receives the full amount of the surcharge fee (\$1.00 or \$0.50, as applicable).

(d) The financial officers of the city shall be given access to box office records, ticket receipts and all other documents reasonably required to verify the licensee's accounting of the surcharge. The proceeds of the ticket surcharge for the George R. Brown Convention Center shall be deposited in the department's operating fund and shall be utilized for any lawful purpose relating to maintenance, operation or improvement of the George R. Brown Convention Center as directed by the city council.

(b) Surcharges that are equivalent to those provided in subsection (a) for the George R. Brown Convention Center are also imposed for occupancy of the Jesse H. Jones Hall for the Performing Arts and the Gus S. Wortham Theater Center in accordance with contractual provisions established between the city and operating companies using those facilities. If any one or more of the agreements with the operating companies expires or terminates, the director shall implement the surcharge in accordance with rules that the director may prescribe for any facility for which no agreement has been reached. Proceeds from the surcharge, whether imposed contractually or by the director, shall be retained and utilized for backstage operation and maintenance, theatrical equipment and depreciable capital improvements of the respective facilities and in accordance with the contract with the operating company, if a contract exists.

#### **Sec. 12-48. Negotiation of rates.**

Whenever in this division rates are made negotiable, a single figure license fee is stated, that amount, or the higher amount in a range of license fees, shall represent be the maximum license fee a licensee may be charged rate, and t The director may, however, set or agree to lower the license fee under Sectionssections 12-50 or 12-52 (other than the tax-exempt rate) or any license fee under Sectionsection 12-53rate, taking into account the following factors, provided that if the figures stated indicate a range of rates, the director shall not accept less than the minimum stated figure will endeavor to recover the established license fee for such occupancy:

- (1) Level and degree of competition with other comparable facilities;
- (2) Anticipated hotel occupancy tax revenues to the city;
- (3) Estimated food and beverage expenditure by the licensee and/or attendees at the facility;
- (4) Anticipated fees for concession (food and beverage, telecommunications, utilities services, audio-visual services, exhibitor booth cleaning, parking and other,) related fees and other incidental revenues to the department; and
- (5) Economic benefit to the community.

**Sec. 12-49. License fees Rates for other areas.**

All other areas of the properties not assigned a license fee rental charge by ordinance may be licensed rented at rates negotiated by the director if he concludes that such occupancy will not interfere with other scheduled events and will not interfere with the maintenance of such areas.

**Sec. 12-50. Occupancy Licensing of the Jesse H. Jones Hall for the Performing Arts.**

License fees Rental charges for occupancy of the Jesse H. Jones Hall for the Performing Arts shall be as follows:

**LICENSE RENTAL TABLE 12-50**  
**FOR THE**  
**JESSE H. JONES HALL FOR THE PERFORMING ARTS**

Category	Class-I License Fee	Class-II Tax-Exempt Rate
Per <u>event</u> day (for one presentation, performance or occurrence of one event)	10 percent of gross ticket sales, subject to minimum of \$3,700.00 and maximum of \$57,000.00	\$2,300.00 <u>2,871.00</u>
Per event period (for one presentation, performance or occurrence of one event)	<u>\$5,075.00</u> 10 percent of gross ticket sales, subject to minimum of \$2,700.00 and maximum of \$5,000.00	1,700.00 <u>\$2,122.00</u>
Per student event	1,100.00 <u>\$1,922.00</u>	750.00 <u>\$935.00</u>
Per non-event day	1,500.00 <u>\$3,144.00</u>	1,100.00 <u>\$1,373.00</u>

Per non-event period	<del>1,091.00</del> <u>\$2,304.00</u>	<del>818.00</del> <u>\$1,022.00</u>
Additional events in same time period	N/A	N/A
Additional time, per hour	325.00	325.00
Holiday premium	1 1/2 times regular rate	1 1/2 times regular rate

All license fees~~rental~~ rates that are expressed in dollar amounts in the foregoing license~~rental~~ table are for license agreements executed through and including July 31, 2009~~0~~. On August 1, 2000, the rates shall increase by four percent. On August 1 of each year thereafter, the rates shall increase by an amount equal to the percentage increase in the Consumer Price Index - All Urban Consumers for Houston-Galveston (CPI-U) for the preceding calendar year, provided that (i) if the CPI-U has not increased or if the amount of the percentage increase is less than one percent, then the license fees~~rental~~ rates shall nevertheless be increased by one percent, and (ii) further provided that if the CPI-U has increased by more than three percent, then the license fees~~rental~~ rates shall nevertheless be increased by only three percent. The director shall annually calculate the effective license fees~~rates~~ and make them available in his office upon request for public inspection. Each license agreement shall be subject to the license fees~~rental~~ rate that are~~is~~ in effect at the time of the execution of the license agreement pursuant to section 12-35 of this Code.

**Sec. 12-51. Reserved.**

Editor's note: Ord. No. 03-1174, § 9, adopted December 3, 2003, repealed § 12-51 in its entirety. Formerly, said section pertained to occupancy of the Music Hall and derived from Ord. No. 96-50, § 3, 1-17-96.

**Sec. 12-52. Occupancy Licensing of the Gus S. Wortham Theater Center.**

(a) Alice and George Brown Theater. License fees~~Rental~~ charges for occupancy of the Alice and George Brown Theater shall be as follows:

**LICENSERENTAL TABLE 12-52(a)**  
**FOR THE**  
**ALICE AND GEORGE BROWN THEATER**

Category	Class-I <u>License Fee</u>	Class-II <u>Tax-Exempt Rate</u>
Per <u>event</u> day (for one presentation, performance or occurrence of one event)	10 percent of gross ticket sales, subject to minimum of \$3,700.00 and maximum of <u>\$57,000.00</u>	<u>\$2,871.00</u> <del>2,300.00</del>
Per event period (for one presentation, performance or occurrence of one	<u>\$5,075.00</u> 10 percent of gross ticket sales,	<u>\$2,122.00</u> <del>1,700.00</del>

event)	subject to minimum of \$2,700.00 and maximum of \$5,000.00	
Per student event	\$1,922.001,400.00	\$935.00750.00
Per non-event day	\$3,144.001,500.00	\$1,373.001,400.00
Per non-event period	\$2,304.001,091.00	\$1,022.00818.00
Additional events in same time period	N/A	N/A
Additional time, per hour	325.00	325.00
Holiday premium	1 1/2 times regular rate	1 1/2 times regular rate

(b) Lillie and Roy Cullen Theater. ~~License fees~~Rental charges for occupancy of the Lillie and Roy Cullen Theater shall be as follows:

**LICENSERENTAL TABLE 12-52(b)  
FOR THE  
LILLIE AND ROY CULLEN THEATER**

Category	<u>Glass-I License Fee</u>	<u>Glass-II Tax-Exempt Rate</u>
Per <u>event</u> day (for one presentation, performance or occurrence of one event)	\$2,246.001,800.00	\$1,874.001,500.00
Per event period (for one presentation, performance or occurrence of one event)	\$1,997.001,600.00	\$1,499.001,200.00
Per student event	\$873.00700.00	\$873.00700.00
Per non-event day	\$1,248.001,000.00	\$1,248.001,000.00
Per non-event period	\$624.00500.00	\$624.00500.00
Additional events in same time period	1/2 regular rate	1/2 regular rate
Additional time, per hour	325.00	325.00
Holiday premium	1 1/2 times regular rate	1 1/2 times regular rate

All ~~license fees~~rental rates that are expressed in dollar amounts in the foregoing ~~license~~rental table are for license agreements executed through and including July 31, 2009. On August 1, 2000, the rates shall increase by four percent. On August 1 of each year thereafter, the ~~license fees~~rates shall increase by an amount equal to the percentage increase in the Consumer Price Index - All Urban Consumers for Houston-Galveston (CPI-U) for the preceding calendar year, provided that (i) if the CPI-U has not increased or if the amount of the percentage increase is less than one percent, then the ~~license fees~~rental rates shall nevertheless be increased by one percent, and (ii) further provided that if the CPI-U has increased by more than three percent, then the ~~license fees~~rental rates shall nevertheless be increased by only three percent. The director shall annually calculate the effective ~~license fees~~rates and make them available in his office upon request for public inspection. Each license agreement shall be subject to the ~~license fees~~rental rate that ~~are~~is in effect at the time of the execution of the license agreement pursuant to section 12-35 of this Code.

**Sec. 12-53. Occupancy Licensing of the George R. Brown Convention Center.**

(a) ~~Convention, or trade show or corporate meeting.~~ For a convention, or trade show or corporate meeting, license fees ~~charges shall be determined~~ are as follows:

(1) Exhibit Space. For event days including exhibit space, the license fee shall be the product of the applicable exhibit space charge multiplied by the greater of the projected net square footage, as determined by the director, or the actual net square footage used.

(2) Non-Exhibit Space. For event days not including exhibit space, the license fee shall be determined as set forth in License Table 12-53(a).

(3) Non-Event Days. For non-event days, the license fee shall be one half of the amount set forth in License Table 12-53(a); provided, however, that a licensee whose event includes exhibit space shall be allowed one and one-half complimentary non-event days per event day up to a maximum of five complimentary non-event days.

~~(1) Rental charges.~~ Rental charges shall be the greater of:

a. ~~Total rental charge, determined as set forth in Rental Table 12-53(a); or~~

b. ~~Total exhibit space charge, if applicable, where the net square footage is determined as follows:~~

~~(i) For a single exhibit hall, net square footage shall be equal to a minimum of 25 percent of the gross square feet.~~

~~(ii) For multiple exhibit halls, net square footage shall be equal to a minimum of 35 percent of the combined gross square feet.~~

**LICENSERENTAL TABLE 12-53(a)  
FOR CONVENTIONS OR, TRADE SHOWS  
OR CORPORATE MEETINGS**

Space	License FeeRate per Event Day
Each Exhibit Hall	<del>\$5,000</del> 1,600.00.00
Any one Ballroom Section	<del>\$2,000</del> 1,200.00
Any two Ballroom Sections	<del>\$4,000</del> 1,500.00
<del>All Any</del> three Ballroom Sections	<del>\$5,000</del> 2,000.00
Any one General Assembly Section	<del>\$2,000</del> 1,200.00
Any two General Assembly Sections	<del>\$3,000</del> 1,500.00

All Any three General Assembly Sections	<del>\$5,000</del> 2,000.00
Each Balcony Section	<del>\$750</del> 500.00
Each Meeting Room Section	<del>\$250</del> 200.00

(2) ~~Some rates negotiable.~~ Rates for non-exhibit and function space are negotiable. Consideration will be given to increased food and beverage, audio-visual, and utilities usage.

(3) ~~Additional charge for non-event days.~~

a. ~~With exhibits.~~ The licensee shall be allowed one and one-half complimentary non-event days per event day up to a maximum of five complimentary non-event days; additional non-event days shall be charged at the established rate per day.

b. ~~Without exhibits (general session or poster session) or for function space.~~ Non-event days shall be charged at one-half the established rate per day.

(b) Consumer show/class I event. For a Consumer show/class I event, the license feescharges shall be determined are as follows:

(1) Exhibit Space. For exhibit space event days, the license fee shall be the product of the applicable exhibit space charge multiplied by the greater of the projected net square footage as determined by the director, or the actual net square footage used; provided, however that the license fee shall not be less than the amount determined as set forth in License Table 12-53(b).

(2) Non-Exhibit Space. For non-exhibit space event days, the license fee shall be determined as set forth in License Table 12-53(b).

(3) Tax Exempt Rate. The tax-exempt license fee for non-exhibit space events days shall be determined as set forth in License Table 12-53(b).

(4) Non-Event Days. For non-event days, the license fee shall be one half of the amount set forth in License Table 12-53(b); provided, however, that a licensee whose event includes exhibit space shall be allowed one complimentary non-event day per event day up to a maximum of five complimentary non-event days.

(1) ~~Rental charges.~~ Rental charges shall be the greater of:

a. ~~Total rental charge, determined as set forth in Rental Table 12-53(b);~~

b. ~~Total exhibit space charge, if applicable; or~~

c. ~~Ten percent of gross ticket sales.~~

**LICENSE RENTAL TABLE 12-53(b)  
FOR CONSUMER SHOWS AND EVENTS**

Space	License Fee Rate per Event Day	Tax-Exempt Rate per Event Day
Each Exhibit Hall	\$7,000 <del>5,000.00</del>	\$5,000.00
Any one Ballroom Section	\$3,000 <del>2,000.00</del>	\$2,500.00
Any two Ballroom Sections	\$3,500 <del>2,500.00</del>	\$3,000.00
All Any three Ballroom Sections	\$4,000 <del>3,000.00</del>	\$3,500.00
Any one General Assembly Section	\$2,500 <del>2,000.00</del>	\$2,000.00
Any two General Assembly Sections	\$3,500 <del>2,500.00</del>	\$2,500.00
All Any three General Assembly Sections	\$5,000 <del>3,000.00</del>	\$3,000.00
Each Balcony Section	\$750 <del>500.00</del>	\$500.00
Each Meeting Room Section	\$250 <del>200.00</del>	\$200.00

(2) ~~Some rates negotiable.~~ If the licensee is renting one or more Exhibit Halls, the rental rates for function space shall be negotiable. Consideration will be given to increased food and beverage, audio-visual, and utilities usage.

(3) ~~Additional charge for non-event days.~~

a. ~~With exhibits.~~ The licensee shall be allowed one complimentary non-event day per event day up to a maximum of five complimentary non-event days; additional non-event days shall be charged at one half the established rate per day.

b. ~~Without exhibits (general session or poster session) or for function space.~~ Non-event days shall be charged at one half the established rate per day.

(c) ~~Class II event.~~ For a Class II event, charges are as follows:

(1) ~~Rental charges.~~ Rental charges shall be the greater of:

a. ~~Total rental charge, determined as set forth in Rental Table 12-53(c);~~  
~~or~~

b. ~~Ten percent of gross ticket sales.~~

**RENTAL TABLE 12-53(c)  
FOR CLASS II EVENTS**

Space	Rate per Day
Each Exhibit Hall	\$3,000.00
Any one Ballroom Section	2,000.00
Any two Ballroom Sections	2,500.00
Any three Ballroom Sections	3,000.00
Any one General Assembly Section	2,000.00
Any two General Assembly Sections	2,500.00
Any three General Assembly Sections	3,000.00
Each Balcony Section	500.00
Each Meeting Room Section	150.00

(2) ~~Some rates negotiable.~~ If a licensee is renting one or more Exhibit Halls, the rental rates for function space shall be negotiable. Consideration will be given to increased food and beverage, audio-visual, and utilities usage.

(3) ~~Additional charge for non-event days.~~ All non-event days shall be charged at one-half the established rate per day.

(cd) Meetings Class III event. License fees ~~F~~for a meeting a Class III event, charges are shall be determined as follows:

(1) ~~License fees~~Rental charges. Rental charges ~~The license fee for a meeting shall be determined as~~ are set forth in License~~Rental~~ Table 12-53(c).

(2) Tax Exempt Rate. The tax-exempt license fee for a meeting shall be determined as set forth in License Table 12-53(c).

(3) Non-Event Days. For non-event days, the license fee shall be one half of the amount set forth in License Table 12-53(c).

**LICENSE RENTAL TABLE 12-53(cd)**  
**FOR MEETINGS CLASS III EVENTS**

Space	Rate per <u>Event</u> Day	<u>Tax-Exempt</u> Rate per <u>Event Day</u>
Each Exhibit Hall	<del>\$5,000</del> 1,500.00	<del>\$3,500.00</del>
Any one Ballroom Section	<del>\$1,000</del> 500.00	<del>\$500.00</del>
Any two Ballroom Sections	<del>\$1,500</del> 600.00	<del>\$750.00</del>
<del>All</del> Any three Ballroom Sections	<del>\$2,000</del> 750.00	<del>\$1,000.00</del>
Each Balcony Section	<del>\$750</del> 500.00	<del>\$500.00</del>
Each Meeting Room Section	<del>\$250</del> 100.00	<del>\$200.00</del>

(3) ~~All rates negotiable.~~ Consideration will be given to increased food and beverage, audio-visual and utilities usage.



- (4) ~~Additional charge for non-event days. All non-event days shall be charged at one-half the established rate per day.~~

**Sec. 12-54. Additional time.**

~~Under no circumstances will a licensee be allowed to occupy a facility in excess of the hours specified in the license agreement, unless the director consents to such occupancy and the licensee pays the prescribed charge for the additional time.~~

**Secs. 12-545--12-60. Reserved.**

**DIVISION 4. PARKING RATES FOR PARKING FACILITIES**

**Sec. 12-61. Parking in the parking facilities.**

Rates for use of the parking facilities shall be as provided in this division.

**Sec. 12-62. Contract parking.**

(a) Subject to the provisions of section 12-64 of this Code, rates for unreserved noncontract parking shall be as follows:

- (1) Rates for contract parking in the Margaret Westerman City Hall Annex Parking Garage shall be an amount not to exceed \$101.62, plus any applicable sales tax, per month.
- (2) Rates for contract parking in the Theater District Garage shall be an amount not to exceed \$145.00, plus any applicable sales tax, per month.
- (3) Rates for contract parking in Lots C and H shall be an amount not to exceed \$46.19, plus any applicable sales tax, per month.

(b) Subject to the provisions of section 12-64 of this Code, the director is authorized to make reserved parking spaces available for an amount not to exceed \$250.00, plus any applicable sales tax, per space, per month.

(c) The director, for the mayor and on behalf of the city, may execute written contractual parking agreements upon standard forms, including such terms, conditions and stipulations as the city attorney may approve. The director may agree to hold a number of parking spaces or an established rate in the parking agreement for a period not to exceed three years. The contractual rates established by the director shall include the uniform terms, conditions and rates under which contractual parking agreements will be entered into. The provisions of this subsection shall apply to all parking facilities that are operated by the department.

(d) The director is authorized to extend reduced parking rates for use of the parking facilities to those non-city employees who are permanently assigned by their employers to work in city owned or operated office buildings and other city facilities.

(e) The fees set forth in this section shall not be applicable to elected officials of the city or employees of the city who, consistent with city policies for personnel parking, are authorized to park vehicles in the parking facility while at work. Those persons shall be entitled to park in their assigned parking facility without charge, if the parking is incidental to the performance of their duties of office or employment.

**Sec. 12-63. Noncontract parking.**

(a) Subject to the provisions of section 12-64 of this Code, rates for noncontract parking shall be as follows:

(1) For the Theater District Garage:

- a. At any time Monday through Friday, from 6:00 a.m. to 5:00 p.m., users shall be charged a rate to be established by the director between a minimum of \$1.39, plus any applicable sales tax, for each hour or fraction thereof, not to exceed \$5.54, plus any applicable sales tax, per day, and a maximum of \$2.77, plus any applicable sales tax, for each hour or fraction thereof, not to exceed ~~\$13.86~~\$13.868-34, plus any applicable sales tax, per day, per vehicle. In addition to the foregoing hourly rates, the director is authorized to establish special flat rates for parking in connection with events held during the foregoing hours and adjusted hours, if necessary. In determining whether to offer the special daytime event rate, the director shall take into consideration the event start time and the expected vehicle volume.
- b. At any time Monday through Friday, from 5:00 p.m. to 6:00 a.m. and all day on Saturdays and Sundays, users shall be charged an amount not to exceed \$6.45, plus applicable sales tax, per day, per vehicle.

- (2) For the various George R. Brown Convention Center surface lots operated by the department, users shall be charged an amount not to exceed \$13.86, plus any applicable sales tax, per 24-hour period, or any portion thereof, per vehicle. The director is authorized to set aside a number of parking spaces for use of the event operator's vehicles; the privilege of such use is to be included without additional charge in the license agreement for occupancy of the George R. Brown Convention Center. Notwithstanding the foregoing rates, there shall be no charge to department employees assigned by the director to park in these lots.

- (3) For the Margaret Westerman City Hall Annex Parking Garage when operated by the department for event parking, users shall be charged an amount not to exceed \$4.62, plus applicable sales tax, per day, per vehicle.
- (4) For Lot C, being that parking lot bounded by Memorial Drive, West Capitol, Buffalo Bayou, and Interstate 45:
  - a. Monday through Friday, from 6:00 a.m. to 5:00 p.m., or any fraction thereof: Not more than \$2.77, plus any applicable sales tax, per day.
  - b. Special events parking, Monday through Friday, from 5:00 p.m. to 6:00 a.m., with allowances for show times scheduled outside that period, and all day Saturday, Sunday, and holidays, or any fraction thereof: Not less than \$1.85, nor more than \$2.77, plus any applicable sales tax, per day.
- (5) For Lot H, being that parking lot bounded by Memorial Drive, Interstate 45, and Sabine Street:
  - a. Monday through Friday, from 6:00 a.m. to 5:00 p.m., or any fraction thereof: Not more than \$2.77, plus any applicable sales tax, per day, provided that no fee shall be imposed for persons serving as jurors in the municipal courts.
  - b. Special events parking, Monday through Friday, from 5:00 p.m. to 6:00 a.m., with allowances for show times scheduled outside that period, and all day Saturday, Sunday, and holidays, or any fraction thereof: Not less than \$1.85, nor more than \$2.77, plus any applicable sales tax, per day.
- (6) For the municipal courts parking lot, being that parking lot bounded by Lubbock, Reisner, West Capitol, and Houston Avenue:
  - a. Monday through Saturday, from 6:30 a.m. to 10:30 p.m., or any fraction thereof: \$3.00, which includes any applicable sales tax, for the first hour or any fraction thereof, and \$1.00, which includes any applicable sales tax, for each additional hour or fraction thereof with a maximum fee of \$10.00, which includes any applicable sales tax; the maximum fee shall also be imposed for users who lose their time-in ticket.
  - b. Special events parking for all day Saturday, Sunday or designated city holiday, or any fraction thereof: \$2.50, which includes any applicable sales tax, per day.

- c. Municipal courts employees working evening or night time shifts: \$0.50, which includes any applicable sales tax, per work shift.

(b) For purposes of the foregoing rates, a holiday that falls on a weekday shall be treated the same as a Saturday or Sunday.

(c) The rates provided in this section do not include in-and-out privileges, and the fee will be imposed for each time the vehicle is parked in, at or upon the facility.

(d) The director is authorized to establish rules related to parking within the facilities as he may deem necessary.

**Sec. 12-64. Rate adjustments by director.**

(a) Wherever in sections 12-62 and 12-63 of this Code rates are stated as not to exceed maximum amount or the director is authorized to set rates within a range or offer special rates, the actual rate shall be deemed by the director. The director shall seek to establish rates in consideration of market conditions and with a view to maximizing the city's total recovery of revenue from the parking facilities. Without limitation, the director may offer incentives to encourage contract parking based on volume or new accounts.

(b) The director shall ensure a copy of the current parking rates established pursuant to this subsection is maintained for public inspection in the offices of the director and the city secretary or is otherwise made available to the public

**~~Secs. 12-65--12-100. Reserved.~~**

## PROPOSED REVISIONS TO CHAPTER 12 OF THE CODE OF ORDINANCES

<b>Amend Sec. 12-1 (Definitions)</b> to delete the following terms and definitions: Class I, Class II, Class III, Nonprofit organization, Occupancy, Rental fee. <b>Reason:</b> Under the amendments, Classes I, II, and III have been restructured as Consumer Shows and Meetings. The term "Occupancy" is generally substituted by "licensed" for accuracy and the terms "Nonprofit Organization" and "Rental fee" have been revised as "Tax exempt rate" and "License Fee" under the proposed changes to Section 12-46.
<b>Amend Sec. 12-1 (Definitions)</b> to delete the following terms and definitions: Firearm, Gun show, Outdoor trade show. <b>Reason:</b> As a result of previous amendments, the terms "Firearm", "Gun show" and "Outdoor trade show" are not used anywhere in Chapter 12. Thus, these definitions are unnecessary and should be deleted.
<b>Amend Sec. 12-1 (Definitions)</b> to add the following terms and definitions: Consumer Show, Meeting, Theater District Outdoor Venues. <b>Reason:</b> The new definitions for "Consumer show" and "Meeting" are needed as part of the restructuring of rate schedules for the facilities. A definition for "Theater District Outdoor Venues" is needed to identify the outdoor venues operated by the department with greater specificity.
<b>Amend Sec. 12-1 (Definitions)</b> to revise the definitions for Convention, Event, Facility, Licensee, Parking Facility, Season of events, and Student event. <b>Reason:</b> The revisions will clarify how these terms are used throughout Chapter 12 and are also needed as part of the restructuring of rate schedules for the facilities.
<b>Amend Sec. 12-5(3) &amp; 12-5(5) (Duties of the director)</b> to delete the phrases "rental and" and replace "Rent" with "License". <b>Reason:</b> The facilities are licensed, not rented.
<b>Amend Sec. 12-5(5) (Duties of the director)</b> to add the phrase "and other city-owned property operated and managed by the department". <b>Reason:</b> This addition would allow the director to sign license agreements for use of Miller Outdoor Theatre.
<b>Delete Sec. 12-5(7) (Duties of the director)</b> which reads "Administer the city's residential parking permit program contained in article XVII of chapter 45 of this Code or appoint a designee to carry out such function". <b>Reason:</b> This duty has been reassigned to GSD/Parking Management.
<b>Renumber Sec. 12-5(8) (Duties of the director)</b> as 12-5(7). <b>Reason:</b> The former Section 12-5(7) has been deleted.
<b>Amend Sec. 12-6 (Hearing)</b> to delete the phrase "rental or". <b>Reason:</b> Under the amendments, the definition of "rental fee" has been replaced with the term "license fee".
<b>Amend Article II (Rental of Facilities)</b> to replace "rental" with "licensing". <b>Reason:</b> Under the amendments, the definition of "rental fee" has been replaced with the term "license fee".
<b>Amend Sec. 12-21 (License Agreement)</b> to add the phrase "and any amendments thereto for the facilities and other city-owned property operated and managed by the department". <b>Reason:</b> To clarify that the director may execute amendments to facility license agreements.
<b>Amend Sec 12-22 (General admission seating prohibited)</b> to add the phrase "at any facility". <b>Reason:</b> To clarify that general admission seating is generally prohibited at all venues.
<b>Amend Sec 12-23 (City owned/sponsored events)</b> to delete the words and phrases "of similar character", "unless otherwise provided by the director", "secondary to conventional uses by license agreement and shall be", "seek", "rental fee" and "whichever is less" and add "endeavor" and "lesser of the estimated license fee". <b>Reason:</b> To clarify the requirements of the section.
<b>Amend Article II, Division 2 (Rental Provisions)</b> to replace "rental" with "licensing". <b>Reason:</b> Under the amendments, the definition of "rental fee" has been replaced with the term "license fee".
<b>Amend Sec. 12-31(a) (Application)</b> to replace "in any form deemed acceptable" and add "for any purpose other than a convention or tradeshow" and "on a standard form in accordance with rules promulgated". <b>Reason:</b> To clarify that license application forms are standardized and excuse larger events the city is actively seeking to host (e.g., Microsoft conventions) from the application process.
<b>Amend Sec. 12-31(a) (Application)</b> to delete "Without limitation, the director may require the submission of a non-refundable application processing fee, which shall not be

## PROPOSED REVISIONS TO CHAPTER 12 OF THE CODE OF ORDINANCES

applied toward any rental fees, to defray costs of processing the application”.

**Reason:** This change was recommended by the legal department; as no license application processing fee is charged, this reference is unnecessary.

**Amend Sec. 12-31(b)(4) and (b)(5) (Application)** to add “of this Code”.

**Reason:** These housekeeping changes were recommended by the legal department for clarity.

**Amend Sec. 12-31(c) (Application)** to replace “one” with “a single” and “a season of events or a run of” with “one or more”.

**Reason:** To clarify that separate applications are not required of licensees scheduling multiple events.

**Amend Sec. 12-32(b)(2) (Advance booking periods)** to add the term “first”.

**Reason:** For accuracy, as the majority of events at the facility last more than one day.

**Amend Sec. 12-33 (Risk index; damage deposit)** to replace “Risk index; damage” with “Contract” and the phrase “in the application” with “by the applicant”.

**Reason:** In practice, the method of determining the deposit is more quantitative than an assessment of risk and the most frequent deductions from deposits are for routine costs such as equipment rental. The change from “application” to “applicant” is for clarification purposes.

**Amend Sec. 12-33(a) (Risk index; damage deposit)** to delete “+3E” from the deposit indicator formula.

**Reason:** Originally, there were five factors to consider in processing a license application. Under these amendments, the criterion relating to the applicant’s history of meeting financial obligations with the department has been merged into the assessment of the applicant’s credit (due to the fact that many applicants have not licensed a department facility previously). As a result, a fifth factor in the license application review process is no longer needed.

**Amend Sec. 12-33(a)(1) (Risk index; damage deposit)** to make housekeeping changes, expand subsections (a) & (b), and add a new subsection (c).

**Reason:** Out of concern for the safety of persons and property, the proposed amendments will generalize the criteria that may be considered when evaluating the probability of damage or injury during the applicant’s event. A new subsection (c) is added to permit consideration of high-risk events (e.g., concerts and sporting events) as part of that assessment.

**Delete Sec. 12-33(a)(1)(c), (d), and (e) (Risk index; damage deposit)**

**Reason:** Due to the generalization of the criteria that may be considered during the probability of damage or injury assessment under the amendments, these subsections are no longer needed.

**Amend Sec. 12-33(a)(2) (Risk index; damage deposit)** to make housekeeping changes, generalize, and delete the default rating.

**Reason:** Expanding the “compliance” criterion to include all applicable law governing any facility the applicant has occupied will result in a more accurate and empirical assessment of potential licensees. A default rating is unnecessary due to the proposed expansion of what factors may be considered.

**Delete Sec. 12-33(a)(3) (Risk index; damage deposit)**

**Reason:** These criteria have been incorporated into the credit evaluation portion of the license application equation.

**Renumber Sec. 12-33(a)(4) (Risk index; damage deposit)** as 12-33(a)(3) and **Amend** to make certain housekeeping changes and include a numerical scale.

**Reason:** The former Section 12-33(a)(3) has been deleted. The proposed changes will generalize the criteria that may be considered and include a scale to match the other portions of the formula.

**Amend Sec. 12-33(b) (Risk index; damage deposit)** to adjust the ranges of potential scores to 0-10, 11-20, 21-35, 36-50, 51-60, 61-65, and 66-70 and add the figures \$0 and \$6,000 to the associated list of deposit amounts.

**Reason:** The proposed changes are needed to reflect changes under the amendments to the deposit indicator formula and to provide a more consistent and empirical distribution of potential scores.

**Add Sec. 12-33(c) (Risk index; damage deposit)** to read “If additional information about an applicant comes to the attention of the director prior to the event, then the director may add to the deposit an amount necessary to cover costs reasonably expected to be incurred during the event”.

**Reason:** To allow a pre-event adjustment in the amount of the deposit required from licensees to cover actual costs. A licensee could, for example, change the floor plan for their event (increasing their need for equipment such as tables and chairs) or elect to sell tickets for their event (thereby incurring a ticket surcharge). This change will ensure that payment is secured up front and reduce the administrative burden of collecting payment after the event.

**Amend Sec. 12-34(a) & (b) (Priority of events; challenge)** to limit the applicability of the section to Jones Hall and Wortham Theater Center.

## PROPOSED REVISIONS TO CHAPTER 12 OF THE CODE OF ORDINANCES

**Reason:** The challenge process is not needed at other facilities. Specifically, a greater degree of flexibility is needed at the George R. Brown Convention Center to accommodate large conventions likely to provide significant economic benefit to the City. Multiple requests for use of smaller venues, such as Root Memorial Square, is quite rare.

**Amend Sec. 12-34(b) & (b)(1) (Priority of events; challenge)** to replace two occurrences of the word “rental” with “license”.

**Reason:** Under the amendments, the definition of “rental fee” has been replaced with the term “license fee”.

**Amend Sec. 12-35 (Transition to licensee status)** to replace the word “rental” with “license”.

**Reason:** Under the amendments, the definition of “rental fee” has been replaced with the term “license fee”.

**Amend Sec. 12-36(d) (Cancellation by director)** to replace the word “rental” with “license”.

**Reason:** Under the amendments, the definition of “rental fee” has been replaced with the term “license fee”.

**Delete Sec. 12-37 (Cancellation by licensee – Refund)**

**Reason:** As written, this section entitles any licensee who cancels their agreement to a refund if their space is resold; it neglects important details and scenarios, such as a deadline for cancellation, an existing default by a licensee, and the issue of charges already incurred by the licensee prior to cancellation. Accordingly, we believe these issues need to be addressed with a far greater degree of specificity and are best covered in the license agreement.

**Delete Sec. 12-38 (Same – Change of Date)**

**Reason:** This section is no longer necessary, as the director’s ability to execute amendments to license agreements has been added to Section 12-21.

**Delete Sec. 12-40 (Director’s reservations for the George R. Brown Convention Center)**

**Reason:** The temporary reservation process is no longer needed at the George R. Brown Convention Center. A greater degree of flexibility is called for in order to accommodate large conventions likely to provide significant economic benefit to the City.

**Amend Article II, Division 3 (Rental Rates for Facilities)** to replace “rental” with “licensing”.

**Reason:** Under the amendments, the definition of “rental fee” has been replaced with the term “license fee”.

**Amend Sec. 12-46 (Definitions)** to delete the terms “Additional Time”, “Function space” and “Rental charge”.

**Reason:** Under the proposed amendments, the terms are no longer used in Chapter 12. The issue of additional time (i.e., holdover) will be addressed in facility license agreements. References to “Function Space” have been replaced with “non-exhibit space” and “Rental charge” revised as “License fee”.

**Amend Sec. 12-46 (Definitions)** to add the following terms and definitions: License fee, Net square footage, and Tax-exempt rate.

**Reason:** The terms “License fee” and “Tax exempt rate” replace “Rental charge” and “Non profit organization”, which will be deleted under these amendments. A definition for “Net square footage” is needed to clarify the manner in which licensees are charged for exhibit space.

**Amend Sec. 12-46 (Definitions)** to revise the definitions for “Day” and “Exhibit Space”.

**Reason:** The proposed revision to the term “Day” recognizes that not all events take place within a twenty-four hour period; in practice, the majority end by 11:59 p.m. and some licensees desire to move in prior to 6:00 a.m. The changes to “Exhibit space charge” reflects an adjustment to the range based on current market conditions and clarifies that the fee is imposed on a per-event basis (as opposed to a per day charge).

**Amend Sec. 12-47(a) (Ticket Surcharge)** to set the amount of the surcharge up to two dollars per ticket.

**Reason:** To reflect current market conditions for use of similar facilities for ticketed events.

**Number the second paragraph of Sec. 12-33(a)(4) (Ticket Surcharge)** as 12-47(c).

**Reason:** To clarify that these sections apply to all facilities.

**Number the third paragraph of Sec. 12-33(a)(4) (Ticket Surcharge)** as 12-47(d).

**Reason:** To clarify that these sections apply to all facilities

**Amend Sec. 12-48** to delete “rates are made negotiable” and to clarify when rates are negotiable.

**Reason:** References to negotiable rates in other sections have been centralized in Section 12-48 and the criteria for negotiation have been defined with greater specificity.

**Amend Sec. 12-49 (Rates for other areas)** to replace “Rates”, “rental charge” and “rented”.

**Reason:** Under the amendments, the definition of “rental fee” has been replaced with the term “license fee”.




## PROPOSED REVISIONS TO CHAPTER 12 OF THE CODE OF ORDINANCES

<b>Amend Sec. 12-50 (Occupancy of the Jesse H. Jones Hall for the Performing Arts)</b> to replace "Occupancy", "Rental charges" and "rental rates". <b>Reason:</b> Under the amendments, the definition of "rental fee" has been replaced with the term "license fee" and the term "Occupancy" substituted by "licensing".
<b>Amend Sec. 12-50 (Occupancy of the Jesse H. Jones Hall for the Performing Arts)</b> to delete references to Class I, Class II, and Additional Time and adjust the applicable rates for licensing these facilities. <b>Reason:</b> The "Class I" general rate and "Class II" category for tax exempt licensees are no longer used due to the rate structure changes under the proposed amendments. Accordingly, they will be relabeled as "License fee" and "Tax-Exempt rate". The rates for use of the facilities have been adjusted due to changes in the Consumer Price Index as well as to reflect current market conditions.
<b>Amend Sec. 12-52 (Occupancy of the Gus S. Wortham Theater Center)</b> to replace "Occupancy" with "Licensing" and "rental charges" with "License fees". <b>Reason:</b> Under the amendments, the definition of "rental fee" has been replaced with the term "license fee" and the term "Occupancy" substituted by "licensing".
<b>Amend Sec. 12-52(a) and 12-52(b) (Occupancy of the Gus S. Wortham Theater Center)</b> to delete references to Class I, Class II, and Additional Time and adjust the applicable rates. <b>Reason:</b> Just like Section 12-50, the "Class I" and "Class II" categories are replaced with "License fee" and "Tax-Exempt rate", respectively. The rates for use of the Wortham theaters have also been adjusted due to changes in the Consumer Price Index as well as to reflect current market conditions.
<b>Amend Sec. 12-53 (Occupancy of the George R. Brown Convention Center)</b> to replace "Occupancy" with "Licensing". <b>Reason:</b> Under the amendments, the term "occupancy" has been replaced by "licensing".
<b>Amend Sec. 12-53(a) (Occupancy of the George R. Brown Convention Center)</b> to adjust rates and the structure of license fees. <b>Reason:</b> A key goal of the proposed amendments is to more accurately reflect the manner in which facility space is and can be used. Accordingly, subcategories are added to specify how license fees are to be calculated for exhibit space, non-exhibit space and non-event days (e.g., move in and move out). References to "corporate meeting" are to be deleted, as fees for all meetings will be incorporated into the amended Section 12-53(c). License fees for conventions and trade shows have been adjusted to reflect current market conditions.
<b>Amend Sec. 12-53(b) (Occupancy of the George R. Brown Convention Center)</b> to adjust rates and the structure of license fees. <b>Reason:</b> As amended, this section replaces the former "Class I" with "Consumer show" as part of the overall restructuring of rate categories. Like Section 12-53(a), subcategories are added to specify how license fees are to be calculated for exhibit space, non-exhibit space and non-event days (e.g., move in and move out). This section, however, will add a special rate category for tax exempt licensees. License fees have been adjusted to reflect current market conditions.
<b>Delete Sec. 12-53(c)</b> <b>Reason:</b> The "Class II" category for tax exempt licensees is no longer used separately under the proposed amendments. Instead, this special rate category will be incorporated into other portions of Section 12-53 based on the purpose for which the facility space is used (i.e., a consumer show or meeting).
<b>Renumber Sec. 12-53(d) as 12-53(c) and Amend</b> to adjust rates and the structure of license fees. <b>Reason:</b> The former Section 12-53(c) has been deleted. As part of the restructuring of rate categories, "Class III" meal function events will be replaced with a catch-all category for meetings (i.e., any event other than a convention, trade show, or consumer show). Like Section 12-53(b), a special rate category for tax exempt licensees will be added and license fees have been adjusted to reflect current market conditions.
<b>Delete Sec. 12-54 (Additional Time)</b> <b>Reason:</b> Under the proposed amendments, the term "additional time" is no longer used in Chapter 12. A set charge assessed to licensees who occupy a facility for an extended period of time (beyond their license agreement) was intended to dissuade them from doing so, but the amount is often minimal to licensees who have licensed large portions of the facilities. Thus, we believe that the issue of holdover should be addressed in the license agreements for the facilities and tied to a set percentage of the license fee.
<b>Amend Sec. 12-63 (Noncontract Parking)</b> to adjust the applicable rate for the Theater District Garage. <b>Reason:</b> Under the proposed amendments, the rate for noncontract parking will be adjusted from \$8.31 to \$13.86 to reflect current market conditions.



## REQUEST FOR COUNCIL ACTION

SUBJECT: Amend Sec. 116.2 of the City of Houston Building Code to correct a scrivener's error.		Page 1 of 1	Agenda Item # <b>13</b>
FROM (Department or other point of origin):  Legal		Origination Date September 2, 2008	Agenda Date <b>OCT 01 2008</b>
DIRECTOR'S SIGNATURE: 		Council District affected:  All	
For additional information contact: Don Cheatham Phone: 832-393-6437		Date and identification of prior authorizing Council action: 2004-1015; 2006-5	
RECOMMENDATION: (Summary) Pass an ordinance amending Sec. 116.2 of the City of Houston Building Code to correct a scrivener's error relating to the designation of the appropriate Department Director.			
Amount and Source of Funding:			
<u>SPECIFIC EXPLANATION:</u> Ordinance No. 2006-5, passed by the City Council on January 4, 2006, adopted the 2003 International Building Code and the City of Houston modifications to such Code and contained an error in Sec. 116.2 making reference to the Director of Planning and Development. Such reference was an error that was missed at the time of preparation of Ordinance 2006-5, and such reference should have read, "Director of Public Works and Engineering." The proposed ordinance is designed to correct this omission and ensure that the relevant provisions of the City of Houston's Building Code are true, correct and up to date.			
K:\RCA\RDC3612			
REQUIRED AUTHORIZATION			
Other Authorization:	Other Authorization:	Other Authorization:	

**116.2 Hearings.** Except where otherwise specifically provided, all hearings held pursuant to this code shall be conducted by the Director of ~~Planning and Development~~ Public Works and Engineering or a representative, who shall hereinafter be referred to as the "hearing official." The director shall not designate any person to be a hearing official under this code who has taken any part in the investigation of the matter that is the subject of the hearing or any person who directly supervised the investigation. The hearing official shall consider only the evidence presented at the hearing in rendering a decision. The decision of the hearing official shall be set forth in writing and shall be served on each party in the same manner as a notice of a right to a hearing.

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:** Ordinance authorizing the Preliminary Official Statement, distribution of the Preliminary Official Statement and proceeding with the sale of the Public Improvement Refunding Bonds Series 2008A and Certificates of Obligation Series 2008B.

**Category #**

**Page 1 of 3**

**Agenda Item#**

*14E15*

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

Finance Department and Office of City Controller

**Origination Date**

9/26/2008

**Agenda Date**

**OCT 01 2008**

**DIRECTOR'S SIGNATURE:**

*Annise D. Parker*

**Council Districts affected:** All

**For additional information contact:**

Charles Leal

**Phone:** (713) 837-9892

Jim Moncur

**Phone:** (832) 393-3525

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

**RECOMMENDATION:** (Summary) Approve an Ordinance authorizing the Preliminary Official Statement (the "POS"), distribution of the POS, and proceeding with a negotiated sale of the City of Houston, Texas, Public Improvement Refunding Bonds Series 2008A and Certificates of Obligation Series 2008B in an aggregate amount not to exceed \$423 million; including authorizing the Mayor and City Controller to approve the amount, interest rate, price and terms thereof, execute the purchase contract and other agreements related to the issuance of the bonds, and making other provisions regarding such bonds and matters incident thereto.

**Amount of Funding:** N/A

**Finance Budget:**

**SOURCE OF FUNDING:**

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

**SPECIFIC EXPLANATION:**

The Finance Working Group (the "FWG") is recommending refunding certain general obligation commercial paper notes, issuing Certificates of Obligation, and financing all related costs of issuance. The City has been issuing variable rate commercial paper to fund the adopted Capital Improvement Program and equipment procurements for a number of years. The annual financing plan provides for the periodic refunding of this commercial paper to fixed rate debt. The City's policy is to refund commercial paper when variable rate debt exceeds 20 percent. Currently variable rate debt is approximately 20.9 percent.

The current financial environment and tight liquidity makes it prudent to refund more commercial paper than we perhaps would have in past years to ensure sufficient appropriation capacity until the next refunding. The FWG therefore recommends the City issue up to \$423 million (as detailed on the following pages) to refund various commercial paper notes and issue Certificates of Obligation.

## **Public Improvement Refunding Bonds Series 2008A**

The Series D commercial paper program is used to provide appropriations capacity and on time funding for capital improvement categories authorized by the voters in the 2001 and 2006 bond election. The Series E commercial paper program is used to provide appropriations capacity and on time funding for the acquisition of vehicles and equipment used in general City operations, including computer equipment and software, and communications equipment. The Series F commercial paper program is used to provide appropriations capacity and on time funding for drainage projects and improvements. The refunding of these commercial paper lines will provide additional appropriations capacity in each of these areas.

## **REQUIRED AUTHORIZATION**

**Finance Director:**

**Other Authorization:**

**Other Authorization:**

<b>Date:</b>	<b>Subject:</b> Ordinance authorizing the Preliminary Official Statement, distribution of the Preliminary Official Statement and proceeding with the sale of the Public Improvement Refunding Bonds Series 2008A and Certificates of Obligation Series 2008B.	<b>Originator's Initials</b>	<b>Page 2 of 3</b>
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### Certificates of Obligation Series 2008B

Several of the Tax Increment Reinvestment Zones ("TIRZ") have requested assistance with financing certain capital improvement needs, with the intention that TIRZ revenues be used to repay the borrowing associated with these needs. The City has proposed issuing certificates of obligation for these purposes. The anticipated needs total approximately \$30 million.

### Summary of Both Series

The following table further summarizes the combined proposed transaction:

### **Public Improvement Refunding Bonds Series 2008A**

<b>Component being Refunded</b>	<b>Up To</b>	<b>Use</b>
Refund CP Series D	\$245,000,000	<b>CIP</b>
Refund CP Series F	\$50,000,000	<b>Drainage</b>
Refund CP Series E	\$45,000,000	<b>EAF - Rolling Stock</b>
Refund CP Series E	\$8,000,000	<b>EAF - IT</b>
Refund CP Series E	\$45,000,000	<b>EAF - Reimbursable</b>

**Series A Up to: \$393,000,000**

### **Certificates of Obligation, Series 2008B**

TIRZ CIP Plan Funding	\$30,000,000	
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**Series B Up to: \$30,000,000**

**Total Up to: \$423,000,000**

This transaction was presented to the Fiscal Affairs Committee on July 29, 2008 and reported out favorably. Some changes in allocations have been made since that Fiscal Affairs Committee review, as detailed below:

- A portion of the requested TIRZ CIP Plan Funding has already been spent as EAF – Reimbursable and therefore the Certificates of Obligation Series 2008B has decreased and Series 2008A EAF – Reimbursable correspondingly increased. TIRZ revenues will still repay the portion reallocated to refund Series E Commercial Paper EAF – Reimbursable.
- A general reallocation of refunding amounts of Series E Commercial Paper.

<b>Date:</b>	<b>Subject.</b> Ordinance authorizing the Preliminary Official Statement, distribution of the Preliminary Official Statement and proceeding with the sale of the Public Improvement Refunding Bonds Series 2008A and Certificates of Obligation Series 2008B.	<b>Originator's Initials</b>	<b>Page 3 of 3</b>
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The Finance Working Group recommends the Series 2008A Bonds and Series 2008B Certificates be issued through a negotiated financing with Goldman, Sachs & Co. serving as book running manager along with Loop Capital Markets, LLC, Morgan Stanley, and Rice Financial, as co-senior managers. Fidelity Capital Market Services, Piper Jaffray & Co., Siebert Brandford Shank, Southwest Securities, Inc., and Wachovia Securities are recommended as co-managers. Vinson & Elkins and Edgardo E. Colon are recommended as co-bond counsel. Bracewell & Giuliani and Monty Partners LLP are recommended as co-disclosure counsel. The co-financial advisors are First Southwest Company and Estrada Hinojosa & Company.

Finally, First Southwest Company is on retainer as Financial Advisor for the City and over the last year they have done significant work outside the scope of their contract. The City has been involved in a prolonged effort to restructure the \$300 Million Collateralized Note to the Houston Municipal Employees Pension System and to refund certain Houston Airport System obligations. At least \$245 million (and up to \$345 million) of auction rate securities issued by the Houston Airport System are being restructured. During these transactions, the City has relied heavily on the advice and efforts of First Southwest Company. First Southwest Company has also provided significant support with the recently enacted Drainage Set Aside Funding Initiative. This additional effort is beyond what was originally considered in the Financial Advisor contract. Therefore, the Finance Working Group recommends approval of a one-time restructuring fee in the amount of \$300,000.

Recommendation- The Finance Working Group recommends that the City proceed with this transaction.

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:** An Ordinance authorizing issuance of City of Houston, Texas Taxable Pension Obligation Bonds Series 2008B; authorizing the execution and delivery of a paying agent/registrars agreement and a bond purchase agreement; approving the use of a preliminary official statement and matters incident thereto

Category #

Page 1 of 1

Agenda Item#

16

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

Finance Department and Office of City Controller

Origination Date

9/26/2008

Agenda Date

OCT 01 2008

**DIRECTOR'S SIGNATURE:**

*Annise D. Parker*  
*Michelle Mitchell*

Council Districts affected:

All

**For additional information contact:**

Charles Leal

Phone: 713-837-9892

Jim Moncur

Phone: 713-247-2950

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

July 23, 2008 – 2008-660

**RECOMMENDATION: (Summary)**

Approve an Ordinance authorizing issuance of City of Houston, Texas Taxable Pension Obligation Bonds Series 2008B; authorizing the execution and delivery of a paying agent/registrars agreement and a bond purchase agreement; approving the use of a preliminary official statement and matters incident thereto

**Amount of Funding:** N/A

**SOURCE OF FUNDING:**

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

**SPECIFIC EXPLANATION:**

On July 23, 2008, City Council approved Ordinance 2008-660, which authorized the issuance of City of Houston, Texas Taxable Pension Obligation Refunding Bonds, Series 2008A. The City anticipates an additional scheduled payment of \$20 million to the Houston Police Officers' Pension System in February of 2009. In the interest of transactional efficiency, the Finance Working Group recommends including this commitment in the previously approved transaction. This additional issuance will be designated as Taxable Pension Obligation Bonds, Series 2008B. The not to exceed amount of \$450 million will be unchanged.

The Finance Working Group recommends approval of this item.

## REQUIRED AUTHORIZATION

**Finance Director:**

**Other Authorization:**

**Other Authorization:**

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8038

**Subject:** Ordinance approving the application and acceptance of a grant award from the Department of Homeland Security, Assistance to Firefighters Grant and appropriating the required matching funds from the FY09 Equipment Acquisition Fund (Fund 1800).

Category #  
2

Page 1 of 1

Agenda Item

17 + 17A

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

Phil Boriskie  
Fire Chief  
Fire

**Origination Date**

August 29, 2008

**Agenda Date**

OCT 01 2008

**DIRECTOR'S SIGNATURE**

*Phil Boriskie*

**Council District(s) affected**  
All

**For additional information contact:**

Karen Dupont  
Jack Williams

Phone: (713) 859-4934

Phone: (713) 247-8793

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

**RECOMMENDATION: (Summary)**

Approve an Ordinance to apply for and accept a Federal grant from the Department of Homeland Security, Office of Domestic Preparedness for funding through the Title XVII (Assistance to Firefighters) of the Fire Prevention and Control Act and appropriate funds from the FY09 Equipment Acquisition Fund (Fund 1800) for the required 20% match.

\$1,173,903.12

**Finance Budget**

Grant Fund 5030 \$936,000.00

FY09 Equipment Acquisition Fund 1800 \$ 237,903.12

**SPECIFIC EXPLANATION:**

The Fire Chief requests City Council approve an Ordinance authorizing the application and acceptance of Federal Grant funds from the Department of Homeland Security, Office of Domestic Preparedness in the amount of \$936,000.00 and appropriating \$237,903.12 from the FY09 Equipment Acquisition Fund (Fund 1800) for the required 20% match.

The City of Houston submitted an application to the Department of Homeland Security for Title XVII (Assistance to Firefighters) funding through the Fire Prevention and Control Act. On 8/22/2008 the Houston Fire Department was notified of the grant award for our proposed **Operations and Safety** project. The approved project is for the purchase of 11 Thermal Imaging Cameras, 200 Self Contained Breathing Apparatus (SCBAs) and 209 Air Cylinders for the SCBAs. The SCBA and cylinders will be compliant with the 2007 standards for Chemical, Biological, Radiological, and Nuclear (CBRN) standards as recommended by NFPA. The breakdown is as follows.

Description	Unit Cost	# of Units	Fund	Total Cost
4.5 Airpacks	\$4,575.06	148	5030	\$677,108.88
4.5 Airpacks	\$4,575.06	52	1800	\$237,903.12
Air Cylinders	\$837.15	209	5030	\$174,964.35
Bullard T3 (TIC for Rescue)	\$9,995.00	1	5030	\$9,995.00
Scott Eagle X TIC	\$6,675.00	11	5030	\$73,425.00
Fire Prevention Activities	\$506.77	N/A	5030	\$506.77

Total cost of all purchases is \$1,173,903.12. \$936,000.00 will be actual Federal Grant Funds and the remainder which is slightly over the required (\$234,000.00) 20% match and will be funded from the FY09 Equipment Acquisition Fund (Fund 1800). The performance period for the grant began on 8-10-2008 and will terminate on 8-11-2009. The approval and actual timing of the receipt of grant funds is somewhat unpredictable and requires occasional reorganization of planned spending to accommodate their use.

**REQUIRED AUTHORIZATION**

Finance Department:



*Michelle Mitchell*

Other Authorization:

*NGD*

Other Authorization:

19A

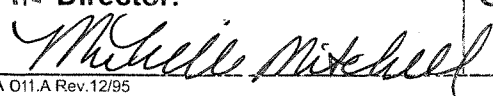
<b>SUBJECT:</b> Major Accessory Shop Enforcement 17 Interlocal Agreements		<b>Category</b> #	<b>Page</b> 1 of 1	<b>Agenda Item</b> # 18								
<b>FROM: (Department or other point of origin):</b> Houston Police Department		<b>Origination Date</b> September 2, 2008		<b>Agenda Date</b> OCT 01 2008								
<b>DIRECTOR'S SIGNATURE:</b> Harold L. Hurtt, Chief of Police 		<b>Council Districts affected:</b> All										
<b>For additional information contact:</b> Lt. Ward 713-308-1934 Joseph Penninger 713-308-1700 		<b>Date and identification of prior authorizing Council Action:</b> April 30, 2008 (funding was approved)										
<b>RECOMMENDATION: (Summary)</b>  Create an ordinance approving the interlocal agreements to satisfy the special condition of the grant.												
<b>Funding Previously Approved</b> <table border="1"> <thead> <tr> <th>ABTPA Funding</th> <th>Cash Match Funding</th> <th>In-Kind Funding</th> <th>Total Funding</th> </tr> </thead> <tbody> <tr> <td>\$984,370</td> <td>\$565,328</td> <td>\$330,153</td> <td>\$1,879,851</td> </tr> </tbody> </table>				ABTPA Funding	Cash Match Funding	In-Kind Funding	Total Funding	\$984,370	\$565,328	\$330,153	\$1,879,851	<b>FIN Budget:</b>
ABTPA Funding	Cash Match Funding	In-Kind Funding	Total Funding									
\$984,370	\$565,328	\$330,153	\$1,879,851									
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> Other (Specify) <input checked="" type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund												

The Houston Police Department is the coordinating agency for the Major Accessory Shop Enforcement Grant. This program was created with grant monies to reduce the auto theft rate in the Houston surrounding area. The grant has been a tremendous success and is currently in its seventeenth year of funding. The success is partially credited to the participation of the Department of Public Safety, the Fort Bend County Sheriff's Office and the Metro Police Department. These law enforcement agencies have requested to continue their participation in the program by presenting individual inter-local agreements for renewal.

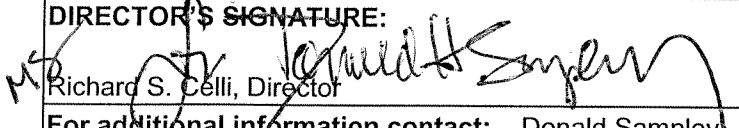
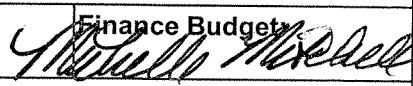
Additionally, the funding agency (Texas Automobile Burglary & Theft Prevention Authority) requires as a special condition of the grant that the inter-local agreements be approved by City Council.

cc: Arturo Michel, City Attorney  
Marty Stein, Agenda Director  
Anna Russell, City Secretary

## REQUIRED AUTHORIZATION

<b>FIN Director:</b> 	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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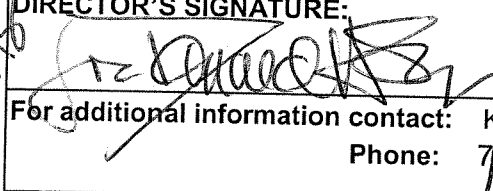
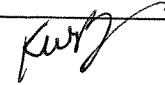
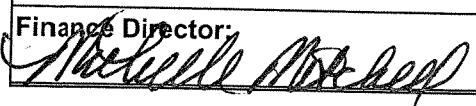
<b>SUBJECT:</b> An ordinance approving and authorizing a First Amendment to the Second Lien Construction Financing Agreement between the City of Houston, Affordable Communities Development Corporation and Capital One Community Development Corporation II to replace "Exhibit A" (Project Summary and Description of Property) of the Agreement.		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  19
<b>FROM (Department or other point of origin):</b>  Housing and Community Development Department		<b>Origination Date:</b> 09/24/08		<b>Agenda Date:</b> OCT 01 2008
<b>DIRECTOR'S SIGNATURE:</b>  Richard S. Celli, Director		<b>Council District affected:</b> "D"		
<b>For additional information contact:</b> Donald Sampley, Assistant Director Phone: 713-868-8458		<b>Date and identification of prior authorizing Council action:</b> 2008-174, 03/05/2008		
<b>RECOMMENDATION: (Summary)</b> The Department recommends approval of an ordinance authorizing a First Amendment to the Second Lien Construction Financing Agreement ("First Amendment") between the City of Houston, Affordable Communities Development Corporation and Capital One Community Development Corporation II to replace "Exhibit A" (Project Summary and Description of Property) of the Agreement.				
<b>Amount of Funding:</b>		<b>Finance Budget:</b> 		
<b>SOURCE OF FUNDING</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund				
N/A				
<b>SPECIFIC EXPLANATION:</b> Pursuant to Ordinance No. 2008-174, on March 5, 2008, City Council approved a Second Lien Construction Financing Agreement ("Agreement") between the City, Affordable Communities Development Corporation and Capital One Community Development Corporation II, for the financing and construction of ten (10) affordable town houses on ten (10) lots.  Lots Twelve (12) and Thirteen (13), in Block Three (3) of FLOWER CITY, an addition in HARRIS County, Texas, according to the map or plat thereof, recorded in Volume 23, Page 12 of the Map Records of HARRIS County, Texas were inadvertently omitted in Exhibit A of the Agreement. The lots will be replatted as three (3) lots.  The other seven (7) lots, which are in the Agreement are: Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7) of MAGGIE MANORS, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded at Film Code No. 614237 of the Map records of Harris County, Texas (constituting a partial replat of Lots Fifteen (15), Sixteen (16) and Seventeen (17) in Block Four (4), of REED TERRACE, an addition in HARRIS County, Texas, according to the map or plat thereof, recorded in Volume 33, Page 66 of the Map Records of HARRIS County, Texas.  The development is consistent with the City's Consolidated Plan to provide affordable housing for low-income residents. HCDD secured HUD's approval of this Agreement before submittal to City Council.  The Department recommends approval of an ordinance approving and authorizing a First Amendment to the Second Lien Construction Financing Agreement to correctly identify the ten (10) lots to be developed under the Agreement.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

HCO 08-119

07-BERING

<b>SUBJECT:</b> An ordinance authorizing the Execution of a Contract between the City of Houston and Bering Omega Community Services for a HOPWA Tenant based Rental Assistance Program, Short Term Rent Mortgage and Utility Assistance Program and Supportive Services		Page 1 of 2	Agenda Item # <b>20</b>
<b>FROM: (Department or other point of origin):</b> Mr. Richard S. Celli, Director Housing and Community Development Department		Origination Date  9/24/08	Agenda Date  <b>OCT 01 2008</b>
<b>DIRECTOR'S SIGNATURE:</b> 		Council District affected:  District D	
For additional information contact: Keith Bynam Phone: 713-868-8396 		Date and identification of prior authorizing Council action:  N/A	
<b>RECOMMENDATION: (Summary)</b> Approval of an ordinance authorizing the execution of a contract between the City of Houston and Bering Omega Community Services to provide funding for the administration of a "Tenant Based Rental Assistance, Short term Rent Mortgage and Utility Assistance and Supportive Services" project under the Housing Opportunities for Persons With AIDS Program.			
Amount of Funding: \$2,273,000.00 \$1,136,500.00 \$1,136,500.00 (Renewal Option)		Finance Budget:  ("HOPWA")	
<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)      Grant Funds (5000)			
<b>SPECIFIC EXPLANATION:</b> The Housing and Community Development Department recommends approval of a contract between the City of Houston and Bering Omega Community Services ("Bering") to finance Bering's administrative and emergency housing assistance costs associated with its HIV/AIDS programs. This program provides a bridge in services for individuals in a transitional stage due to lost employment or similar circumstances.  Bering has received HOPWA funding through the City of Houston for various contracts since 1994 for its Short term Rent, Mortgage and Utility Assistance Program. Bering initiated the tenant based rental assistance component last year. The tenant based rental assistance provides scattered site housing for the participants whose needs and circumstances extend beyond the short-term rent, mortgage and utility assistance program. The agency's HOPWA project is a cost-effective one, which helps to prevent homelessness by providing payments of rent, mortgage and utility bills directly to the client's landlord, mortgage lender and utility companies. Bering Memorial United Methodist Church established Bering in 1987 to provide assistance for people living with HIV/AIDS. Other major programs in which the agency is involved include Bering Dental Clinic, a dental clinic for indigent individuals with HIV/AIDS of which HOPWA funded the rehabilitation; Omega House, a residential hospice program for persons in the final stages of AIDS; and the Bering Omega Care Center, an adult day care facility.  Last year, Bering received funding in the amount of \$1,136,500.00 for its HOPWA project. Other funding sources for the agency included Ryan White Title I & II Care Act, and private foundations and corporate supporters.  The agency is requesting funding to provide: (1) tenant-based rental assistance and supportive services at sixty (60) scattered-site units, and (2) short-term rent, mortgage, and utility assistance and supportive services at four hundred (400) scattered-site units for low-income, HIV/AIDS infected individuals and their families.			
<b>REQUIRED AUTHORIZATION</b>			
Finance Director: 	Other Authorization:		Other Authorization:

**Date**  
09/24/08

**Subject:** An ordinance authorizing the Execution of a Contract between the City of Houston and Bering Omega Community Services for a HOPWA Tenant Based Rental Assistance Program Short Term Rent Mortgage and Utility Assistance Program and Supportive Services.

**Originators**  
**Initials**

**Page**  
2 of 2

Additionally, Bering will provide adult day care to forty (40) persons and permanent housing placement services to fifteen (15) persons under its supportive services activity.

This agreement will provide up to \$2,273,000.00 and a 24-month contract. The funding will provide housing assistance and supportive services to approximately five hundred and fifteen (515) clients and three hundred and seventy (370) family members for approximately eight hundred and eighty-five (885) beneficiaries served.

Total Funds and Services:	\$2,273,000.00
Number of Persons Served:	1030 clients unduplicated persons and family members
Category of Persons	low-income individuals living with HIV/AIDS

The tenant-based rental assistance program will provide approximately \$500/month to clients in long-term rental situations. This assistance will be available each month for a 12-month period, at the end of which the client must re-qualify for the program.

The Short-term rent, mortgage and utility assistance program will be provided to clients facing loss of housing and/or utilities due to a temporary emergency situation. According to HOPWA regulations, an agency can provide up to 21 weeks of assistance to an individual in any 52-week period.

The adult day care program provides case management, nutritional and healthcare services and other social activities. The adult day care program is located at Bering's Care Center. Outcome data for adult day care strongly suggests that participating clients see a reduction in their social isolation and withdrawal, as well as improved medical conditions. Also, housing assistance clients will participate in the Care Center activities that will save the clients money with utility and food costs; therefore, saving the client money for rent.

Permanent housing placement services provide first-month's rent and deposit assistance. This assistance is used to help eligible persons establish a new residence where on-going occupancy is expected to continue. It can be used with persons receiving short-term rent, mortgage and utility assistance and/or tenant-based rental assistance. This contract will provide funding for the following HOPWA activities during the first 12-month period.

Administrative	\$ 79,186.00
Supportive Services	\$ 94,014.00
Tenant Based Rental Assistance	\$ 400,750.00
Short Term Rent Mortgage Utility	\$ 562,550.00
Total	\$ 1,136,500.00

Therefore, HCDD requesting approval of a contract providing up to \$2,273,000.00 in HOPWA funds, which sum includes a limitation of additional funding for \$1,136,500.00. Funds out of the H-07 and H-08 HOPWA grants for \$1,136,500.00 will cover the first year of the aforementioned 24-months period. Funds up to \$1,136,500.00 to cover the second year renewal option will be identified at the time of renewal.

RC:KB:ab

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

# REQUEST FOR COUNCIL ACTION

**TO:** Mayor via City Secretary

**Subject:** An ordinance adopting the Memorial Park Conservancy Development Agreement

Category #

Page 1 of 1

Agenda Item

21

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

Houston Parks and Recreation Department

**Origination Date:**

September 24, 2008

**Agenda Date**

OCT 01 2008

**DIRECTOR'S SIGNATURE:** Joe Turner, Director



**Council District(s) affected:** G

**For additional information contact:** Rick Dewees, 713-284-8555  
Dan Pederson, 713-865-4507

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

**RECOMMENDATION: (Summary):** An ordinance approving and adopting a contract for the Memorial Park Conservancy Development Agreement with the City.

**Amount of Funding:**

No Funding Required

**Finance Budget:**

## SPECIFIC EXPLANATION:

Houston Parks and Recreation Department (HPARD) recommends that City Council approve a Development Agreement between the City of Houston and the Memorial Park Conservancy (MPC).

The Agreement will establish a process by which the City and the Conservancy will collectively share responsibilities in development projects and programs in Memorial Park, includes processes for approval of construction projects, approval of plans, and provides funding mechanisms for implementation of projects. Key elements of the Agreement include:

- All projects and programs will require approval by the Director of HPARD
- 10 year Agreement term
- Limited to park development projects and programs and does not include management or operations
- Authorizes Memorial Park Conservancy right of entry for construction projects
- **Phase I** has a projected value at \$10 Million. A \$4 Million pedestrian bridge is included in this Phase. The City will contribute \$3 Million and MPC has committed to the remaining \$1 Million in private donations. The 2009-2013 Capital Improvement Plan (CIP) contains the \$3 Million City portion for this project. Design for the bridge has commenced under the General Services Department (GSD). The pedestrian bridge is scheduled to begin construction in January 2009. The remaining \$6 Million in private funds raised by MPC includes an outer loop trail, retaining wall, running center, tennis center plaza and trail lighting.
- **Phase II** will reflect the same 30/70 partnership and all City funding will require Council approval
- The Agreement provides that all publicly funded projects (including projects jointly funded by City and MPC for which a single contract is awarded) will comply with City bid and MWBE requirements.

The Quality of Life Committee favorably reviewed the Agreement on September 4, 2008.

Attachment: COH/MPC Agreement

## REQUIRED AUTHORIZATION

Finance Director:

N/A

Other Authorization:

Other Authorization:

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA #

**SUBJECT:** Ordinance Relating to the Retail Water and Sewer Rates of Southern Water Corporation; Setting a Public Hearing to determine just and reasonable rates to be charged by Southern Water Corporation within the City of Houston

Category #

Page 1 of 1

Agenda Item#

22

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

Administration and Regulatory Affairs  
Alfred J. Moran, Jr. - Director

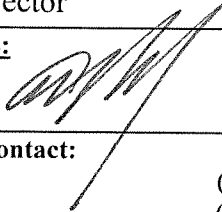
Origination Date

September 23, 2008

Agenda Date

OCT 01 2008

**DIRECTOR'S SIGNATURE:**



Council Districts affected:

B

**For additional information contact:**

Tina Paez  
Nikki Cooper

(713) 837-9630

(713) 837-9889

**Date and identification of prior authorizing Council Action:** Ordinance No. 2008-616

**RECOMMENDATION: (Summary)**

Adopt an ordinance setting a public hearing to determine just and reasonable rates to be charged by Southern Water Corporation within the City of Houston

**Amount of Funding:** NONE

**F & A Budget:**

**SOURCE OF FUNDING:**

☐ General Fund☐ Grant Fund☐ Enterprise Fund☐ Other (Specify)

**SPECIFIC EXPLANATION:**

The Administration & Regulatory Affairs Department recommends that City Council approve an ordinance setting a public hearing to determine just and reasonable water and sewer rates to be charged by Southern Water Corporation ("Southern Water") within the City of Houston.

Southern Water is a private investor-owned utility operating within the City of Houston; therefore the City has original jurisdiction over its rates, subject to review by the Texas Commission on Environmental Quality (TCEQ). TCEQ granted Southern Water the exclusive legal right to provide water and sewer services to the Hidden Valley Subdivision (City Council District B) under Certificate of Convenience ("CCN") No. 11389 (water) and No. 20500 (sewer). These CCNs are issued by TCEQ for an indefinite time period.

On May 30, 2008, Southern Water filed an application with the City of Houston to increase its water and sewer rates in the Hidden Valley Subdivision. Based on the information in Southern Water's Statement of Intent, Southern Water seeks a revenue increase of \$1,179,362, representing a 39% to 54% increase in water rates, and a 50% to 70% increase in sewer rates, depending on individual usage. Southern Water serves approximately 1,246 customers within the City. The specific rate impact of these customers will vary by service, meter size, and gallons used.

By Ordinance No. 2008-616, the City suspended the effective date of Southern Water's new rates for ninety days (from August 1, 2008 to October 30, 2008). During the suspension period, the City conducted two public meetings (on July 9 and July 10, 2008) for in-City customers of Southern Water on the subject of the new rates and customer service concerns. In addition, the City engaged the assistance of a water/sewer rate analyst to assist in preparing the final rate recommendation.

At the public hearing, the Council will consider comments received by customers at the public meetings, Southern Water's requested new rates, and any recommendations by the City for adjustments to Southern Water's rates.

The Administration & Regulatory Affairs Department recommends that City Council approve an ordinance setting a public hearing to determine just and reasonable rates to be charged by Southern Water for its customers within the City of Houston.

**REQUIRED AUTHORIZATION**

FIN Director:

# REQUEST FOR COUNCIL ACTION

**TO: Mayor via City Secretary**

**RCA #**

**SUBJECT:** An ordinance approving and adopting an updated ongoing Service & Assessment Plan for and on behalf of the Lamar Terrace Public Improvement District No. 2 covering the years 2008-2017. Also appropriating funds for payment to St. George Place Redevelopment Authority in accordance with the Plan presented.

**Category #**

**Page 1 of 1**

**Agenda Item#**

23-23A

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

Michelle Mitchell, Director

Finance Department

**Origination Date**

September 23, 2008

**Agenda Date**

OCT 01 2008

**DIRECTOR'S SIGNATURE:**

Finance Department

*Michelle Mitchell*

**Council Districts affected:**

C

**For additional information contact:**

Robert Fiederlein

Julia Gee

**Phone:** (832)393-8091

**Phone:** (713)837-7828

**Date and identification of prior authorizing**

**Council Action:** Resolution 95-121, 8/9/95

Ordinances 97-64, 1/15/97; 2003-0432, 4/30/03;

2005-926, 7/27/05; 2007-1026, 9/12/07

**RECOMMENDATION: (Summary)**

That City Council adopt an ordinance approving an updated ongoing Service & Assessment Plan for and on behalf of the Lamar Terrace Public Improvement District No. 2 covering the years 2008-2017.

**Amount of Funding:** \$245,848.63

**Finance Budget:**

**SOURCE OF FUNDING:**

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☒ Other (Specify) Lamar Terrace PID No. 2, Fund #7508

**SPECIFIC EXPLANATION:**

In August 1995, City Council passed a resolution for the establishment of the Lamar Terrace Public Improvement District ("PID") No. 2 to perform capital improvement projects and maintenance services. In January 1997, an ordinance was adopted for a Memorandum of Agreement ("MOA") between the City and the St. George Place TIRZ Board to perform the functions of the PID. Under the Financial Services Agreement approved in April 2003, the Redevelopment Authority was allowed to fulfill its obligations under the previous 1997 MOA. The Agreement allows the City to pay collected PID assessments to the Authority for costs associated with the PID's Service & Assessment Plan.

**In accordance with Chapter 372 of the Local Government Code, Council is required to approve an annually updated Service & Assessment Plan for purposes of determining the annual assessment rate and budget.**

As of 2005, the capital improvements for the Western Redevelopment Area have been completed. The last approved Plan was adopted by ordinance in September 2007.

The Plan is hereby submitted for the budget year 2008 (public safety, administration of development regulations, and maintenance services), as approved by the Board. There has been no change in assessment (\$0.07/s.f. of each lot). Assessments were billed in the 2007 property tax bills and have been collected. Council's action will ratify the Plan and assessments which have been previously implemented by the Board.

Appropriate the sum of \$245,848.63 from Fund 7508, Lamar Terrace Public Improvement District No. 2 fund, for payment to St. George Place Redevelopment Authority in accordance with the Plan presented.

cc: Marty Stein, Agenda Director

Anna Russell, City Secretary

Arturo Michel, City Attorney

Deborah McAbee, Senior Assistant City Attorney

## REQUIRED AUTHORIZATION

**Finance Director:**

**Other Authorization:**

**Other Authorization:**

*[Signature]*

**UPDATED  
SERVICE AND ASSESSMENT PLAN  
FOR YEARS 2008-2017  
LAMAR TERRACE PUBLIC IMPROVEMENT  
DISTRICT NO. 2**

**1. Introduction**

This Service and Assessment Plan (this “Plan”) is prepared in conformance with Chapter 372, Texas Local Government Code, and pursuant to City of Houston Resolution No. 95-121, which created the Lamar Terrace Public Improvement District No. 2 (the “District”). This Plan covers years 2008 through 2017.

**2. Boundaries**

The boundaries of the District are coterminous with the boundaries of Reinvestment Zone Number One, City of Houston, Texas, as more fully described on the map attached hereto as Exhibit A.

**3. The Project**

The project to be carried out by the District consists of Supplemental Services.

**4. Supplemental Services**

**A. Description of Supplemental Services**

The Supplemental Services consist of special services that will confer benefit on all property in the District as follows:

- (i) Public Safety contract services
- (ii) Administration of Development Regulations within the Zone
- (iii) Board Management
- (iv) Annual maintenance services
- (v) Cost of administration and operation of the District related to the provision of Supplemental Services

**B. Apportionment of Costs; Supplemental Services**

It is hereby found that the Supplemental Services will benefit every lot or parcel within the District; therefore, the Supplemental Services assessment is established as an assessment of \$0.07 per square foot of each lot annually. The assessment assumes a 95 percent collection rate of the payment of assessments.

**5. Annual Plan Budget**

Year one of this Plan begins January 1, 2008. The following constitutes the annual budget for the District Improvements for each of the ten years of the Plan, unless amended in accordance with Chapter 372, Texas Local Government Code.

**SUPPLEMENTAL SERVICES**

**Revenue:**

Supplemental Service Assessment Levy	\$189,000.00
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Permit Revenue (Includes Past Revenue owed PID)	<u>75,000.00</u>
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Total	\$264,000.00
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**Expenses:**

Public Safety Services; Enhanced Enforcement of Building, Health and Sanitation laws by the Zone; Landscape Maintenance; Utilities; Insurance; Administration of the Development Regulations of the Zone; and cost of Administration and Operation of the District related to the Provision of Supplemental Services

Total Supplemental Assessments and Permit Revenue	\$264,000.00
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**6. Notice, payment and collection of assessments**

**A. Notice and payment provisions**

The Supplemental Services Assessments will be made each year, and each annual assessment for Supplemental Services shall be identified with a particular assessment year, concurrent with the City's tax year. The Supplemental Services Assessments will be paid annually and may not be financed or paid in installments.

The unpaid annual assessment on a lot or parcel must be paid at the time of the sale or transfer of any lot or parcel. The assessment plan contemplates the City may adjust the assessment annually to reflect the actual collection of assessments in the District, which may represent an increase if the collection of assessments is less than 95 percent, or a decrease if the collection of assessments is more than 95 percent.

Notice of each levy of assessment is to be given as provided by Chapter 372, Texas Local Government Code. The assessment levy statement setting forth all assessments levied by the District shall be sent to each property owner in the District.



## **B. Collection and delinquency**

The payment of any annual assessment becomes due and payable to the City of Houston when mailed and is delinquent on the next-following February 1 or, if the assessment bill is mailed to the landowner after January 10 following the year for which the assessment is levied, the delinquency date is postponed to the first day of the next month that will provide a period of at least 21 days after the date of mailing.

Delinquent installments of the assessment shall incur interest, penalties, and attorney's fees in the same manner as delinquent ad valorem taxes of the City of Houston. The owner of the assessed property may pay at any time the entire assessment then due on each property, with interest that is accrued on the assessment, or any lot or parcel.

A lien will be established against the property assessed effective as of the date of the ordinance levying the assessment, privileged above all other liens, including prior mortgage liens, to the extent allowed by Section 372.018(b) of the Local Government Code. The assessment lien shall be perfected immediately as to the entire assessment, but may be executed only with respect to the amounts then due or past due for current or prior installments or final payment. Assessments are personal obligations of the person owning the property assessed in the year an installment payment becomes due, and only to the extent of such installment(s). Failure of an owner to receive an invoice shall not relieve the owner of the responsibility for the assessment.


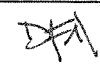
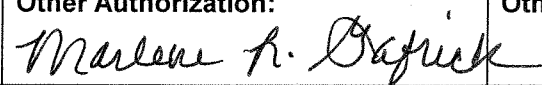
## **7. Exempt jurisdictions**

The payment of the costs of the project attributable to the lots or parcels within the District owned by the Houston Independent School District ("HISD") on the effective date hereof shall be determined by contract with HISD providing for the conveyance of certain rights of way and other good and valuable consideration, the sufficiency of which is hereby acknowledged. No further payment by HISD with regard to the project is required hereunder. There is no municipal or other exempt property within the District.

## **8. Management of the District**

Management and administration of the District shall be provided by the Board of Directors of Reinvestment Zone No. One, City of Houston, Texas (the "Board"), under the terms of a Memorandum and Agreement between the City and the Board. The Board may subcontract such portions of its obligations to the Saint George Place Redevelopment Authority as may be reasonably required.

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

<b>SUBJECT:</b> Proposed Contract for Legal Services between the City of Houston and the law firm of Olson and Olson, L.L.P.		<b>Page</b> 1 of 1	<b>Agenda Item</b> #  24
<b>FROM (Department or other point of origin):</b>  Legal Department		<b>Origination Date</b> 9/19/2008	<b>Agenda Date</b> OCT 01 2008
<b>DIRECTOR'S SIGNATURE:</b>  		<b>Council District affected:</b>  C, D, G, H, I	
<b>For additional information contact:</b> Deborah McAbee <b>Phone:</b> (832) 393-6321		<b>Date and identification of prior authorizing Council action:</b> 11/1/2006 Ord. No. 2006-1098	
<b>RECOMMENDATION: (Summary)</b> That Council adopt an ordinance approving a Contract with the Law Firm of Olson and Olson, L.L.P. to provide Legal Services relating to the preparation of development ordinance changes in connection with the Urban Corridor Planning process.			
<b>Amount and Source of Funding:</b>  \$60,000.00 Maximum Contract Amount General Fund (1000)			
<b>SPECIFIC EXPLANATION:</b> The proposed contract provides that Olson and Olson, L.L.P. (Firm), a Houston law firm, will assist the Legal Department and the Planning and Development Department in the preparation of development ordinance changes necessary to implement the Urban Corridor Planning process. The City, in conjunction with METRO, is undertaking Phase III of the Urban Corridor Planning process, a City initiative focused on areas along existing and proposed high-capacity transit systems that are part of METRO Solutions Phase 2. One of the outcomes of this planning process is the development of proposed changes to City development ordinances that will facilitate achievement of the planning goals.  The Firm specializes in municipal law. The lawyers assigned to this matter, John Hightower and Scott Bounds, have extensive experience in drafting municipal ordinances. This experience will provide critical support to City land use attorneys. The Firm is currently engaged under a \$23,890 purchase order by the Planning Department to advise in the completion of the Urban Corridor Plans and the preliminary steps of drafting development regulations. The Planning Department has included \$60,000 in its FY 2009 budget for the continuation of these legal services.  All legal services and expenses provided by the Firm under the contract are at a maximum amount of \$60,000. The contracted hourly rates are \$295 and \$ 275 for Mr. Hightower and Mr. Bounds, respectively.  The Legal Department requests that Council approve this request to retain the Firm to provide legal services on the Urban Corridor Planning process and authorize approval and execution of the proposed agreement with the Firm			
<b>REQUIRED AUTHORIZATION</b>			
<b>Other Authorization:</b>	<b>Other Authorization:</b> 	<b>Other Authorization:</b>	

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8037**

**Subject:** Approve Ordinances Awarding Contracts to the Best Respondents for Professional Audit Support, Cost Recovery and Financial Accounting Services for the Finance Department S37-Q22969

Category #  
9

Page 1 of 2

Agenda Item  
  
25

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

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

September 25, 2008

**Agenda Date**

OCT 01 2008

**DIRECTOR'S SIGNATURE**



**Council District(s) affected**

All

**For additional information contact:**

Michelle Mitchell      Phone: (713) 221-0935  
Douglas Moore      Phone: (832) 393-8724

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

**RECOMMENDATION: (Summary)**

Approve ordinances awarding contracts to Jefferson Wells and Accretive Solutions in the combined maximum amount of \$300,000.00 for professional audit support, cost recovery and financial accounting services for the Finance Department.

Maximum Spending Authority for both contracts: \$300,000.00

**Finance Budget**

\$300,000.00 General Fund (1000) - General Government

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding two-year contracts to both Jefferson Wells and Accretive Solutions in the combined maximum amount of \$300,000.00 for professional audit support, cost recovery and financial accounting services for the Finance Department. The City shall pay the contractors on the basis of invoices submitted by the contractors and approved by the Director showing the hours worked providing on-call services requested by the Director or her designee, in writing, and the applicable hourly rate for the professional who provided such services.

The Director of Finance has the option, at her discretion, to request that either or both of the contractors provide financial and accounting services according to the needs of the Department and may terminate these contracts at any time upon 30-days written notice to the contractors.

The scope of work requires the contractors to provide accounting and financial services professionals with the education, training and experience in accounting to assist the City Finance Department staff in general ledger account reconciliations and preparation for and support of the annual financial audit. They will also provide assistance in identifying internal control weaknesses and provide recommendations to improve them as well as assisting in internal and compliance audits. Finally, they will provide accounting and reporting support for cost recovery from unusual events, such as Hurricane Ike, etc.

A Request for Qualifications (RFQ) was published on the City of Houston Strategic Purchasing Division's website from June 27 through July 14, 2008. Six firms responded to the RFQ and two were selected for participation in the award. The selection criteria were demonstrated competence and qualifications to perform the services.

The following firms are recommended for approval:

Accretive Solutions  
Jefferson Wells

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

Date: 9/25/2008	Subject: Approve Ordinances Awarding Contracts to the Best Respondents for Professional Audit Support, Cost Recovery and Financial Accounting Services for the Finance Department S37-Q22969	Originator's Initials JH	Page 2 of 2
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### **M/WDBE Subcontracting**

This RFQ was issued as a goal-oriented contract with a 15% M/WBE participation level.

**Jefferson Wells** has designated the below-named company as its certified M/WBE subcontractor.

<u>Company</u>	<u>Type of Work</u>
Managetech	IT Consulting Services

**Accretive Solutions** has designated the below-named company as its certified M/WBE subcontractor.

<u>Company</u>	<u>Type of Work</u>
Clayton, Biltmore & Shouse	Accounting Services

The Affirmative Action Division will monitor this contract.

Buyer: Joyce Hays

### **Estimated Spending Authority:**

DEPARTMENT	FY 2009	OUT YEARS	TOTAL
Finance	\$200,000.00	\$100,000.00	\$300,000.00

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8003

**Subject:** Approve an Ordinance Awarding a Contract to the Best Respondent for Forensic DNA Consulting Services for the Houston Police Department.  
S29-T22741

Category #  
4

Page 1 of 1

Agenda Item  
**26**

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

**Origination Date**  
September 04, 2008

**Agenda Date**  
OCT 01 2008

**DIRECTOR'S SIGNATURE**

**For additional information contact:**

Joseph Fenninger Phone: (713) 308-1708  
Douglas Moore Phone: (832) 393-8724

**Council District(s) affected**  
All

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to Dr. Charlotte J. Word and Dr. Robin W. Cotton in an amount not to exceed \$1,250,000.00 for forensic DNA consulting services for the Houston Police Department

Maximum Contract Amount: \$1,250,000.00

**Finance Budget**

\$1,250,000.00 - General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options to Dr. Charlotte J. Word and Dr. Robin W. Cotton in an amount not to exceed \$1,250,000.00 for forensic DNA consulting services for the Houston Police Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all transportation, labor and supervision necessary to assist the crime lab in performing technical forensic reviews of all DNA work, mentor Biology Section's supervisors in the technical review process, assist in performing and analyzing recommended validation studies, review the training program, and provide guidance in improving the comprehensibility of DNA reports in the biology section. This scope of work will be in compliance with the HPD Crime Lab and Property Room Independent Investigator's Recommendations.

The Request for Proposal (RFP) was advertised in accordance with the requirements of the State bid laws. Seven perspective bidders downloaded the solicitation document from SPD's e-bidding website and as a result, proposals were received from Dr. Charlotte J. Word and Dr. Robin W. Cotton, The Bode Technology Group and The National Institute of Forensic Science Operations. The Evaluation committee consisted of four evaluators. The proposals were evaluated based upon the following criteria:

- Expertise, Experience & Qualifications
- Conformance to the RFP Requirements
- Financial Strength

Dr. Charlotte J. Word and Dr. Robin W. Cotton received the highest overall score.

Buyer: Douglas Moore

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

**Estimated Spending Authority**

Department	FY09	Out Years	Total
Police	\$225,000.00	\$1,025,000.00	\$1,250,000.00

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

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

From: Douglas Moore

Date: January 15, 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: S29-T22741

Estimated Dollar Amount: \$500,000.00

Anticipated Advertisement Date: 1/25/2008

Solicitation Due Date: 2/15/2008

Goal On Last Contract: 0%

Was Goal met: Yes ☒ No ☐

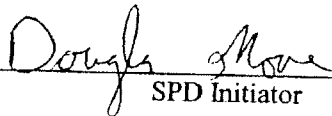
If goal was not met, what did the vendor achieve: \_\_\_\_\_

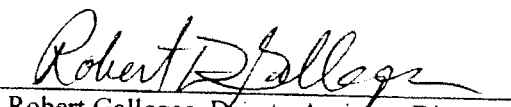
Name and Intent of this Solicitation:  
Forensic DNA Consulting Services

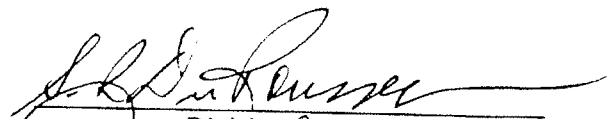
Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):  
(To be completed by SPD)

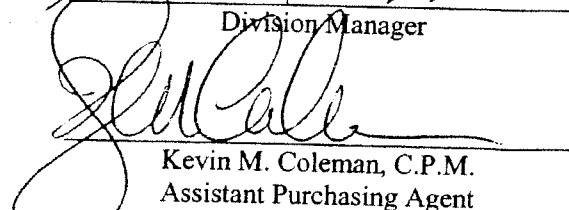
The M/WBE goal should be waived for the Forensic DNA Consulting Services proposal. The requested services require that each individual consultant be certified by the National DNA Index System as an approved user from an accredited American Society of Crime Laboratory Directors (ASCLD-LAB) lab. The selected individual will be approved by the FBI, due to the chain of custody for the DNA results is crucial and are admissible in court. To conclude, due to each consultant being independently analyzed to perform the required services, there are no opportunities for subcontracting the services to both M/WBE subs nor Non-M/WBE subs. Therefore, a zero 0% M/WBE goal is being requested.

Concurrence:

  
SPD Initiator

  
Robert Gallegos, Deputy Assistant Director  
\*Affirmative Action





  
Division Manager

  
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.

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Lease Agreement between the City of Houston and Becker Industries, Inc. – George Bush Intercontinental Airport/Houston (IAH)		<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  27
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> September 10, 2008		<b>Agenda Date</b> OCT 01 2008
<b>DIRECTOR'S SIGNATURE:</b>  		<b>Council District affected:</b> B		
<b>For additional information contact:</b> Janet Schafer  Phone: 281/233-1796 James Valenta 281/233-1828		<b>Date and identification of prior authorizing Council action:</b>		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> Revenue 		<b>Prior appropriations:</b> N/A		
<b>RECOMMENDATION: (Summary)</b>  Enact an ordinance approving and authorizing the execution of a Lease Agreement between the City of Houston and Becker Industries, Inc., for approximately 3.32 acres of land (144,828 square feet), being Lots 5, 6, 7, 8, 10, and 12, Wooded Acres Subdivision and approximately 2.09 acres of land (91,313 square feet), being Lots 17, 19, and Tract 21A, Wooded Acres Subdivision, Harris County, Texas near George Bush Intercontinental Airport/Houston (IAH).				
<b>SPECIFIC EXPLANATION:</b>  Under the August 2000 Record of Decision for George Bush Intercontinental Airport/Houston (IAH) the Federal Aviation Administration (FAA) mandated the Houston Airport System (HAS) to acquire certain residential properties exposed to increased noise levels and to relocate impacted residents. With the residential acquisition and relocation program completed, Federal regulations now obligate HAS to expeditiously dispose of unneeded noise mitigation properties to reimburse the federal share of the Airport and Airway Trust Fund used to purchase the properties. The federal requirements are reflected in Grant Assurance 31 and FAA's Program Guidance Letter 08-02.  To comply with the aforementioned federal requirements, HAS requests the approval of a lease agreement between the City of Houston and Becker Industries, Inc., for nine (9) former residential parcels of land that are not abutting or adjacent to IAH. These parcels of land and remaining non-residential improvements have no airport use and will be used as part of Becker Industries, Inc.'s neighboring business. The proposed use of the property is compatible with airport operations and other neighborhood commercial activities.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department</b>	<b>Other Authorization:</b>		<b>Other Authorization:</b>	

<b>Date</b> September 10, 2008	<b>Subject:</b> Lease Agreement between the City of Houston and Becker Industries, Inc. – George Bush Intercontinental Airport/Houston (IAH)	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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The pertinent terms and conditions of the Lease Agreement are as follows:

**Leased Premises:** A total of approximately 5.41 acres (236,141 square feet) of land with non-residential improvements.

**Term:** Thirty (30) years from the date of countersignature by the City Controller unless sooner terminated in accordance with the Lease.

**Options:** None

**Rent:** \$28,405.20 annually (\$2,367.10 monthly) with 15% increases at the end of each five (5) years of the term, being an amount based on the value of the property as determined by professional appraisers under contract with the City.

**Lease Security:** \$4,734.20 in the form of a cash deposit, cashier's check, performance bond, or an irrevocable Letter of Credit.

**Indemnification and Insurance:** Becker Industries, Inc. shall indemnify and hold the City harmless and shall provide the required insurance in the limits as stated in the Lease.

RMV:JLS:JAV

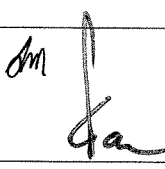



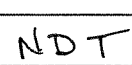
**Attachments**

cc: Ms. Marty Stein  
Mr. Anthony W. Hall, Jr.  
Mr. Arturo G. Michel  
Mr. Richard M. Vacar  
Mr. David K. Arthur  
Ms. Monica R. Newhouse  
Mr. Charles Wall  
Ms. Janet Schafer  
Ms. Kathy Elek  
Mr. Aleks Mraovic  
Mr. James Valenta



TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract for Professional Consulting Services with Carter & Burgess, Inc. for an Electrical Power Distribution System Evaluation for the Houston Airport System (HAS); Project No. 634 (WBS # A-000557-0001-3-01).		<b>Category</b> # 9	<b>Page</b> 1 of 2	<b>Agenda Item</b> # 28
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> September 2, 2008	<b>Agenda Date</b> OCT 01 2008	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> B, E, & I		
<b>For additional information contact:</b> Eric R. Potts  Phone: 281-233-1999 Adil Godiwalla  281-233-1934		<b>Date and identification of prior authorizing Council action:</b> None		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> CIP No. A-0557.01/03/04.2 \$1,922,000.00 Airports Improvement Fund (8011) 		<b>Prior appropriations:</b> None		
<b>RECOMMENDATION: (Summary)</b> Enact an ordinance to approve a Contract for Professional Consulting Services with Carter & Burgess, Inc. and appropriate the necessary funds to finance the cost of these services.				
<b>SPECIFIC EXPLANATION:</b> <p>A Contract for Professional Consulting Services has been prepared with Carter &amp; Burgess, Inc. for an Electrical Power Distribution System Evaluation for the Houston Airport System (HAS). Carter &amp; Burgess, Inc. will evaluate and modify existing emergency power requirements for terminals and airfields, and perform miscellaneous electrical engineering design services at George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Field (EFD).</p> <p>The professional engineering services to be provided by Carter &amp; Burgess, Inc. include:</p> <ul style="list-style-type: none"><li>• Field Investigation and Consolidated One-line Diagram Preparation (IAH, HOU and EFD).</li><li>• Electrical Studies - Report (IAH, HOU and EFD).</li><li>• IT Infrastructure Evaluation (IAH, HOU and EFD).</li><li>• Design for Terminal A and B Electrical Vault Replacement (IAH).</li><li>• Mapping of Existing Normal, Standby, and Utility Electrical Systems.</li><li>• Assistance with Bidding and Negotiation.</li><li>• Construction Administration.</li></ul> <p>The contract term is 18 months. The total amount to be appropriated is \$1,922,000.00.</p>				
<b>REQUIRED AUTHORIZATION</b> 				
<b>Finance Department:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

<b>Date</b> September 2, 2008	<b>Subject:</b> Contract for Professional Consulting Services with Carter & Burgess, Inc. for an Electrical Power Distribution System Evaluation for the Houston Airport System (HAS); Project No. 634 (WBS # A-000557-0001-3-01).	<b>Originator's Initials</b> RN	<b>Page</b> <b>2 of 2</b>
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**M/WBE Participation:**

The Minority and Women Business Enterprise (M/WBE) goal for this project is twenty-one percent (21%) and will be met by the following certified firm:

<b>Firm</b>	<b>Type of Work</b>	<b>Amount</b>	<b>% of Contract</b>
4B Technology Group, L.L.C.	Computer Systems Design Consulting Services	\$ 403,620.00	21.00 %
	Total	\$ <u>403,620.00</u>	<u>21.00</u> %

RMV: ERP: AG: RN: JDW

cc: Ms. Marty Stein  
Ms. Monica Newhouse  
Mr. Anthony W. Hall, Jr.  
Mr. Frank D. Crouch  
Mr. Arturo G. Michel  
Ms. Ellen Erenbaum  
Ms. Velma Laws  
Ms. Kathy Elek  
Mr. Richard M. Vacar  
Mr. Aleks Mraovic  
Mr. Eric R. Potts  
Ms. Roxanne Butler  
Ms. Marlene McClinton  
Mr. Dave Arthur  
Mr. J. Goodwille Pierre  
Mr. John Silva  
Ms. Janice D. Woods  
Mr. Adil Godiwalla

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Construction contract with Manhattan Construction Company for Automated People Mover Phase 3, Packages 3 and 4 – APM Station and Secure Corridor at George Bush Intercontinental Airport/Houston (IAH); Project Nos. 536L and 536M (WBS # A-000354-0007-4-01).		<b>Category</b> # 7	<b>Page</b> 1 of 2	<b>Agenda Item</b> # <b>29</b>				
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> September 18, 2008	<b>Agenda Date</b> <b>OCT 01 2008</b>					
<b>DIRECTOR'S SIGNATURE:</b> <i>[Signature]</i>		<b>Council District affected:</b> B						
<b>For additional information contact:</b> Eric R. Potts <i>ERP</i> Phone: 281-233-1999 Adil Godiwalla 281-233-1934		<b>Date and identification of prior authorizing Council action:</b> N/A						
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> CIP No. A-0354.21 \$39,214,368.00 Arpt Syst Consolidated 2004AMT Fd (8203) CIP No. A-0422.54 \$ 635,418.00 Arpt Improvemt Fd (8011) Total \$39,849,786.00 <i>(EE)</i>		<b>Prior appropriations:</b> N/A						
<b>RECOMMENDATION: (Summary)</b> Enact an ordinance to award a construction contract to Manhattan Construction Company and appropriate the necessary funds to finance this project.								
<b>SPECIFIC EXPLANATION:</b> <b>PROJECT LOCATION:</b> Terminals "A" and "B" at George Bush Intercontinental Airport/Houston (IAH). <b>PROJECT BACKGROUND:</b> On February 15, 2008, Council approved a contract with W.W. Webber, LLC in the amount of \$2,251,916.00 for Automated People Mover (APM) Phase 3, Package 1, which consisted of utility relocation necessary for the extension of the APM from Terminal "B" to Terminal "A". On April 15, 2008, Council approved a contract with W.W. Webber, LLC in the amount of \$22,733,244.34 for APM Phase 3, Package 2, which consisted of the construction of the foundation, guide way superstructure and associated power distribution substation. On May 8, 2008, Council approved a contract with Bombardier Transportation USA, Inc. in the amount of \$42,552,114.00 to provide ten additional cars, running surfaces, guide beams, switches, and maintenance equipment, and expand the command, control and communications system. Projects 536L and 536M are the final in a series of projects to extend the Automated People Mover (APM) from Terminal "B" to Terminal "A". <b>PROJECT SUMMARY:</b> <ul style="list-style-type: none"> <li>Project 536L will construct a new APM station at Terminal "A" which includes a passenger loading platform, security gates and HVAC system. It will also modify the existing Terminal "B" APM Station to accommodate the extension of the guide way.</li> <li>Project 536M consists of the secure corridors connecting the Terminal "A" station to the north and south concourses. The corridors will be protected pedestrian walkways with an HVAC system.</li> </ul> <p>The full contract term is 540 days. Design and contract document preparation was conducted by Hellmuth, Obata &amp; Kassabaum, LP.</p> <p><b>BIDS DATE:</b> Bids were received on July 10, 2008, as follows:</p> <table> <tr> <td>(1) Manhattan Construction Company</td> <td>\$36,309,600.00</td> </tr> <tr> <td>(2) Brookstone, L.P.</td> <td>\$45,173,352.00</td> </tr> </table>					(1) Manhattan Construction Company	\$36,309,600.00	(2) Brookstone, L.P.	\$45,173,352.00
(1) Manhattan Construction Company	\$36,309,600.00							
(2) Brookstone, L.P.	\$45,173,352.00							
<b>REQUIRED AUTHORIZATION</b>								
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>						

<b>Date</b> September 18, 2008	<b>Subject:</b> Construction contract with Manhattan Construction Company for Automated People Mover Phase 3, Packages 3 and 4 – APM Station and Secure Corridor at George Bush Intercontinental Airport/Houston (IAH); Project Nos. 536L and 536M (WBS # A-000354-0007-4-01).	<b>Originator's Initials</b> RLN	<b>Page</b> 2 of 2
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**ENGINEERING TESTING SERVICES CONTRACT:** Engineering testing services will be provided by Atser, L.P. and DAE & Associates, LTD. (DBA Geotech Engineering & Testing) under existing general geotechnical and testing services Contract Nos. 4600004563 and 4600008971.

**PROJECT COST:** The total amount to be appropriated is as follows:

\$36,309,600.00	Construction Contract Services
\$ 1,815,480.00	5% Construction Contingency
\$ 907,740.00	2.5% Engineering Testing Services
\$ 181,548.00	0.5% Overhead and Salary Recovery for City Department
\$ 635,418.00	1.75% Civic Art Program, Ord. No. 99-1351 as amended
\$39,849,786.00	TOTAL COST

**MBE/WBE/SBE Participation:** The contract has a 15.0% MBE, a 5.0% WBE and a 5.0% SBE participation goal, for a total of 25.0% DBE participation. To date, the following certified DBE firms have been submitted to fulfill the goal:

Firm	Type of Work	Amount
Hallmark Capital Group, LLC (MBE)	Structural/Misc. Steel	\$ 820,577.00
Distrib Aire, Inc. (SBE)	HVAC Equipment	\$ 37,295.00
Southern Insulation (WBE)	Ductwork & Piping Insulation	\$ 70,000.00
Preferred Technologies, Inc. (SBE)	CCTV; Access Control System	\$ 132,618.00
Elec – Net Supply (MBE)	Switch Gear; Lighting Materials	\$ 456,100.00
Progressive Resources Unlimited (MBE)	Safety Equipment	\$ 8,500.00
Earshot – dba E-Graphics (MBE)	Reprographics	\$ 7,500.00
Tejas Office Products (MBE)	Office Supplies	\$ 5,000.00
Olsen & Guerra Lumber, Co. (WBE)	Construction Materials	\$ 10,000.00
USA Rebar Placers, Inc. (MBE)	Ready Mix, Drilled Piers, Rebar	\$4,073,200.00
Big City Access, Inc. (WBE)	Scaffolding	\$ 20,000.00
TOTAL		\$5,640,790.00 (18%)

The contractor will continue to make a good faith effort in meeting the 25% goal by the end of the project.

RMV:ERP:JSK:RLN

cc:	Ms. Marty Stein	Mr. Anthony W. Hall, Jr.	Mr. Arturo G. Michel
	Ms. Velma Laws	Mr. Richard M. Vacar	Mr. Eric R. Potts
	Mr. Tom Bartlett	Mr. David Arthur	Ms. Kathy Elek
	Mr. Aleks Mraovic	Mr. J. Goodwille Pierre	Ms. Ellen Erenbaum
	Ms. Monica R. Newhouse	Mr. Carlos Ortiz	Mr. Adil Godiwalla
	Mr. John Silva	Mr. Frank D. Crouch	Mr. Robert Nesbett
	Ms. Marlene McClinton	Ms. Janice D. Woods	Ms. Cynthia Saldana

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Purchase and Sale Agreement between Webster and Barbara Beavers (Seller) and the City of Houston (Purchaser) for the purchase of 12,780 square feet of land and a 3,392 square foot building, more or less, more commonly known as 6401 E. Tidwell Road, for the Houston Parks and Recreation Department.  
WBS#: F-000723-0001-2

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1 of 1

Agenda Item

30

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

**Origination Date**  
9-25-08

**Agenda Date**  
OCT 01 2008

**DIRECTOR'S SIGNATURE:**

Issa Z. Dadoush, P.E.

**Council District affected:** B

**For additional information contact:**

Jacquelyn L. Nisby

**Phone:** 832-393-8023

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

**RECOMMENDATION:** Approve a Purchase and Sale Agreement between Webster and Barbara Beavers (Seller) and the City of Houston (Purchaser) for the purchase of land and a building at 6401 E. Tidwell Road for the Houston Parks and Recreation Department, and appropriate funds.

**Amount and Source Of Funding:**

\$151,881.50 Equipment Acquisition Consolidated Fund (1800)

**Finance Budget:**

**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council approve a Purchase and Sale Agreement with Webster and Barbara Beavers to purchase 12,780 square feet of land and a 3,392 square foot building located at 6401 E. Tidwell Road for a purchase price of \$150,000.00, for the Parks and Recreation Department (PARD). PARD will use the land for additional storage for its sports equipment, program supplies for after school and summer camp programs, craft supplies, and seasonal activity supplies.

The following is a breakout of expected costs:

\$150,000.00	Purchase Price
\$ 1,881.50	Closing Costs
<b>\$151,881.50</b>	<b>TOTAL</b>

IZD:BC:JLN:FA:fa

xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby, Mark Ross, Lisa Johnson

## REQUIRED AUTHORIZATION

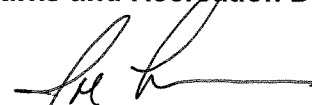
CUIC ID# 25 FA 15

**General Services Department:**



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

**Parks and Recreation Department:**



Joe Turner  
Director

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** First Amendment to Construction Manager at Risk Contract  
Gilbane Building Company  
Renovation to the Parks and Recreation Department Campus  
and Park  
WBS No: F-0504D1-0002-4

Page  
1 of 2Agenda  
Item  
  
31**FROM (Department or other point of origin):**

General Services Department

**Origination Date**

9.23.08

**Agenda Date**

OCT 01 2008

**DIRECTOR'S SIGNATURE:**

Issa Z. Dadoush, P. E.

Issa Z. Dadoush 9/15/08

**Council Districts affected:** 1**For additional information contact:**

Jacquelyn L. Nisby Phone: 832-393-8023

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

Ordinance No. 2008-102; February 6, 2008

**RECOMMENDATION:** Approve First Amendment to the Construction Manager at Risk contract and appropriate funds for construction.**Amount and Source of Funding:**

\$2,198,815.00 Parks Consolidated Construction Fund (4502)

\$8,000,000.00 General Improvement Consolidated Construction Fund (4509)

\$10,198,815.00 Total Appropriation

**Finance Budget:**

Tom P. Mitchell - FOR MICHELLE MITCHELL (DIRECTOR)

**Previous Funding:**

\$170,000.00 Parks Consolidated Construction Fund (4502)

**SPECIFIC EXPLANATION:** The General Services Department (GSD) recommends that City Council approve a First Amendment to the Construction Manager at Risk (CMAR) contract with Gilbane Building Company to delegate authority to the director of GSD to approve the Guaranteed Maximum Price (GMP) proposal, and appropriate funds for renovations to the Gragg Building for the Parks and Recreation Department.**PROJECT LOCATION:** 2999 South Wayside Dr. (Key Map 534G)**PROJECT DESCRIPTION:** The scope of work consists of renovations to the Gragg Building, to include new interior partitions, finishes, lighting, mechanical, electrical, plumbing, HVAC, roof and life safety systems, in addition to site work, which will include parking lots, associated sidewalks and improvements to the main drainage channel. The design of the Gragg Building will incorporate LEED™ (Leadership in Energy & Environmental Design) credits to achieve a Certified Level.**PREVIOUS HISTORY AND PROJECT SCOPE:** On February 6, 2008, City Council awarded a CMAR contract to Gilbane Building Company to provide pre-construction and construction phase services for the Renovation to the Parks and Recreation Department Campus and Park, and appropriated funds for pre-construction phase services, which included budgetary estimating, constructability and material selection.

The anticipated contract duration for this project is 385 calendar days. The design consultant for this project is Harrison Kornberg Architects.

NDT

## REQUIRED AUTHORIZATION

CUIC ID # 25PARK48

**General Services Department:**

Humberto Bautista

Chief of Design &amp; Construction Division

**Parks and Recreation Department:**Joe Turner  
Director

<b>Date</b>	<b>SUBJECT:</b> First Amendment to Construction Manager at Risk Contract Gilbane Building Company Renovation to the Parks and Recreation Department Campus and Park WBS No: F-0504D1-0002-4	<b>Originator's Initials</b> SNL	<b>Page</b> 2 of 2
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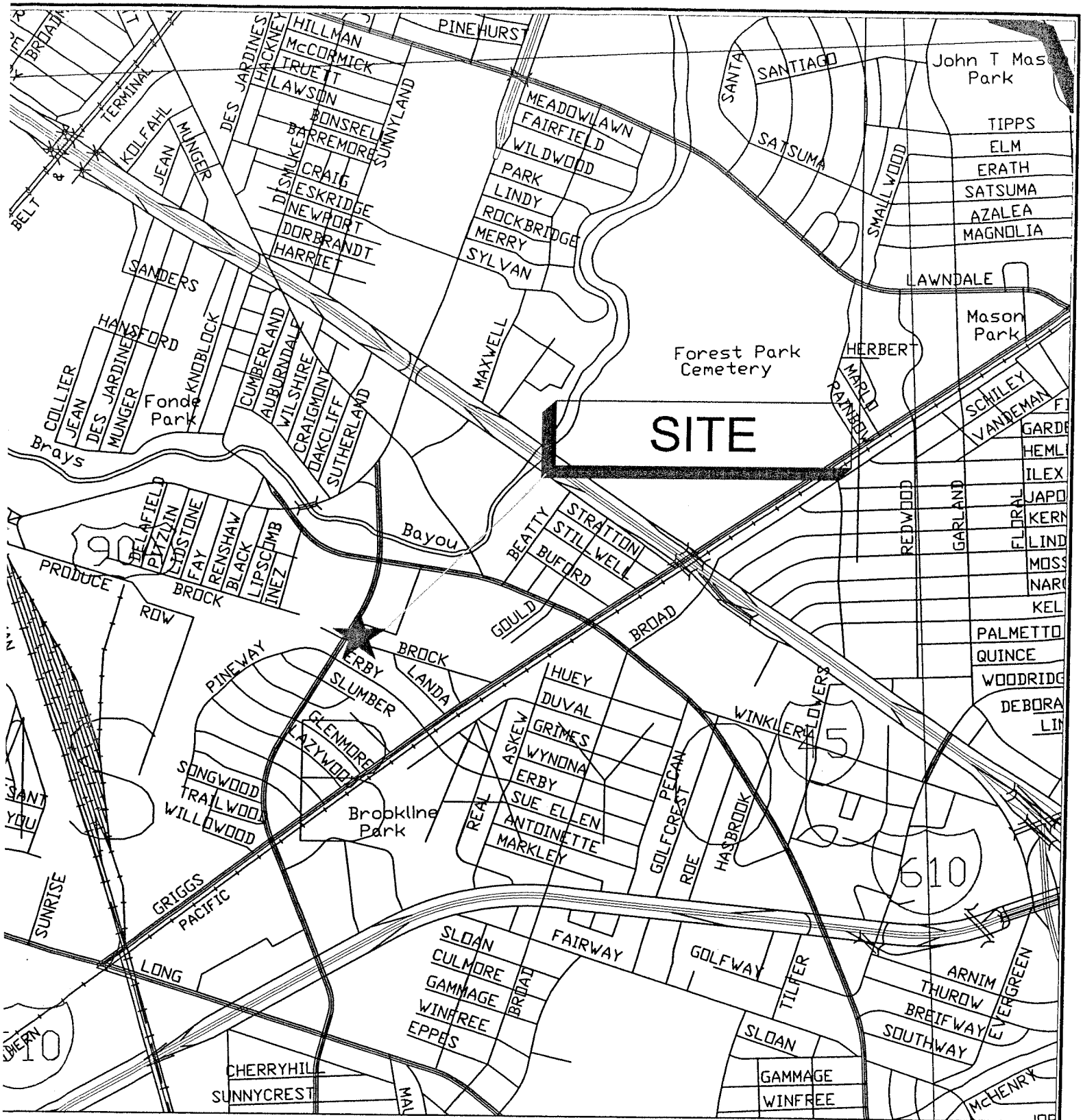
**FUNDING SUMMARY:** It is recommended that City Council appropriate funds for construction phase services, including an additional appropriation of \$17,000.00 for engineering and testing services under the existing contract with Paradigm Consultants, Inc.

\$ 9,538,000.00	<b>Construction Phase Services</b>
\$ 476,900.00	5% Contingency
<b>\$ 10,014,900.00</b>	<b>Total Contract Services</b>
\$ 17,000.00	Engineering Testing
\$ 166,915.00	Civic Art (1.75%)
<b>\$ 10,198,815.00</b>	<b>Total Funding</b>

**CONSTRUCTION GOALS:** An MBE goal of 15%, SBE goal of 5%, and WBE goal of 7% have been established for the construction phase of this contract. The construction manager will submit the list of proposed certified sub-contractors with the issuance of each GMP proposal.

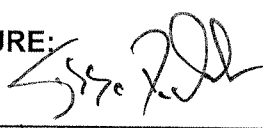
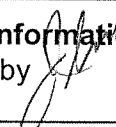
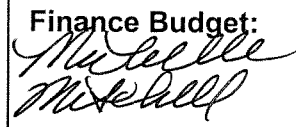


IZD:HB:JLN:LJ;SNL:sl

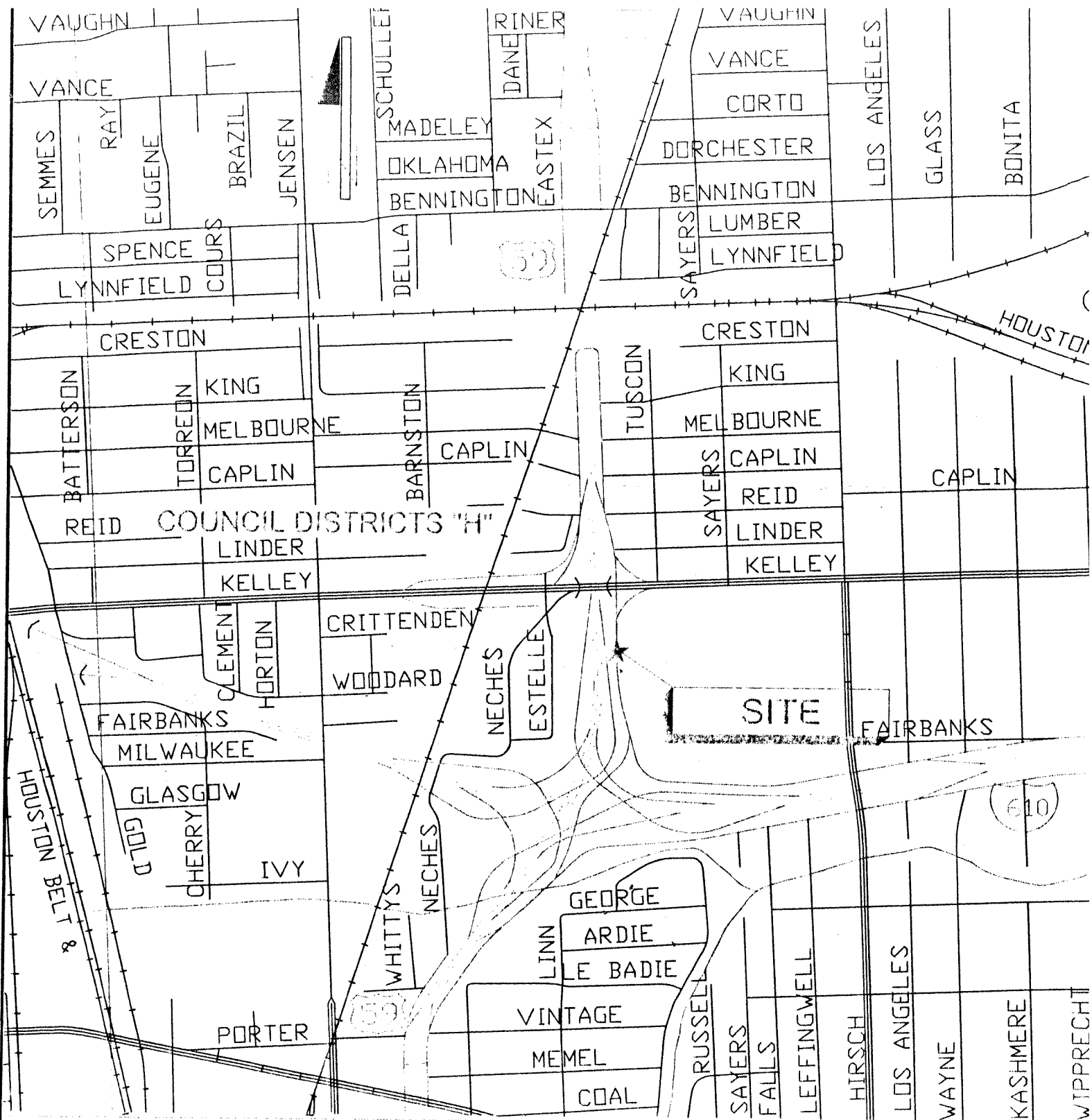
c: Marty Stein, Velma Laws, Mark Ross, Jacquelyn Nisby, Lisa Johnson, Joseph Kurian, Gabriel Mussio, Webb Mitchell, Sydney Igleheart, Project File



Parks & Recreation Department Campus and Park  
2999 S. Wayside Dr.



<b>SUBJECT:</b> First Amendment to Construction Contract Eagle Construction and Environmental Services, L.P. Underground Fuel Storage Tank Removal Kelley Light Vehicle Maintenance Facility WBS No. L-000052-0002-4		<b>Page</b> 1 of 1	<b>Agenda Item</b> <b>32</b>
<b>FROM (Department or other point of origin):</b> General Services Department		<b>Origination Date</b> 9/25/08	<b>Agenda Date</b> OCT 01 2008
<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E.  9/9/08		<b>Council District affected:</b>  B	
<b>For additional information contact:</b> Jacquelyn L. Nisby  <b>Phone:</b> 832-393-8023		<b>Date and identification of prior authorizing Council action:</b> Ordinance 2008-0539; Dated June 18, 2008	
<b>RECOMMENDATION:</b> Approve First Amendment to Construction Contract and appropriate additional funds for the project.			
<b>Amount and Source of Funding:</b> \$26,771.00 Solid Waste Consolidated Construction Fund (4503)		<b>Finance Budget:</b> 	
<b>Previous Funding:</b> \$86,318.00 Solid Waste Consolidated Construction Fund (4503)			
<b>SPECIFIC EXPLANATION:</b> The General Services Department recommends that City Council approve a First Amendment to the construction contract with Eagle Construction and Environmental Services, L.P. to increase the director's authority to approve Change Orders up to 43.7% of the original contract price. During excavation and removal of the underground storage tanks, the following unforeseen conditions were discovered, which will exceed the original 5% contingency. <ul style="list-style-type: none"><li>• Due to larger tank pit size than anticipated, additional contaminated soil, gravel and concrete pavement had to be saw-cut and excavated.</li><li>• Disposal of additional fuel and contaminated liquids due to rising groundwater in the tankhold pit.</li></ul>			
<b>PROJECT LOCATION:</b> 5703 Eastex Freeway, Houston, Texas (Key Map 454-S)			
<b>PREVIOUS HISTORY AND PROJECT DESCRIPTION:</b> On June 18, 2008, City Council awarded a construction contract to Eagle Construction and Environmental Services, L.P. to provide construction services at the Kelley Light Vehicle Maintenance Facility for the Solid Waste Management Department. The scope of work consists of removing one 10,000 gallon gasoline underground storage tank (UST), one 10,000 gallon diesel UST and one 550 gallon waste oil UST along with associated lines, observation wells, manholes and ancillary equipment. The work also includes saw-cutting, demolition and removal of concrete paving over the USTs, off-site disposal of concrete, backfilling and compaction, waste classification, loading, hauling and proper disposal.			
JZD:HB:JLN:GM:FK:fk			
c: Marty Stein, Jacquelyn L. Nisby, Velma Laws, Webb Mitchell, Gary Readore, Gabriel Mussio, File			
<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID # 25GM174</b>	
<b>General Services Department:</b>  Humberto Bautista Chief of Design and Construction Division	<b>Other Authorization:</b>	<b>Solid Waste Management Department:</b>  Harry J. Hayes, Director	<b>MT</b>



# Underground Fuel Storage Tank Removal Kelley Light Vehicle Maintenance Facility


5703 Eastex Freeway  
Houston, Texas


TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Award Construction Contract AAA Asphalt Paving, Inc Police Academy Running Track WBS No. G-HPD002-0001-4	<b>Page</b> 1 of 2	<b>Agenda Item</b> 33
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 9-19-08	<b>Agenda Date</b> OCT 01 2008
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. 	<b>Council District(s) affected:</b> B
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<b>For additional information contact:</b> Jacquelyn L. Nisby  Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Award construction contract and **allocate** funds for the project.

<b>Amount and Source of Funding:</b> \$517,000.00—Police Special Services Fund (2201)	<b>Finance Budget:</b> 
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council award a construction contract to AAA Asphalt Paving, Inc. on its low bid amount of \$477,000.00 for construction services in connection with a new Running Track at the Police Academy for the Houston Police Department.


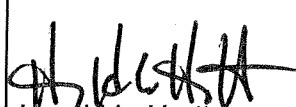
**PROJECT LOCATION:** 17000 Aldine Westfield (373H)

**PROJECT DESCRIPTION:** The project involves construction of a new paving surface for the Police Academy running track. The existing running track is over 20 years of age and has exceeded its life cycle.

The contract duration for this project is 120 days. Natex Corporation Architects is the design consultant.

**BIDS:** The following three bids were received on May 22, 2008:

<u>Bidder</u>	<u>Bid Amount</u>
1. AAA Asphalt Paving, Inc.	\$477,000.00
2. Jerdon, Enterprise, L.C.	\$544,444.44
3. Resicom, Inc.	\$626,000.00

REQUIRED AUTHORIZATION		CUIC ID# 25CONS62
<b>General Services Department:</b>  Humberto Bautista Chief of Design & Construction Division		<b>Houston Police Department:</b>  Harold L. Hurtt Chief of Police

<b>Date</b>	<b>Subject:</b> Award Construction Contract AAA Asphalt Paving, Inc. Police Academy Running Track WBS No. G-HPD002-0001-4	<b>Originator's Initials</b> MT	<b>Page</b> 2 of 2
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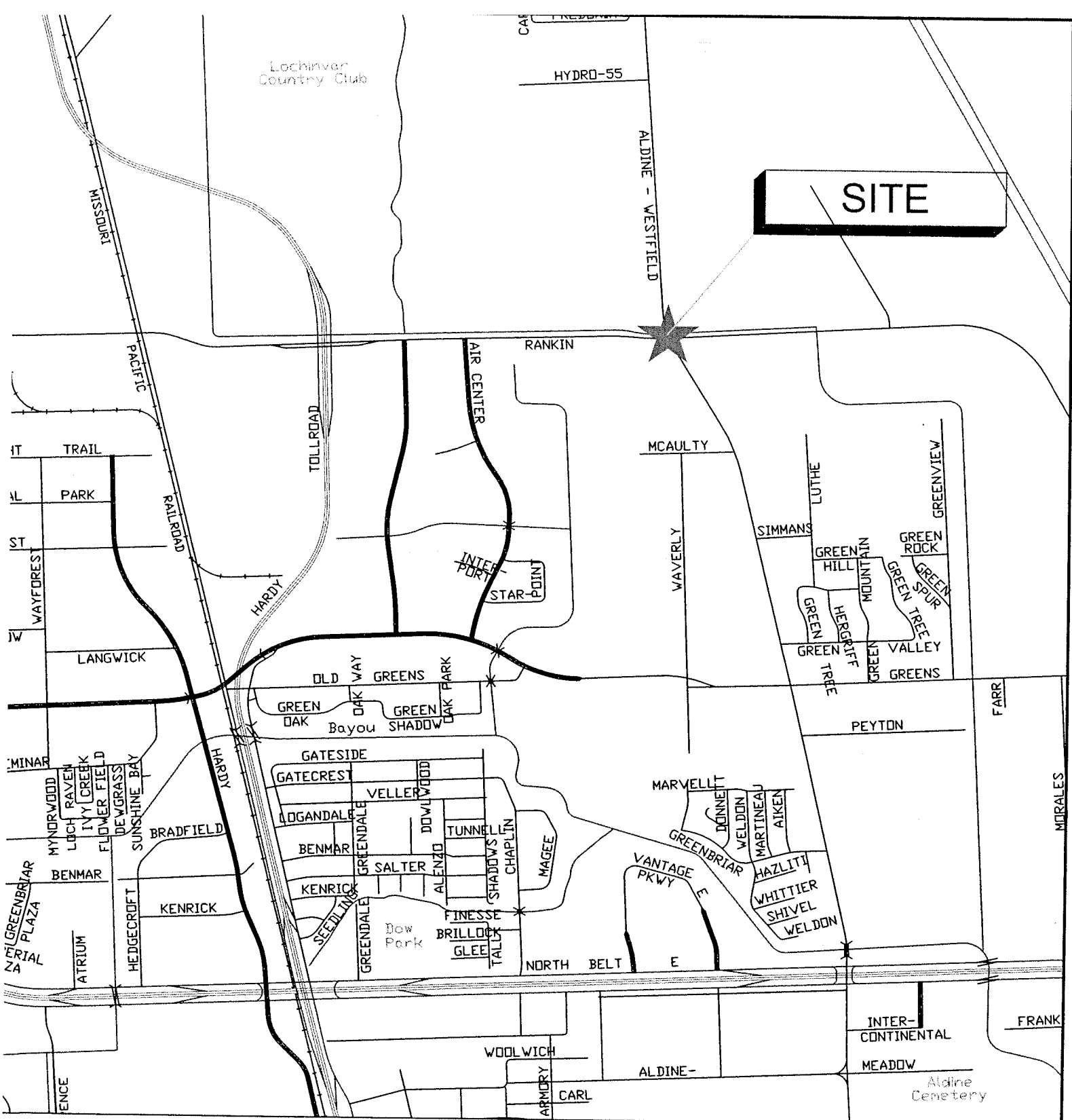
**AWARD:** It is recommended that City Council award the construction contract to AAA Asphalt Paving, Inc. and ~~allocate~~ funds for the project, including an additional ~~allocation of~~ \$16,150.00 for engineering and materials testing services under the existing contract with DAE & Associates, Ltd., d/b/a Geotech Engineering, Inc.

**FUNDING SUMMARY:**

\$ 477,000.00	Construction Contract
\$ <u>23,850.00</u>	5% Contingency
<b>\$ 500,850.00</b>	<b>Total Contract Services</b>
\$ <u>16,150.00</u>	Engineering/Materials Testing
<b>\$ 517,000.00</b>	<b>Total Allocation</b>

IZD:JLN:PG:HB:RAV;MT:ps


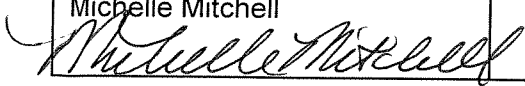
c: Marty Stein, Kirk Munden, Jacquelyn Nisby, Webb Mitchell, Gabriel Mussio, Project File



Award Construction Contract  
 Police Academy Running Track  
 17000 Aldine Westfield, Houston TX


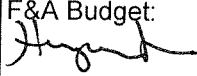
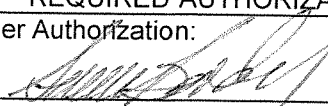
TO: Mayor via City Secretary

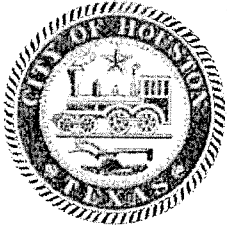
## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Appropriate \$100 million out of the Combined Utility System (CUS) General Purpose Fund and transfer to the Water & Sewer System Consolidated Construction Fund for payment of ongoing CUS CIP project expenditures; and authorize reimbursement of these capital expenditures to the CUS General Purpose Fund out of bond or commercial paper proceeds.		<b>Page</b> 1 of 1	<b>Agenda Item #</b>  34
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 9/26/08	<b>Agenda Date</b> OCT 01 2008	
<b>DIRECTOR'S SIGNATURE:</b>  Michael Marcotte, P.E., DEE Director, Department of Public Works and Engineering	<b>Council District affected:</b> All		
<b>For additional information contact:</b> Susan Bandy Deputy Director - PWE Phone: 713-837-0282	<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b> Approve an Ordinance authorizing the temporary use of funds from the CUS General Purpose Fund to pay for CUS CIP projects, appropriating the funds, and authorizing the reimbursement of these capital expenditures to the CUS General Purpose Fund out of future commercial paper or bond proceeds.			
<b>AMOUNT AND SOURCE OF FUNDING:</b> \$100 Million – Combined Utility System General Purpose Fund No. 8305			
<p>The CUS water &amp; sewer CIP expenditures are funded via CUS Commercial Paper Notes, Series A. As a direct consequence of the worldwide credit/financial market turmoil, on September 22, 2008 the commercial paper note interest rate quote was 9.5% per annum. This 9.5% interest rate quotation compares to the most recent rates of around 2% per annum. The CUS annual CIP is \$275 million, all of which is funded using commercial paper that is periodically converted to bonds. On \$100 million of this amount, the CUS would be paying approximately \$625,000 per month more with a 9.5% interest rate than we are paying currently. Netting out the amount that would have been gained from interest by having \$100 million in the CUS General Purpose Fund (currently earning ~3.8% per annum), the CUS still saves over \$300,000 per month over what we would have paid before the commercial paper interest rates dramatically increased.</p> <p>The proposed short-term solution is for the CUS to use cash reserves in the CUS General Purpose Fund and temporarily transfer funds to the CUS Construction Fund to pay construction expenditures until the per annum interest rate for the CUS Commercial Paper Notes falls to an acceptable level. This action provides that CUS General Purpose Fund monies transferred to the Water &amp; Sewer System Consolidated Construction Fund (amount not to exceed \$100 million) be reimbursable from Commercial paper notes or bond proceeds at a later time. The CUS General Purpose Fund must be reimbursed prior to fiscal year 2009 year end.</p> <p>All member of the City's Financial Working Group support this solution.</p> <p>The City's CUS Financial Working Group Includes: The City Controllers Office, the Finance Department, PWE Department the CUS Financial Advisors, and the CUS Bond Counsel.</p>			
MSM:SB:KB c: Marty Stein			
<b>REQUIRED AUTHORIZATION</b> <b>CUIC#SB19</b>			
<b>Department of Finance Budget:</b> Michelle Mitchell 	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>Subject:</b> Approve an Amending Ordinance to Increase the Maximum Contract Spending Authority for Radio Automated Meter Reading System (AMR) Contract with Itron, Inc. for Public Works & Engineering Department. S-000956-0002-5		Category 1,4 & 5	Page 1 of 1	Agenda Item <b>35</b>
<b>FROM (Department or other point of origin):</b> Michael S. Marcotte, P.E., DEE Director Public Works and Engineering Department		Origination Date  09/04/08	Agenda Date  OCT 01 2008	
<b>DIRECTOR'S SIGNATURE:</b>  9/26/08		Council District affected: All		
<b>For additional information contact:</b> David Guernsey Phone: (713) 238-5241		Date and Identification of prior authorizing Council action: Ord. #98-0575, Ord. #01-1181 Ord. #03-0581, Ord. #06-1071		
<b>RECOMMENDATION: (Summary)</b> Approve an amending ordinance increasing the maximum contract spending authority from \$46,992,750.00 to \$50,492,750.00 for the Radio Automated Meter Reading System (AMR) with Itron, Inc. for Public Works & Engineering Department and allocating funds.				
Spending Authority Increase: \$3,500,000.00			F&A Budget:  9/23/08	
SOURCE OF FUNDING: 8305 Combined Utility System General Purpose Fund				
<b>SPECIFIC EXPLANATION:</b> The Public Works and Engineering Department recommends that City Council approve an ordinance authorizing an increase in spending authority from \$46,992,750.00 to \$50,492,750.00 under the contract with Itron, Inc. for Radio Automated Meter Reading System Encoder, Receiver, Transmitter (ERT) modules for the Public Works & Engineering Department. The meter reading system is composed of a meter including a register and the ERT. It is important to note that the City's water meters have consistently over time functioned as designed to record water usage accurately.  On July 15, 1998, City Council awarded by Ordinance No. 98-575, a five year contract in the amount of \$25,510,709.00. Ordinance No. 01-1181 increased the spending authority to \$31,454,629.00. Ordinance No. 03-581 increased the spending authority to \$42,004,629.00 and extended the term from August 19, 2003 to August 18, 2008. Ordinance No. 06-1071 increased the spending authority to \$46,992,750.00 and extended the contract term to August 17, 2009. Total expenditures to date including pending deliveries are \$46,674,187.42.  The amending ordinance will provide the final installment schedule to complete the correction phase of the ERT upgrade/change-out project to ensure a maintainable automated meter reading system. The third contract amendment focused on replacing 121,000 known non-responsive 1 <sup>st</sup> generation ERT modules out of the approximately 440,000 ERT modules currently in use. During the upgrade/change-out project it was estimated that an additional 85,000 2 <sup>nd</sup> generation ERT modules were non-responsive and would have to be replaced. With the original warranty of only one year plus two months for installation lag time, PWE was responsible for the material and labor cost associated with removal and replacement of all non-responsive ERTs. However, since Houston was the first large city to install an inground automatic metering system and because of some of the issues we have encountered with the first two generations of the ERTs, Itron Inc. agreed to provide most of the labor for the replacement of 183,000 ERT modules. The City of Houston will provide labor to replace the remaining 23,000 ERT modules. In addition to providing installation labor, Itron Inc. has discounted the unit price of the modules from approximately \$64 to \$41.15 and provided a twenty year warranty on the new modules. During the project Itron also provided manual meter reading services at no additional cost to the City resulting in a net savings on labor, equipment and materials of over \$11.5 million. It is requested that City Council approve an increase in spending authority in the amount of \$3,500,000.00 to meet the projected completion date/contract end date of August 2009.  This contract was awarded with a 0.6% M/WBE participation level and the contractor is currently achieving 0.24%. The Affirmative Action Division has determined that the contractor has used the MWBE firm to the fullest extent possible on this contract.				
REQUIRED AUTHORIZATION				
Finance Department:		Other Authorization: 	20KFL28 Other Authorization:	NDT



# CITY OF HOUSTON

Office of the Mayor

## Interoffice

Correspondence  
Affirmative Action and  
Contract Compliance  
Division

**To:** Karen LeBack  
Assistant Director  
Public Works & Engineering

**From:** Velma Laws  
Director

A handwritten signature in black ink, appearing to read "Velma Laws", written over the printed name.

**Date:** September 4, 2008

**Subject:** Purchase and Installation of an  
Automated Meter Reading System  
OA Number 460007289/C39273

I am approving the Good Faith Efforts for Itron Incorporated on the above-referenced contract. Itron achieved .24% on a .6% goal. Historically, this contract has had a zero goal. However, we recognized an opportunity for a delivery firm. The MWBE firm was used to the fullest extent possible on this contract. Although .6% may seem like a minimal goal, the total contract value is \$45,011,155. The .24% achieved represents a significant amount of work for a small business.

If you have any questions or need any additional information, please contact Robert Gallegos at 713.837.9005 or via e-mail at [robert.gallegos@cityofhouston.net](mailto:robert.gallegos@cityofhouston.net).

09/08:06



TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Contract Award for Neighborhood Street Reconstruction (NSR) 455.  
WBS No. N-000387-0001-4; S-000500-0069-4; R-000500-0069-4.

Page  
1 of 2

Agenda Item #

36

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

Department of Public Works and Engineering

**Origination Date:**

9/18/08

**Agenda Date:**

OCT 01 2008

**DIRECTOR'S SIGNATURE:**

Michael S. Marcotte, P.E., DEE

**Council District affected:**

D

40

**For additional information contact:**

Reid K. Mrsny, P.E.

Phone: (713) 837-0452

Senior Assistant Director

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

**RECOMMENDATION: (Summary)**

Accept low bid, award construction Contract and appropriate funds.

**Amount and Source of Funding:**

\$6,805,850.00 Street & Bridge Consolidated Construction Fund No. 4506

\$ 934,150.00 Water & Sewer System Consolidated Construction Fund No. 8500

\$7,740,000.00 Total Cost

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

**DESCRIPTION/SCOPE:** This project consists of neighborhood street reconstruction. The proposed improvements will consist of concrete roadway with curbs, sidewalks and underground utilities as required. The Contract duration for this project is 450 calendar days. This project was designed by Huitt-Zollars, Inc.

**LOCATION:** The streets included in NSR 455 are listed below.

Street	Limits	Key Map Grid	District
Bonnie Brae	Graustark to Mt. Vernon	493W	D
Bonnie Brae	Mandell to Yupon	492Z, 493W	D
Bonnie Brae	Dunlavy to Mandell	492Z	D
Castle Court	Dunlavy to Graustark	492Z, 493W	D
Dunlavy	US 59 to Richmond	492Z	D
Graustark	US 59 to Richmond	493W	D
Lexington	Woodhead to the dead-end	492Z	D
Lexington	Hazard to Woodhead	492Z	D
Main, West	Yoakum to Montrose	493S	D
Mandell	US 59 to Richmond	492Z	D
Norfolk	Dunlavy to Mandell	492Z	D
Sul Ross	Woodhead to the dead-end	492V	D
Sul Ross	Driscoll to Woodhead	492V	D
Yupon	US 59 to Richmond	493W	D
Miramar	Graustark to Mt. Vernon	493W	D
Mt. Vernon	Miramar to US 59	493W	D

**BIDS:** Bids were received on May 1, 2008. The eight (8) bids are as follows:

Bidder	Bid Amount
1. Total Contracting Limited	\$6,588,489.00
2. Conrad Construction Co., Ltd.	\$6,982,239.90
3. Metro City Construction	\$7,368,916.86
4. Texas Sterling Construction Co.	\$7,378,414.00
5. Angel Brothers Ent., Ltd.	\$7,399,320.50
6. Reytec Construction Resources, Inc.	\$7,938,502.50
7. Pace Services, LP	\$8,222,127.75
8. Triple B Services, LLP	\$10,222,536.20

## REQUIRED AUTHORIZATION

CUIC ID #20MXB04

Finance Department

Other Authorization:

Other Authorization:

NOT

FOR MICHELLE MITCHELL

<b>Date</b>	<b>Subject:</b> Contract Award for Neighborhood Street Reconstruction (NSR) 455. WBS No. N-000387-0001-4; S-000500-0069-4; R-000500-0069-4.	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
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**AWARD:** It is recommended that this construction contract be awarded to Total Contracting Limited with a low bid of \$6,588,489.00 and that Addendum Number 1 be made a part of this Contract.

**PROJECT COST:** The total cost of this project is \$7,740,000.00 to be appropriated as follows:

•	Bid Amount	\$6,588,489.00
•	Contingencies	\$ 329,425.00
•	Engineering and Testing Services	\$ 210,000.00
•	Project Management	\$ 132,086.00
•	Construction Management	\$ 480,000.00

Engineering and Testing Services will be provided by The Murillo Company under a previously approved contract.

Construction Management Services will be provided by Infrastructure Associates, Inc. under a previously approved contract.

**M/WBE PARTICIPATION:** The low bidder has submitted the following proposed program to satisfy the 14% MBE goal, 5% WBE goal and 3% SBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Bedo Construction Products, Inc	Construction Supplies, Hardware/Materials	\$ 600,000.00	9.11%
2. J. A. Gamez, Trucking Services	Trucking Services	\$ 175,000.00	2.65%
3. Two Way Barricade Equipment Sale and Rental	Traffic Control Flagman, Stripping	\$ 286,600.00	4.35%
<b>TOTAL</b>		<b>\$1,061,600.00</b>	<b>16.11%</b>

<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Vikki's Service & Supply	Service Tap Connections For Utility Lines	\$329,425.00	5.00%
<b>TOTAL</b>		<b>\$329,425.00</b>	<b>5.00%</b>

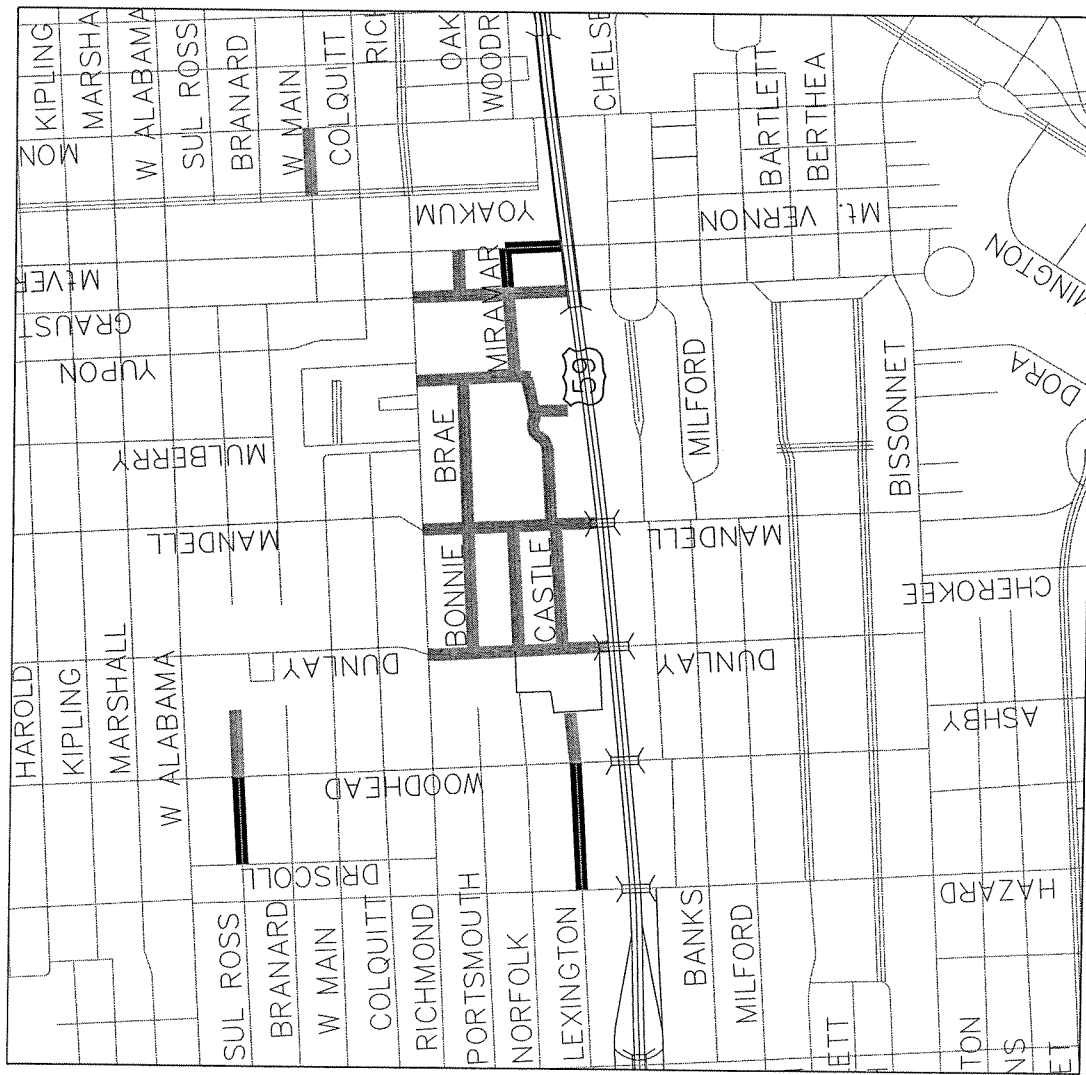
<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Statewide Tree Services DBA Statewide Services	Land Clearing, Tree Removal	\$ 50,000.00	0.76%
2. Reliable Signal &, Lighting Solutions, LLC	Traffic Lights/Road Lighting	\$ 50,000.00	0.76%
3. Professional Traffic Control	Sign Making	\$100,000.00	1.52%
<b>TOTAL</b>		<b>\$200,000.00</b>	<b>3.04%</b>

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

S:\design\A-NP-DIVAAA Neighborhood Section Reporting\Board\NSR 455\postbid\RCA 2008 NSR 455 Const.doc

MSM:RKM:FOS:MB:

c: Marty Stein Gary Norman w/attachments  
Susan Bandy Craig Foster  
Velma Laws File No. N-000387-0001-4 (3.7)  
Waynette Chan



Neighborhood Street Reconstruction (NSR) 455			
STREET	FROM	TO	LENGTH (FT)
Bonnie Brae	Dunlavy	Mandell	830
Bonnie Brae	Mandell	Yupon	960
Bonnie Brae	Graustark	Mt. Vernon	315
Castle Court	Dunlavy	Mandell	820
Castle Court	Mandell	Yupon	1010
Castle Court	Yupon	Graustark	545
Dunlavy	Richmond	US 59	1,170
Graustark	Richmond	Miramar	620
Graustark	Miramar	US 59	380
Lexington	Woodhead	the dead-end	325
Lexington	Hazard	Woodhead	830
Mandell	US 59	Norfolk	585
Mandell	Norfolk	Richmond	545
Miramar	Graustark	Mt. Vernon	300
Mt. Vernon	Miramar	US 59	365
Norfolk	Dunlavy	Mandell	830
Sul Ross	Driscoll	Woodhead	570
Sul Ross	Woodhead	the dead-end	430
Main, West	Yodakum	Montrose	450
Yupon	Richmond	US 59	935
Total Ft			12,715

**KEY MAP 492Z & 493W**  
**GIMS MAP 5356C**

# HUITT-ZOLLARS

1500 South Dairy Ashford, Suite 200  
Houston, TX 77077

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

**NEIGHBORHOOD STREET  
RECONSTRUCTION  
(NSR) 455**

## VICINITY MAP

FILE NO. SB9227	CITY OF HOUSTON PM	
WBS NO. N-000387-0001-2	JORGE CORONA	
DRAWING SCALE	DATE	SHEET NO.
1"=1200'	08/07/07	2 OF 2

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:**

Ordinance granting Commercial Solid Waste Operator Franchise

**Category #**

**Page 1 of 1**

**Agenda Item#**

*1st Reading*

*37*

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

Alfred J. Moran Jr., Director  
Administration & Regulatory Affairs

**Origination Date**

September 23, 2008

**Agenda Date**

OCT 01 2008

**DIRECTOR'S SIGNATURE:**

*[Signature]*

**Council Districts affected:**

ALL

**For additional information contact:**

Juan Olguin  
Nikki Cooper

Phone: (713) 837- 9623

Phone: (713) 837-9889

**Date and identification of prior authorizing**

**Council Action:** Ord. # 2002-526 – June 19, 2002;  
Ord. # 2002-1166-December 18, 2002.

**RECOMMENDATION: (Summary)**

Approve ordinance granting Commercial Solid Waste Operator Franchise

**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 granting Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee

1. Safety Kleen, Inc.

The proposed ordinance grants the Franchisee 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:**

38

SEP 30 2008

MOTION NO. 2008

MOTION by Council Member Khan that the recommendation of the Director of the Department of Public Works and Engineering, for approval of final contract amount and acceptance of work on contract with D. L. Elliott Enterprises, Inc., for 12/16/20-inch Service Upgrades and Grid Extensions in the Greater Greenspoint Area, WBS No. S-000900-00A4-4, be adopted, and the final contract amount of \$1,432,000.41 is hereby approved by the City Council and the work be accepted and final payment is hereby authorized.

Seconded by Council Member Green

Council Member Jones absent on personal business

On 9/24/08 the above motion was tagged by Council Member Johnson.

cr

**O: Mayor via City Secretary      REQUEST FOR COUNCIL ACTION****SUBJECT:** Appropriate Additional Funds and Accept Work for 12/16/20-inch Service Upgrades and Grid Extensions in the Greater Greenspoint Area.

WBS No. S-000900-00A4-4.

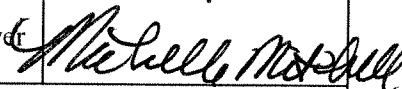
Page 1 of 2	Agenda Item #
38	7A
Origination Date	Agenda Date
9/18/08	SEP 24 2008
Council Districts affected:	
B	
Date and Identification of prior authorizing Council Action:	
Ord. #2005-683 dated 06/01/2005	

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

Department of Public Works and Engineering

**DIRECTOR'S SIGNATURE:**  
Michael S. Marcotte, P.E., DEE, Director**For additional information contact:**J. Timothy Lincoln, P.E.  
Senior Assistant Director

Phone: (713) 837-7074

**RECOMMENDATION: (Summary)** Approve an ordinance appropriating an additional \$58,825.11. Adopt a motion approving the final Contract Amount of \$1,432,000.41, accepting the Work and authorizing the final payment.**Amount and Source of Funding:** Additional appropriation of \$58,825.11 from the Water and Sewer System Consolidated Construction Fund, Fund No. 8500. Original appropriation of \$1,497,600.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund, Fund No. 755.**Finance Department:****PROJECT NOTICE/JUSTIFICATION:** This project was part of the Surface Water Transmission Program (SWTP) and it will help the City meet groundwater well withdrawal criteria mandated by the Harris/Galveston Coastal Subsidence District (HGCSA) and water quality parameters issued by the United States Environmental Protection Agency (USEPA).**DESCRIPTION/SCOPE:** The project consisted of 5,973 linear feet of 12 and 16-inch water lines, valves, and appurtenances in the Greater Greenspoint Area. Lockwood, Andrews & Newnam, Inc. designed the project with 150 calendar days allowed for construction. The project was awarded to D.L. Elliott Enterprises, Inc. with an original Contract Amount of \$1,307,786.00.**LOCATION:** The project area is located across West Greens Road at Northborough and 925' East of Northborough; across IH-45 at Glenborough Drive; along La Fonda and Cotillion from La Jolla to FM 525 (Aldine Bender); along Easements from 200 Plaza Verde Drive to Beltway 8; along West Road from Sweetwater to Airline Drive. The project is located in the Key Map Grids 372-Q & U, 373-W, and 412-D.

The requested appropriation of \$58,825.11 will cover the overrun costs for Bid Item No. 19, "12-inch Water Line by Open Cut" and Bid Item No. 22, "12-inch Steel Water Line at aerial crossing". These items exceeded their original budgeted amounts due to underestimation in the design phase. As the original scope of work did not change, no formal change order is required.

**CONTRACT COMPLETION AND COST:** D.L. Elliott Enterprises has completed the Work under subject Contract. The project was completed within the Contract Time with 233 additional days approved by Change Order Nos. 1, 2, 3, 4, and 6. The final cost of the project, including overrun and underrun of estimated bid quantities, and Change Order Nos. 1 through 6 is \$1,432,000.41, an increase of \$124,214.41 or 9.50% over the original Contract Amount.

The increased cost is primarily a result of an overrun in Bid Item No. 19 - 12-inch diameter water line by open cut, Bid Item No. 22- 12-inch diameter Steel water line w/restrained joints at aerial crossing and Bid Item No. 25 -16-inch diameter Steel water line w/restrained joints at aerial crossing, which were necessary to complete the Work.

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 15.82%. The Contractor achieved a "Satisfactory" rating for the M/WBE Compliance.**NOTE: # 7 Adopted 9/24/08**


MSM:JTL:AR:DO:mq

S:\E&amp;C Construction\North Sector\CM's\S-0900-S4 LAN-S-000900-00A4-4\RCA\_CO\_No. 7g mqdo4.DOC

C: Velma Laws

Michael Ho, P.E.

File No. 10448-07-07 - Closeout

**REQUIRED AUTHORIZATION****CUIC ID# 20MZQ016****FIN Director:****Other Authorization:**  
Jeff Taylor, Deputy Director  
Public Utilities Division**Other Authorization:**

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** An ordinance amending Ordinance No. 2007-0315 to increase the maximum contract amount of agreement with Hill's Pet Nutrition, Inc. from \$38,625.00 to \$98,625.00 for animal shelter feeding services

**Category**  
# 9

**Page**  
1 of 1

**Agenda**  
Item

3978

**FROM (Department or other point of origin):**  
Houston Department of Health and Human Services

**Origination Date**  
7/28/08

**Agenda Date**  
~~SEP 24 2008~~

**DIRECTOR'S SIGNATURE:**

*Stephen L. Williams*

**Council District affected:** SEP 30 2008  
ALL

**For additional information contact:** Kathy Barton  
Telephone: 713-794-9998 ; 713-826-5801

**Date and identification of prior authorizing Council action:** 3/21/07; 07-0315

**RECOMMENDATION:** (Summary)

Approval of an ordinance amending Ordinance No. 2007-0315 to increase the maximum contract amount of agreement with Hill's Pet Nutrition, Inc. from \$38,625.00 to \$98,625.00 for animal shelter feeding services

**Amount of Funding:** New Maximum Contract Amount: \$98,625.000  
Total Funding Increase: \$60,000.00  
General Fund (1000)

**Finance Department:**

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

**SPECIFIC EXPLANATION:**

Ordinance No. 2007-0315 authorized a contract with Hill's Pet Nutrition, Inc. to provide pet food products, free of charge, to the Houston Department of Health and Human Services' (HDHHS) Bureau of Animal Regulation and Care (BARC) with HDHHS being responsible for the shipping costs. HDHHS' request for an increase to the maximum contract amount is due to an increase in shipping rates since the effective date of the contract, which was March 21, 2007.

HDHHS requests that Council approve an ordinance amending the maximum amount of the contract with Hill's Pet Nutrition, Inc. for the continued provision of pet food for the animals being cared for at BARC.

cc: Finance Department  
Legal Department  
Agenda Director

**REQUIRED AUTHORIZATION**

**Finance Department**

**Other Authorization:**

**Other Authorization:**

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

R

<b>SUBJECT:</b> An ordinance approving the Applications and budget submissions to the Department of State Health Services, (DSHS) for various public health services in the City of Houston		<b>Category #</b> 9	<b>Page</b> 1 of 1	<b>Agenda Item</b> <u>40</u> <u>20</u>
<b>FROM</b> (Department or other point of origin): Houston Department of Health and Human Services		<b>Origination Date</b> 8/26/08	<b>Agenda Date</b> SEP 24 2008	
<b>DIRECTOR'S SIGNATURE:</b> <i>Stephen Williams</i>		<b>Council District affected:</b> SEP 30 2008 ALL		
<b>For additional information contact:</b> Kathy Barton Telephone: 713-794-9998 ; 713-826-5801		<b>Date and identification of prior authorizing Council action:</b> 8-22-01; 01-0790, 9-4-02; 02-0833, 8-13-03; 03-0747, 8-31-04; 04-0907, 9-14-05; 05-1063, 09-06-06; 06-925, 8-15-07		
<b>RECOMMENDATION:</b> (Summary) Approval of an ordinance for the applications and budget submissions to the Department of State Health Services for various public health services in the City				
<b>Amount of Funding:</b> Total Project Cost: \$17,644,397.00 Federal State Local – Pass Through Fund (5030)			<b>Finance Department:</b>	
<b>SOURCE OF FUNDING:</b> [ ] General Fund [X] Grant Fund [ ] Enterprise Fund [ ] Other ( Specify )				
<b>SPECIFIC EXPLANATION:</b> The Houston Department of Health and Human Services (HDHHS) requests City Council approval of the FY 9 applications and budget submissions to the Department of State Health Services (DSHS) for the City's Tuberculosis Control, Titles V, XX & X for Family Planning Services, Immunization Program, and the Bureau of Nutritional Services (WIC program). The period of performance for programs except WIC is September 1, 2008 through August 31, 2009. The period of performance for the WIC program is October 1, 2008 through September 30, 2009.  HDHHS requests City Council authorize the Director of HDHHS to: 1) accept the initial funding of the applicable Contract Change Notices(s) and expend approved funding as soon as awarded; and 2) accept supplemental awards offered by DSHS during this budget year.				
<b>Tuberculosis Control</b> <span style="float: right;"><b>\$4,813,867.00</b></span> Funding from DSHS will continue to provide Directly Observed Therapy (DOT) services for tuberculosis treatment and prevention and expanded outreach services throughout the City of Houston.				
<b>Titles V, XX &amp; X – Family Planning Services</b> <span style="float: right;"><b>\$1,677,100.00</b></span> Funding from DSHS will provide preventative clinic services. These services support family planning at seven community-based health centers.				
<b>Immunization Program</b> <span style="float: right;"><b>\$706,530.00</b></span> Funding from DSHS will support the administration of the HDHHS' Project Milestone which utilized navigators to serve as parent coaches at various City operated WIC sites. The navigators provide information to the parent/guardian about Project Milestone and the importance of bringing their child's immunization record to each WIC visit. The parent is given a needs assessment, and participants are given incentives at immunization milestones to encourage continued participation. The funding will also be used to continue ImmTrac (immunization database) outreach.				
<b>Bureau of Nutritional Services (WIC)</b> <span style="float: right;"><b>\$10,446,900.00</b></span> Funding from DSHS will serve an average of 80,000 WIC participants per month. Immunization screenings are provided to all WIC clients in 18 WIC sites.				
cc: Finance Department Legal Department Agenda Director				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department</b>	<b>Other Authorization:</b>		<b>Other Authorization:</b>	