

**AGENDA - COUNCIL MEETING - TUESDAY - NOVEMBER 18, 2008 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

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

**1:30 P. M. - ROLL CALL**

**ADOPT MINUTES OF PREVIOUS MEETING**

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

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - NOVEMBER 19, 2008 - 9:00 A. M.**

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

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

1. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance for (MSD) for Houston Pavillions, L.P. for property located at 1210 San Jacinto Street - **DISTRICT I - RODRIGUEZ**
2. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance for (MSD) for InSite West Belt, L.P. for property located at 10651 Harwin Drive - **DISTRICTS F - KHAN and G - HOLM**
3. **PUBLIC HEARING** on the proposed airport compatible land use regulations and accompanying maps for George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Field (EFD) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

**MAYOR'S REPORT**



**CONSENT AGENDA NUMBERS 4 through 40**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 4 and 4A

4. ORDINANCE appropriating \$194,830.90 out of the General Improvement Consolidated Construction Fund for Outdoor Seats for Miller Outdoor Theatre for the General Services Department
  - a. **AMERICAN SEATING COMPANY** for Outdoor Seats from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the General Services Department - \$194,830.90 - General Improvement Consolidated Construction Fund

**ORDINANCES** - NUMBERS 5 through 40

5. ORDINANCE relating to Safety Codes adopted for the protection of lives and property from fire and other perils; adopting local amendments to the International Residential Code for One-and Two-Family dwellings and to the International Energy Conservation Code; and containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing for severability
6. ORDINANCE amending table 105.8 of the City of Houston Fire Code relating to a certain permit to use hazardous materials to correct a scrivener's error; containing other provisions relating to the foregoing subject; providing for severability
7. ORDINANCE adding a new Section 41-12, relating to Residential Subdivision Identification Markers, to Article I of Chapter 41 of the Code of Ordinances, Houston, Texas
8. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and the **UNITED STATES OF AMERICA DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, in connection with a new terminal radar approach control facility (TRACON) at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON**
9. ORDINANCE approving Lease Agreement between the City of Houston, Texas and **HOUSTON MUNICIPAL EMPLOYEES FEDERAL CREDIT UNION**, as tenant, for space at 611 Walker **DISTRICT I - RODRIGUEZ**
10. ORDINANCE approving and authorizing Lease Agreement (Parking) between the City of Houston, Texas, as landlord (the "City"), and Dorothy L. Conley, trustee of the Conley Residuary Trust created under Article IV of the last will and testament of Harry E. Conley, deceased, also known as the Conley Marital trust, ("Tenant") for approximately 20,716 net rentable square feet of parking space located beneath the N. Durham Drive Bridge between White Oak Bayou and the M. K. T. Railroad, Houston, Harris County, Texas, for five (5) years with three five-year renewal options, at a monthly rental of \$200.00 - **DISTRICT H - GARCIA**
11. ORDINANCE consenting to the addition of 28.0669 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district
12. ORDINANCE consenting to the addition of 9.1467 acres of land to **GREEN TRAILS MUNICIPAL UTILITY DISTRICT**, for inclusion in its district
13. ORDINANCE consenting to the addition of 121.297 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 134A**, for inclusion in its district



**ORDINANCES** - continued

14. ORDINANCE consenting to the addition of 331.295 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 134B**, for inclusion in its district
15. ORDINANCE consenting to the addition of 104.496 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 134C**, for inclusion in its district
16. ORDINANCE consenting to the addition of 30.13 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 146**, for inclusion in its district
17. ORDINANCE consenting to the addition of 6.003 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 278**, of Harris County, Texas, for inclusion in its district
18. ORDINANCE consenting to the addition of 3.019 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 367**, for inclusion in its district
19. ORDINANCE consenting to the addition of 13.788 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 67**, for inclusion in its district
20. ORDINANCE consenting to the addition of 11.7120 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 32**, for inclusion in its district
21. ORDINANCE establishing the east and west sides of the 800 block of Tabor Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**
22. ORDINANCE establishing the east and west sides of the 800 block of Tabor Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**
23. ORDINANCE establishing the north and south sides of the 2300 block of Quenby Road within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK**
24. ORDINANCE establishing the north and south sides of the 2200-2300 block of Rosedale Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**
25. ORDINANCE approving and authorizing contract between City of Houston and the **EDUCATIONAL PROGRAMS INSPIRING COMMUNITIES, INC.**, to provide \$202,811.00 in Community Development Block Grant Funds and \$75,000.00 in Housing Opportunities for Persons With Aids Funds for the HEART Program
26. ORDINANCE appropriating \$3,101,439.00 from TIRZ Affordable Housing Fund (Fund 2409); approving and authorizing the resolution of outstanding issues raised in HUD Monitoring Reports in 2003, 2004, and 2005 of the City's HOME, CDBG, and HOPWA Programs; authorizing the Mayor to execute necessary documents related thereto
27. ORDINANCE approving and authorizing contracts between the City and (1) **AAR INCORPORATED**, (2) **R&A BUILDING SPECIALISTS**, (3) **ORTHO CONSTRUCTION/RENOVATION COMPANY INC.**, (4) **TREBOR INCORPORATED**, and (5) **WATSON CONSOLIDATED** for the City's Lead-Based Paint Hazard Reduction Control Program; providing maximum contract amounts - 2 years with 3 one-year options - \$12,500,000.00 - Grant Funds



**ORDINANCES** - continued

28. ORDINANCE approving and authorizing contract between the City of Houston and **GENERAL DYNAMICS ITRONIX CORPORATION** for Computer Software and Hardware Maintenance Services for the Department of Public Works and Engineering; providing a maximum contract amount - 3 years with 2 one-year options - \$799,190.00 - Enterprise Fund
29. Omitted
30. ORDINANCE making certain findings and approving the use of portion of Kingwood Park by the Houston Public Library Department as a site for the construction of a New Two-Story Public Library Building containing approximately 30,000 square feet and associated parking spaces, which improvements require the use of 4.845 acres (Parcel GY9-001) portion of the total 9.1206 acres of the Park Area; said findings made after a Public Hearing held at 9:00 a.m. on Wednesday, October 29, 2008, in the City Council Chambers, second floor of City Hall, Houston, Texas, pursuant to the provisions of Chapter 26, Texas Parks and Wildlife Code; making other findings and stating other matters generally relating thereto; providing for the effective date of such findings and approval - **DISTRICT E - SULLIVAN**
- a. ORDINANCE approving and authorizing Interlocal Agreement and Lease Agreement between the City of Houston and **HARRIS COUNTY, TEXAS** for the design, construction, operations and maintenance related to the New Kingwood Library; authorizing purchase of current Kingwood Library by City of Houston from Harris County - **DISTRICT E - SULLIVAN**
- b. ORDINANCE appropriating \$6,436,625.00 out of Reimbursement of Equipment/Projects Fund and approving and authorizing first amendment to a Construction Management-At-Risk Contract (approved by Ordinance No. 2008-0237) between the City of Houston and **SPAW GLASS CONSTRUCTION CORPORATION** for the Construction of New Kingwood Library; providing funding for engineering and testing services, Civic Art Program, and contingencies related to construction of facilities financed by the Reimbursement of Equipment/Projects Fund - **DISTRICT E - SULLIVAN**
31. ORDINANCE appropriating \$60,358.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Reconstruction of Hempstead Highway for IH-10 to Mangum Road; (approving by Ordinance No. 94-1052); WBS N-000611-0001-2 **DISTRICT A - LAWRENCE and H - GARCIA**
32. ORDINANCE approving and authorizing an amendment to the agreement between the City of Houston and **BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1** for Sanitary Sewer Conveyance to the Blackhawk Wastewater Treatment Plant; providing a maximum contract amount - \$85,201.60 - Enterprise Fund
33. ORDINANCE approving and authorizing a contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 406** for Treated Surface Water Supply
34. ORDINANCE appropriating \$4,095,058.24 out of Metro Project Commercial Paper Series E Fund, \$2,612,423.67 from Water & Sewer System Consolidated Construction Fund; and \$297,383.09 from Water & Sewer Contributed Capital Fund awarding contract to **SER CONSTRUCTION PARTNERS, LTD.** for Monroe Road Paving from Fuqua to Beltway 8 ("The Project"); 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; declaring the City's intent to reimburse all or part of the funds appropriated with proceeds of joint participation contracts with City of Pearland and HCMUD 382 ("The Joint Participation Contracts") - **DISTRICT E - SULLIVAN**



**ORDINANCES** - continued

35. ORDINANCE appropriating \$2,965,223.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **D.L. ELLIOTT ENTERPRISES, INC** for FY09 Fire Hydrant Replacement; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingences relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
36. ORDINANCE appropriating \$964,377.00 out of Water & Sewer System Consolidated Construction Fund; awarding a contract to **TROY CONSTRUCTION, L.L.C.** for Wastewater Collection System Rehabilitation and Renewal; 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 the engineering testing, project management, and contingencies relating to the construction of facilities financed out of the Water & Sewer System Consolidated Construction Fund
37. ORDINANCE appropriating \$1,651,033.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Wastewater Collection System Rehabilitation and Renewal, WBS R-000266-0118-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingences relating to construction of facilities financed out of Water & Sewer System Consolidated Construction Fund
38. ORDINANCE No. 2008-1011, passed first reading November 12, 2008  
ORDINANCE granting to **J BAR CONTRACTOR'S SERVICES, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions  
**SECOND READING**
39. ORDINANCE No. 2008-1012, passed first reading November 12, 2008  
ORDINANCE granting to **TAP ENVIRONMENTAL, INC, A Texas 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 - **SECOND READING**
40. ORDINANCE No. 2008-984, passed second reading November 12, 2008  
ORDINANCE granting to **LONGHORN BAG, LLC, A Texas Limited Liability 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 - **THIRD AND FINAL READING**

**END OF CONSENT AGENDA**

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



**MATTERS HELD** - NUMBERS 41 through 44

41. ORDINANCE approving and authorizing Interlocal Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Registration holds on vehicles with 1) Outstanding penalty for Photographic Traffic Signal Enforcement System Violations (a.k.a the Red Light Camera System), and/or 2) Outstanding warrants for failure to appear or failure to pay a fine for traffic moving violations; providing a maximum contract amount - \$340,000.00 General and DARLEP Funds

**POSTPONED BY MOTION #2008-777, 10/22/08**

This was Item 41 on Agenda of October 22, 2008

42. MOTION by Council Member Khan/Seconded by Council Member Sullivan to adopt recommendation from Director Department of Public Works & Engineering for payment of invoice from **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) ANNUAL CONSOLIDATED WATER QUALITY (CWQ)** fee for FY09 - \$1,175,230.20 - Enterprise Fund  
**TAGGED BY COUNCIL MEMBER KHAN**

This was Item 7 on Agenda of November 12, 2008

43. MOTION by Council Member Lovell/Seconded by Council Member Khan to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Christy B. Smidt of Kerry R. Gilbert & Associates, Inc., on behalf of EBH Development Group, for abandonment and sale of Briarway Court from Briar Hollow Lane to its terminus and a 10-foot-wide prescriptive storm sewer easement, all located within the Ivy Oaks Subdivision plat out of the William White Survey, A-836, Parcels SY9-010A and SY9-010B - **DISTRICT G - HOLM**

**TAGGED BY COUNCIL MEMBER SULLIVAN**

This was Item 9 on Agenda of November 12, 2008

44. ORDINANCE amending City of Houston Ordinance No. 2008-385, passed on April 30, 2008 which approved and authorized the submission of the 2008 Consolidated Action Plan ("Plan") and various Federal Grant Applications, by making a substantial amendment to the plan to add a new grant application for the Neighborhood Stabilization Program in the amount of \$13,542,193.00 and to accept the aforementioned grant funds, if awarded - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GARCIA and I - RODRIGUEZ**

**TAGGED BY COUNCIL MEMBERS LOVELL, ADAMS and KHAN**

This was Item 22 on Agenda of November 12, 2008

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Lawrence 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



NOV 19 2008

MOTION NO. 2008 0756

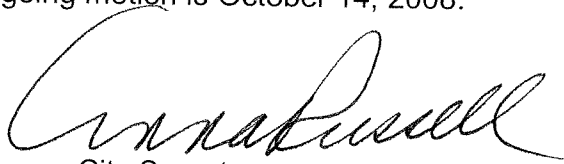
MOTION by Council Member Garcia that the recommendation of the Director of the Department of Public Works and Engineering, to set a hearing date to consider a Municipal Setting Designation ordinance (MSD) for Houston Pavillions, L.P. for the site located at 1210 San Jacinto Street, be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, November 19, 2008, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Khan and carried.

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

PASSED AND ADOPTED this 8th day of October, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is October 14, 2008.

  
City Secretary



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NOV 19 2008

MOTION NO. 2008 0757

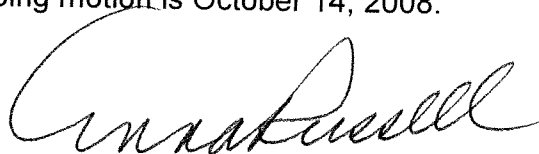
MOTION by Council Member Garcia that the recommendation of the Director of the Department of Public Works and Engineering, to set a hearing date to consider a Municipal Setting Designation ordinance (MSD) for InSite West Belt, L.P., for the Site located at 10651 Harwin Drive, be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, November 19, 2008, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Khan and carried.

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

PASSED AND ADOPTED this 8th day of October, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is October 14, 2008.

  
City Secretary



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NOV 19 2008

MOTION NO. 2008 0814

MOTION by Council Member Garcia that the recommendation of the Director of Houston Airport System, to set a hearing date on the proposed airport compatible land use regulations and accompanying maps for George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Field (EFD), be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, November 19, 2008, in the City Council Chamber, Second Floor, City Hall.

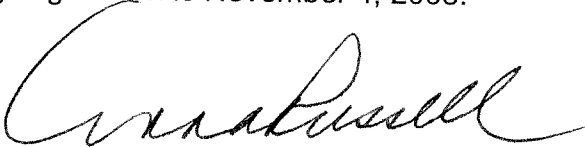
Seconded by Council Member Khan and carried.

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

Council Member Green absent on personal business

PASSED AND ADOPTED this 29th day of October, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is November 4, 2008.

  
City Secretary



# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8070**

**Subject:** Purchase of Outdoor Seats from the State of Texas  
Procurement and Support Services Contract for the General Services  
Department  
S19-Q23054-S

Category #  
1 & 4

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Agenda Item

*4+4A*

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

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

**Origination Date**

November 03, 2008

**Agenda Date**

NOV 19 2008

**DIRECTOR'S SIGNATURE**

*[Signature]*

**Council District(s) affected**

All

**For additional information contact:**

Jacquelyn L. Nisby      Phone: (832) 393-8023  
Ray DuRousseau      Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the appropriation of \$185,553.24 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$9,277.66 for a total amount not to exceed \$194,830.90 out of the General Improvement Consolidated Construction Fund (Fund 4509) and approve a purchase order for outdoor seats from the State of Texas Procurement and Support Services Contract for the General Services Department.

Award Amount: \$194,830.90

**Finance Budget**

\$194,830.90 - General Improvement Consolidated Construction Fund (4509) WBS D-000125-0003-4

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$185,553.24 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$9,277.66 for a total amount not to exceed \$194,830.90 out of the General Improvement Consolidated Construction Fund (Fund 4509) from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the General Services Department, and that authorization be given to issue a purchase order to the State contract supplier, American Seating Company. These outdoor seats will replace 22-year-old seats that are worn and beyond economical repair as replacement parts are difficult to find to nonexistence.

The scope of work requires the contractor to provide all labor, equipment, materials, tools, supervision and transportation necessary to furnish and install 1,678 outdoor seats for the General Services Department for Miller Outdoor Theatre at 100 Concert Drive. The new outdoor seats will come with a five-year warranty and the estimated life expectancy is 20 to 25 years.

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

Buyer: Roy Korthals  
Purchase Requisition: 10061991

*[Signature]*

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*MT*

*4+4A*



TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance adopting the 2006 International Energy Conservation Code and amending Chapter 11 of the 2000 International Residential Code		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 5
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 11-17-08		<b>Agenda Date</b> NOV 19 2008
<b>DIRECTOR'S SIGNATURE:</b> Michael S. Marcotte, P.E., D.WRE, BCEE <i>Michael S. Marcotte</i> 11/17/08		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Gary Bridges Building Official <b>Phone:</b> (713) 535-7575		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION:</b> (Summary) Approve an ordinance adopting the 2006 International Energy Conservation Code and amending Chapter 11 of the 2000 International Residential Code				
<b>Amount and Source of Funding:</b> N/A				
<b>SPECIFIC EXPLANATION:</b> <p>The 2006 International Energy Conservation Code (IECC) is similar to the currently adopted 2001 IECC in application and stringency but with a different format. Adoption of the updated code is consistent with historic practice in the City and follows support received from the Construction Industry Council. The proposed modifications were submitted to Texas A&amp;M Energy Systems Lab as required by state law and reviewed by the Construction Industry Council Energy Committee. Stakeholders, Greater Houston Builders Association and the Houston Apartment Association, partnered in the development of the amendments.</p> <p>The Code adoption will become effective January 1, 2009 with amendments for correlating with other Houston construction codes and administrative enforcement, technical changes to glazing and insulation, and a historic building exemption for historic elements.</p> <p>The amendments also include an additional performance objective that becomes effective October 1, 2009. New construction and additions will be required to achieve a minimum of fifteen percent (15%) improvement in efficiency above the minimum 2006 IECC Code provisions. This delayed effective date is in recognition of the training and other preparation necessary within the industry to achieve the standard. Additional guidelines for meeting the standards will be developed with stakeholder input and published in April of 2009.</p> <p>There are three options for compliance with the additional energy efficiency performance objectives, to be effective October 1, 2009:</p> <ul style="list-style-type: none"><li>▪ Energy Star program</li><li>▪ Compliance modeling using approved software and testing</li><li>▪ Prescriptive option packages</li></ul> <p>These amendments are applicable to residential buildings up to three stories. (Residential structures over three stories are subject to the commercial code which was revised August 1, 2008 to include substantial energy conservation provisions.)</p> <p>This matter was presented to and recommended for approval by the Regulation, Development, and Neighborhood Protection Committee on October 23, 2008.</p>				
<b>REQUIRED AUTHORIZATION</b>		<b>CUIC 20AFI24</b>		
<b>Other Authorization:</b> <i>[Signature]</i>		<b>Other Authorization:</b>		



5  
NOV 19 2008

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

**AN ORDINANCE RELATING TO SAFETY CODES ADOPTED FOR THE PROTECTION OF LIVES AND PROPERTY FROM FIRE AND OTHER PERILS; ADOPTING LOCAL AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS AND TO THE INTERNATIONAL ENERGY CONSERVATION CODE, AND CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; CONTAINING A REPEALER; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, the 77<sup>th</sup> Texas Legislature, Regular Session (2001), adopted Chapter 388 of the Texas Health and Safety Code; and

**WHEREAS**, Chapter 388 adopted the International Energy Conservation Code and Chapter 11 of the International Residential Code, as those documents existed on May 1, 2001, and made the documents applicable in the City; and

**WHEREAS**, the City commenced enforcement of the subject codes by adoption of City of Houston Ordinance No. 2002-801, adopted August 28, 2002; and

**WHEREAS**, the aforesaid International Energy Conservation Codes as existed in 2002 has been superseded by a revised 2006 edition; and

**WHEREAS**, Section 388.003 of the Texas Health and Safety Code allows municipalities to adopt certain local procedures and amendments for the subject Codes; and

**WHEREAS**, the City Council of the City of Houston desires to adopt local provisions for the subject Codes as authorized by the State law; **NOW, THEREFORE**,

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

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

**Section 2.** That, as provided by Chapter 388 of the Texas Health and Safety Code, the 2006 Edition of the International Energy Conservation Code ("the International Energy Conservation Code") shall be applicable within the City of Houston. The City Council



hereby authenticates a copy of the 2006 International Energy Conservation Code that has been placed on file in the Office of the City Secretary in connection with the adoption of this Ordinance as Exhibit A to this Ordinance.

**Section 3.** That, as authorized by Chapter 388 of the Texas Health and Safety Code, local procedures and amendments for the International Energy Conservation Code are hereby adopted by the City as provided in Exhibit B to this Ordinance, and that from and after the effective date of this ordinance the International Energy Conservation Code with amendments as adopted herein shall also be known as the "City of Houston Residential Energy Conservation Code." For the sake of clarity, Exhibit B has been prepared in a legislative format that depicts certain amendments by underlining added text and striking through deleted text. The underlining shall not be regarded as having been formally adopted, and text that has been shown as being stricken is in fact not adopted.

**Section 4.** The City Council has previously authenticated a copy of the International Residential Code that was placed on file in the Office of the City Secretary in connection with the adoption of Ordinance 2001-1154.

**Section 5.** That, as authorized by Section 214.212(c) of the Texas Local Government Code and Chapter 388 of the Texas Health and Safety Code, the Table of Houston Amendments to the International Residential Code for One- and Two-Family Dwellings, as adopted by Ordinance 2001-1154, as previously amended, is further amended as provided in Exhibit C to this Ordinance. For the sake of clarity, Exhibit C has been prepared in a legislative format that depicts certain amendments by underlining added text and striking through deleted text. The underlining shall not be regarded as



having been formally adopted, and text that has been shown as being stricken is in fact not adopted.

**Section 6.** Whenever in the International Residential Code or the International Energy Conservation Code or the amendments adopted by the City of Houston in Sections 3 and 5 of this Ordinance an act or omission is prohibited or declared to be unlawful or an offense or a misdemeanor, or whenever therein the doing or performance of any act or duty is required or the failure to do any act is prohibited or declared to be unlawful, and no specific penalty is provided therefor, the violation thereof shall be punishable by a fine of not less than \$500 nor more than \$2000; provided, however, that no penalty shall be greater or lesser than the penalty provided for the same offense under the laws of the state. Each day that any violation continues shall constitute and be punishable as a separate offense. In prosecutions, the various provisions that are designated as an "exception" or as "exceptions" shall not be treated as exceptions within the meaning of Section 2.02 of the Texas Penal Code, and instead, it is the intent of the City Council in adopting this Ordinance that they shall constitute "defenses to prosecution" within the meaning of Section 2.03 of the Texas Penal Code. Pursuant to the provisions of Section 54.001 of the Texas Local Government Code, the City Council hereby finds, and adopts such finding, that each and every regulation enumerated in the International Residential Code or the International Energy Conservation Code or the modifications adopted by the City of Houston that is punishable, upon violation, by a fine in excess of \$500 governs fire safety and/or public health and sanitation.



**Section 7.** That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict only.

**Section 8.** The International Residential Code and the International Energy Conservation Code, as amended herein are uniform codes promulgated by a recognized national code organization. Local amendments have been made to various provisions of the subject Codes in this Ordinance solely to address imminent threats of destruction of property or injury to persons. However, to the extent that any such local provision is determined to be unenforceable for purposes of Chapter 245 of the Texas Local Government Code, then it is the intent of the City Council that the corresponding provision of the International Residential Code or the International Energy Conservation Code be enforced in its place. For that limited purpose, the International Residential Code and the International Energy Conservation Code are also adopted in their entireties without local City of Houston modifications.

**Section 9.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.



**Section 10.** The provisions of this Ordinance shall take effect on January 1, 2009, or upon the date of its passage and approval by the Mayor, whichever is later. Subject to compliance with Chapter 388 of the Texas Health and Safety Code, any structure for which a building permit has been issued prior to that date or for which a complete and valid building permit application, including a complete set of building plans, has been filed before that date shall for purposes of completion of the work authorized in the permit be governed by the applicable Codes in effect prior to January 1, 2009, and the said Codes are saved from repeal for that limited purpose.

**Section 11.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect as provided in Section 10, above.

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

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

Prepared by Legal Dept. \_\_\_\_\_

LWS:asw 11/18/2008

\_\_\_\_\_  
Senior Assistant City Attorney

Requested by Michael S. Marcotte, P.E., Director, Department of Public Works and Engineering

L.D. File No. \_\_\_\_\_



# EXHIBIT A

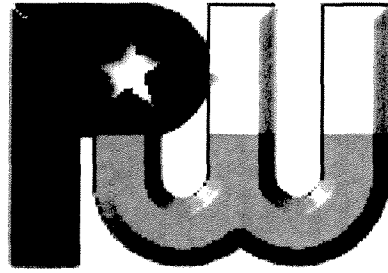
Submitted Under Separate Cover



# **EXHIBIT B**



**2006 INTERNATIONAL ENERGY CONSERVATION CODE  
MODIFICATION DOCUMENT  
Recommended**



**CITY OF HOUSTON  
PUBLIC WORKS AND ENGINEERING DEPT.**

Revision Date: November 18, 2008



# CHAPTER 1

## ADMINISTRATION

**101.1 Title.** This code shall be known as the *International City of Houston Residential Energy Conservation Code* of [NAME OF JURISDICTION], and shall be cited as such. It is referred to herein as “this code.”

**101.2 Scope.** This code applies to residential and commercial buildings.

**101.2.1 Phased standards.** Provisions requiring increased energy efficiency shall be phased in as provided in Section 110.

**101.4.2 Historic buildings.** Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource with a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, ~~are exempt from~~ shall comply with all of the provisions of this code.

**Exception:** Whenever a provision or provisions would invalidate or jeopardize the historical designation or listing, that provision or provisions may be exempted.

**101.4.5 Mixed occupancy.** Where a building includes both residential and commercial occupancies, each occupancy shall be separately considered and meet the applicable provisions of Chapter 4 for residential and Chapter 5 for the *Houston Commercial Energy Conservation Code* for commercial.

**101.5 Compliance.** Residential buildings shall meet the provisions of Chapter 4. ~~Commercial buildings shall meet the provisions of Chapter 5.~~

**TABLE 102.1.3(3)**  
**DEFAULT GLAZED FENESTRATION SHGC**

SINGLE GLAZED		DOUBLE GLAZED		GLAZED BLOCK
Clear	Tinted	Clear	Tinted	
<del>0.8</del> 0.85	0.7	0.7	0.6	0.6

**102.2 Installation.** All materials, systems and equipment shall be installed in accordance with the manufacturer’s installation instructions and the *International Building-Houston Construction Code*.

## **SECTION 108**

### **STOP WORK ORDER**

**108.1 Authority.** Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.



**108.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

At the time such a stop order is issued, the person doing the work and the permit holder shall be given notice of a right to a hearing on the matter pursuant to Section 109. The notice shall be delivered to persons performing the work if present at the site or otherwise shall be conspicuously posted at the site. Upon request, such a hearing shall be held within three business days unless the permit holder or person who was doing the work requests an extension of time. Any stop order that has been issued shall remain in effect pending any hearing that has been requested unless the stop order is withdrawn by the code official.

**108.3 Unlawful continuance.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

## **SECTION 109** **HEARING PROCEDURES**

**109.1 Hearing notice.** Whenever notice is to be given to any person concerning the right to a hearing, the notice may be given by personal delivery or by certified mail, return receipt requested.

If notice is being given to a building owner or to a tenant therein and the code official is unable to determine the name or address of such person after checking the building and the applicable records of the jurisdiction's Public Works and Engineering Department, the County Appraisal District, the electrical utility company, the gas utility company, and the water utility provider, notice shall be mailed to the billing addresses of the building as shown on the records of the electrical company and the gas company and shall be posted on or in view of each entrance to the building. Additionally, if any notice is mailed to a building owner or a building tenant and is returned without delivery, notice shall be effective if posted on or in view of each entrance to the building.

**109.2 Hearings.** Except where otherwise specifically provided, all hearings held pursuant to this code shall be conducted by the jurisdiction's Director of 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.

## **SECTION 110** **PHASED STANDARDS**

**110.1 General.** For any permit application filed on or after October 1, 2009, compliance with additional performance objectives for new construction and additions over 500 square feet shall be required to achieve a minimum fifteen percent improvement in efficiency above the minimum provisions of this code.

**110.2 Energy use.** New residences and apartments and new additions that exceed 500 square feet to existing residences or apartments must use 15 percent less energy as shown by one of the methods indicated in Sections 110.2.1 and 110.2.2.

**110.2.1 Energy Star.** The United States Environmental Protection Agency's ENERGY STAR Program certification of energy code equivalency; or

**110.2.2 Software and testing.** Energy code compliance modeling through Texas A&M Energy Systems Laboratory approved software; along with testing of the building thermal envelope for infiltration and the duct system for leakage; or



**110.2.3 Option packages.** Prescriptive option packages approved by Texas A&M Energy Systems Laboratory and listed in Table 110(1) for One and Two Family Structures and Table 110(2 ) or for Multi-Family Structures.



**TABLE 110(1)**  
**COMBINED ENERGY SAVINGS FOR ONE AND TWO FAMILY STRUCTURES**  
**WITH NATURAL GAS HEATING**

<u>Groups</u>	<u>Measures</u>	<u>Notes</u>	<u>Combined Energy Savings</u>
<u>Group 1</u>	Solar Domestic Hot Water System 80 gal	<u>1</u>	<u>18.5 %</u>
<u>Group 2</u>	Photovoltaic Array for 6Kw	<u>2</u>	<u>32.4 %</u>
<u>Group 3</u>	Photovoltaic Array for Partial Demand at 4kW	<u>3</u>	<u>21.6 %</u>
<u>Group 4</u>	Mechanical Systems within Conditioned Spaces	<u>5</u>	<u>18.3 %</u>
	50% Energy Star CFL Indoor Lamps	<u>6</u>	
<u>Group 5</u>	Photovoltaic Array for Partial Demand at 2kW	<u>4</u>	<u>19.3 %</u>
	Decreased Duct Leakage (from 30% to 10%)	<u>8</u>	
<u>Group 6</u>	50% Energy Star CFL Indoor Lamps	<u>6</u>	<u>16.4 %</u>
	Tankless water heater (from .54 to .748 Energy Factor)	<u>9</u>	
	Decreased Infiltration (from .462 to .35 ACH)	<u>10</u>	
<u>Group 7</u>	50% Energy Star CFL Indoor Lamps	<u>6</u>	<u>17.5 %</u>
	Decreased Duct Leakage (from 30% to 10%)	<u>8</u>	
	Improved SEER (from 13 to 15)	<u>10</u>	
<u>Group 8</u>	Decreased Duct Leakage (from 30% to 10%)	<u>8</u>	<u>18.6 %</u>
	Improved SEER (from 13 to 15)	<u>11</u>	
	Decreased SHGC (from .4 to .3) & U-Value (from .47 to .35)	<u>12</u>	
	Decreased Infiltration (from .462 to .35 ACH)	<u>10</u>	
<u>Group 9</u>	Decreased Duct Leakage (from 30% to 10%)	<u>8</u>	<u>16.8 %</u>
	Decreased Duct Static Pressure (from 1.0 inch to .5 inch)	<u>13</u>	
	Decreased SHGC (from .4 to .3) & U-Value (from .47 to .35)	<u>12</u>	
	Window Shading and Redistribution (E/W = 16.27%, S= 48.82%, N=27.12%)	<u>14</u>	
<u>Group 10</u>	Improved Furnace Efficiency (from .78 to .93 AFUE)	<u>15</u>	<u>17.3 %</u>
	Decreased Infiltration (from .462 to .35 ACH)	<u>10</u>	
	Decreased Duct Leakage (from 30% to 10%)	<u>8</u>	
	Improved SEER (from 13 to 15)	<u>11</u>	

**TABLE 110(2)**



**COMBINED ENERGY SAVINGS FOR MULTI-FAMILY STRUCTURES  
WITH NATURAL GAS HEATING**

<u>Groups</u>	<u>Measures</u>	<u>Notes</u>	<u>Combined Energy Savings</u>
Group 1	Solar Domestic Hot Water System 80 gal	1	24 %
Group 2	Photovoltaic Array for 6kW	2	23.5 %
Group 3	50% Energy Star CFL Indoor Lamps	6	15.9 %
	Tankless water heater (from .54 to .748 Energy Factor)	9	
	Decreased Infiltration (from .462 to .35 ACH)	10	
Group 4	Tankless water heater (from .54 to .748 Energy Factor)	9	15.5 %
	Decreased Duct Leakage (from 30% to 10%) <i>Upper Floor Only</i>	8	
	Improved SEER (from 13 to 15)	11	
Group 5	Decreased Duct Static Pressure (from 1.0 inch to .5 inch)	13	15.7 %
	Mechanical Systems within Conditioned Spaces <i>Upper Floor Only</i>	5	
	Decreased Infiltration (from .462 to .35 ACH)	10	
	Improved SEER (from 13 to 15)	11	
	Improved Furnace Efficiency (from .78 to .93 AFUE)	15	
	25% Energy Star CFL Indoor Lamps	7	
Group 6	Tankless water heater (from .54 to .748 Energy Factor)	9	16.05%
	Decreased Duct Leakage (from 30% to 10%) <i>Upper Floor Only</i>	8	
	50% Energy Star CFL Indoor Lamps	6	
	Decreased SHGC (from .4 to .3) & U-Value (from .47 to .35)	12	

**Notes:**

1. Solar Domestic Hot Water System: *Storage tank type 80 gallon DHW heater with 64 square feet collector area*
2. Photovoltaic Array for 6kW: *Equivalent to 30 panels at 205 watts each at minimum 16% efficiency*
3. Photovoltaic Array for Partial Demand at 4kW: *Equivalent to 20 panels at 205 watts each at minimum 16% efficiency*
4. Photovoltaic Array for Partial Demand at 2kW: *Equivalent to 10 panels at 205 watts each at minimum 16% efficiency*
5. Mechanical Systems within Conditioned Spaces: *Ducts in ventilated attic moved to location within the thermal envelope of conditioned space including unventilated attic space*
6. 50% Energy Star CFL Indoor Lamps: *Permanent Compact Florescent fixtures excluding closets*
7. 25% Energy Star CFL Indoor Lamps: *Permanent Compact Florescent fixtures excluding closets*
8. Decreased Duct Leakage (from 30% to 10%): *Ducts tested with less than 10 % leakage as a percentage of air handler rated airflow at 360 CFM / ton*
9. Tankless water heater (from .54 to .748 Energy Factor for Electric/Gas house) *Manufacturer's rating*
10. Decreased Infiltration (from .462 to .35 ACH): *Base case formula for ACH is Normalized Leakage 0.57 x Weather Factor 0.8*
11. Improved SEER (from 13 to 15): *Manufacturer's rating*
12. Decreased SHGC (from .4 to .3) & U-factor (from .47 to .35): *NFRC 100 and 200*
13. Decreased Duct Static Pressure (from 1.0 inch to .5 inch): *Measured per NCI std and certified by third party not to exceed 0.5" wc*
14. Window Shading and Redistribution (E/W = 16.27%, S= 48.82%, N=27.12%); *Window orientation with overhang on all sides*
15. Improved Furnace Efficiency (from .78 to .93 AFUE): *Manufacturer's rating*

**110.3 Testing.** When required by Section 110.2.2 testing shall be performed according to Sections 110.3.1 and 110.3.2. Batch testing shall be permitted as approved by the Code Official.



**110.3.1 Testing of the Building Thermal Envelope for Infiltration.** Leakage of the building thermal envelope shall not exceed .50 Air Changes per Hour (ACHn) as measured by the blower door test. The testing procedure shall be based on ASTM E779, Standard Test Method for Determining Air Leakage Rate by Fan Pressurization, or ANSI/ASHRAE 136, A Method of Determining Air Change Rates in Detached Dwellings.

Testing shall be performed by an independent third-party technician approved by the building official.

Documentation verifying thermal envelope air leakage equal to or less than .50 ACH shall be submitted with the final mechanical code compliance package on the jobsite and include the following information:

- a. Address of residence
- b. Name and company of technician performing testing
- c. Date of final test
- d. Test results as percentage ACH

**Exception:** Existing construction where the volume of the conditioned space is unchanged.

**110.3.2 Testing of Duct Systems for Leakage.** Leakage of supply ducts and return plenum/ducts shall not exceed 10% of total design airflow. The testing procedure shall be based on ASTM E1554, Standard Test Methods for Determining External Air Leakage of Air Distribution Systems by Fan Pressurization, ASHRAE 111 Measurement, Testing, Adjusting, and Balancing of Building HVAC Systems, ASHRAE 152-2004, Method of Test for Determining the Design and Seasonal Efficiencies of Residential Thermal Distribution Systems, or a generally accepted equivalent method.

Testing shall be performed by an independent third-party technician approved by the building official. Documentation verifying duct leakage of less than 10% shall be submitted with the final mechanical code compliance package on the jobsite. Documentation shall include the following:

- a. Address of residence
- b. Date of final test
- c. Name and company of technician performing duct testing
- d. Type of test performed (duct pressurization method or blower door subtraction method).
- e. Test results in percentage of airflow CFM.

**Exception:** Existing construction with no modification of or addition to the existing ductwork.



## CHAPTER 2

# DEFINITIONS

**201.3 Terms defined in other codes.** Terms that are not defined in this code but are defined in any volume of the International Building Code, ICC Electrical Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, or the International Residential Code City of Houston Construction Code shall have the meanings ascribed to them in those codes

**201.5 International code reference.** When one of the International Codes is referenced in this document, the reference shall be construed to mean the corresponding City of Houston adopted code.

### SECTION 202\*

## GENERAL DEFINITIONS

**CODE OFFICIAL.** The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

**ABOVE GRADEWALL.** A wall more than 50 percent above grade and enclosing conditioned space and that has a slope of 60 degrees (1.05 rad) or greater with the horizontal plane. This includes between-floor spandrels, peripheral edges of floors, roof and basement knee walls, dormer walls, gable end walls, walls enclosing a mansard roof, and skylight shafts.

**DUCT.** ~~A tube or conduit utilized for conveying air. The air passages of self-contained systems are not to be construed as air ducts.~~ Any tube or conduit for transmission of air. This definition shall not include:

1. A vent, a vent connector or a chimney connector.
2. Any tube or conduit wherein the pressure of the air exceeds one (1) pound per square inch.
3. The air passages of listed self-contained systems.

**DUCT SYSTEM.** ~~A continuous passageway for the transmission of air that, in addition to ducts, includes duct fittings, dampers, plenums, fans and accessory air handling equipment and appliances. All ducts, duct fittings, plenums and fans assembled to form a continuous passageway for the distribution of air.~~

**ENERGY SYSTEMS LABORATORY.** The Texas A & M Energy Systems Laboratory as referenced and defined in Chapter 388 of the Texas Health and Safety Code for the oversight of municipal energy codes.

**GLAZING AREA.** Total area of the glazed fenestration measured using the rough opening and including sash, curbing or other framing elements that enclose conditioned space. Glazing area includes the area of glazed fenestration assemblies in walls bounding conditioned basements. For doors where the daylight opening area is less than 50 percent of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the rough opening for the door including the door and frame.

**JURISDICTION.** The City of Houston, Texas.

**\*NOTE:** ALL OTHER PORTIONS OF SECTION 202 REMAIN AS SET FORTH IN THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE.



## CHAPTER 3 CLIMATE ZONES

**301.1 General.** Climate zones from Figure 301.1 or Table 301.1 shall be used in determining the applicable requirements from Chapters 4 and 5. Locations not in Table 301.1 (outside the US) shall be assigned a climate zone based on Section 301.3. The climate zone designation for the jurisdiction is Zone 2.

**301.2 Warm humid counties.** Warm humid counties are listed in Table 301.2. The jurisdiction shall be considered warm-humid for the purposes of this code.

**302.2 Exterior Design Conditions.** When using the total building performance ~~Exterior design conditions shall be used in~~ compliance method, the criteria shall be as set forth in Table 302.2.

**TABLE 302.2  
EXTERIOR DESIGN CONDITIONS**

<b>CONDITION</b>	<b>VALUE</b>
Winter, Design Dry-bulb ( $E_F$ )	28 F
Summer, Design Dry-bulb	96 F
Summer, Design Wet-bulb	80 F
Degree days heating	1365
Degree days cooling	3058
Climate Zone	2



## CHAPTER 4

# RESIDENTIAL ENERGY EFFICIENCY

**402.1.1 Insulation and fenestration criteria.** The building thermal envelopes shall meet the requirements of either Table 402.1.1(1) when the total percentage of glazing is less than or equal to 18% of the conditioned floor area or Table 402.1.1 (2) for window to wall area ratios based on the climate zone specified in Chapter 3.

When compliance using Table 402.1.1 is demonstrated with a ceiling R-value of R30 or less, no more than 33% of the total projected ceiling area may be of cathedral type construction (ceiling joist/roof rafter assembly) and the required insulation R-value may be reduced to a minimum of R22 insulation when the remaining ceiling area insulation is increased to R38.

**TABLE 402.1.1(1)**  
**INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT (BASED ON WINDOW TO SQUARE FOOTAGE RATIO)<sup>a</sup>**

\*NOTE: NO OTHER CHANGE TO ABOVE TABLE.

**TABLE 402.1.1(2)**  
**INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT (BASED ON WINDOW TO WALL RATIO)<sup>a</sup>**

Maximum Window to Wall Area Ratio	Fenestration U-Factor	Skylight U-Factor <sup>b</sup>	Glazed Fenestration SHGC	Ceiling R-Value <sup>c</sup>	Wood Frame Wall R-Value	Floor R-Value	Basement Wall R-Value	Slab R-Value & Depth <sup>d</sup>	Crawl Space Wall R-Value
15	0.65	0.65	0.40	30	13	11	5	0	6
20	0.55	0.55	0.40	30	13	11	6	0	6
25	0.51	0.51	0.35	30	13	19	8	0	10
30	0.46	0.46	0.35	38	16	19	8	0	10

For SI: 1 foot = 304.8 mm.

- a. R-values are minimums. U-factors and SHGC are maximums. R-19 shall be permitted to be compressed into a 2 x 6 cavity.
- b. The fenestration U-factor column excludes skylights. The SHGC column applies glazed fenestration.
- c. If a roof radiant barrier with an emittance of 0.05 or less as tested in accordance with ASTM C-1371 or ASTM E-408 is used, then the roof/ceiling minimum insulation value shall be R-19.
- d. R-5 shall be added to the required slab edge R-values for heated slabs.

**402.2.7 Reserved.** ~~Slab-on-grade floors. Slab-on-grade floors with a floor surface less than 12 inches (305 mm) below grade shall be insulated in accordance with Table 402.1.1. The insulation shall extend downward from the top of the slab on the outside or inside of the foundation wall. Insulation located below grade shall be extended the distance provided in Table 402.1.1 by any combination of vertical insulation, insulation extending under the slab or insulation extending out from the building. Insulation extending away from the building shall be protected by pavement or by a minimum of 10 inches (254 mm) of soil. The top edge of the insulation installed between the exterior wall and the edge of the interior slab shall be permitted to be cut at a 45-degree (0.79 rad) angle away from the exterior wall. Slab edge insulation is not required in jurisdictions designated by the code official as having a very heavy termite infestation.~~

**402.4.1 Building thermal envelope.** The building thermal envelope shall be durably sealed to limit infiltration. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. The following shall be caulked, gasketed, weatherstripped or otherwise sealed with an air barrier material, suitable film or solid material:

1. All joints, seams and penetrations.



2. Site-built windows, doors and skylights.
3. Openings between window and door assemblies and their respective jambs and framing.
4. Utility penetrations.
5. Dropped ceilings or chases adjacent to the thermal envelope.
6. Knee walls.
7. Walls and ceilings separating a garage from conditioned spaces.
8. Behind tubs and showers on exterior walls.
9. Common walls between dwelling units.
10. Other sources of infiltration.

**403.2.1 Insulation.** Supply and return ducts shall be insulated to a minimum of R-8. Ducts in floor trusses shall be insulated to a minimum of R-6. Insulation on all ducts shall be vapor sealed.

**Exception:** ~~Ducts or portions thereof located completely inside the building thermal envelope.~~

**403.3 Mechanical system piping insulation.** Mechanical system piping capable of carrying fluids above 105°F (41°C) or below 55°F (13°C) shall be insulated ~~to a minimum of R-2 in accordance with Table 403.3.~~

**TABLE 403.3**  
**MINIMUM PIPE INSULATION**  
**(thickness in inches)**

PIPING SYSTEM TYPES	FLUID TEMPERATURE RANGE, °F	Pipe Sizes <sup>a, b</sup>					
		Runouts up to 2" <sup>b</sup>	1 and less	1.25" to 2"	2.5" to 4"	5" to 6"	8" and larger
HEATING SYSTEMS							
Steam and hot water:							
High pressure/temperature	306-450	1 ½	2 ½	2 ½	3	3 ½	3 ½
Medium pressure/temperature	251-305	1 ½	2	2 ½	2 ½	3	3
Low pressure/temperature	201-250	1	1 ½	1 ½	2	2	2
Low temperature	106-200	½	1	1	1 ½	1 ½	1 ½
Steam condensate (for feed water)	Any	1	1	1 ½	2	2	2
COOLING SYSTEMS							
Chilled water, refrigerant and brine:	40-55	½-¾	½-¾	¾	1	1	1
	Below 40	1	1	1 ½	1 ½	1 ½	1 1/2

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, °C = [(°F)-32]/1.8.

a. Inside pipe diameter.

b. Run outs not exceeding 12 feet in length to individual terminal units.

**403.4 Circulating hot water systems.** All circulating service hot water piping shall be insulated in accordance with Table 403.4 ~~to at least R-2.~~ Circulating hot water systems shall include an automatic or readily accessible manual switch that can turn off the hot water circulating pump when the system is not in use.

**TABLE 403.4**  
**HOT WATER PIPING INSULATION**

SERVICE WATER-HEATING TEMPERATURES (°F)	PIPE SIZES <sup>a</sup>			
	Non-circulating run outs		Circulating mains and run outs	
	Up to 1"	Up to 1.25"	1.5" to 2"	Over 2"
170-180	0.5	1	1.5	2
140-169	0.5	0.5	1	1.5
100-139	0.5	0.5	0.5	1

For SI: 1 inch = 25.4 mm, °C = [(°F) - 32]/1.8

1 Btu/h/inch \* ft² \* °F = 0.144 W/(m \* K)

a. Nominal iron pipe size and insulation thickness. Conductivity, k= 0.27



**403.6 Equipment sizing.** Heating and cooling equipment shall be sized in accordance with Section M1401.3 of the *International Residential Code* industry accepted engineering practices.

**404.6.1 Minimum capabilities.** Calculation procedures used to comply with this section shall be software tools capable of calculating the annual energy consumption of all building elements that differ between the standard reference design and the proposed design and shall include the following capabilities:

1. Computer generation of the standard reference design using only the input for the proposed design. The calculation procedure shall not allow the user to directly modify the building component characteristics of the standard reference design.
2. Calculation of whole-building (as a single zone) sizing for the heating and cooling equipment in the standard reference design residence in accordance with ~~Section M1401.3 of the *International Residential Code*~~ industry accepted engineering practices.
3. Calculations that account for the effects of indoor and outdoor temperatures and part-load ratios on the performance of heating, ventilating and air conditioning equipment based on climate and equipment sizing.
4. Printed code official inspection checklist listing each of the proposed design component characteristics from Table 404.5.2(1) determined by the analysis to provide compliance, along with their respective performance ratings (e.g. R-Value, U-Factor, SHGC, HSPF, AFUE, SEER, EF, etc.).

**404.6.2 Specific approval.** Performance analysis tools meeting the applicable sections of 404 shall be permitted to be approved. Tools are permitted to be approved based on meeting a specified threshold for a jurisdiction. The code official shall be permitted to approve tools for a specified application or limited scope. In addition to software tools complying with 404.6.1 #1 - #4, RemRate, DOE2, Blast, Energy Plus, HAP, and Trace are approved software tools.

**404.6.3 Input values.** When calculations require input values not specified by Sections 402, 403 and 404, those input values shall be taken from the ASHRAE Handbook of Fundamentals or other an approved source.

**TABLE 404.5.2(1)**  
**SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS**

Glazing <sup>a</sup>	<p>Total area<sup>b</sup> =</p> <p>(a) The proposed glazing area; where the proposed glazing area is less than 18% of the conditioned floor area</p> <p>(b) 18% of the conditioned floor area; where the proposed glazing area is 18% or more of the conditioned floor area</p> <p><u>(c) Comply with all requirements (including insulation) of Table 402.1.1; where the proposed glazing area exceeds 18% or more of the conditioned space</u></p> <p>Orientation: equally distributed to four cardinal compass orientations (N, E, S, &amp; W)</p> <p>U-factor: from Table 402.1.2</p> <p>SHGC: From Table 402.1 except that for climates with no requirement (NR) SHGC = 0.40 shall be used</p> <p>Interior shade fraction:</p> <p>    Summer (all hours when cooling is required) = 0.70</p> <p>    Winter (all hours when heating is required) = 0.85</p> <p>External shading: none</p>	<p>As proposed</p> <p>As proposed</p> <p>As proposed</p> <p>As proposed</p> <p>Same as standard reference design<sup>c</sup></p> <p>As proposed</p>
Thermostat	<p>Type: manual, cooling temperature set point = <del>78°F</del>; <u>75°F</u></p> <p>heating temperature set point = 68°F</p>	<p>Same as standard reference design</p>

\*NOTE: NO OTHER CHANGES TO TABLE



## **CHAPTER 5**

### **RESERVED\***

**\*NOTE: DELETE THIS CHAPTER IN ITS ENTIRETY AND RESERVE.**



## CHAPTER 6

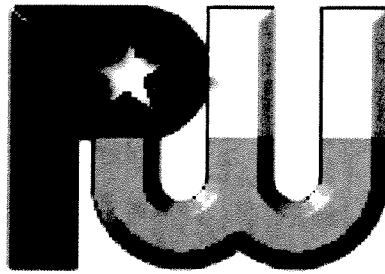
# REFERENCED STANDARDS

**NOTE:** ADD THE FOLLOWING TO THE BOTTOM OF THE LISTINGS UNDER ASHRAE STANDARDS:

ASHRAE 111—08 Measurement, Testing, Adjusting, and Balancing of Building HVAC Systems..... 110.3.2



**2000 INTERNATIONAL RESIDENTIAL CODE  
FOR ONE- AND TWO-FAMILY DWELLINGS  
MODIFICATION DOCUMENT  
Recommended**



**CITY OF HOUSTON  
PUBLIC WORKS AND ENGINEERING DEPT.**

Revision Date: November 18, 2008



## CHAPTER 11

# ENERGY EFFICIENCY

**N1101.1 Scope.** This chapter sets forth energy-efficiency related requirements for the design and construction of buildings regulated by this code.

**Exceptions:**

1. Portions of the building thermal envelope that do not enclose conditioned space.
2. Portions of the building that are designated by ordinance as a historical building when provisions of this code will affect the historical designation of the building.

**N1101.2 Compliance.** Compliance with this chapter shall be demonstrated by meeting either the requirements of the applicable sections and tables of this chapter or the City of Houston Residential Energy Conservation Code. ~~Where applicable, provisions are based on the climate zone where the building is located. The climate zone where the building is located shall be based on zone assignments in Table N1101.2 for the county and state in which the building is being constructed. Alternatively, the climate zone shall be permitted to be determined by the Heating Degree Days assigned by the building official.~~

**N1101.2.1 Residential buildings, Type A-1.** ~~Compliance shall be demonstrated by either:~~  
**Climate Data.** The City of Houston climate zone is 2A and is designated as a warm-humid climate.

- ~~1. Meeting the requirements of this chapter for buildings with a glazing area that does not exceed 15 percent of the gross area of exterior walls; or~~
- ~~2. Meeting the requirements of the International Energy Conservation Code for residential buildings, Type A-1.~~

**N1101.2.2 Phased standards.** Provisions requiring increased energy efficiency shall be phased in as provided by Section N1101.4.  
**Residential buildings, Type A-2.** ~~Compliance shall be demonstrated by either:~~

- ~~1. Meeting the requirements of this chapter for buildings with a glazing area that does not exceed 25 percent of the gross area of exterior walls; or~~
- ~~2. Meeting the requirements of the International Energy Conservation Code for residential buildings, Type A-2.~~

**N1101.3.1 Insulation.** The thermal resistance (*R*-value) shall be indicated on all insulation and the insulation installed such that the *R*-value can be verified during inspection, or a certification of the installed *R*-value shall be provided at the job site by the insulation installer. Where blown-in or sprayed insulation is applied in walls, the installer shall provide a certification of the installed density and *R*-value. Where blown-in or sprayed insulation is applied in the roof-ceiling assembly, the installer shall provide a certification of the initial installed thickness, settled thickness, coverage area, and number of bags of insulating material installed. Markers shall be provided for every 300 square feet (28 m<sup>2</sup>) of attic area,



attached to the trusses, rafters, or joists, and indicate in 1-inch-high (25.4 mm) numbers the installed thickness of the insulation. Insulation material used in layers, such as framing cavity insulation and insulating sheathing, shall be summed to compute the component R-value. The manufacturer's settled R-value shall be used for blown insulation. Computed R-values shall not include an R-value for other building materials or air films.

**N1101.3.2.1 Default fenestration performance.** When a manufacturer has not determined a fenestration product's *U*-factor in accordance with NFRC100, compliance shall be determined by assigning such products a default *U*-factor from Tables 102.1.3(1) and 102.1.3(2) 102.5.2(1) and 102.5.2(2) in the *International City of Houston Residential Energy Conservation Code*. When a manufacturer has not determined a fenestration product's SHGC in accordance with NFRC 200, compliance shall be determined by assigning such products a default SHGC from Table 102.5.2(3) 102.1.3(3) of the *International Houston Residential Energy Conservation Code*

**N1101.3.2.2 Air leakage.** The air leakage of prefabricated fenestration shall be determined in accordance with AAMA/WDMA 101/I.S.2 by an accredited, independent laboratory, and labeled and certified by the manufacturer. Alternatively, the manufacturer shall certify that the fenestration is installed in accordance with Section 502.1.4 402.4.1 of the *International City of Houston Residential Energy Conservation Code*.

**N1101.3.3 Maintenance.** Where mechanical or plumbing system components require preventive maintenance for efficient operation, regular maintenance requirements shall be clearly stated and affixed to the component, or the source for such information shall be shown on a label attached to the component.

**N1101.3.4 Certificate.** A permanent certificate shall be posted on or in the electrical distribution panel. The certificate shall be completed by the builder or registered design professional. The certificate shall list the predominant *R*-values of insulation installed in or on ceiling/roof, walls, foundation (slab, basement wall, crawlspace wall and/or floor) and ducts outside conditioned spaces; *U*-factors for fenestration; and the solar heat gain coefficient (SHGC) of fenestration. Where there is more than one value for each component, the certificate shall list the value covering the largest area. The certificate shall list the type and efficiency of heating, cooling and service water heating equipment.

#### **N1101.4 Phased standards.**

**N1101.4.1 General.** For any permit application filed on or after October 1, 2009, compliance with additional performance objectives for new construction and additions over 500 square feet shall be required to achieve minimum fifteen percent improvement in efficiency above the minimum provisions of this code.

**N1101.4.2 Energy use.** New residences and apartments and new additions that exceed 500 square feet to existing residences or apartments must use 15 percent less energy as shown by one of the methods indicated in Sections N1101.4.2.1 through N1101.4.2.3.

**N1101.4.2.1 Energy Star.** The United States Environmental Protection Agency's ENERGY STAR Program certification of energy code equivalency; or



**N1101.4.2.2 Software and Testing.** Energy code compliance modeling through Texas A&M Energy Systems Laboratory approved software, along with testing of the building thermal envelope for infiltration and the duct system for leakage; or

**N1101.4.2.3 Option Packages.** Prescriptive option packages approved by Texas A&M Energy Systems Laboratory and listed in Table N1101.4.2.

**TABLE N1101.4.2 COMBINED ENERGY SAVINGS FOR ONE AND TWO FAMILY STRUCTURES WITH NATURAL GAS HEATING**

<b><u>Groups</u></b>	<b><u>Measures</u></b>	<b><u>Notes</u></b>	<b><u>Combined Energy Savings</u></b>
Group 1	Solar Domestic Hot Water System 80 gal	<u>1</u>	<u>18.5 %</u>
Group 2	Photovoltaic Array for 6kW	<u>2</u>	<u>32.4 %</u>
Group 3	Photovoltaic Array for Partial Demand at 4kW	<u>3</u>	<u>21.6 %</u>
Group 4	Mechanical Systems within Conditioned Spaces	<u>5</u>	<u>18.3 %</u>
	50% Energy Star CFL Indoor Lamps	<u>6</u>	
Group 5	Photovoltaic Array for Partial Demand at 2kW	<u>4</u>	<u>19.3 %</u>
	Decreased Duct Leakage (from 30% to 10%)	<u>8</u>	
Group 6	50% Energy Star CFL Indoor Lamps	<u>6</u>	<u>16.4 %</u>
	Tankless water heater (from .54 to .748 Energy Factor)	<u>9</u>	
	Decreased Infiltration (from .462 to .35 ACH)	<u>10</u>	
Group 7	50% Energy Star CFL Indoor Lamps	<u>6</u>	<u>17.5 %</u>
	Decreased Duct Leakage (from 30% to 10%)	<u>8</u>	
	Improved SEER (from 13 to 15)	<u>10</u>	
Group 8	Decreased Duct Leakage (from 30% to 10%)	<u>8</u>	<u>18.6 %</u>
	Improved SEER (from 13 to 15)	<u>11</u>	
	Decreased SHGC (from .4 to .3) & U-Value (from .47 to .35)	<u>12</u>	
	Decreased Infiltration (from .462 to .35 ACH)	<u>10</u>	
Group 9	Decreased Duct Leakage (from 30% to 10%)	<u>8</u>	<u>16.8 %</u>
	Decreased Duct Static Pressure (from 1.0 inch to .5 inch)	<u>13</u>	
	Decreased SHGC (from .4 to .3) & U-Value (from .47 to .35)	<u>12</u>	
	Window Shading and Redistribution (E/W = 16.27%, S= 48.82%, N=27.12%)	<u>14</u>	
Group 10	Improved Furnace Efficiency (from .78 to .93 AFUE)	<u>15</u>	<u>17.3 %</u>
	Decreased Infiltration (from .462 to .35 ACH)	<u>10</u>	
	Decreased Duct Leakage (from 30% to 10%)	<u>8</u>	
	Improved SEER (from 13 to 15)	<u>11</u>	

**Notes:**

1. Solar Domestic Hot Water System: Storage tank type 80 gallon DHW heater with 64 square feet collector area
2. Photovoltaic Array for 6kW: Equivalent to 30 panels at 205 watts each at minimum 16% efficiency
3. Photovoltaic Array for Partial Demand at 4kW: Equivalent to 20 panels at 205 watts each at minimum 16% efficiency
4. Photovoltaic Array for Partial Demand at 2kW: Equivalent to 10 panels at 205 watts each at minimum 16% efficiency
5. Mechanical Systems within Conditioned Spaces: Ducts in ventilated attic moved to location within the thermal envelope of conditioned space including unventilated attic space



6. 50% Energy Star CFL Indoor Lamps: Permanent Compact Florescent fixtures excluding closets
7. Reserved
8. Decreased Duct Leakage (from 30% to 10%): Ducts tested with less than 10 % leakage as a percentage of air handler rated airflow at 360 CFM/ton
9. Tankless water heater (from .54 to .748 Energy Factor for Electric/Gas house) Manufacturer's rating
10. Decreased Infiltration (from .462 to .35 ACH): Base case formula for ACH is Normalized Leakage 0.57 x Weather Factor 0.8
11. Improved SEER (from 13 to 15): Manufacturer's rating
12. Decreased SHGC (from .4 to .3) & U-factor (from .47 to .35): NFRC 100 and 200
13. Decreased Duct Static Pressure (from 1.0 inch to .5 inch): Measured per NCI std and certified by third party not to exceed 0.5" wc
14. Window Shading and Redistribution (E/W = 16.27%, S= 48.82%, N=27.12%); Window orientation with overhang on all sides
15. Improved Furnace Efficiency (from .78 to .93 AFUE): Manufacturer's rating

**N1101.4.3 Testing.** When required by Section N1101.4.2.2 testing shall be performed according to Sections N1101.4.3.1 and N1101.4.3.2. Batch testing shall be permitted as approved by the Building Official.

**N1101.4.3.1 Testing of the Building Thermal Envelope for Infiltration.** Leakage of the building thermal envelope shall not exceed .50 Air Changes per Hour (ACHn) as measured by the blower door test. The testing procedure shall be based on ASTM E779, Standard Test Method for Determining Air Leakage Rate by Fan Pressurization, or ANSI/ASHRAE 136, A Method of Determining Air Change Rates in Detached Dwellings.

Testing shall be performed by an independent third-party technician approved by the building official. Documentation verifying thermal envelope air leakage equal to or less than .50 ACH shall be submitted with the final mechanical code compliance package on the jobsite and include the following information:

- a. Address of residence
- b. Name and company of technician performing testing
- c. Date of final test
- d. Test results as percentage ACH

**Exception:** Existing construction where the volume of the conditioned space is unchanged.

**N1101.4.3.2 Testing of Duct Systems for Leakage.** Leakage of supply ducts and return plenum/ducts shall not exceed 10% of total design airflow. The testing procedure shall be based on ASTM E1554, Standard Test Methods for Determining External Air Leakage of Air Distribution Systems by Fan Pressurization, ASHRAE 111 Measurement, Testing, Adjusting, and Balancing of Building HVAC Systems, ASHRAE 152-2004, Method of Test for Determining the Design and Seasonal



Efficiencies of Residential Thermal Distribution Systems, or a generally accepted equivalent method.

Testing shall be performed by an independent third-party technician approved by the building official. Documentation verifying duct leakage of less than 10% shall be submitted with the final mechanical code compliance package on the jobsite. Documentation shall include the following:

- a. Address of residence
- b. Date of final test
- c. Name and company of technician performing duct testing
- d. Type of test performed (duct pressurization method or blower door subtraction method).
- e. Test results in percentage of airflow CFM.

**Exception:** Existing construction with no modification of or addition to the existing ductwork.

## **SECTION N1102 BUILDING ENVELOPE**

**N1102.1 Thermal performance criteria.** ~~The minimum required insulation R-value or maximum required U-factor for each element in the building thermal envelope (fenestration, roof/ceiling, opaque wall, floor, slab edge, crawl space wall and basement wall) shall be in accordance with the criteria in Table N101.4.2.5 of the *International Energy Conservation Code*.~~

~~Residential buildings, Type A-1, with greater than 15 percent glazing area; residential buildings, Type A-2, with greater than 25 percent glazing area; and any residential building in climates with HDD equal to or greater than 13,000; shall determine compliance using the building envelope requirements of the *International Energy Conservation Code*. The building thermal envelope shall meet the requirements of either Table N1102.1(1) when the total percentage of glazing is less than or equal to 18% of the conditioned floor area or Table N1102.1(2) for window to wall area ratios.~~

When compliance using Table N1102.1(1) is demonstrated with a ceiling R-value of R30 or less, no more than 33% of the total projected ceiling area may be of cathedral type construction (ceiling joist/roof rafter assembly) and the required insulation R-value may be reduced to a minimum of R22 insulation when the remaining ceiling area insulation is increased to R38.

**TABLE N1102.1(1)  
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT (BASED  
ON WINDOW TO SQUARE FOOTAGE RATIO)<sup>a</sup>**

<u>FENESTRATION U-FACTOR</u>	<u>SKYLIGHT<sup>b</sup> U-FACTOR</u>	<u>GLAZED FENESTRATION SHGC</u>	<u>CEILING R- VALUE</u>	<u>MASS WALL R- VALUE</u>	<u>WOOD FRAME WALL R- VALUE</u>	<u>FLOOR R- VALUE</u>	<u>BASEMENT<sup>c</sup> WALL R- VALUE</u>	<u>SLAB<sup>d</sup> R- VALUE &amp; DEPTH</u>	<u>CRAWL SPACE WALL R- VALUE</u>
0.75	0.75	0.40	30	13	4	13	0	0	0



- R-values are minimums. U-factors and SHGC are maximums. R-19 shall be permitted to be compressed into a 2 x 6 cavity.
- The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- The first R-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.
- R-5 shall be added to the required slab edge R-values for heated slabs.

**TABLE N1102.1.(2)**  
**INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT (BASED ON WINDOW TO WALL RATIO)<sup>a</sup>**

<u>Maximum Window to Wall Area Ratio</u>	<u>Fenestration U-Factor</u>	<u>Skylight U-Factor<sup>b</sup></u>	<u>Glazed Fenestration SHGC</u>	<u>Ceiling R-Value<sup>c</sup></u>	<u>Wood Frame Wall R-Value</u>	<u>Floor R-Value</u>	<u>Basement Wall R-Value</u>	<u>Slab R-Value &amp; Depth<sup>d</sup></u>	<u>Crawl Space Wall R-Value</u>
15	0.65	0.65	0.40	30	13	11	5	0	6
20	0.55	0.55	0.40	30	13	11	6	0	6
25	0.51	0.51	0.35	30	13	19	8	0	10
30	0.46	0.46	0.35	38	16	19	8	0	10

For Sl: 1 foot = 304.8 mm.

- R-values are minimums. U-factors and SHGC are maximums. R-19 shall be permitted to be compressed into a 2 x 6 cavity.
- The fenestration U-factor column excludes skylights. The SHGC column applies glazed fenestration.
- If a roof radiant barrier with an emittance of 0.05 or less as tested in accordance with ASTM C-1371 or ASTM E-408 is used, then the roof/ceiling minimum insulation value shall be R-19.
- R-5 shall be added to the required slab edge R-values for heated slabs.

**N1102.1.1.1 Mass walls.** Mass walls shall be permitted to meet the Mass Wall criteria in Table N1102.1.1.1(1), based on the insulation position and the climate zone where the building is located. Other mass walls shall meet the frame wall criteria for the building type and the climate zone where the building is located, based on the sum of interior and exterior insulation. Walls with exterior insulation position have the entire effective mass layer interior to an insulation layer. Walls with integral insulation position have either insulation and mass materials well mixed as in wood (logs); or substantially equal amounts of mass material on the interior and exterior of insulation as in concrete masonry units with insulated cores or masonry cavity walls. Walls with interior insulation position have the mass material located exterior to the insulating material. Walls not meeting either of the above descriptions for exterior or integral positions shall meet the requirements for "Other mass walls" in Table N1102.1.1.1(1). The R-value of the mass assembly for typical masonry constructions shall be taken from Table N1102.1.1.1(2). The R-value for a solid concrete wall with a thickness of 4 inches (102 mm) or greater is R-1.1. R-values for other assemblies are permitted to be based on hot box tests referenced in ASTM C 236 or ASTM C 976, two dimensional calculations or isothermal planes calculations **Specific insulation requirements. (Prescriptive).**

**N1102.1.1.2 Steel frame walls.** The minimum required R-values for steel frame walls shall be in accordance with Table N1102.1.1.2

**N1102.1.1.1.1 Ceilings with attic spaces.** When Section N1102.1 would require R-38 in the ceiling, R-30 shall be deemed to satisfy the requirement for R-38 wherever the full height of uncompressed R-30 insulation extends over the wall top plate at the eaves. Similarly R-38 shall be deemed to satisfy the requirement for R-49 wherever the full height of uncompressed R-38 insulation extends over the wall top plate at the eaves.



**N1102.1.1.1.2 Ceilings without attic spaces.** Where Section N1102.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section N1102.1.1 shall be limited to 500 square feet (46 m<sup>2</sup>) of ceiling area.

**N1102.1.1.1.3 Mass walls.** Mass walls for the purposes of this chapter shall be considered walls of concrete block, concrete, insulated concrete form (ICF), masonry cavity, brick (other than brick veneer), earth (adobe, compressed earth block, rammed earth) and solid timber/logs. The provisions of Section N1102.1.1 for mass walls shall be applicable when at least 50 percent of the required insulation R-value is on the exterior of, or integral to, the wall. Walls that do not meet this criterion for insulation placement shall meet the wood frame wall insulation requirements of Section 402.1.1.

**Exception:** For walls that do not meet the criterion for insulation placement, the minimum added insulation R-value shall be permitted to be an R-value of 6.

**N1102.1.1.1.4 Steel-frame ceilings, walls and floors.** Steel frame ceilings, walls and floors shall meet the insulation requirements of Table N1102.1.1.1.4. The calculation of the U-factor for a steel-frame envelope assembly shall use a series-parallel path calculation method.



**TABLE N1102.1.1.1.4**  
**STEEL-FRAME CEILING, WALL AND FLOOR INSULATION**  
**(R-VALUE)**

WOOD FRAME R-VALUE REQUIREMENT	COLD-FORMED STEEL EQUIVALENT R-VALUE <sup>a</sup>
<b>Steel Truss Ceilings<sup>b</sup></b>	
R-30	R - 38 or R - 30 + 3 or R - 26 + 5
R-38	R - 49 or R - 38 + 3
R-49	R-38+5
<b>Steel Joist Ceilings<sup>b</sup></b>	
R-30	R - 38 in 2×4 or 2×6 or 2×8 R - 49 in any framing
R-38	R - 49 in 2×4 or 2×6 or 2×8 or 2×10
<b>Steel Framed Wall</b>	
R-13	R - 13 + 5 or R - 15 + 4 or R - 21 + 3
R-19	R - 13 + 9 or R - 19 + 8 or R - 25 + 7
R-21	R - 13 + 10 or R - 19 + 9 or R - 25 + 8
<b>Steel Joist Floor</b>	
R-13	R - 19 in 2×6 R - 19 + 6 in 2×8 or 2×10
R-19	R - 19 + 6 in 2×6 R - 19 + 12 in 2×8 or 2×10

- a. Cavity insulation R-value is listed first, followed by continuous insulation R-value.  
b. Insulation exceeding the height of the framing shall cover the framing.

**TABLE N1102.1**  
**SIMPLIFIED PRESCRIPTIVE BUILDING ENVELOPE THERMAL COMPONENT CRITERIA**  
**MINIMUM REQUIRED THERMAL PERFORMANCE (U-FACTOR AND R-VALUE)**

HDD	MAXIMUM GLAZING U-FACTOR (Btu / (hr·ft <sup>2</sup> ·F))	MINIMUM INSULATION R-VALUE (hr·ft <sup>2</sup> ·F) / Btu					
		Ceilings	Walls	Floors	Basement Walls	Slab-perimeter R-Value and depth	Crawl-space walls
0-499	Any	R-13	R-11	R-11	R-0	R-0	R-0
500-999	0.90	R-19	R-11	R-11	R-0	R-0	R-4
1,000-1,499	0.75	R-19	R-11	R-11	R-0	R-0	R-5
1,500-1,999	0.75	R-26	R-13	R-11	R-5	R-0	R-5
2,000-2,499	0.65	R-30	R-13	R-11	R-5	R-0	R-6
2,500-2,999	0.60	R-30	R-13	R-19	R-6	R-4, 2 ft.	R-7
3,000-3,499	0.55	R-30	R-13	R-19	R-7	R-4, 2 ft.	R-8
3,500-3,999	0.50	R-30	R-13	R-19	R-8	R-5, 2 ft.	R-10
4,000-4,499	0.45	R-38	R-13	R-19	R-8	R-5, 2 ft.	R-11
4,500-4,999	0.45	R-38	R-16	R-19	R-9	R-6, 2 ft.	R-17
5,000-5,499	0.45	R-38	R-18	R-19	R-9	R-6, 2 ft.	R-17
5,500-5,999	0.45	R-38	R-18	R-21	R-10	R-9, 2 ft.	R-19
6,000-6,499	0.40	R-38	R-18	R-21	R-10	R-9, 2 ft.	R-20
6,500-6,999	0.35	R-49	R-21	R-21	R-11	R-11, 4 ft.	R-20
7,000-8,499	0.35	R-49	R-21	R-21	R-11	R-13, 4 ft.	R-20
8,500-8,999	0.35	R-49	R-21	R-21	R-18	R-14, 4 ft.	R-20
9,000-12,999	0.35	R-49	R-21	R-21	R-19	R-18, 4 ft.	R-20

For SI: 1 Btu/(hr·ft<sup>2</sup>·°F) = 5.68 W/m<sup>2</sup>·K, 1 (hr·ft<sup>2</sup>·°F)/Btu = 0.176 m<sup>2</sup>·K/W.



**TABLE N1102.1.1.1(1)  
MASS WALL PRESCRIPTIVE BUILDING ENVELOPE REQUIREMENTS**

Zone	BUILDING LOCATION		MASS WALL ASSEMBLY R-Value	
	HDD	Exterior or integral insulation	Other mass walls	
1	0-499	R-3.8	R-9.7	
2	500-999	R-4.8	R-9.7	
3	1,000-1,499	R-4.8	R-9.7	
4	1,500-1,999	R-8.1	R-10.8	
5	2,000-2,499	R-8.9	R-10.8	
6	2,500-2,999	R-	R-10.8	
7	3,000-3,499	R-8.9	R-10.8	
8	3,500-3,999	R-8.9	R-10.8	
9	4,000-4,499	R-8.9	R-10.9	
10	4,500-4,999	R-10.4	R-12.3	
11	5,000-5,499	R-11.9	R-15.2	
12	5,500-5,999	R-11.9	R-15.2	
13	6,000-6,499	R-11.9	R-15.2	
14	6,500-6,999	R-15.5	R-18.4	
15	7,000-8,499	R-15.5	R-18.4	
16	8,500-8,999	R-18.4	R-18.4	
17	9,000-12,999	R-18.4	R-18.4	

For SI: 1 (hr-ft<sup>2</sup>-°F)/Btu = 0.176 m<sup>2</sup>-K/W.

a. The sum of the value in Table N1102.1.1.1(2) and additional insulation layers.

**TABLE N1102.1.1.1(2)  
MASS ASSEMBLY R-VALUES**

ASSEMBLY TYPE	UNGRROUTED CELLS NOT INSULATED (hr-ft <sup>2</sup> -°F)/Btu	UNGRROUTED CELLS INSULATED (hr-ft <sup>2</sup> -°F)/Btu		
		No grout	Vertical cells grouted at 10 ft-o-e, or greater	Vertical cells grouted at less than 10 ft-o-e,
6" Light-weight concrete block	2.3	5.0	4.5	3.8
6" Medium-weight concrete block	2.1	4.2	3.8	3.2
6" Normal weight concrete block	1.9	3.3	3.1	2.7
8" Light-weight concrete block	2.6	6.7	5.9	4.8
8" Medium-weight concrete block	2.3	5.3	4.8	4.0
8" Normal weight concrete block	2.1	4.2	3.8	3.3
12" Light weight concrete block	2.9	9.1	7.9	6.3
12" Medium-weight concrete block	2.6	7.1	6.4	5.2
12" Normal weight concrete block	2.3	5.6	5.1	4.3
Brick cavity-wall	3.7	6.7	6.2	5.4
Hollow-clay brick	2.0	2.7	2.6	2.4

For SI: 1 inch = 25.4 mm, 1 foot=304.8 mm, 1 (hr-ft<sup>2</sup>-°F)/Btu = 0.176 m<sup>2</sup>-K/W.

**TABLE N1102.1.1.2  
STEEL-FRAME WALL-MINIMUM PERFORMANCE REQUIREMENTS (R-VALUE)**

CLIMATE ZONES	HDD	EQUIVALENT STEEL-FRAME WALL CAVITY AND SHEATING R-VALUE <sup>a</sup> (hr-ft <sup>2</sup> -°F)/Btu
1-4	0-1999	R-11 + R-5, R-15 + R-4, R-21 + R-3
5-8	2,000-3,999	R-11 + R-5, R-15 + R-4, R-21 + R-3
9-12	4,000-5,999	R-11 + R-9, R-15 + R-8, R-21 + R-7
13-15	6,000-8,499	R-13 + R-10, R-19 + R-9, R-25 + R-8
16 and 17	8,500-12,999	R-13 + R-10, R-19 + R-9, R-25 + R-8

For SI: 1 (hr-ft<sup>2</sup>-°F)/Btu = 0.176 m<sup>2</sup>-K/W

a. The cavity insulation R-value requirement is listed first, followed by the sheating R-value requirement.



**N1102.1.2 Reserved. Ceilings.** The required “Ceiling  $R$ -value” in Table N1102.1 assumes standard truss or rafter construction and shall apply to all roof/ceiling portions of the building thermal envelope, including cathedral ceilings. Where the construction technique allows the required  $R$ -value of ceiling insulation to be obtained over the wall top plate,  $R$ -30 shall be permitted to be used where  $R$ -38 is required and  $R$ -38 shall be permitted to be used where  $R$ -49 is required.

**N1102.1.3 Opaque doors.** Opaque doors separating conditioned and unconditioned space shall have a maximum  $U$ -factor of ~~0.35~~ 0.75. One opaque door shall be permitted to be exempt from this  $U$ -factor requirement.

**N1102.1.4 Floors.** The required  $R$ -value in Table N1102.1 shall apply to all floors, except any individual floor assembly with over 25 percent of its conditioned floor area exposed directly to outside air shall meet the  $R$ -value requirement in Table N1102.1 for “Ceilings.” Floor insulation shall be installed to maintain permanent contact with the underside of the subfloor decking.

**N1102.1.6 Reserved. Slab-on-grade floors.** For slabs with a top edge above finished grade of 12 inches (305 mm) or less below finished grade, the required  $R$ -value in Table N1102.1 shall be applied to the outside of the foundation or the inside of the foundation wall. The insulation shall extend downward from the top of the slab, or downward to the bottom of the slab and then horizontally in either direction, until the distance listed in Table N1102.1 is reached. When installed between the exterior wall and the edge of the interior slab, the top edge of the insulation shall be permitted to be cut at a 45-degree (0.79 rad) angle away from the exterior wall. Insulation extending horizontally away from the building shall be protected by pavement or by a minimum of 10 inches (254 mm) of soil. In locations of 500 HDD or greater,  $R$ -2 shall be added to the values in Table N1102.1 where uninsulated hot water pipes, air distribution ducts or electric heating cables are installed within or under the slab.

**Exception:** Slab perimeter insulation is not required for unheated slabs in areas of very heavy termite infestation probability as shown in Figure R301.2(6). Where this exception is used, building envelope compliance shall be demonstrated by (a) using *International Energy Conservation Code* Section 502.2.2 or *International Energy Conservation Code* Chapter 4 with the actual slab insulation  $R$ -value in Table N1102.1; or (b) using *International Energy Conservation Code* Section 502.2.4.

**N1102.1.7 Crawl space walls.** Where the floor above the crawl space is uninsulated, insulation shall be installed on crawl space walls when the crawl space is not vented to outside air. The required  $R$ -value in Table N1102.1 shall be applied inside of the crawl space wall, downward from the sill plate to the exterior finished grade level and then vertically and/or horizontally for at least an additional 24 inches (610 mm). The exposed earth in all crawl space foundations shall be covered with a continuous vapor retarder having a maximum permeance rating of 1.0 perm [(57 mg)/(s·m<sup>2</sup>·Pa)], when tested in accordance with ASTM E 96. All joints of the vapor retarder shall overlap by 6 inches (153 mm) and be



sealed or taped. The edges of the vapor retarder shall extend at least 6 inches (153 mm) up the stem wall and shall be attached to the stem wall.

**N1102.1.10 Air leakage.** ~~All joints, seams, penetrations; site-built windows, doors, and skylights; openings between Window and door assemblies and their respective jambs and framing; and other sources of air leakage (infiltration and exfiltration) through the building thermal envelope shall be caulked, gasketed, weatherstripped, wrapped, or otherwise sealed to limit uncontrolled air movement. The building thermal envelope shall be durably sealed to limit infiltration. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. The following shall be gasketed, weatherstripped or otherwise sealed with an air barrier material, suitable film or solid material:~~

1. All joints, seams and penetrations.
2. Site-built windows, doors and skylights.
3. Openings between window and door assemblies and their respective jambs and framing.
4. Utility penetrations.
5. Dropped ceilings or chases adjacent to the thermal envelope.
6. Knee walls.
7. Walls and ceilings separating a garage from conditioned spaces.
8. Behind tubs and showers on exterior walls.
9. Common walls between dwelling units.
10. Other sources of infiltration.

**N1102.2 Maximum solar heat gain coefficient for fenestration products.** The area-weighted-average solar heat gain coefficient (SHGC) for glazed fenestration installed ~~in climate zones 1 and 2 (to a maximum of 3,500 HDD)~~ shall not exceed 0.40.

**N1102.3 Fenestration exemption.** Up to ~~1~~ percent of the total 15 square feet (1.4 m<sup>2</sup>) of glazed fenestration per dwelling unit glazing area shall be exempt from *U*-factor and the SHGC requirements.

**N1102.4 Replacement fenestration.** ~~Where an entire fenestration product, including frame, sash and glazed portion, is being replaced in an existing building, the replacement fenestration product shall have a *U*-factor that does not exceed the "Maximum fenestration *U*-factor" in Table 502.2.5 of the 2000 *International Energy Conservation Code* applicable to the climate zone (HDD) where the building is located. Replacement skylights and roof windows shall be permitted to have a maximum *U*-factor of 0.50 when installed in any location above 1,999 HDD. The replacement fenestration products must also satisfy the SHGC and air leakage requirements of Sections N1102.2 and N1101.3.2.2, respectively. Where some or all of an existing fenestration unit is replaced with a new fenestration product, including sash and glazing, the new fenestration unit shall meet the applicable *U*-factor and SHGC requirement in Section N1102.1.~~



## SECTION N1103 MECHANICAL SYSTEMS

**N1103.1 Heating and air conditioning appliance and equipment performance.** Performance of equipment listed in Table N1103.1 is covered by preemptive Federal law. Appliances and equipment not listed in Table N1103.1 shall meet the minimum efficiency requirements of the *City of Houston Commercial Energy Conservation Code* Section 503.2 of the *International Energy Conservation Code*.

**TABLE N1103.5  
MINIMUM PIPING INSULATION THICKNESSES<sup>a</sup>**

PIPING SYSTEM TYPES	FLUID TEMP RANGE (°F)	INSULATION THICKNESS inches <sup>b</sup>
<b>Heating systems</b>		
Low pressure/temperature	201-250	1.5
Low temperature	120-200	1.0
Steam condensate (for feed water)	Any	1.5
<b>Cooling systems</b>		
Chiller water, refrigerant or brine	40-55	0.75
	Below 40	1.25

For SI: 1 inch = 25.4 mm, °C = [(°F) - 32]/1.8.

- a. The pipe insulation thicknesses specified in this table are based on insulation R-values ranging from R-4 to R-4.6 per inch of thickness. For materials with an R-value greater than R-4.6, the insulation thickness specified in this table may be reduced as follows:

$$\text{New Minimum Thickness} = \frac{4.6 \times \text{Table Thickness}}{\text{Actual R-Value}}$$

For materials with an R-value less than R-4, the minimum insulation thickness shall be increased as follows:

$$\text{New Minimum Thickness} = \frac{4.6 \times \text{Table Thickness}}{\text{Actual R-Value}}$$

- b. For piping exposed to outdoor air, increase thickness by 0.5 inch.

### **MINIMUM PIPE INSULATION (thickness in inches)**

PIPING SYSTEM TYPES	FLUID TEMPERATURE RANGE, °F	Pipe Sizes <sup>a, b</sup>					
		Runouts up to 2" <sup>b</sup>	1 and less	1.25" to 2"	2.5" to 4"	5" to 6"	8" and larger
HEATING SYSTEMS							
Steam and hot water:							
High pressure/temperature	306-450	1 ½	2 ½	2 ½	3	3 ½	3 ½
Medium pressure/temperature	251-305	1 ½	2	2 ½	2 ½	3	3
Low pressure/temperature	201-250	1	1 ½	1 ½	2	2	2
Low temperature	106-120-200	½	1	1	1 ½	1 ½	1 ½
Steam condensate (for feed water)	Any	1	1	1 ½	2	2	2
COOLING SYSTEMS							
Chilled water, refrigerant and brine:	40-55	¾	¾	¾	1	1	1
	Below 40	1	1	1 ½	1 ½	1 ½	1 1/2

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, °C = [(°F) - 32]/1.8.

- a. Inside pipe diameter.  
b. Run outs not exceeding 12 feet in length to individual terminal units.



## SECTION N1104 SERVICE WATER HEATING

**N1104.2 Circulating hot water systems.** All circulating service hot water piping shall be insulated in accordance with Table N1104.2. Circulating hot water systems shall include an automatic or readily accessible manual switch that can turn off the hot water circulating pump when the system is not in use.

**TABLE N1104.2  
HOT WATER PIPING INSULATION**

SERVICE WATER- HEATING TEMPERATURES (°F)	PIPE SIZES <sup>a</sup>			
	Non-circulating run outs	Circulating mains and run outs		
	Up to 1"	Up to 1.25"	1.5" to 2"	Over 2"
170-180	0.5	1	1.5	2
140-169	0.5	0.5	1	1.5
100-139	0.5	0.5	0.5	1

For SI: 1 inch = 25.4 mm, °C = [(°F) - 32]/1.8

1 Btu/h/inch \* ft² \* °F = 0.144 W/(m \* K)

a. Nominal iron pipe size and insulation thickness. Conductivity,  $k \approx 0.27$



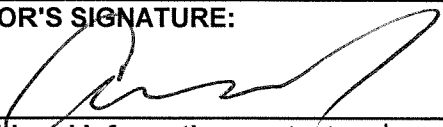
## CHAPTER 43

# REFERENCED STANDARDS

**NOTE:** ADD THE FOLLOWING TO THE BOTTOM OF THE LISTINGS UNDER ASHRAE STANDARDS:

ASHRAE 111—08 Measurement, Testing, Adjusting, and Balancing of Building HVAC Systems..... N1101.4.3.2



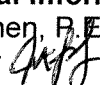



<b>SUBJECT:</b> Amend Table 105.8 of the City of Houston Fire Code to correct a scrivener's error		<b>Page</b> 1 of 1	<b>Agenda Item</b> # 6
<b>FROM (Department or other point of origin):</b>  Legal		<b>Origination Date</b> November 5, 2008	<b>Agenda Date</b> NOV 19 2008
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b>  All	
<b>For additional information contact:</b> Larry Schenk Phone: 832.393.6447		<b>Date and identification of prior authorizing Council action:</b> 2003-738; 2008-947	
<b>RECOMMENDATION: (Summary)</b> Pass an ordinance amending Table 105.8 of the City of Houston Fire Code to correct a scrivener's error relating to the fee for a certain permit to use Hazardous Materials.			
<b>Amount and Source of Funding:</b> N/A			
<b>SPECIFIC EXPLANATION:</b> The City adopted the City of Houston Fire Code in 2003. On October 22, 2008, the City Council adopted Ord. No. 2008-947, amending the Fire Code to change permit fees. Exhibit A to the Ordinance set forth the revised Table 105.8 of the Fire Code. It has been discovered that there was an error in Exhibit A. The error is in the third column, which has no label, and in the row that starts in the left column with "105.6.21,". The entry under "Tier 1" that reads as follows:  "Water reactive, liquid & solid, Class 2: up to 00 lbs"  should read, instead, as follows:  "Water reactive, liquid & solid, Class 2: up to 100 lbs"  This ordinance will correct that mistake.			
<b>REQUIRED AUTHORIZATION</b>			
<b>Other Authorization:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	



TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance to add a new Section 41.12 to Article I of Chapter 41 of the Code of Ordinances relating to subdivision identification markers		<b>Page</b> 1 of 1	<b>Agenda Item</b> 7
<b>FROM (Department or other point of origin):</b> Public Works and Engineering Department		<b>Origination Date</b> 11-15-08	<b>Agenda Date</b> NOV 19 2008
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE		<b>Council District affected:</b> All 	
<b>For additional information contact</b> Mark L. Loethen, P.E. City Engineer  phone: 713-837-0724		<b>Date and identification of prior authorizing council action:</b> Not Applicable	
<b>RECOMMENDATION:</b> Approve an Ordinance to add a new Section 41.12 to Article I of Chapter 41 of the Code of Ordinances relating to subdivision identification markers			
<b>Amount and Source Of Funding:</b> Not Applicable		<b>Finance Budget:</b> Not Applicable	
<b>SPECIFIC EXPLANATION:</b> <p>Subdivision identification markers provide a valuable function by creating an identity for residential subdivisions, fostering civic pride, and assisting in navigating our city. The Public Works and Engineering Department (PWE) seeks to establish an encroachment permitting process for the placement of new subdivision identification markers within public street medians and excess public street rights of way. New subdivision identification makers, installed after December 31, 2008, will need to conform to applicable standards in the PWE Infrastructure Design Manual. An application processing fee of \$175 will be collected for up to two (2) subdivision identification markers; each additional marker will be subject to an additional \$35 application processing fee. Subdivision markers on private property must be permitted inconformance with the Houston Sign Code.</p> <p>An encroachment permit will not be required for subdivision identification markers installed prior to and existing on December 31, 2008, the effective date of the ordinance. However, existing subdivision identification markers must be registered with PWE. No fee shall be assessed for registration of previously installed and existing subdivision identification markers.</p> <p>PWE briefed the Council Regulation, Development &amp; Neighborhood Protection Committee on subdivision markers on August 21, 2008, and at the October 23, 2008 meeting, the committee approved the ordinance and recommended it be forwarded to City Council.</p> <p>PWE recommends Council approval of Amendment to add a new Section 41.12 to Article I of Chapter 41 of the Code of Ordinances.</p> <p>xc: Marty Stein, Anna Russell, Arturo G. Michel</p>			
<b>REQUIRED AUTHORIZATION</b> 20MLL51			
		 Andrew F. Icken Deputy Director	



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

**AN ORDINANCE ADDING A NEW SECTION 41-12, RELATING TO RESIDENTIAL SUBDIVISION IDENTIFICATION MARKERS, TO ARTICLE I OF CHAPTER 41 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, City Council recognizes that subdivision identification markers can assist in creating an identity for residential subdivisions, foster civic pride, and aid in navigating this great city; and

**WHEREAS**, City Council seeks to authorize and regulate placement of the subdivision identification markers within public street medians or in excess public street right-of-way;

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

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

**Section 2.** That Section 41-12 is hereby added to Article I of Chapter 41 of the Code of Ordinances, Houston, Texas, as follows:

**"Sec. 41-12. Subdivision identification markers.**

(a) *Definition.* When used in this section, the term *subdivision identification marker* means a marker intended to identify a residential community or residential development with 50 or more platted single-family residential lots. The city engineer may issue a variance for subdivision identification markers for a residential community or residential development with less than 50 single-family residential lots.

(b) *Encroachment permit required.* A subdivision identification marker installed after December 31, 2008, in the median of a public street right-of-way or in unimproved excess public street right-of-way of a street within, abutting or adjacent to the subdivision must have an



encroachment permit issued by the city engineer's office and shall not be subject to the requirements of the Houston Sign Code (Chapter 46 of the City of Houston Building Code). A subdivision identification marker on private property must have a sign permit issued by the city's sign administration pursuant to the Houston Sign Code.

(c) *Design standards.* A subdivision identification marker must contain the name of the recorded subdivision, and may contain an insignia or motto of the subdivision in addition to identification directly related to the residential community or development, such as 'deed restrictions enforced' and civic association/homeowner's association meeting announcements. A subdivision identification marker may not include any advertising content unrelated to the subdivision, and may not contain any moving, electronic, LED or other changeable message.

The design of the subdivision identification marker shall conform to the standards set forth in the Infrastructure Design Manual, as promulgated and revised from time to time by the public works and engineering department. The city engineer must approve each request for more than two subdivision identification markers in the public street right-of-way and may restrict the number of subdivision identification markers for a subdivision taking into account the number of lots in the subdivision, the number of major entrances to the subdivision, and the area (acreage) of the subdivision. The city engineer may establish minimum clearances for subdivision identification markers from the edge of the pavement. The city engineer may also specify acceptable foundations for subdivision identification markers in the public street right-of-way and may require frangible or breakaway marker supports. Variances to any design standards for proposed subdivision identification markers must be granted by the city engineer.

(d) *Application for encroachment permit.* A subdivision developer or homeowners' association may apply to the city engineer for an encroachment permit for subdivision identification markers. The application for subdivision identification markers must identify the person, partnership, association, corporation or other legal entity responsible for the perpetual maintenance of the marker and include a drawing, approved by the public works and engineering department, that shows the design, location, size, height, and material composition of all markers to be permitted, and the location of any utility (water, sanitary sewer, storm sewer, electricity, telephone, cable) facilities in



the immediate vicinity of the markers. Each subdivision identification marker must be located so as not to constitute a traffic hazard and shall not be located within the visibility triangle, as defined in section 33-101 of this Code, or otherwise impair the visibility of a vehicle from a road or driveway. The application fee for up to two subdivision identification markers to be located in the public street right-of-way shall be \$175, and the application fee for each additional subdivision identification marker to be located in the public street right-of-way shall be \$35. All application fees shall be payable at the time of application for an encroachment permit.

(e) *Issuance of encroachment permit.* An encroachment permit for subdivision identification markers installed or to be installed in the public street right-of-way shall be issued by the city engineer on terms approved by the city engineer. A legal representative for the applicant shall be required to sign the offered encroachment permit to indicate acceptance of the terms and undertakings therein, whereupon the applicant shall then be the holder of the encroachment permit.

(f) *Transfer of encroachment permit.* An encroachment permit issued to a developer may be transferred to a homeowners' association upon approval of the city engineer following the submittal of an instrument setting forth the undertaking of the homeowners' association to comply with all the terms of the encroachment permit and to assume all the obligations and responsibilities of the prior holder of the encroachment permit.

(g) *Existing subdivision identification markers.* Subdivision identification markers located within the public right-of-way on December 31, 2008, must be registered with the public works and engineering department. The public works and engineering department shall publish a form to register existing subdivision identification markers. No fees will be assessed for registration of existing subdivision identification markers.

(h) *Maintenance, repair and replacement.* As used in this subsection, the term *holder* refers to the holder of an encroachment permit for a subdivision identification marker and the registrant for an existing subdivision identification marker. The holder shall be, and the city shall not be, responsible for any and all maintenance, repair, and/or replacement for the subdivision identification marker, marker support,



structure, illumination, and associated landscaping. The city may require the holder, upon thirty-days written notice, to perform maintenance, repair, relocation, or removal of the subdivision identification marker, marker structure, and any associated landscaping. After expiration of the thirty-day notice, the city may cause the maintenance, repair or removal of the subdivision identification marker at the expense of the holder. In the event that the city needs to perform improvements, maintenance, or repairs of infrastructure within the right-of-way, the city may, without providing thirty-days written notice, cause the removal or alteration of the subdivision identification marker or marker structure and landscaping without repair, replacement, or compensation to the holder. In no circumstances shall the city be obligated to repair or replace a subdivision identification marker, or compensate the holder of the marker for any damage caused by the city or other parties.”

**Section 3.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 4.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.



PASSED AND ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, 2008.

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

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

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

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

(Prepared by Legal Dept.  \_\_\_\_\_)

Sr. Assistant City Attorney

Requested by Michael S. Marcotte, P.E., DEE

L.D. File No. 073-0800280-001

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TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Lease Agreement between the City of Houston and Federal Aviation Administration – George Bush Intercontinental Airport/Houston (IAH).		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 8
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> November 10, 2008		<b>Agenda Date</b> NOV 19 2008
<b>DIRECTOR'S SIGNATURE:</b> <i>Kae</i> <i>Eric R. Pineda for Kae</i>		<b>Council District affected:</b> B		
<b>For additional information contact:</b> Janet Schafer <i>JS</i> Phone: 281/233-1796 James Valenta		<b>Date and identification of prior authorizing Council action:</b>		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b>  <b>REVENUE:</b> N/A <i>JS</i>		<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 Federal Aviation Administration at George Bush Intercontinental Airport/Houston (IAH) in connection with a new Terminal Radar Approach Control Facility (TRACON).				
<b>SPECIFIC EXPLANATION:</b>  The Federal Aviation Administration (FAA) is in need of constructing a new Terminal Radar Approach Control Facility (TRACON) at IAH as a navigational aid.  The pertinent terms and condition of this Agreement are as follows:  1. Term: The term shall commence January 1, 2009, and continue through September 30, 2029.  2. Early Termination: FAA may terminate for convenience upon 60 days' written notice. All structures shall vest in the City upon termination.  3. Leased Premises: Effective January 1, 2009, the leased premises shall comprise approximately 903,340 square feet (approximately 20.7 acres) of unimproved land located north of Greens Road and east of the Parking Cents lot at IAH. During the term of the lease, FAA has a right of first refusal on an additional 30-acre tract located east of the Leased Premises.  4. Rent: The FAA shall pay no monetary rental in consideration of the obligations assumed by the FAA in the establishment, operation and maintenance of the facility.  5. Use: Navigational aid for terminal radar approach used to guide aircraft.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>	<b>Other Authorization:</b>		<b>Other Authorization:</b>	



<b>SUBJECT:</b> Lease Agreement with Houston Municipal Employees Federal Credit Union at 611 Walker for the Public Works and Engineering Department		<b>Page</b> 1 of 1	<b>Agenda Item</b> 9
<b>FROM (Department or other point of origin):</b> General Services Department		<b>Origination Date</b> 11-12-08	<b>Agenda Date</b> NOV 19 2008
<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>Issa Dadoush</i>		<b>Council District affected:</b> 1	
<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JLN</i> <b>Phone:</b> (832) 393-8023		<b>Date and identification of prior authorizing council action:</b>	
<b>RECOMMENDATION:</b> Approve and authorize a Lease Agreement with Houston Municipal Employees Federal Credit Union (Tenant) for leased space in the Bob Lanier Public Works Building located at 611 Walker.			
<b>Amount and Source Of Funding:</b> Revenue		<b>Finance Budget:</b>	
<p><b>SPECIFIC EXPLANATION:</b> The General Services Department recommends that City Council approve and authorize a Lease Agreement with Houston Municipal Employees Federal Credit Union (HMEFCU), tenant, for 1,424 square feet of space, consisting of 1,344 square feet of office space on the first floor of the Bob Lanier Public Works Building located at 611 Walker, and 80 square feet for a free-standing ATM.</p> <p>HMEFCU has leased space on the 5<sup>th</sup> floor of 611 Walker since 1999. To have better visibility and accessibility to serve City of Houston employees, HMEFCU desires to relocate its offices to the lobby of the Bob Lanier Public Works Building.</p> <p>The proposed Lease Agreement provides for a five-year lease term with three five-year renewal options. The initial monthly rental, through June 30, 2009, will be \$2,544.21 (21.44 per square foot per year). Each July during the lease term, the City will adjust the monthly rental, to be applied during the next year, based on the then current calculated building operating and rental cost that is charged to City departments occupying space in this building.</p> <p>The City will build-out the leased space to meet the requirements of HMEFCU. HMEFCU is responsible for all construction costs, estimated at \$115,425.00 (\$85.88 psf).</p> <p>The new lease will commence on the date the Certificate of Occupancy is signed by the HMEFCU acknowledging that the City has substantially completed the improvements.</p> <p>The City is responsible for janitorial services and utilities. The City has the option to terminate this lease at any time upon twelve (12) months written notice to HMEFCU.</p> <p>IZD:FRC:JLN:JES;jes xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby and Gary Norman</p>			
<b>General Services Department:</b> <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Director Real Estate Division		<p align="center"><b>REQUIRED AUTHORIZATION</b></p> <p align="right">CUIC ID# 25 JES 17</p> <div> <div> <i>Jun Chang</i> Jun Chang, P.E. Interim Deputy Director Public Utilities Division </div> <div> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE Director </div> </div>	



<b>SUBJECT:</b> Lease Agreement with Dorothy L. Conley, Trustee of the Conley Residuary Trust for parking beneath the North Durham Drive Bridge between White Oak Bayou and the M.K.T. Railroad		<b>Page</b> 1 of 1	<b>Agenda Item</b> <i>10</i>
<b>FROM (Department or other point of origin):</b> General Services Department		<b>Origination Date</b> 11-13-08	<b>Agenda Date</b> NOV 19 2008
<b>DIRECTOR'S SIGNATURE:</b> <i>[Signature]</i> Issa Z. Dadoush, P.E.		<b>Council District affected:</b> H	
<b>For additional information contact:</b> Jacquelyn L. Nisby <i>[Signature]</i> <b>Phone:</b> (832) 393-8023		<b>Date and identification of prior authorizing Council action:</b>	
<b>RECOMMENDATION:</b> Approve and authorize a Lease Agreement with Dorothy L. Conley, trustee of the Conley Residuary Trust, Tenant, for parking beneath the North Durham Drive Bridge between White Oak Bayou and the M.K.T. Railroad.			
<b>Amount and Source Of Funding:</b> Revenue		<b>Finance Budget:</b>	
<p><b>SPECIFIC EXPLANATION:</b> The General Services Department recommends that City Council approve and authorize a Lease Agreement with Dorothy L. Conley, Trustee of the Conley Residuary Trust (Tenant), for 20,716 square feet of real property located beneath the North Durham Drive Bridge between White Oak Bayou and the M.K.T. Railroad to be used by the Tenant for parking. The Tenant operates a business park and has utilized this property for parking for its employees, tenants, visitors and invitees since 1987 at a monthly rental of \$200.00.</p> <p>The proposed Lease Agreement provides for a five-year lease term with three five-year renewal options. On the effective date of each renewal term, the rental payment will increase automatically at a rate of 2.5% compounded annually. The monthly rental is \$200.00; however if the Tenant elects an annual payment schedule, the tenant will receive a 10% discount.</p> <p>The base lease term will commence on the first day of the first calendar month following the date of countersignature by the City Controller.</p> <p>The Tenant is responsible for maintenance and utilities, and may, at its sole cost and expense, make various improvements to the leased premises with the City's prior written consent. The City may terminate this Lease at any time with 120 days' written notice to the Tenant.</p> <p>IZD:BC:JLN:JES:ddc</p> <p>xc: Marty Stein, Jacquelyn L. Nisby, Anna Russell</p>			
<b>General Services Department:</b>  <i>[Signature]</i> Forest R. Christy, Jr., Director Real Estate Division		<b>REQUIRED AUTHORIZATION</b>  <b>CUIC ID# 25 JES 18</b>	










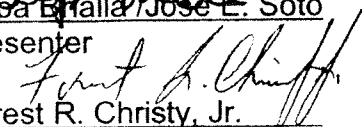
## General Services Department

### Real Estate Division

Landlord – Client Department	City of Houston – General Services
Tenant	Dorothy L. Conley, Trustee of the Conley Residuary Trust (Also known as Shepard Business Park)
Property Address	551 North Sheppard or Parcel or tract of land, containing approximately 20,716 square feet of real property located beneath the N. Durham Drive Bridge between White Oak Bayou and the M.K.T Railroad
Term	Five (5) years from the date of the countersignature by the City Controller
Size	20,716 square feet
Rate	\$200.00 monthly (\$2,400.00 annually) or less 10% if it is paid annually.
Type of Lease/Use	Net Lease Use: For parking
Options	Three (3) five (5) year options at a rate of 2.5% compounded annually with written notice at any time on or before ninety (90) days prior to the expiration date of the then current lease or renewal term.
Utilities- Included in Rate or Not	Tenant is responsible for all utilities
Comments	

Presented for Signature:

  
Rosa E. Halla / Jose E. Soto  
Presenter

  
Forest R. Christy, Jr.  
Approver

10/7/08  
Date

10/10/08  
Date



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Petition for the City's consent to the addition of two (2) tracts of land totaling 28.0669 acres to Bridgestone Municipal Utility District (Key Map No. 290-L,M,Q, & R)	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 11
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**FROM (Department or other point of origin):**

Department of Public Works and Engineering

**Origination Date**

10/30/08

**Agenda Date**

NOV 19 2008

**DIRECTOR'S SIGNATURE**

Michael S. Marcotte, P.E., DEE

**Council District affected:**  
"ETJ"

**For additional information contact:**

Ann Marie Sheridan, P.E.

Supervising Engineer Phone: (713) 837-9142

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

**RECOMMENDATION: (Summary)**

The petition for the addition of 28.0669 acres of land to Bridgestone Municipal Utility District be approved.

**Amount of Funding:**

NONE REQUIRED

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

☐ Other (Specify)

**SPECIFIC EXPLANATION:**

Bridgestone Municipal Utility District has petitioned the City of Houston for consent to add 28.0669 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Kuykendahl Road, T.C. Jester Boulevard, and Spring-Stuebner Road. The district desires to add 28.0669 acres, thus yielding a total of 2,249.0112 acres. The district is served by the Bridgestone Municipal Utility District Wastewater Treatment Plant, which is owned and operated by the district. The nearest major drainage facility for Bridgestone Municipal Utility District is Cypress Creek which flows into Spring Creek and then to the San Jacinto River and finally into Lake Houston.

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

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

**Attachments**

cc: Marty Stein Marlene Gafrick Jun Chang Mark Loethen  
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

**REQUIRED AUTHORIZATION**

20JZC474

**Finance Department**

**Other Authorization:**

Andrew F. Icken

Deputy Director

Planning & Development Services Div.

**Other Authorization:**





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 28.0669 acres to Bridgestone MUD under the provisions of Chapters 49 and 54 Texas Water Code.

Attorney for the District

**Attorney:** Robin S. Bobbitt, Johnson Radcliffe Petrov & Bobbitt PLLC

Address: 1001 McKinney, Suite 1000, Houston, Texas Zip: 77002-6424 Phone: 713.237.1221

**Engineer:** Ed Shackelford, P.E., Jones & Carter, Inc.

Address: 8701 New Trails, Suite 200, The Woodlands, Texas Zip: 77381 Phone: 281.363.4039

**Owners:** FM 2920 Investments, LLC

Address: 18 Augusta Pines Drive, Suite 210-C, Spring, Texas Zip: 77389 Phone: 281-255-9400

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

## LOCATION

INSIDE CITY ☐

OUTSIDE CITY ☒

NAME OF COUNTY (S) Harris

Survey James Cooper

Abstract 189

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

North of: Kuykendahl Road

East of: T.C. Jester Boulevard

South of: Spring-Stuebner Road

West of: Kuykendahl Road

## WATER DISTRICT DATA

Total Acreage of District: 2,220.9443

Existing Plus Proposed Land 2,249.0112

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

Single Family Residential 0%

Multi-Family Residential 0%

Commercial 100%

Industrial 0%

Institutional 0%

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

Sewage Treatment Plant Name: Bridgestone MUD Wastewater Treatment Plant

NPDES/TPDES Permit No: 11835-001

TCEQ Permit No: 11835-001





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 1.35

Ultimate Capacity (MGD): 2.7

Size of treatment plant site: 4.6314 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 1.35 MGD.

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

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

Total permitted capacity: N/A

MGD of (Regional Plant).

Name of District: N/A

MGD Capacity Allocation N/A

or property owner(s)

Name of District: N/A

MGD Capacity Allocation N/A

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

Water Treatment Plant Address: 21503 Slippery Creek, FM 2920 and 5420 Aberton Ln

Well Permit No: 1-2680, 2-3352 & 3-4713

## Existing Capacity:

Well(s): 4,720

GPM

Booster Pump(s): 6,300

GPM

Tank(s): 1,830

MG

## Ultimate Capacity:

Well(s): 4,720

GPM

Booster Pump(s): 6,800

GPM

Tank(s): 1,830

MG

Size of Treatment Plant Site: 1-0.398, 2-0.625 & 3-.897

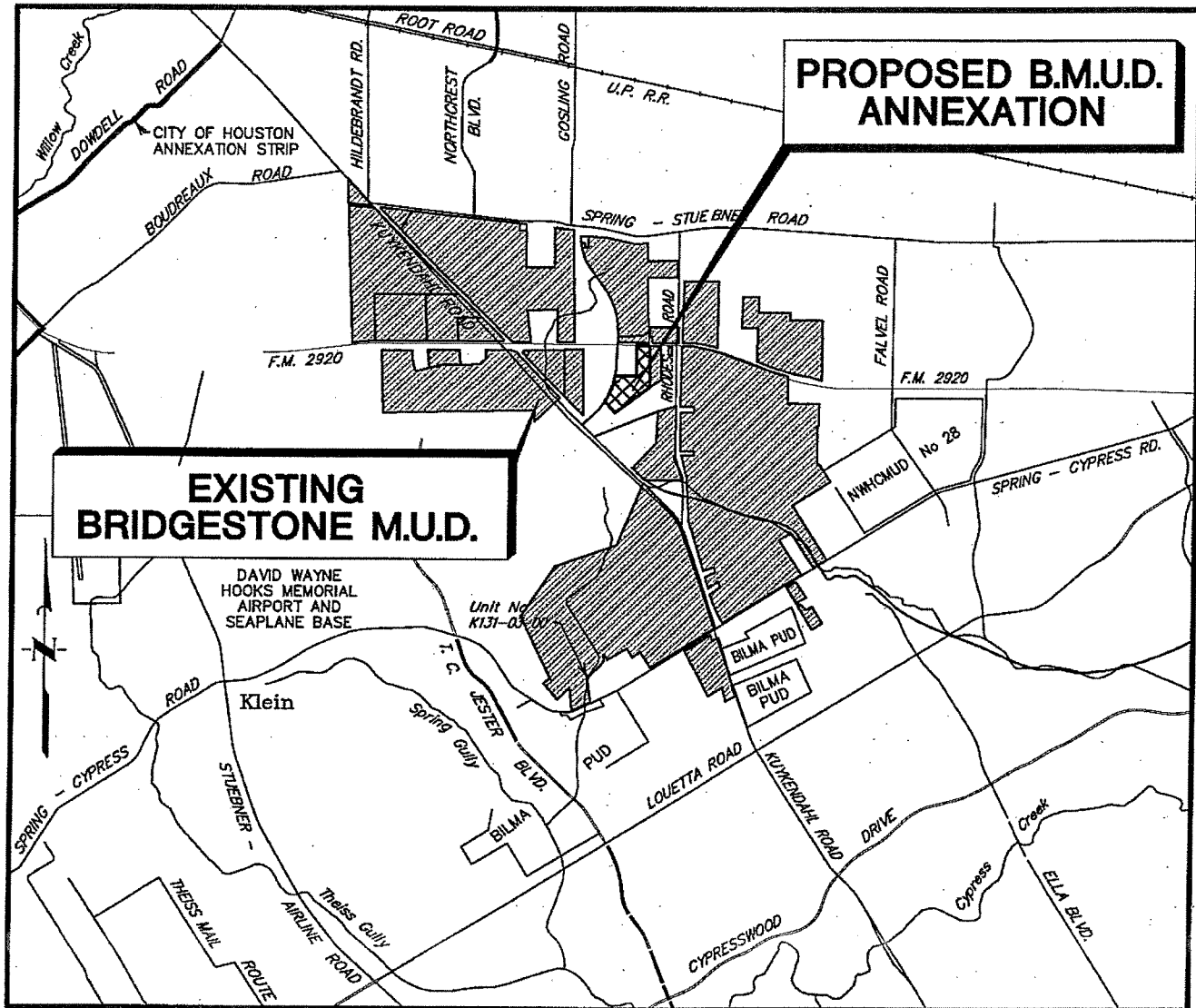
square feet/acres.

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



# BRIDGESTONE MUNICIPAL UTILITY DISTRICT

Proposed annexation of 28.0669 Acres of land  
(HARRIS COUNTY KEY MAP : 290-L,M,Q,&R)



## VICINITY MAP

N.T.S.

474



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 9.1467 acres of land to Green Trails Municipal Utility District (Key Map No. 486-F)

Category #

Page 1 of 1

Agenda Item # 12

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

10/30/08

NOV 19 2008

DIRECTOR'S SIGNATURE

Council District affected: "ETJ"

Michael S. Marcotte, P.E., DEE

For additional information contact:

Date and identification of prior authorizing Council action:

Ann Marie Sheridan, P.E. Supervising Engineer Phone: (713) 837-9142

RECOMMENDATION: (Summary)

The petition for the addition of 9.1467 acres of land to Green Trails Municipal Utility District be approved.

Amount of Funding:

NONE REQUIRED

SOURCE OF FUNDING: [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund

[ ] Other (Specify)

SPECIFIC EXPLANATION:

Green Trails Municipal Utility District has petitioned the City of Houston for consent to add 9.1467 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Mason Creek, Fry Road, Interstate 10 and Baker Road. The district desires to add 9.1467 acres, thus yielding a total of 316.0587 acres. The district is served by the Green Trails Municipal Utility District Wastewater Treatment Plant, which is owned and operated by the district. The other district served by this plant is Harris County Municipal Utility District No. 345. The nearest major drainage facility for Green Trails Municipal Utility District is Mason Creek which flows into Buffalo Bayou and finally into the Houston Ship Channel.

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

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

Attachments

cc: Marty Stein Marlene Gafrick Jun Chang Mark Loethen  
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

REQUIRED AUTHORIZATION

20JZC479

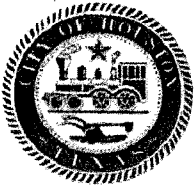
Finance Department

Other Authorization:

Other Authorization:

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

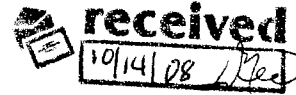




# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 9.1467 acres to Green Trails MUD under the provisions of Chapters 49 and 54, Texas Water Code.

*Martha Bersch*  
Attorney for the District

**Attorney:** Martha T. Bersch, Schwartz Page & Harding, L.L.P

Address: 1300 Post Oak Boulevard, Suite 1400, Houston, TX Zip: 77056

Phone: 713-623-4531

**Engineer:** Tobin Synatschk, P.E., Jones & Carter, Inc.

Address: 6335 Gultfon, Suite 200, Houston, Texas Zip: 77081

Phone: 713-777-5337

**Owners:** The Estates at Baker Lane, L.L.C.

Address: 5850 San Felipe, Suite 500, Houston, Texas Zip: 77057

Phone: 713-706-6101

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

## LOCATION

INSIDE CITY ☐ OUTSIDE CITY ☒

Survey J. Habermacher Survey

NAME OF COUNTY (S) Harris  
Abstract 356

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

North of: Mason Creek

East of: Fry Road

South of: Interstate 10

West of: Baker Road

## WATER DISTRICT DATA

Total Acreage of District: 306.912

Existing Plus Proposed Land 316.0587 ✓

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

Single Family Residential 100%

Multi-Family Residential 0%

Commercial 0%

Industrial 0%

Institutional 0%

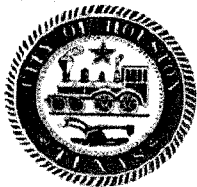
Sewage generated by the District will be served by a : District Plant ☒ Regional Plant ☐

Sewage Treatment Plant Name: Green Trails MUD Wastewater Treatment Plant

NPDES/TPDES Permit No: WQ0012289001

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





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.99

Ultimate Capacity (MGD): 0.99

Size of treatment plant site: 1.5567 square feet/ acres

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

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

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

Total permitted capacity: 0.99

MGD of (Regional Plant).

Name of District: Green Trails MUD

MGD Capacity Allocation 0.365

or property owner(s)

Name of District: Harris County MUD No. 345

MGD Capacity Allocation 0.625

Water Treatment Plant Name: Green Trails Water Plant

Water Treatment Plant Address: 1511 Emerald Green, Houston, Texas 77094

Well Permit No: 3518

## Existing Capacity:

Well(s): 1,160

GPM

Booster Pump(s): 3,080

GPM

Tank(s): 0.35

MG

## Ultimate Capacity:

Well(s): 1,160

GPM

Booster Pump(s): 3,080

GPM

Tank(s): 0.35

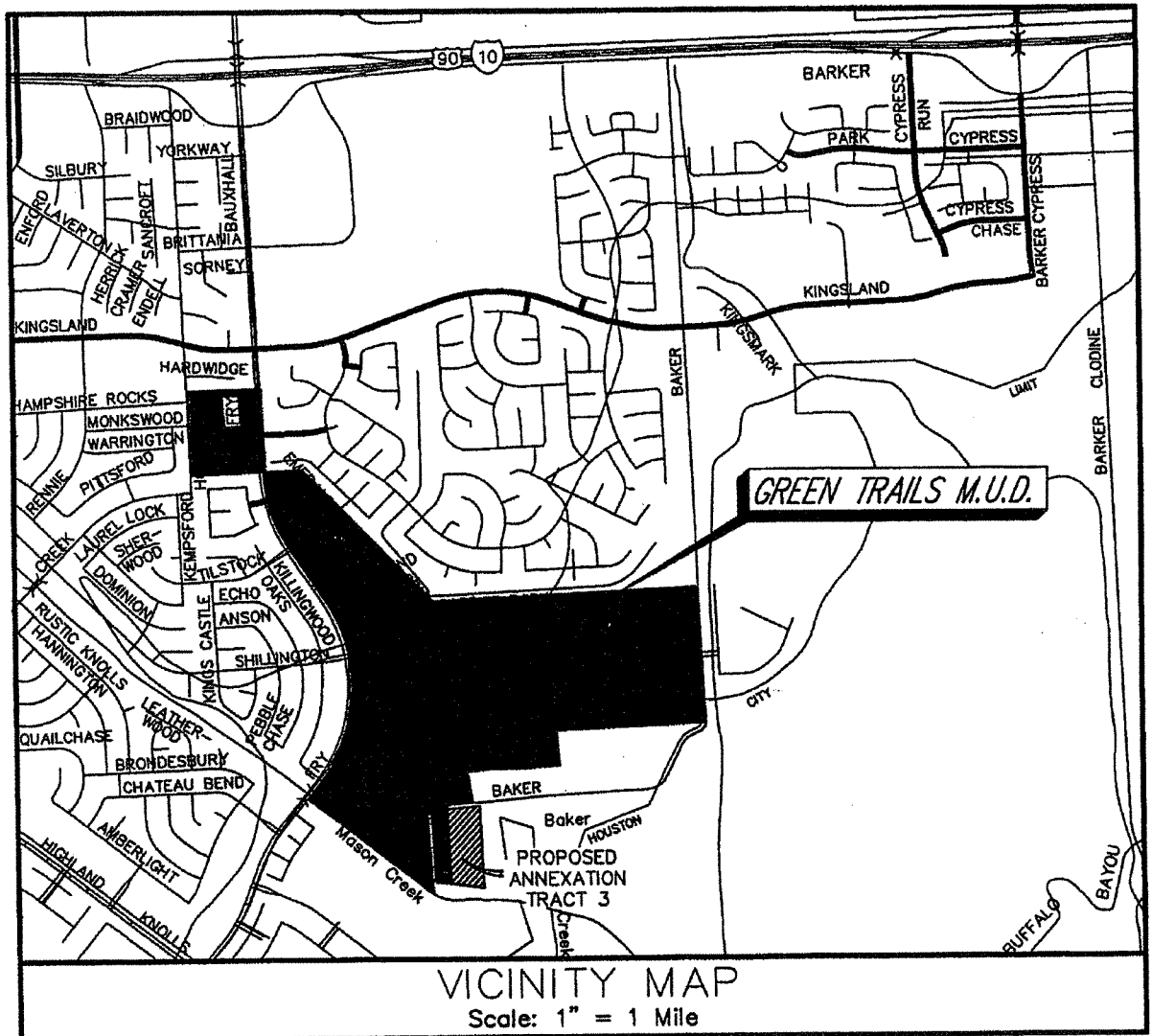
MG

Size of Treatment Plant Site: 22,198

square feet acres.

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







TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of three (3) tracts of land totaling 121.297 acres to Fort Bend County Municipal Utility District No. 134A (Key Map No. 566-G)	Category #	Page 1 of 1	Agenda Item # 13
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 11/12/08	Agenda Date NOV 19 2008
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DIRECTOR'S SIGNATURE Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: "ETJ"
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For additional information contact: Jun Chang, P.E. Senior Assistant Director Phone: (713) 837-0433	Date and identification of prior authorizing Council action:
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**RECOMMENDATION: (Summary)**

The petition for the addition of 121.297 acres of land to Fort Bend County Municipal Utility District No. 134A be approved.

Amount of Funding: NONE REQUIRED	
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**SOURCE OF FUNDING:** ☐ General Fund ☐ Grant Fund ☐ Enterprise Fund  
☐ Other (Specify)

**SPECIFIC EXPLANATION:**

Fort Bend County Municipal Utility District No. 134A has petitioned the City of Houston for consent to add 121.297 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Oyster Creek, Madden Road, Grand Parkway and FM 1464. The district desires to add 121.297 acres, thus yielding a total of 504.545 acres. The district is served by the Fort Bend County Municipal Utility District No. 134 Wastewater Treatment Plant No. 1, which is owned and operated by the district. The nearest major drainage facility for Fort Bend County Municipal Utility District No. 134A is Oyster Creek which flows into Flat Bank Creek, then to the Brazos River and finally into the Gulf of Mexico.

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

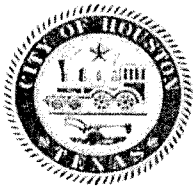
The Utility District Review Committee recommends that the subject petition be approved.

**Attachments**

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

REQUIRED AUTHORIZATION		20JZC452
Finance Department	Other Authorization: Andrew F. Icken Deputy Director Planning & Development Services Div.	Other Authorization:





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 121.297 acres to Fort Bend County MUD No. 134A under the provisions of Chapters 49 and 54, Texas Water Code.

Attorney for the District

**Attorney:** Maria Parker/Mike Willis - Coats Rose Yale Ryman & Lee

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

**Engineer:** USA Professional Services Group, Inc.

Address: 1525 Viceroy Drive, Dallas, Texas Zip: 75235 Phone: 214-634-3300

**Owners:** Please see attached Exhibit "A"

Address: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

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

## LOCATION

INSIDE CITY ☐ OUTSIDE CITY ☒

Survey See attached Exhibit "B"

NAME OF COUNTY (S) Fort Bend

Abstract See attached Exhibit "B"

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

North of: Oyster Creek

East of: Grand Parkway

South of: Madden Road

West of: FM 1464

## WATER DISTRICT DATA

Total Acreage of District: 383.248

Existing Plus Proposed Land 504.545 ✓

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

Single Family Residential 56.4

Multi-Family Residential 0

Commercial 43.6

Industrial 0

Institutional 0

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

Sewage Treatment Plant Name: FBCMUD 134 WWTP No. 1

NPDES/TPDES Permit No: 0790477

TCEQ Permit No: WQ0014715001





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.3 MGD

Ultimate Capacity (MGD): 3.0 MGD \*\*

Size of treatment plant site: +/- 15.0 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.3 MGD.

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

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

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

MGD of (Regional Plant).

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

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

or property owner(s)

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

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

Water Treatment Plant Name: FBCMUD 134 Water Plant No. 1

Water Treatment Plant Address: \_\_\_\_\_

Well Permit No: 14715-001

## Existing Capacity:

Well(s): 1300 GPM

Booster Pump(s): 2500 GPM

Tank(s): 500,000 MG

## Ultimate Capacity:

Well(s): 6500 GPM

Booster Pump(s): 17,000 GPM

Tank(s): 2,500,000 MG

Size of Treatment Plant Site: +/- 2.0 acres square feet/acres.

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

**\*\* FBCMUD 134A is the Master District serving FBCMUD 134A, B and C;**

**\*\* For an individual breakdown of water and wastewater capacity, please see Exhibit "C"**







### **EXHIBIT "A"**

**Owner:**

B.A.M. Houston Real Estate Investment, L.P.  
c/o Aliana Development Co.  
Attn: Bret Blankenship  
2745 North Dallas Parkway, Suite 600 A  
Plano, Texas 75093  
(214)778-3888

### **EXHIBIT "B"**

**Survey and Abstract:**

Jane Wilkins League, Abstract 96; Jesse H. Cartwright League, Abstract 16; Andrew M. Clopper Survey, Abstract 151.

### **EXHIBIT "C"**

**Wastewater Treatment Plant Capacity Breakdown (MGD):**

1. Fort Bend County MUD No. 134A – 425,000 MGD
2. Fort Bend County MUD No. 134B – 1,100,000 MGD
3. Fort Bend County MUD No. 134C – 1,175,000 MGD

**Total – 2,700,000 MGD**

**Water Treatment Plant Capacity Breakdown (Connections):**

1. Fort Bend County MUD No. 134A – 1,126
2. Fort Bend County MUD No. 134B – 2,943
3. Fort Bend County MUD No. 134C – 3,438

**Total – 7,507 connections**



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of three (3) tracts of land totaling 331.295 acres to Fort Bend County Municipal Utility District No. 134B (Key Map No. 566-G)	Category #	Page 1 of 1	Agenda Item # 14
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 11/12/08	Agenda Date NOV 19 2008
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DIRECTOR'S SIGNATURE Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: "ETJ"
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For additional information contact: Jun Chang, P.E. Senior Assistant Director Phone: (713) 837-0433	Date and identification of prior authorizing Council action:
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**RECOMMENDATION: (Summary)**

The petition for the addition of 331.295 acres of land to Fort Bend County Municipal Utility District No. 134B be approved.

Amount of Funding: NONE REQUIRED	
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**SOURCE OF FUNDING:** ☐ General Fund ☐ Grant Fund ☐ Enterprise Fund  
☐ Other (Specify)

**SPECIFIC EXPLANATION:**

Fort Bend County Municipal Utility District No. 134B has petitioned the City of Houston for consent to add 331.295 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Oyster Creek, Madden Road, Grand Parkway and FM 1464. The district desires to add 331.295 acres, thus yielding a total of 1,078.160 acres. The district is served by the Fort Bend County Municipal Utility District No. 134 Wastewater Treatment Plant No. 1, which is owned and operated by the district. The nearest major drainage facility for Fort Bend County Municipal Utility District No. 134B is Oyster Creek which flows into Flat Bank Creek, then to the Brazos River and finally into the Gulf of Mexico.

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

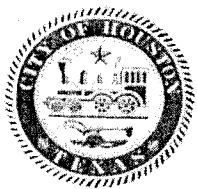
The Utility District Review Committee recommends that the subject petition be approved.

Attachments

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

REQUIRED AUTHORIZATION 20JZC453	
Finance Department	Other Authorization: Andrew F. Icken Deputy Director Planning & Development Services Div.





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Received  
1/4/08

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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 331.295 acres to Fort Bend County MUD No. 134B under the provisions of Chapters 49 and 54, Texas Water Code.

Attorney for the District

**Attorney:** Maria Parker/Mike Willis - Coats Rose Yale Ryman & Lee

Address: 3 E. Greenway Plaza, Suite 2000, Houston, Texas Zip: 77046

Phone: 713-651-0111

**Engineer:** USA Professional Services Group, Inc.

Address: 1525 Viceroy Drive, Dallas, Texas Zip: 75235

Phone: 214-634-3300

**Owners:** Please see attached Exhibit "A"

Address: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_  
(If more than one owner, attach additional page. List all owners of property within the District)

## LOCATION

INSIDE CITY ☐ OUTSIDE CITY ☒

Survey See attached Exhibit "B"

NAME OF COUNTY (S) Fort Bend  
Abstract See attached Exhibit "B"

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

North of: Oyster Creek

East of: Grand Parkway

South of: Madden Road

West of: FM 1464

## WATER DISTRICT DATA

Total Acreage of District: 746.865

Existing Plus Proposed Land 1,078.160 ✓

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

Single Family Residential 68

Multi-Family Residential 0

Commercial 32

Industrial 0

Institutional 0

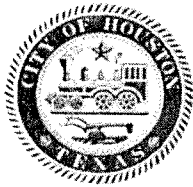
Sewage generated by the District will be served by a : District Plant ☒ Regional Plant ☐

Sewage Treatment Plant Name: FBCMUD 134 WWTP No. 1

NPDES/TPDES Permit No: 0790477

TCEQ Permit No: WQ0014715001





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.3 MGD

Ultimate Capacity (MGD): 3.0 MGD \*\*

Size of treatment plant site: +/- 15.0 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.3 MGD.

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

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

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

MGD of (Regional Plant).

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

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

or property owner(s)

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

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

Water Treatment Plant Name: FBCMUD 134 Water Plant No. 1

Water Treatment Plant Address: \_\_\_\_\_

Well Permit No: 14715-001

## Existing Capacity:

Well(s): 1300 GPM

Booster Pump(s): 2500 GPM

Tank(s): 500,000 MG

## Ultimate Capacity:

Well(s): 6500 GPM

Booster Pump(s): 17,000 GPM

Tank(s): 2,500,000 MG

Size of Treatment Plant Site: +/- 2.0 acres

square feet/acres.

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

\*\* FBCMUD 134A is the Master District serving FBCMUD 134A, B and C;

\*\* For an individual breakdown of water and wastewater capacity, please see Exhibit "C"







**EXHIBIT "A"**

**Owner:**

B.A.M. Houston Real Estate Investment, L.P.  
c/o Aliana Development Co.  
Attn: Bret Blankenship  
2745 North Dallas Parkway, Suite 600 A  
Plano, Texas 75093  
(214)778-3888

**EXHIBIT "B"**

**Survey and Abstract:**

Jane Wilkins League, Abstract 96; Jesse H. Cartwright League, Abstract 16; Andrew M. Clopper Survey, Abstract 151.

**EXHIBIT "C"**

**Wastewater Treatment Plant Capacity Breakdown (MGD):**

1. Fort Bend County MUD No. 134A – 425,000 MGD
2. Fort Bend County MUD No. 134B – 1,100,000 MGD
3. Fort Bend County MUD No. 134C – 1,175,000 MGD

**Total – 2,700,000 MGD**

**Water Treatment Plant Capacity Breakdown (Connections):**

1. Fort Bend County MUD No. 134A – 1,126
2. Fort Bend County MUD No. 134B – 2,943
3. Fort Bend County MUD No. 134C – 3,438

**Total – 7,507 connections**



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Petition for the City's consent to the addition of 104.496 acres of land to Fort Bend County Municipal Utility District No. 134C (Key Map No. 566-G)	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 15
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 11-12-08	<b>Agenda Date</b> NOV 19 2008
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<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., D.WRE, BCEE	<b>Council District affected:</b> "ETJ"
---	--

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

The petition for the addition of 104.496 acres of land to Fort Bend County Municipal Utility District No. 134C be approved.

<b>Amount of Funding:</b> NONE REQUIRED	
--	--

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

**SPECIFIC EXPLANATION:**

Fort Bend County Municipal Utility District No. 134C has petitioned the City of Houston for consent to add 104.496 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Oyster Creek, Madden Road, Grand Parkway and FM 1464. The district desires to add 104.496 acres, thus yielding a total of 878.301 acres. The district is served by the Fort Bend County Municipal Utility District No. 134 Wastewater Treatment Plant No. 1, which is owned and operated by the district. The nearest major drainage facility for Fort Bend County Municipal Utility District No. 134C is Oyster Creek which flows into Flat Bank Creek, then to the Brazos River and finally into the Gulf of Mexico.

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

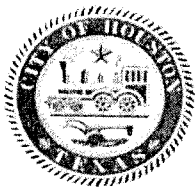
The Utility District Review Committee recommends that the subject petition be approved.

**Attachments**

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

<b>REQUIRED AUTHORIZATION</b>		20JZC454
<b>Finance Department</b>	<b>Other Authorization:</b> <i>Andrew F. Icken</i> Andrew F. Icken Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>

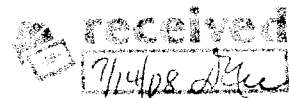




# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 104.496 acres to Fort Bend County MUD No. 134C under the provisions of Chapters 49 and 54, Texas Water Code.

Attorney for the District

**Attorney:** Maria Parker/Mike Willis - Coats Rose Yale Ryman & Lee

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

**Engineer:** USA Professional Services Group, Inc.

Address: 1525 Viceroy Drive, Dallas, Texas Zip: 75235 Phone: 214-634-3300

**Owners:** Please see attached Exhibit "A"

Address: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

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

### LOCATION

INSIDE CITY ☐ OUTSIDE CITY ☒

Survey See attached Exhibit "B"

NAME OF COUNTY (S) Fort Bend  
Abstract See attached Exhibit "B"

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

North of: Oyster Creek

East of: Grand Parkway

South of: Madden Road

West of: FM 1464

### WATER DISTRICT DATA

Total Acreage of District: 773.805

Existing Plus Proposed Land 878.301 ✓

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

Single Family Residential 77

Multi-Family Residential 0

Commercial 23

Industrial 0

Institutional 0

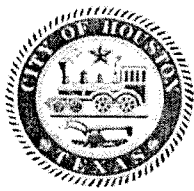
Sewage generated by the District will be served by a : District Plant ☒ Regional Plant ☐

Sewage Treatment Plant Name: FBCMUD 134 WWTP No. 1

NPDES/TPDES Permit No: 0790477

TCEQ Permit No: WQ0014715001





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.3 MGD

Ultimate Capacity (MGD): 3.0 MGD \*\*

Size of treatment plant site: +/- 15.0 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.3 MGD.

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

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

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

MGD of (Regional Plant).

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

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

or property owner(s)

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

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

Water Treatment Plant Name: FBCMUD 134 Water Plant No. 1

Water Treatment Plant Address: \_\_\_\_\_

Well Permit No: 14715-001

## Existing Capacity:

Well(s): 1300 GPM

Booster Pump(s): 2500 GPM

Tank(s): 500,000 MG

## Ultimate Capacity:

Well(s): 6500 GPM

Booster Pump(s): 17,000 GPM

Tank(s): 2,500,000 MG

Size of Treatment Plant Site: +/- 2.0 acres square feet/acres.

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

\*\* FBCMUD 134A is the Master District serving FBCMUD 134A, B and C;

\*\* For an individual breakdown of water and wastewater capacity, please see Exhibit "C"





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

## CHECKLIST

- ☐ The attorney for the district signed the application.
- ☐ The rounding of the acreage is consistent throughout the metes and bounds, petition, application, survey, and vicinity map, if listed.
- ☐ All documents are scanned electronically including survey and vicinity maps and copies submitted by e-mail or cd-rom (the original with original signature must be delivered in hard copy).

## Attachments

- ☐ Petition to the state.
- ☐ Exhibit A metes and bounds.
- ☐ Exhibit B Consent Conditions, either ETJ (2006 version) or in-city. If this is an in-city mud, exhibit must state bonds must be approved by the city.
- ☐ The sealed survey plat is included.
- ☐ An 8 ½ inches by 11 inches vicinity map is attached and shows nearby roads and depicts the original boundary of the district (East West South and North direction delineated correctly on maps). If this is an annexation, also highlight the area to be annexed.
- ☐ Letters from adjacent districts and municipalities stating availability of utility service are attached. (This is for creation petitions and is applicable only if there is not an existing regional plant.)
- ☐ Certificates of Authority from lien holders.
- ☐ An application fee of \$425 per each non-contiguous tract included.

### **Please submit a complete original with all attachments to:**

City of Houston, Planning & Development Services Division, Attention: Veronica Osegueda, 611 Walker St., 21<sup>st</sup> Floor; Houston, TX 77002.

**An electronic copy of the entire consent application, including all attachments, will expedite processing and is encouraged. Please submit the electronic copy to [mudreview@cityofhouston.net](mailto:mudreview@cityofhouston.net).**

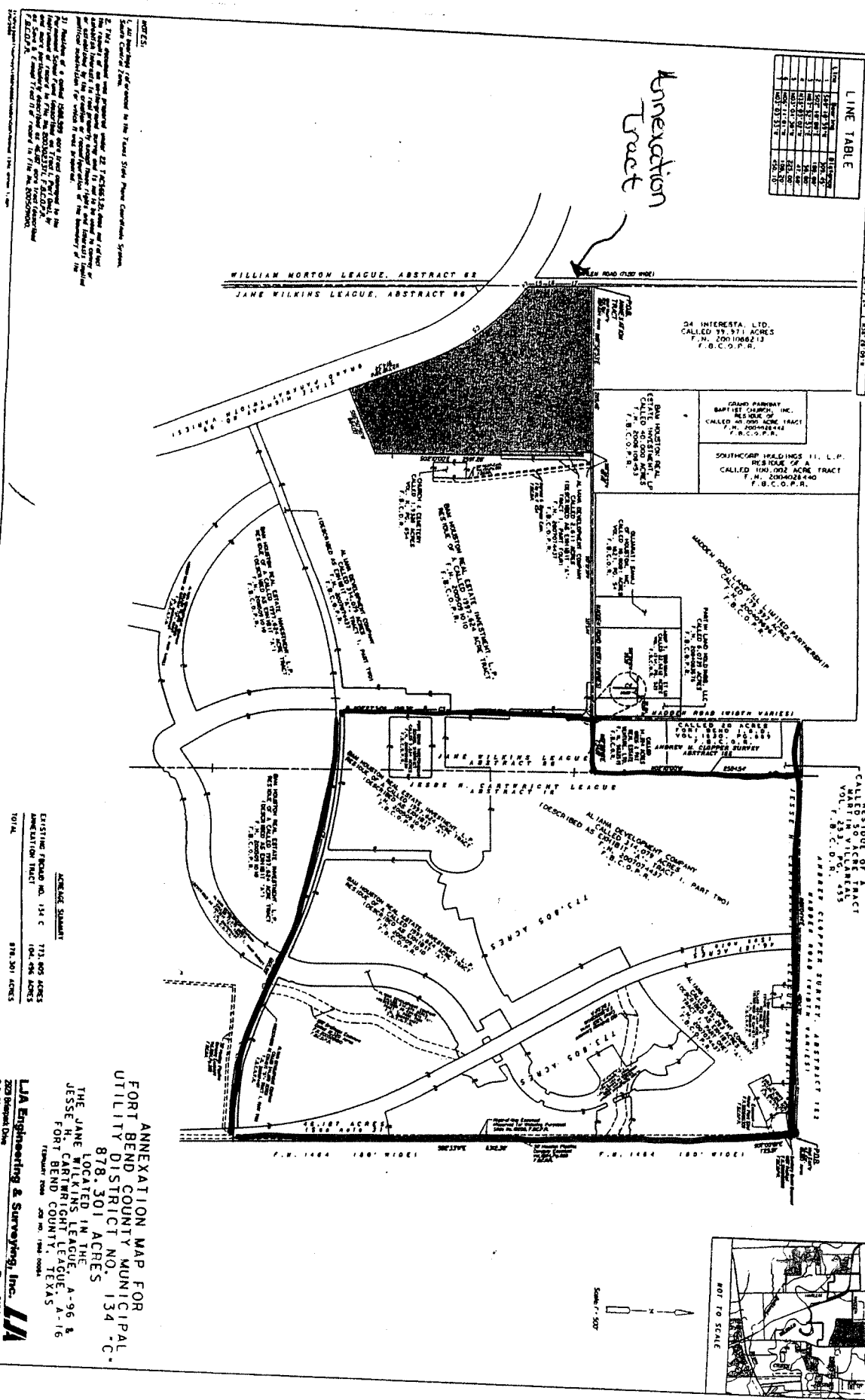
**PLEASE NOTE, APPLICATION WILL NOT BE ACCEPTED AS COMPLETE FOR PROCESSING UNLESS ALL ITEMS ARE INCLUDED. INCOMPLETE APPLICATIONS ARE SUBJECT TO RETURN.**

The applicant may be contacted at anytime during the review process for additional information, even after the application is accepted as complete.

**Please direct any questions regarding consent applications to [mudreview@cityofhouston.net](mailto:mudreview@cityofhouston.net).**



Use type	Frequency	Group	Age	Ratio	Group size (kg)
1	4490.00	441.33	1444.02	1444.02	25.45 ± 2.1
2	1000.00	155.74	155.74	155.74	18.45 ± 2.0
3	4000.00	51.00	51.00	51.00	16.72 ± 2.0
4	2000.00	51.00	51.00	51.00	16.72 ± 2.0
5	2004.75	150.00	150.00	150.00	16.72 ± 2.0



**LJA Engineering & Surveying, Inc.**  
2233 Shepley Drive  
Suite 600  
Houston, Texas 77062-3703  
Phone 713.553.5200  
Fax 713.553.5226



**EXHIBIT "A"**

**Owner:**

B.A.M. Houston Real Estate Investment, L.P.  
c/o Aliana Development Co.  
Attn: Bret Blankenship  
2745 North Dallas Parkway, Suite 600 A  
Plano, Texas 75093  
(214)778-3888

**EXHIBIT "B"**

**Survey and Abstract:**

Jane Wilkins League, Abstract 96.

**EXHIBIT "C"**

**Wastewater Treatment Plant Capacity Breakdown (MGD):**

1. Fort Bend County MUD No. 134A – 425,000 MGD
2. Fort Bend County MUD No. 134B – 1,100,000 MGD
3. Fort Bend County MUD No. 134C – 1,175,000 MGD

**Total** – 2,700,000 MGD

**Water Treatment Plant Capacity Breakdown (Connections):**

1. Fort Bend County MUD No. 134A – 1,126
2. Fort Bend County MUD No. 134B – 2,943
3. Fort Bend County MUD No. 134C – 3,438

**Total** – 7,507 connections



TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Petition for the City's consent to the addition of two (2) tracts of land totaling 30.13 acres to Fort Bend County Municipal Utility District No. 146 (Fort Bend County Key Map No. 526W)

**Category #****Page**  
1 of 1**Agenda Item #**  
16**FROM (Department or other point of origin):****Origination Date**

11-12-08

**Agenda Date**

NOV 19 2008

Department of Public Works and Engineering

**DIRECTOR'S SIGNATURE**

Michael S. Marcotte, P.E., D.WRE, BCEE

**Council District affected:**  
"ETJ"**FOR ADDITIONAL INFORMATION CONTACT:**Ann Marie Sheridan, P.E. *AMS*  
Supervising Engineer (713)837-9142**Date and identification of prior authorizing Council action:****RECOMMENDATION: (Summary)**

The petition for the addition of 30.13 acres of land to Fort Bend County Municipal Utility District No. 146 be approved.

**Amount of Funding:**

NONE REQUIRED

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

Fort Bend County Municipal Utility District No. 146 has petitioned the City of Houston for consent to add 30.13 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Oyster Creek, Skinner Lane, Grand Parkway and Farmer Road. The district desires to add 30.13 acres, thus yielding a total of 661.6743 acres. The district is served by the Fort Bend County Municipal Utility District No. 146 Wastewater Treatment Plant, which is owned and operated by the district. The other district that will be served by this plant is Fort Bend County Municipal District No. 194. The nearest major drainage facility for Fort Bend County Municipal Utility District No. 146 is Oyster Creek which flows into Flat Bank Creek then into the Brazos River and finally into the Gulf of Mexico.

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

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

**Attachments**

cc: Marty Stein Marlene Gafrick Jun Chang Mark Loethen  
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

**REQUIRED AUTHORIZATION**

20JZC485

Finance Department

Other Authorization:

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

Other Authorization:





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

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

10-21-08A09:36 REV: *OKS*

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 30.13 acres to Fort Bend County MUD No. 146 under the provisions of Chapter 49 Texas Water Code.

*David M. Oliver*  
Attorney for the District

Attorney: David Oliver, Allen Boone Humphries Robinson LLP

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

Phone: 713-960-6465

Engineer: Costello, Inc.

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

Zip: 77042

Phone: 713-783-7788

Owners: 1960 Land, Ltd.

Address: 1470 Eldridge Road, Houston, TX

Zip: 77077

Phone: 713-789-4443

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

## LOCATION

INSIDE CITY ☐

OUTSIDE CITY ☒

NAME OF COUNTY (S) Fort Bend

Survey R.H. Hunter and William Morton League

Abstract 206 and 62

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

North of: Oyster Creek

East of: Skinner Lane

South of: Grand Parkway

West of: Farmer Road

## WATER DISTRICT DATA

Total Acreage of District: 631.5443

Existing Plus Proposed Land 661.6743

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

Single Family Residential \_\_\_\_\_

Multi-Family Residential 35%

Commercial 65%

Industrial \_\_\_\_\_

Institutional \_\_\_\_\_

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

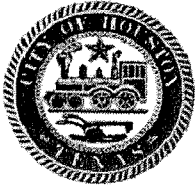
Regional Plant ☐

Sewage Treatment Plant Name: Fort Bend County MUD146 Wastewater Treatment Plant

NPDES/TPDES Permit No: 14455-001

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





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.30

Ultimate Capacity (MGD): 1.35

Size of treatment plant site: 6.90 square feet/acres.

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

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

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

Total permitted capacity: 0.75

MGD of (Regional Plant).

Name of District: FBCMUD No. 146

MGD Capacity Allocation 1.02

or property owner(s)

Name of District: FBCMUD No. 194

MGD Capacity Allocation 0.33

Water Treatment Plant Name: FBCMUD No. 146 Water Plant 1

Water Treatment Plant Address: 2150 Idle Wind Richmond, TX 77469

Well Permit No: FBSC Permit No. 13807

## Existing Capacity:

Well(s): 1,500

GPM

Booster Pump(s): 2,700

GPM

Tank(s): 0.27

MG

## Ultimate Capacity:

Well(s): 1,500

GPM

Booster Pump(s): 4,500

GPM

Tank(s): 0.55

MG

Size of Treatment Plant Site: 2.22

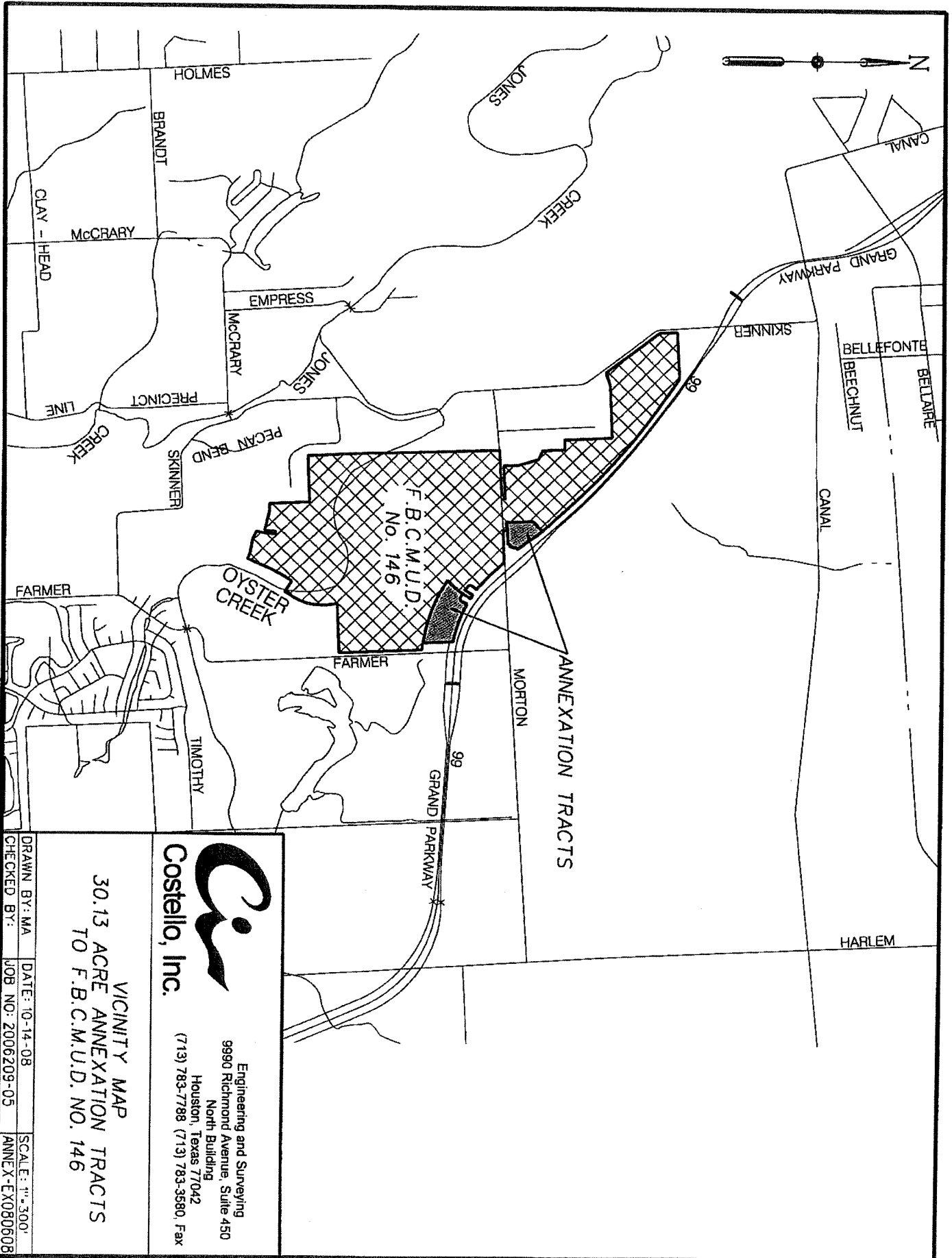
square feet/acres.

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

\_\_\_\_\_

\_\_\_\_\_





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

VICINITY MAP  
30.13 ACRE ANNEXATION TRACTS  
TO F.B.C.M.U.D. NO. 146

DRAWN BY: MA DATE: 10-14-08 SCALE: 1" = 300'  
CHECKED BY: JOB NO: 2006209-05 ANNEX-EX080608



TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Petition for the City's consent to the addition of 6.003 acres of land to Harris County Municipal Utility District No. 278 (Key Map No. 336-X, Y; 376-A, B, C, E, F)

**Category #**

**Page**  
1 of 1

**Agenda Item #**  
17

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

Department of Public Works and Engineering

**Origination Date**

10/30/08

**Agenda Date**

NOV 19 2008

**DIRECTOR'S SIGNATURE**

Michael S. Marcotte, P.E., DEE

**Council District affected:**  
"ETJ"

**For additional information contact:**

Ann Marie Sheridan, P.E. AMS

Supervising Engineer

(713) 837-9142

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

**RECOMMENDATION: (Summary)**

The petition for the addition of 6.003 acres of land to Harris County Municipal Utility District No. 278 be approved.

**Amount of Funding:**

NONE REQUIRED

**SOURCE OF FUNDING:**

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 278 has petitioned the City of Houston for consent to add 6.003 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Sam Houston Tollway, FM 1960, Wilson Road and Timber Forest Drive. The district desires to add 6.003 acres, thus yielding a total of 1,169.3988 acres. The district is served by the Harris County Municipal Utility District No. 278 Wastewater Treatment Plant, which is owned and operated by the district. The nearest major drainage facility for Harris County Municipal Utility District No. 278 is Williams Gully which flows to Garners Bayou which flows into Greens Bayou and finally to the Houston Ship Channel.

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

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

**Attachments**

cc: Marty Stein Marlene Gafrick Jun Chang Mark Loethen  
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

**REQUIRED AUTHORIZATION**

20JZC480

Finance Department

**Other Authorization:**

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

**Other Authorization:**

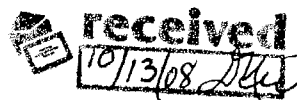




# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 6.003 acres to Harris County MUD No. 278 under the provisions of Chapters 49 and 54, Texas Water Code.

Attorney for the District

**Attorney:** Martha T. Bersch, Schwartz Page & Harding, L.L.P

Address: 1300 Post Oak Boulevard, Suite 1400, Houston, TX Zip: 77056

Phone: 713-623-4531

**Engineer:** Julian Garza, Edminster, Hinshaw, Russ and Associates, Inc.

Address: 10555 Westoffice Drive, Houston, TX

Zip: 77042

Phone: 713-784-4500

**Owners:** Pine Forest Baptist Church of Humble, Texas

Address: 18425 Timber Forest Drive, Humble, Texas

Zip: 77346

Phone: 832-368-1583

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

## LOCATION

INSIDE CITY ☐

OUTSIDE CITY ☒

Survey W.W. Williams Survey

NAME OF COUNTY (S) Harris

Abstract 1311

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

North of: Sam Houston Tollway

East of: Wilson Road

South of: F.M. 1960

West of: Timber Forest Drive

## WATER DISTRICT DATA

Total Acreage of District: 1,163.3958

Existing Plus Proposed Land 1,169.3988 ✓

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

Single Family Residential 0%

Multi-Family Residential 0%

Commercial 100%

Industrial 0%

Institutional 0%

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

Regional Plant ☐

Sewage Treatment Plant Name: Harris County MUD 278 Wastewater Treatment Plant

NPDES/TPDES Permit No: TX0127124

TCEQ Permit No: 13037-002





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): .9 MGD

Ultimate Capacity (MGD): 2.7 MGD

Size of treatment plant site: 3.55 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 1.8 MGD.

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

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

Total permitted capacity: N.A.

MGD of (Regional Plant).

Name of District: N.A.

MGD Capacity Allocation 0

or property owner(s)

Name of District: N.A.

MGD Capacity Allocation 0

Water Treatment Plant Name: Timber Forest Plant

Water Treatment Plant Address: 5020 Falcon Forest Drive, Humble, TX 77346

Well Permit No: 121237

## Existing Capacity:

Well(s): 1,000

GPM

Booster Pump(s): 2,250

GPM

Tank(s): 0.42

MG

## Ultimate Capacity:

Well(s): 2,167

GPM

Booster Pump(s): 5,850

GPM

Tank(s): 1.026

MG

Size of Treatment Plant Site: 0.64

square feet/acres.

Comments or Additional Information: Additional 1,167 GPM reflected in Ultimate Well Capacity

is provided in accordance with "Agreement for Payment of Cost and Use of Water Supply

Facilities related to Conversion to City of Houston Surface Water Supply".







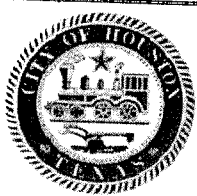


TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Petition for the City's consent to the addition of 3.019 acres of land to Harris County Municipal Utility District No. 367 (Key Map No. 329-H)		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 18	
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b> 11-6-05		<b>Agenda Date</b> NOV 19 2008	
<b>DIRECTOR'S SIGNATURE</b>  Michael S. Marcotte, P.E., D.WRE, BCEE		<b>Council District affected:</b> "ETJ"			
<b>For additional information contact:</b>  Ann Marie Sheridan, P.E. <i>AMS</i> Supervising Engineer (713) 837-9142		<b>Date and identification of prior authorizing Council action:</b>			
<b>RECOMMENDATION: (Summary)</b>  The petition for the addition of 3.019 acres of land to Harris County Municipal Utility District No. 367 be approved.					
<b>Amount of Funding:</b>  NONE REQUIRED					
<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>  Harris County Municipal Utility District No. 367 has petitioned the City of Houston for consent to add 3.019 acres of land, located in the city's extraterritorial jurisdiction, to the district.  The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.  The district is located in the vicinity of Spring Cypress, Boudreaux, Champion Forest and Steubner-Airline. The district desires to add 3.019 acres, thus yielding a total of 961.0338 acres. The district is served by the Harris County Municipal Utility District No. 383 Wastewater Treatment Facility. The nearest major drainage facility for Harris County Municipal Utility District No. 367 is Cypress Creek which flows into Spring Creek, then the San Jacinto River and finally into Lake Houston.  Potable water is provided by Harris County Municipal Utility District Nos. 367 and 383 Water Plant No. 1. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.  The Utility District Review Committee recommends that the subject petition be approved.  Attachments  cc: Marty Stein   Marlene Gafrick   Jun Chang   Mark Loethen Bill Zrioka   Waynette Chan   Deborah McAbee   Gary Norman					
<b>Finance Department</b>		<b>REQUIRED AUTHORIZATION</b> <b>Other Authorization:</b>  Andrew F. Icken Deputy Director Planning & Development Services Div.			<b>20JZC482</b> <b>Other Authorization:</b>

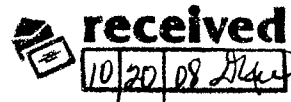




# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 3.019 acres to Harris County MUD No. 367 under the provisions of Chapter 49 Texas Water Code.

Attorney for the District

**Attorney:** Adisa Abudu-Davis-Allen Boone Humphries Robinson

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

Phone: 713-860-6494

**Engineer:** Costello, Inc.

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

Zip: 77042

Phone: 713-783-7788

**Owners:** Treager Development, LLC

Address: c/o Anthony L. Hill, DDS, 16000 Stuebner Airline, Suite 190, Spring, TX

Zip: 77379

Phone: 281-376-0911

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

## LOCATION

INSIDE CITY ☐

OUTSIDE CITY ☒

Survey Richard T. Blackburn

NAME OF COUNTY (S) Harris  
Abstract 168

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

North of: Spring-Cypress

East of: Champion Forest

South of: Boudreaux

West of: Steubner-Airline

## WATER DISTRICT DATA

Total Acreage of District: 958.0148 ✓

Existing Plus Proposed Land 961.0338 ✓

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

Single Family Residential 0%

Multi-Family Residential 0%

Commercial 100%

Industrial 0%

Institutional 0%

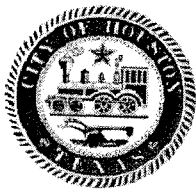
Sewage generated by the District will be served by a : District Plant ☐ Regional Plant ☒

Sewage Treatment Plant Name: HCMUD No. 383 Wastewater Treatment Facility

NPDES/TPDES Permit No: TX0115983

TCEQ Permit No: WQ0013875002





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.98

Ultimate Capacity (MGD): 1.50

Size of treatment plant site: 217,800/5.00 square feet/acres.

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

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

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

Total permitted capacity: 1.50

MGD of (Regional Plant).

Name of District: HCMUD No. 367

MGD Capacity Allocation 0.57

or property owner(s)

Name of District: HCMUD No. 383

MGD Capacity Allocation 0.93

Water Treatment Plant Name: HCMUD No. 367 & 383 Water Plant No. 1

Water Treatment Plant Address: 9425 Swanswea, Spring, TX 77379

Well Permit No: 125006

## Existing Capacity:

Well(s): 1,100

GPM

Booster Pump(s): 4,250

GPM

Tank(s): Ground Storage 0.46

MG

## Ultimate Capacity:

Well(s): 1,100

GPM

Booster Pump(s): 4,250

GPM

Tank(s): Ground Storage 0.46

MG

Size of Treatment Plant Site: 101,248/2.3252

square feet/acres.

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





— PROPOSED H.C.M.U.D. NO. 367  
DISTRICT BOUNDARY  
958.0148 AC.

■ HARRIS CO. M.U.D. 367  
ANNEXATION TRACT  
27.5811 AC.

BOUDREAUX ROAD

STUEBNER - AIRLINE ROAD

CRESCENT  
CLOVER DR.

BOUDREAUX ROAD

PART 1  
881.6333 ACRES

NORTHPOINTE

BLVD

CHAMPION FOREST DRIVE

PART 2  
76.3815 ACRES

LACEY ROAD

ANNEXATION  
TRACT 5  
3.019  
ACRES

BURLINGTON & ROCK ISLAND RAILROAD

GLEANNLOCH  
FOREST DRIVE

HCMUD NO. 367  
958.0148 ACRES

PART 1  
881.6333 ACRES

GLEANNLOCH  
LAKES BLVD.

SPRING - CYPRESS ROAD

HUFSMITH - KOHRVILLE

STATE  
HWY 249

  
Costello, Inc.

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

VICINITY MAP OF  
HARRIS COUNTY  
MUNICIPAL UTILITY DISTRICT  
NO. 367

DRAWN BY: J.L.	DATE: AUGUST 7, 2008	SCALE: 1" = 2000'
CHECKED BY: JBM	JOB NO: 095066-279	MUD: 367/VICINITY.MXD

482



TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Petition for the City's consent to the addition of 13.788 acres of land to Montgomery County Municipal Utility District No. 67 (Key Map No. 251-H)

**Category #**

**Page**  
1 of 1

**Agenda Item #**  
19

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

**Origination Date**

10/30/08

**Agenda Date**

NOV 19 2008

Department of Public Works and Engineering

**DIRECTOR'S SIGNATURE**

Michael S. Marcotte, P.E., D.WRE, BCEE

**Council District affected:**  
"ETJ"

**For additional information contact:**

Ann Marie Sheridan, P.E.  
Supervising Engineer (713) 837-9142

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

**RECOMMENDATION: (Summary)**

The petition for the addition of 13.788 acres of land to Montgomery County Municipal Utility District No. 67 be approved.

**Amount of Funding:**

NONE REQUIRED

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

☐ Other (Specify)

**SPECIFIC EXPLANATION:**

Montgomery County Municipal Utility District No. 67 has petitioned the City of Houston for consent to add 13.788 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Woodlands Parkway, Kuykendahl Road, FM 1488 and Interstate Highway 45. The district desires to add 13.788 acres, thus yielding a total of 1,602.9773 acres. The district is served by The Woodlands Wastewater Treatment Plant Nos. 1, 2, and 3. The other districts served by these plants are The Woodlands Municipal Utility District No. 2, Montgomery County Municipal Utility District Nos. 6, 7, 36, 39, 40, 46, 47, 60, The Woodlands Metro Center MUD and Harris-Montgomery Counties Municipal Utility District Number 386. The nearest major drainage facility for Montgomery County Municipal Utility District No. 67 is Spring Creek which flows into the San Jacinto River and finally into Lake Houston.

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

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

**Attachments**

cc: Marty Stein Marlene Gafrick Jun Chang Mark Loethen  
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

**REQUIRED AUTHORIZATION**

20JZC475

Finance Department

**Other Authorization:**

Andrew F. Icken

Deputy Director

Planning & Development Services Div.

**Other Authorization:**





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 13.788 acres to Montgomery County Mud No.67 under the provisions of Chapters 49 and 54 Texas Water Code.

*Michael G. Page*  
Attorney for the District

**Attorney:** Michael G. Page, Schwartz, Page & Harding, L.L.P.

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

**Engineer:** Calvin Ladner, LJA Engineering & Surveying, Inc.

Address: 2929 Briarpark Drive, Suite 500, Houston Zip: 77042-3703 Phone: 713-953-5200

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

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

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

## LOCATION

INSIDE CITY ☐ OUTSIDE CITY ☒ NAME OF COUNTY (S) MONTGOMERY  
Survey Walker County School Land Survey Abstract A-599

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

North of: Woodlands Parkway East of: Kuykendahl Road  
South of: F. M. 1488 West of: Interstate Highway 45

## WATER DISTRICT DATA

Total Acreage of District: 1,589.1893 Existing Plus Proposed Land 1,602.9773 ✓

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

Single Family Residential 100% Multi-Family Residential 0%

Commercial 0% Industrial 0% Institutional 0%

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

Sewage Treatment Plant Name: The Woodlands Wastewater Treatment Plant No. 1

NPDES/TPDES Permit No: TX0054186 TCEQ Permit No: 11401-01





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 7.8

Ultimate Capacity (MGD): 7.8

Size of treatment plant site: 10.5 Acres square feet/acres.

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

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

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

Total permitted capacity: 14.9

MGD of (Regional Plant).

Name of District: The Woodlands MUD # 2 ✓

MGD Capacity Allocation 0.091 MGD

or property owner(s)

Name of District: Montgomery County MUD #6

MGD Capacity Allocation 1.184 MGD

Water Treatment Plant Name: Water Treatment Plan No. 1

Water Treatment Plant Address: 11439 Slash Pine, The Woodlands

Well Permit No: N/A

## Existing Capacity:

Well(s): 28,500 GPM

Booster Pump(s): 29,900 GPM

Tank(s): 13.5 MG

## Ultimate Capacity:

Well(s): 30,611 GPM

Booster Pump(s): 34,300 GPM

Tank(s): 18.0 MG

Size of Treatment Plant Site: 2.417 Acres

square feet/acres.

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



ADDENDUM TO  
WATER DISTRICT CONSENT APPLICATION FORM

Date: September 3, 2008

District: Montgomery County Municipal Utility District No. 67

Application: Consent to the addition of 13.788 acres

<u>Survey</u>	<u>Abstract</u>
A. Smith	A-499
Henry Blood	A-101
Henry Dunman	A-163
Blanch & Foley	A-797
William H. Harrison	A-257
Grogan-Cochran Lumber Company	A-798
Montgomery County School Land	A-666
Henry Applewhite	A-51
Herman Pressler	A-799
V.M. Pressler	A-799
James Lee	A-319
F. D. May	A-388
Daniel F. Whillden	A-640

Total Acreage of Prior Consents Not Annexed to Date: **131.7592 Acres**

Acreage of Prior Consents for which the City has rescinded its consent to annex: **20.742 Acres (Ordinance No. 96-1129; 2.454 Acres (Ordinance No. 2007-233)**



Sewage Treatment Plant Name: The Woodlands Wastewater Treatment Plant No. 2

Sewage Treatment Plant Address: 5402 Research Forest Drive, The Woodlands

N.P.D.E.S. Permit No.: TX0091715

T.D.W.R. Permit No.: 12597-01

Sewage Treatment Plant Name: The Woodlands Wastewater Treatment Plant No. 2

Sewage Treatment Plant Address: 5402 Research Forest Drive, The Woodlands

N.P.D.E.S. Permit No.: TX0091715

T.D.W.R. Permit No.: 12597-01

Existing Capacity: 2.5 MGD

Ultimate Capacity: 7.6 MGD

Size of Treatment Plant Site: 24.50 Acres

Sewage Treatment Plant Name: The Woodlands Wastewater Treatment Plant No. 3

Sewage Treatment Plant Address: 555 Trade Center Parkway, Conroe

N.P.D.E.S. Permit No.: TX0063461

T.D.W.R. Permit No.: 11658-001

Existing Capacity: 0.770 MGD

Ultimate Capacity: 0.900 MGD

Size of Treatment Plant: 3.69 Acres

<u>NAME OF DISTRICT OR PROPERTY OWNER(S)</u>	<u>MGD CAPACITY ALLOCATION</u>
Montgomery County MUD # 7	1.339 MGD
Montgomery County MUD # 36	0.693 MGD
Montgomery County MUD # 39	0.698 MGD
Montgomery County MUD # 40	0.836 MGD
Montgomery County MUD # 46	2.503 MGD
Montgomery County MUD # 47	2.632 MGD
Montgomery County MUD # 60	1.421 MGD
Montgomery County MUD # 67	1.044 MGD
The Woodlands Metro Center MUD	2.139 MGD
Harris-Montgomery Counties MUD # 386	0.319 MGD



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

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

Well Permit No: **N/A**

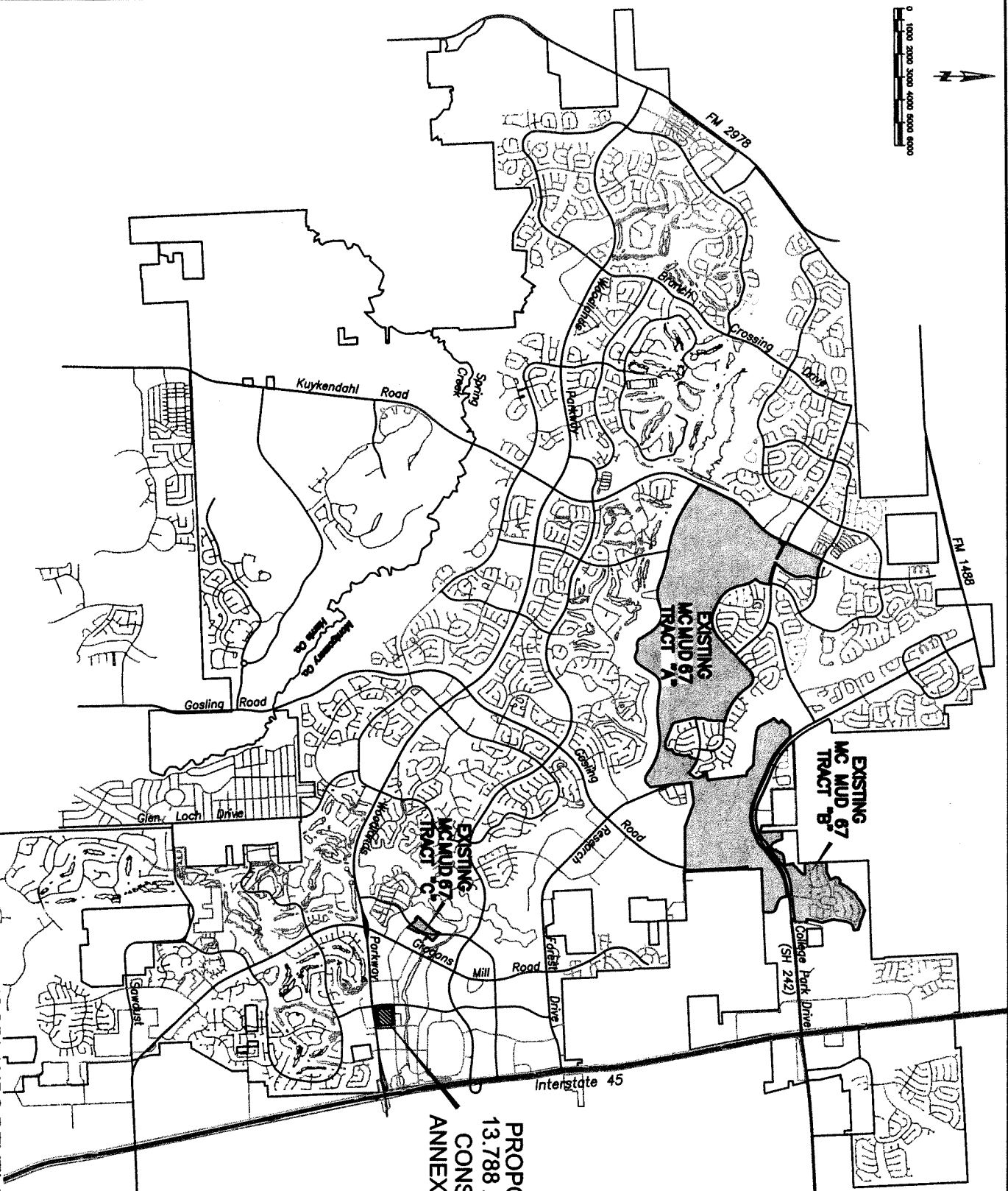
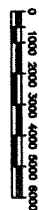
Water Treatment Plant Name: **Water Plant No. 3**

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

Well Permit No: **N/A**

Size of Treatment Plant Site: **Water Plant No. 2: 3.45 Acres**  
**Water Plant No. 3: 4.688 Acres**





PROPOSED  
13.788 ACRE  
CONSENT  
ANNEXATION

VICINITY MAP OF  
DISTRICT BOUNDARY & CONSENT ANNEXATION  
MONTGOMERY COUNTY M.U.D. NO. 67

THE WOODLANDS DEVELOPMENT COMPANY

SCALE: 1"=600'

DATE: 8/20/08

DRAWING NO.: M67-CON-0008

2201 Timberloch Place The Woodlands, Texas 77380  
Phone: (281) 779-6100 Fax: (281) 779-6111



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

<b>SUBJECT:</b> Petition for the City's consent to the addition of 11.7120 acres of land to Northwest Harris County Municipal Utility District No. 32 (Key Map No. 290-K)	<b>Category #</b>	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b>  <b>20</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 10-16-08	<b>Agenda Date</b> NOV 19 2008
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<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> "ETJ"
---	--

<b>Date and identification of prior authorizing Council action:</b>
---

**RECOMMENDATION: (Summary)**

The petition for the addition of 11.7120 acres of land to Northwest Harris County Municipal Utility District No. 32 be approved.

<b>Amount of Funding:</b>  NONE REQUIRED
--

<b><u>SOURCE OF FUNDING:</u></b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund
---

<input type="checkbox"/> Other (Specify)
--

**SPECIFIC EXPLANATION:**

Northwest Harris County Municipal Utility District No. 32 has petitioned the City of Houston for consent to add 11.7120 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

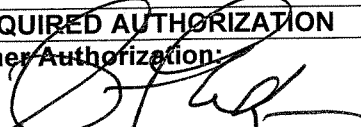
The district is located in the vicinity of FM 2920, Boudreau Road, Kuykendahl Road and Alvin A. Klein Drive. The district desires to add 11.7120 acres, thus yielding a total of 584.3194 acres. The district is served by the Northwest Harris County Municipal Utility District No. 32 Wastewater Treatment Plant, which is owned and operated by the district. The other district served by this plant is Northwest Harris County Municipal Utility District No. 30. The nearest major drainage facility for Northwest Harris County Municipal Utility District No. 32 is Willow Creek which flows to Cypress Creek, then to Spring Creek, then into the San Jacinto River and finally into Lake Houston.

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

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

**Attachments**

cc: Marty Stein   Marlene Gafrick   Jun Chang   Mark Loethen  
Bill Zrioka   Waynette Chan   Deborah McAbee   Gary Norman

<b>REQUIRED AUTHORIZATION</b>	<b>20JZC477</b>
<b>Other Authorization:</b>   <b>Andrew F. Icken</b> Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 11.7120 acres to Northwest HC MUD No. 32 under the provisions of Chapters 49 and 54, Texas Water Code.

*Abraham Rubinsky*  
\_\_\_\_\_  
Attorney for the District

**Attorney:** Abraham I. Rubinsky, Schwartz Page & Harding, LLP

Address: 1300 Post Oak Boulevard, Suite 1400, Houston, TX Zip: 77056

Phone: 713-623-4531

**Engineer:** Jeff Safe, Jacobs Carter Burgess

Address: 55 Waugh Drive, Suite 800, Houston, TX

Zip: 77007

Phone: 713-803-2321

**Owners:** St. Anthony The Great Antiochian Orthodox Christia

Address: 2189 Lake Woodlands Drive, The Woodlands, TX Zip: 77380

Phone: 281-681-7604

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

## LOCATION

INSIDE CITY ☐

OUTSIDE CITY ☒

Survey William Hironymus Survey

NAME OF COUNTY (S) Harris

Abstract 352

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

North of: FM 2920

East of: Alvin A. Klein Drive

South of: Boudreaux Road

West of: Kuykendahl Road

## WATER DISTRICT DATA

Total Acreage of District: 572.6074

Existing Plus Proposed Land 584.3194

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

Single Family Residential \_\_\_\_\_

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

Commercial 25%

Industrial \_\_\_\_\_

Institutional 75%

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

Regional Plant ☐

Sewage Treatment Plant Name: Northwest Harris County MUD No. 32

NPDES/TPDES Permit No: 13152-001

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





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.46

Ultimate Capacity (MGD): 0.683

Size of treatment plant site: 5.5840 acres square feet/ acres.

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

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

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

Total permitted capacity: 0.683

MGD of (Regional Plant).

Name of District: NWHCMUD No. 32

MGD Capacity Allocation 0.388

or property owner(s)

Name of District: NWHCMUD No. 30

MGD Capacity Allocation 0.295

Water Treatment Plant Name: NWHCMUD No. 32 Water Plant

Water Treatment Plant Address: 20305 Doerre Road, Spring, Texas

Well Permit No: 114832

## Existing Capacity:

Well(s): 1,500

GPM

Booster Pump(s): 4,000

GPM

Tank(s): 500,000

MG

## Ultimate Capacity:

Well(s): 1,500

GPM

Booster Pump(s): 4,500

GPM

Tank(s): 650,000

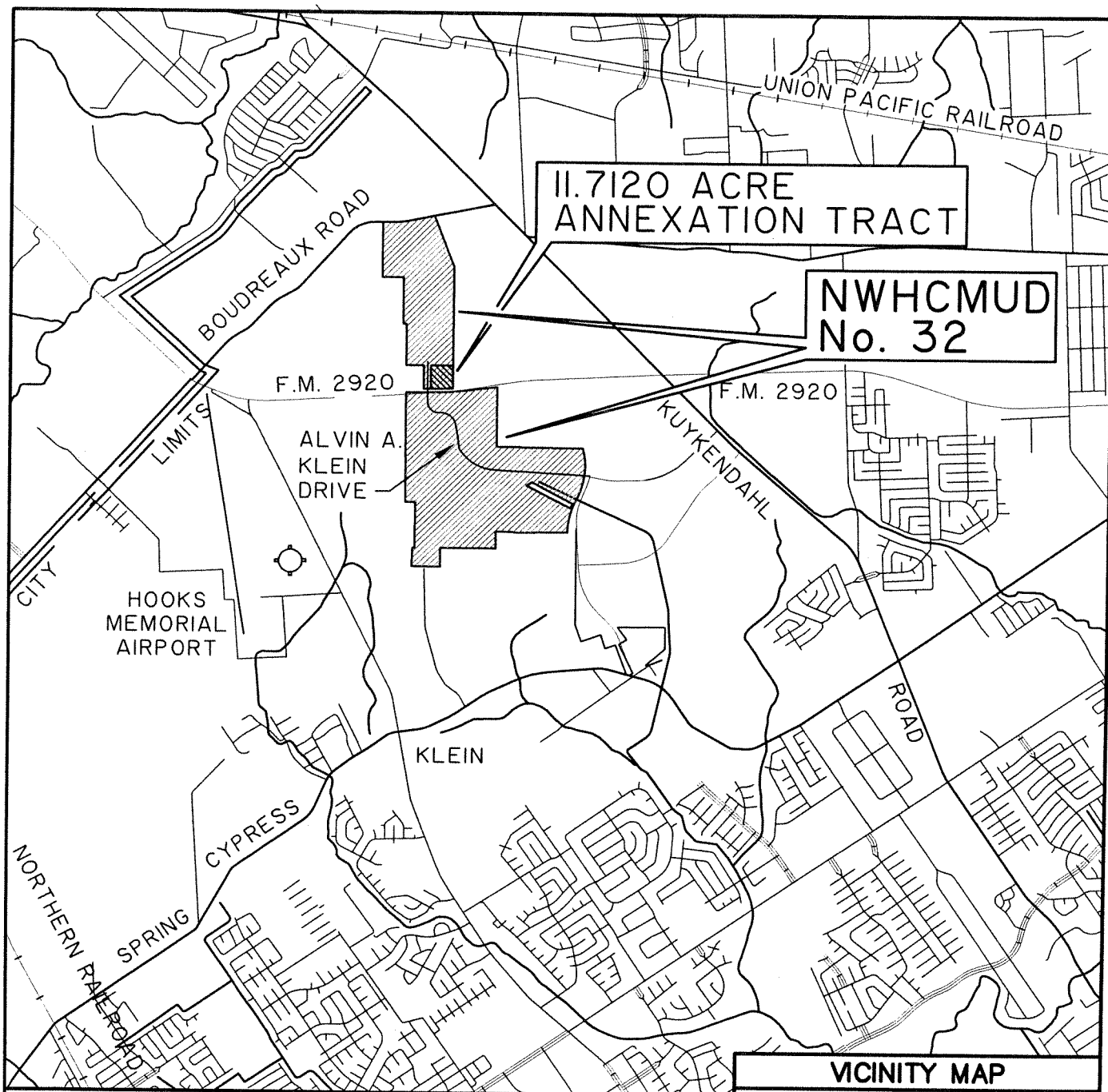
MG

Size of Treatment Plant Site: 1.870 acres

square feet/ acres.

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





### VICINITY MAP

**N.W.H.C.M.U.D. No. 32**  
**584.3194 ACRES**  
**HARRIS COUNTY, TEXAS**

### **Carter :: Burgess**

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

SCALE:	N.T.S.	PROJ. NO.	953077.908
DRAWN BY:	WJW	DATE	SHEET
CHK'D BY:	WJW	09/04/08	1 of 1
APPROVED:	WJW		



020  
TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Ordinance designating the 800 block of Tabor Street, east and west sides, between West Patton Street and Jewett Avenue as a Special Building Line Requirement Area		<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>21</b>
<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department		<b>Origination Date</b> October 14, 2008		<b>Agenda Date</b> NOV 19 2008
<b>DIRECTOR'S SIGNATURE:</b> #6 <i>Marlene L. Gafrick</i>		<b>Council District affected:</b> H		
<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Approval of an ordinance designating the 800 block of Tabor Street, east and west sides, between West Patton Street and Jewett Avenue as a Special Building Line Requirement Area, pursuant to Chapter 42 of the Code of Ordinances, and establishing a 13'-0" special building line.				
<b>Amount and Source of Funding:</b>			<b>Finance Budget:</b>	
<b>SPECIFIC EXPLANATION:</b> In accordance with Section 42-163 of the Code of Ordinances, the property owner of Lot 3, Block 104 of the Brooke Smith Subdivision initiated an application for the designation of a special building line requirement area. The application includes written evidence of support from owners of 52% of the area. Notification was mailed to the 11 property owners indicating that the special building line requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.  It is recommended that the City Council adopt an ordinance establishing a 13'-0" Special Building Line for the area.  MLG:md  Attachments: Planning Director's Approval, Special Building Line Requirement Application, Evidence of Support, Map of the Area  xc: Marty Stein, Agenda Director Anna Russell, City Secretary Arturo G. Michel, City Attorney Deborah McAbee, Land Use Division, Legal Department Linda Tarver, Public Works and Engineering Gary Bridges, Public Works and Engineering				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b>	<b>Other Authorization:</b>		<b>Other Authorization:</b>	



# Special Building Line Requirement Area No. 150

## Planning Director's Approval

### Planning Director Evaluation:

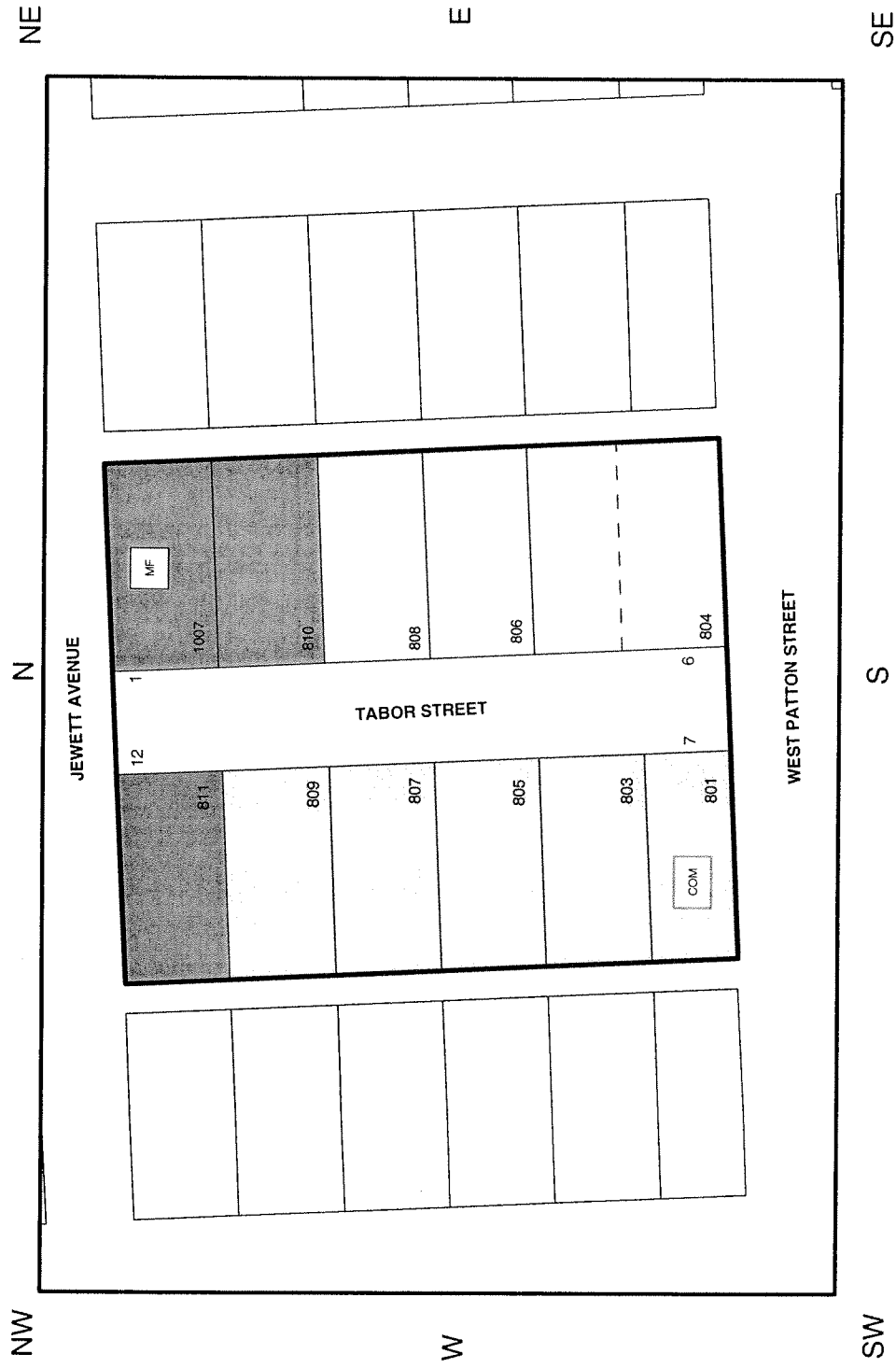
Satisfies	Does Not Satisfy	Criteria
X		<p><i>SBLRA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 800 block of Tabor Street, east and west sides.</b></p>
X		<p><i>More than 60% of the proposed SBLRA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>84% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 52% of the SBLRA.</b></p>
X		<p><i>Establishment of the SBLRA will further the goal of preserving the building line character of the area; and,</i></p> <p><b>A minimum building line of 13 ft exists on nine (9) properties in the blockface.</b></p>
X		<p><i>The proposed SBLRA has a building line character that can be preserved by the establishment of a special building line, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p><b>The subdivision was platted in 1906. The houses mostly originate from the 1920's. The establishment of a 13 ft minimum building line will preserve the building line character of the area.</b></p>
<p><i>The minimum building line for this application was determined by finding the current building line that represents a minimum standard for at least 70% of the application area.</i></p> <p><b>Nine (9) out of twelve (12) developed properties (representing 75% of the application area) have a building line of at least thirteen (13) feet.</b></p>		

The Special Building Line Requirement Area meets the criteria.


  
 Marlene L. Gafrick, Director      Date



# BROOKE SMITH



## 13' Special Building Line MAP/SKETCH

SBLRA No. 150

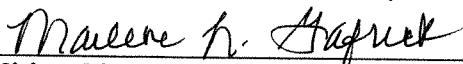
- Properties that meet the 13' Special Minimum Building Line
- Properties less than the 13' Special Minimum Building Line
- MF Multi Family
- COM Commercial
- VAC Vacant
- EXC Excluded



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance designating the 800 block of Tabor Street, east and west sides, between West Patton Street and Jewett Avenue as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> 22
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> October 14, 2008	<b>Agenda Date</b> NOV 19 2008
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> H
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<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION:** (Summary) Approval of an ordinance designating the 800 block of Tabor Street, east and west sides, between West Patton Street and Jewett Avenue as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

<b>Amount and Source of Funding:</b>	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 42-194 of the Code of Ordinances, the property owner of Lot 3, Block 104, of the Brooke Smith Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 52% of the area. Notification was mailed to the 11 property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 5000 sf.

MLG:kw

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

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

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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## Special Minimum Lot Size Area No. 299

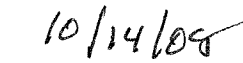
### Planning Director's Approval

#### Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i>  <b>The application is for the 800 block of Tabor Street, east and west sides.</b>
X		<i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i>  <b>84% of the proposed application area is developed with not more than two SF residential units per property.</b>
X		<i>Demonstrated sufficient evidence of support;</i>  <b>Petition signed by owners of 52% of the SMLSA.</b>
X		<i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i>  <b>A minimum lot size of 5,000 sq ft exists on ten (10) lots in the blockface.</b>
X		<i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i>  <b>The subdivision was platted in 1906. The houses originate from the 1920's. The establishment of a 5,000 sf minimum lot size will preserve the lot size character of the area.</b>
<i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i>		
<b>Ten (10) out of twelve (12) lots (representing 86% of the application area) are at least 5,000 square feet in size.</b>		

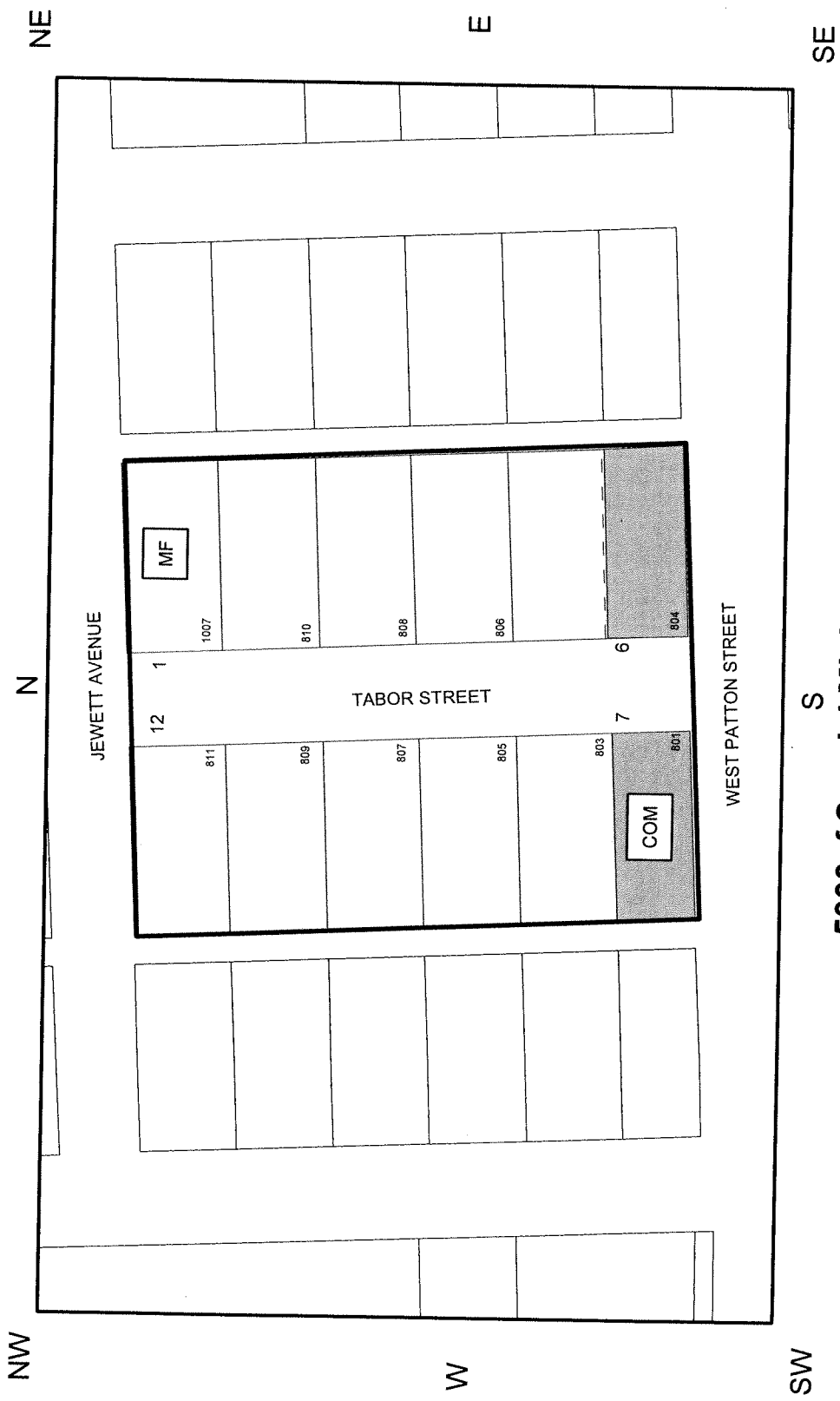
**The Special Minimum Lot Size Area meets the criteria.**

  
Marlene L. Gafrick, Director

  
Date



# BROOKE SMITH



## 5000sf Special Minimum Lot Size

### MAP/SKETCH

SMLSA No. 299

- Properties that meet the 5,000sf Special Minimum Lot Size
- Properties less than the 5,000sf Special Minimum Lot Size
- MF Multi Family
- COM Commercial
- VAC Vacant
- EXC Excluded



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

<b>SUBJECT:</b> Ordinance designating the 2300 block of Quenby Road, north and south sides, between Morningside Drive and Greenbriar Drive as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>23</b>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> September 29, 2008	<b>Agenda Date</b> NOV 19 2008
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<b>DIRECTOR'S SIGNATURE:</b> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> C
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<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION:** (Summary) Approval of an ordinance designating the 2300 block of Quenby Road, north and south sides, between Morningside Drive and Greenbriar Drive as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

<b>Amount and Source of Funding:</b>	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 42-194 of the Code of Ordinances, the property owner of of Lot 7 & TR 8A, Block 6, of the Southampton Place Extension Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 72% of the area. Notification was mailed to the twenty-two (22) property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. One written protest was filed. The Houston Planning Commission considered the protest on August 14, 2008 and voted to recommend that the City Council establish the Special Minimum Lot Size Area.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 7,150 sf.

MLG:kw

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

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

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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# Special Minimum Lot Size Requirement Area No. 293

## Planning Commission Approval

### Planning Commission Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>MLS area includes all property within at least one block face and no more than two opposing block faces;</i> <b>The application is for the 2300 block of Quenby Road, north and south sides.</b>
X		<i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i> <b>100% of the proposed application area is developed with not more than two SF residential units per property.</b>
X		<i>Demonstrated sufficient evidence of support;</i> <b>Petition signed by owners of 72% of the SMLSA.</b>
X		<i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i> <b>A minimum lot size of 7,150 sq ft exists on nineteen (19) lots in the blockface.</b>
X		<i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i> <b>The subdivision was platted in 1925. The houses originate from the 1930's. The establishment of a 7,150 sf minimum lot size will preserve the lot size character of the area.</b>
<i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i>		
<b>Nineteen (19) out of twenty-two (22) lots (representing 88% of the application area) are at least 7,150 square feet in size.</b>		

The Special Minimum Lot Size Requirement Area meets the criteria.

Carol Ann Lewis 8-14-2008  
Carol Lewis, Chair Date  
or

\_\_\_\_\_  
Mark A. Kilkenny, Date  
Vice-Chair



[Print Message](#) | [Close](#)

From : "susansoletsky@juno.com" <susansoletsky@juno.com>  
To : Keith.Wilson@cityofhouston.net  
Cc : susansoletsky@juno.com  
Subject : Protest of Minimum Lot Size on 2300 Quenby Street, hearing August 14, 2008  
Date : Tue, Aug 12, 2008 09:24 PM

Dear Mr. Wilson,  
re.

Here is my protest letter. I will fax you a notarized copy tomorrow when a notary public is available.

My name is Doctor Susan Soletsky and I thank the Board for allowing this statement to be read into the record for this hearing. I am an anesthesiologist at Shriners Hospital for Children here in Houston and am in surgery today.

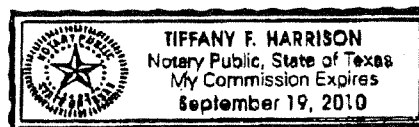
I oppose the proposed change to the minimum lot size on Quenby Street. I oppose the change for two reasons. First, that the change is an uncompensated taking and second that providing more housing opportunities in the Rice Village/Medical Center area is a benefit to the City in this time of rising energy prices.

My property is approximately 11,000 square feet and is located one lot east of Morningside. From my home I can see both a retail establishment and multi-unit residential dwelling. The property was purchased in 2004 as a residence for my two sons and myself and we continue to occupy the house on the property. At the time of the purchase there was a potential for the property to be sold as a house to occupy, as a "teardown" for another single-family dwelling, or as a "teardown" for multiple-unit residential development. The proposed change would deny me the opportunity to sell the property for the third purpose; multiple-unit residential development. While I understand my neighbors' goals of preserving their life-style choices; I believe that the proposed change is an economic taking, depriving me of an economic opportunity, for which I am offered no compensation.

The second reason that I oppose the proposed change is that increasing the number of units in the Rice Village/Medical Center will reduce energy usage, allowing more people to live closer to Rice University and to one of the largest medical centers in the world. Given the demand for housing in our area and the real estate values in our area any new development would be expected to be "upscale", with a positive, not negative, impact on the area.

Thank you for your consideration.

*Susan Soletsky, MD*  
Susan Soletsky, MD



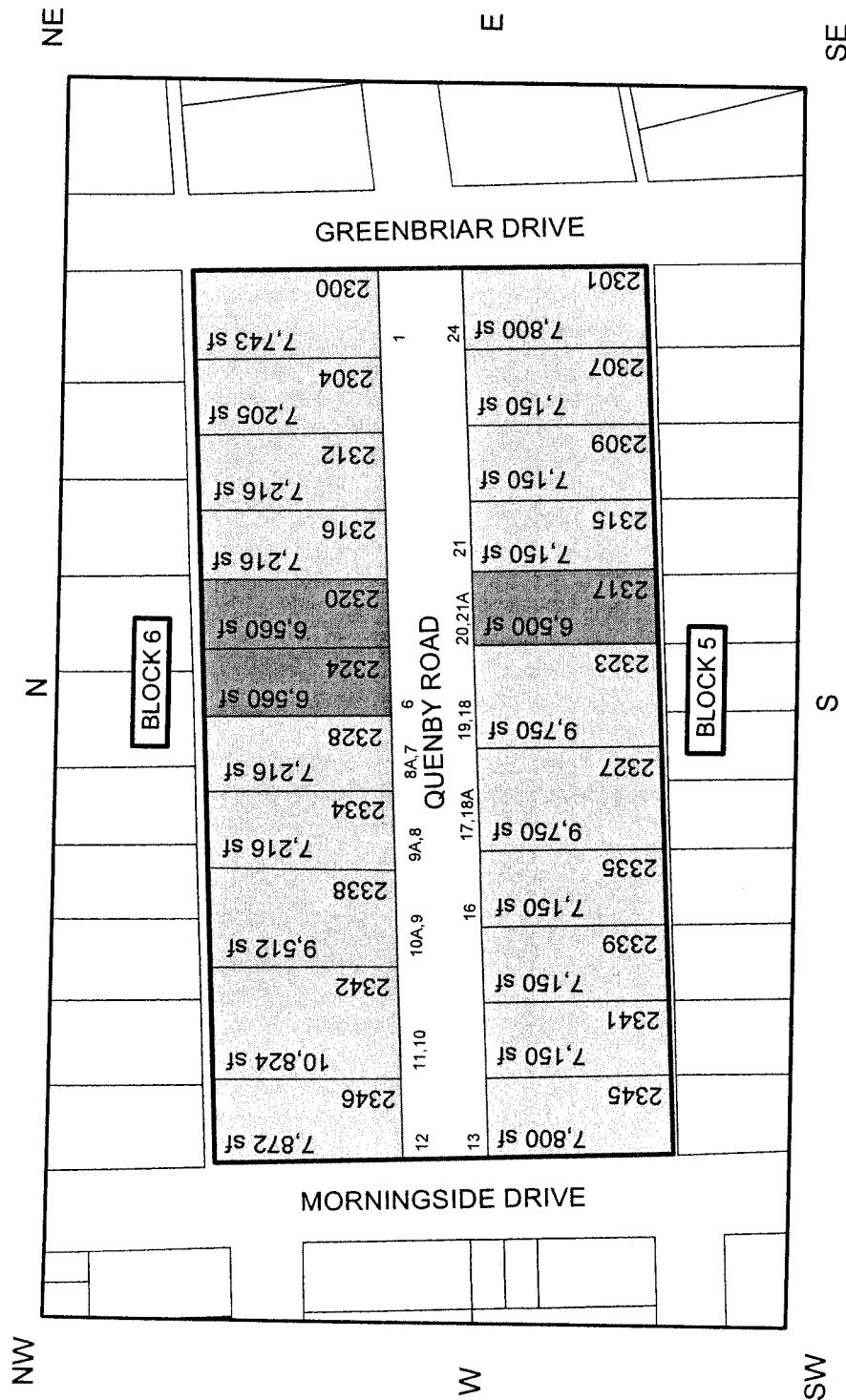
THIS IS TO CERTIFY THAT THIS IS AN ORIGINAL SIGNED DOCUMENT  
*Tiffany F. Harrison*

hotel pics, info and virtual tours. Click here to book a hotel online.

[p://webmailb.juno.com/webmail/new/8?block=1&msgList=00001Fk0:0018c^Nb00001mab&folder=Inb...](http://webmailb.juno.com/webmail/new/8?block=1&msgList=00001Fk0:0018c^Nb00001mab&folder=Inb...) 8/13/2008



# SOUTHAMPTON EXTENSION



## 7150sf Special Minimum Lot Size

### MAP/SKETCH

SMLSA No. 293

- Properties that meet the 7,150sf Special Minimum Lot Size
- Properties less than the 7,150sf Special Minimum Lot Size
- MF Multi Family
- COM Commercial
- VAC Vacant
- EXC Excluded



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

**SUBJECT:** Ordinance designating the 2200 -2300 block of Rosedale Avenue, north and south sides, between South Freeway / 288 and Dowling Street as a Special Minimum Lot Size Area

<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>24</b>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> May 29, 2008	<b>Agenda Date</b> NOV 19 2008
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<b>DIRECTOR'S SIGNATURE:</b> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> D
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<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION:** (Summary) Approval of an ordinance designating the 2200 -2300 block of Rosedale Avenue, north and south sides, between South Freeway / 288 and Dowling Street as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

<b>Amount and Source of Funding:</b>	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 42-194 of the Code of Ordinances, the property owner of of Lot 15 and Tract 16A, Block 9, of the Riverside Terrace Section 1 Subdivision initiated an application for the designation of a special lot size area. The application includes written evidence of support from the owners of 57% of the area. Notification was mailed to the (13) property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. One written protest was filed. The Houston Planning Commission considered the protest on April 10, 2008 and voted to recommend that the City Council establish the Special Minimum Lot Size Requirement Area.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 8,320 sf.

MLG:kw

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

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

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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# Special Minimum Lot Size Requirement Area No. 284

## Planning Commission Approval

### Planning Commission Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>MLS area includes all property within at least one block face and no more than two opposing block faces;</i>  <b>The application is for the 2200 – 2300 block of Rosedale Avenue, north and south sides.</b>
X		<i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i>  <b>81% of the proposed application area is developed with not more than two SF residential units per property.</b>
X		<i>Demonstrated sufficient evidence of support;</i>  <b>Petition signed by owners of 57% of the SMLSA.</b>
X		<i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i>  <b>A minimum lot size of 8,320 sq ft exists on twelve (12) lots in the blockface.</b>
X		<i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i>  <b>The subdivision was platted in 1924. Eight block faces in the immediate application area have established either a minimum lot size or building line requirement. The establishment of an 8,320sf minimum lot size will preserve the lot size character of the area.</b>
<i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i> <b>Twelve (12) out of fourteen (14) lots (representing 89% of the application area) are at least 8,320 square feet in size.</b>		

**The Special Minimum Lot Size Requirement Area meets the criteria.**

Carol Abel Lewis 4/10/08  
Carol Lewis, Chair Date  
or

\_\_\_\_\_  
Mark A. Kilkenny,  
Vice-Chair

\_\_\_\_\_  
Date



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**From:**

**Sent:** Monday, March 03, 2008 6:44 PM

**To:** keith.wilson@cityofhouston.net

**Cc:**

**Subject:** Special Minimum Lot Size Areas Under Section 42-194

Jimmy D. Coleman  
2311 Rosedale  
Houston, TX 77004  
713-522-5502

I wish to protest this amendment Lot Size Area under section 42-194.

I do not wish for my property to be a part the new lot sizes.

This is my protest.

Thank you,

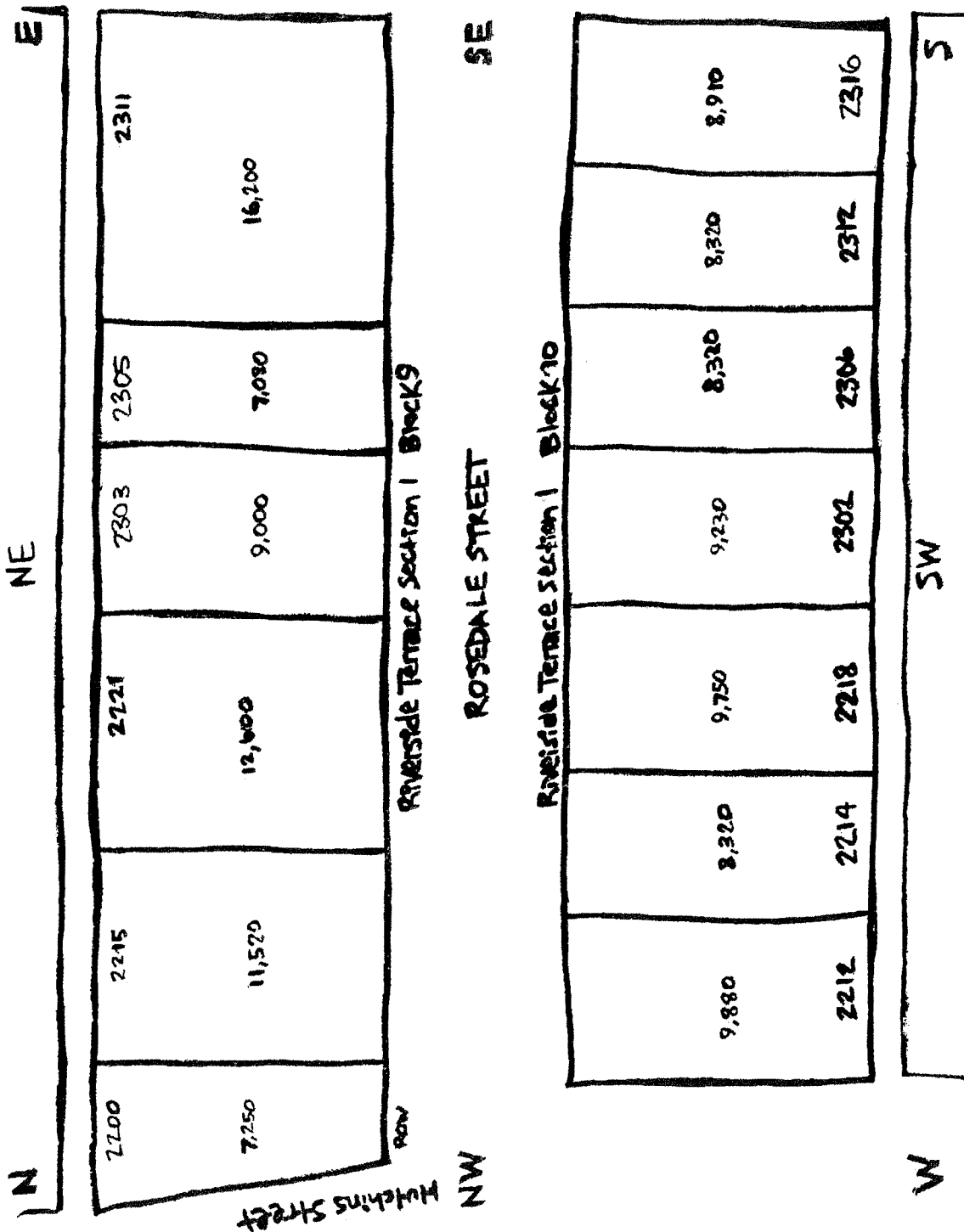
Jimmy D. Coleman

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It's Tax Time! [Get tips, forms and advice on AOL Money & Finance.](#)

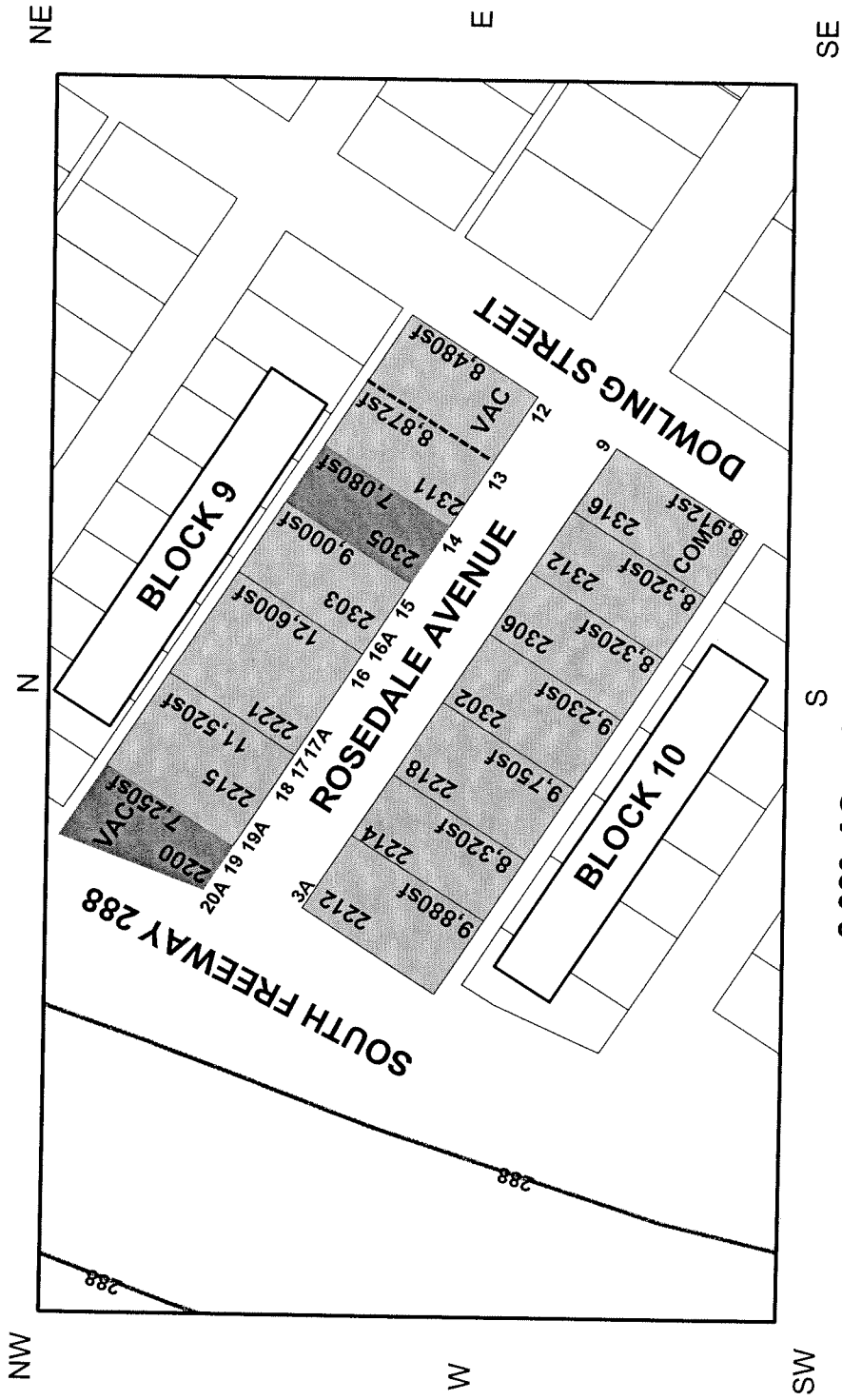


# MAP/SKETCH





# RIVERSIDE TERRACE SECTION 1



8,320sf Special Minimum Lot Size

LANDUSE MAP

SMLSA No. 284

- Properties that meet the 8,320sf Special Minimum Lot Size
- Properties less than the 8,320sf Special Minimum Lot Size
- MF Multi Family
- COM Commercial
- VAC Vacant
- EXC Excluded



TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

HCD08-151

08-

Educational

<b>SUBJECT:</b> An ordinance approving and authorizing a \$277,811 contract between the City of Houston and Educational Programs Inspiring Communities, Inc. to provide funding for the HEART Program.	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 25
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**FROM (Department or other point of origin):**Richard S. Celli, Director,  
Housing and Community Development Department**Origination Date:**

11/6/2008

**Agenda Date:**

NOV 19 2008

**DIRECTOR'S SIGNATURE:***R/S Celli***Council District affected:**

ALL

**For additional information contact:** Keith W. Bynam, Division Manager  
Phone: 713-868-8396 *kwB*

**Date and identification of prior authorizing Council action:** None

**RECOMMENDATION: (Summary)**

The Department recommends approval of an ordinance approving and authorizing a \$277,811 contract between the City of Houston and Educational Programs Inspiring Communities, Inc., using \$202,811 in federal CDBG funds and \$75,000 in federal HOPWA funds to provide funding for the HEART program.

**Amount of Funding:** \$277,811**Finance Budget:***Michelle McQueen***SOURCE OF FUNDING**☐ General Fund☐ Grant Fund☐ Enterprise Fund☒ Other (Specify) CDBG FUND (\$202,811) and HOPWA FUND (\$75,000)**SPECIFIC EXPLANATION:**

The applicant of the City's CDBG Public Service funds and HOPWA funds is Educational Programs Inspiring Communities, Inc. (Agency), a 501 (c)3, non-profit organization. Agency is located at 6717 Stuebner Airline, Suite 207, Houston, TX 77091 in District H, but services all Districts. Agency was founded in May 2002 whose mission is to provide education, training, and job placement for low income individuals who are developmentally disabled in the Houston area.

As provided in the contract, Agency will meet the following objectives:

1. Recruit, assess, and successfully enroll 44 eligible participants (37 CDBG/ 7 HOPWA) during the contract period;
2. Develop individuals customized training objectives for all 44 participants;
3. Provide training to 44 participants to prepare for employment;
4. Employ at least 30 participants during the contract period in the affiliate business, HEART Vending and Concessions; and
5. Pay participants minimum wage for all hours worked.

These services will be provided to low and moderate-income individuals who complete the application, intake and eligibility assessment, complete personal interviews, and have an established individual Employment Plan.


Agency has been awarded three (3) previous CDBG Public Service contracts through the City of Houston.

The Agency received its first contract December 27, 2005, for \$266,869 in CDBG funds to service 50 participants. The actual number served was 51 participants with 14 becoming employed. February 26, 2007 the City Controller countersigned a Contract Amendment increasing the CDBG funds to \$283,392 and adding Resolution Trust Corporation funds in the amount of \$10,500.

The second contract started March 1, 2007 for an eight (8) -month term in the amount of \$200,000 in CDBG funds to service 33 individuals. The actual number served was 35 participants with 26 becoming employed.

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



<b>Date</b> 11/06/08	<b>Subject:</b> An ordinance approving and authorizing a \$277,811 contract between the City of Houston and Educational Programs Inspiring Communities, Inc. to provide funding for the HEART Program.	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
<p>The third contract started November 1, 2007 for a twelve (12) –month term in the amount of \$300,000, of which \$225,000 in CDBG funds and \$75,000 in HOPWA funds, to service 50 individuals (43 CDBG/ 7 HOPWA). As of September 30, 2008 the Agency has serviced 47 participants (40 CDBG/ 7 HOPWA), with 30 becoming employed.</p> <p>The Department recommends approval of an ordinance approving and authorizing a \$277,811 contract between the City of Houston and Educational Programs Inspiring Communities, Inc., using \$202,811 in federal CDBG funds and \$75,000 in federal HOPWA funds, to provide funding for the HEART program. The term of this contract will be for 12-months, beginning December 1, 2008 through November 30, 2009.</p> <p>RC:DS:KB:MA</p> <p>Cc: Mayor's Office City Secretary Legal Department City Controller</p>			

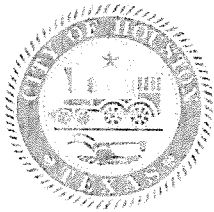


**REQUEST FOR COUNCIL ACTION**

HCD 08-149a

<b>SUBJECT:</b> Ordinance approving five-year schedule for repayment of HUD grants and appropriating TIRZ Affordable Housing Funds		<b>Page 1 of 1</b>	<b>Agenda Item #</b> <div style="font-size: 2em; font-weight: bold; text-align: center;">26</div>												
<b>FROM (Department or other point of origin):</b> Housing and Community Development Department		<b>Origination Date:</b> November 4, 2008	<b>Agenda Date:</b> NOV 19 2008												
<b>DIRECTOR'S SIGNATURE:</b> <div style="display: flex; align-items: center;"> <div style="flex: 1;">           Richard S. Celli, Director         </div> <div style="flex: 1; text-align: center;"> </div> </div>		<b>Council District affected:</b> All													
<b>For additional information contact:</b> Ginger Vinson      Phone: 713-865-4206		<b>Date and identification of prior authorizing Council action:</b>													
<b>RECOMMENDATION:</b> Adopt ordinance approving a five-year schedule for repayment of grants received from U.S. Department of Housing and Urban Development (HUD) and appropriating TIRZ Affordable Housing Funds for first installment															
<b>Amount and source of funding:</b> First year: \$3,101,439    TIRZ Affordable Housing Fund (2409)		<b>Finance Dept.</b> <div style="text-align: center; margin-top: 10px;"> </div>													
<b>EXPLANATION:</b> <p>The Housing and Community Development Department has management responsibility for ensuring that HUD grants awarded to the City are used in compliance with appropriate federal regulations and statutes. The City annually receives grant funds from four different HUD programs: Community Development Block Grants (CDBG), Housing Opportunities for Persons with AIDS (HOPWA), Emergency Shelter Grants (ESG) and HOME Investment Partnerships. HUD continuously monitors the grant recipients to assess compliance with its highly complex regulations and to ensure that the funds are being used for eligible purposes.</p> <p>HUD's monitoring of 2003, 2004 and 2005 program activities found non-compliance with HUD program regulations and disallowed certain expenditures made with HOME, HOPWA and CDBG funds. The City has worked with HUD for more than a year to resolve these findings. Through negotiation and corrective action, the City's total exposure has been reduced considerably resulting in our obligation either to repay the following amounts or to face reduced grant awards in the future (with the HOME amount subject to further adjustment based on HUD's review of City submittals):</p> <table style="margin-top: 10px; width: 100%;"> <tr> <td style="width: 15%;">CDBG</td> <td style="width: 10%;">\$</td> <td style="width: 75%;">487,793</td> </tr> <tr> <td>HOPWA</td> <td>\$</td> <td>1,397,029</td> </tr> <tr> <td>HOME:</td> <td>\$</td> <td>13,622,372</td> </tr> <tr> <td><b>Total:</b></td> <td><b>\$</b></td> <td><b>15,507,194</b></td> </tr> </table> <p>HUD has agreed to a five-year no interest payment schedule, with annual payments in the amount of \$3,101,439. The proposed ordinance approves this payment schedule, subject to annual appropriations by City Council, and appropriates TIRZ Affordable Housing Funds for the first year's installment, which will be applied to Findings related to multi-family HOME projects.</p>				CDBG	\$	487,793	HOPWA	\$	1,397,029	HOME:	\$	13,622,372	<b>Total:</b>	<b>\$</b>	<b>15,507,194</b>
CDBG	\$	487,793													
HOPWA	\$	1,397,029													
HOME:	\$	13,622,372													
<b>Total:</b>	<b>\$</b>	<b>15,507,194</b>													
(MAJ/ #5C—11/6/08 327 pm)															
<b>REQUIRED AUTHORIZATION</b>															
<b>Other Authorization:</b> <div style="height: 40px; text-align: center;"> </div>	<b>Other Authorization:</b>	<b>Other Authorization:</b>													





# CITY OF HOUSTON

Housing & Community Development Department

**Bill White**

Mayor

Richard S. Celli  
Director  
601 Sawyer Street  
Houston, Texas 77007

T. (713) 868-8300  
F. (713) 868-8414  
[www.houstonhousing.org](http://www.houstonhousing.org)

November 6, 2008

Hon. Nelson Bregón  
General Deputy Assistant Secretary  
Office of Community Planning and Development  
U.S. Department of Housing & Urban Development  
451 7<sup>th</sup> Street S.W., Suite 7100  
Washington, D.C. 20410

Dear Secretary Bregón:

In follow-up to my letter dated September 29, 2008 regarding settlement of certain HUD findings, the information below is to clarify the repayment schedule including redefining application of the first installment. It was necessary to redefine how the first installment will be applied due to the legal constraints on the funding source the City will be using for this installment. TIRZ funds are being used which have specific affordable housing requirements.

#### Summary of Ineligible or Disallowed Expenditures by Grant Type:

CDBG	\$ 487,793
HOPWA	\$ 1,397,029
HOME	<u>\$13,622,372*</u>
<b>Total</b>	<b>\$15,507,194</b>

\*(Subject to further adjustment based on HUD's allowance or disallowance of multi family housing projects submitted by the City for further HUD review)

The repayments will be based on the following schedule:

December 1, 2008	\$ 3,101,439**
December 1, 2009	\$ 3,101,439
December 1, 2010	\$ 3,101,439
December 1, 2011	\$ 3,101,439
December 1, 2012	<u>\$ 3,101,438</u>
<b>Grand Total</b>	<b>\$15,507,194</b>

\*\*Payment to be applied toward disallowed multi-family HOME projects that provide for affordable housing



Hon. Nelson Bregón  
November 6, 2008  
Page 2

Application of payments to specific projects and findings has not been stated and will be agreed upon each year when these installments are paid. However, the installments set out above will fully satisfy the monetary Findings specified on the Enclosures to the March 4, 2008 letter from Sandra Warren to Richard Celli.

The City appreciates the continued efforts HUD has made to facilitate these negotiations. Please let me know if you have questions. I may be reached at (713) 868-8444.

Sincerely,



Richard Celli  
Director

cc: Mr. William H. Eargle, Jr.  
Deputy Assistant Secretary for Operations  
Office of Community Planning & Development  
U. S. Department of Housing and Urban Development  
451 7th Street S.W., Room 7128  
Washington, D.C. 20410

Ms. Sandra Warren  
U. S. Department of Housing and Urban Development  
Houston Field Office, Region VI  
Office of Community Planning & Development  
1301 Fannin, Suite 2200  
Houston, Texas 77002



TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** An ordinance approving contracts with various providers of construction services for the City's Lead-Based Paint Hazard Reduction Control ProgramCategory  
# 9Page  
1 of 1Agenda Item  
# 27**FROM** (Department or other point of origin):  
Houston Department of Health and Human ServicesOrigination Date  
10/1/08Agenda Date  
NOV 19 2008**DIRECTOR'S SIGNATURE:**Council District affected:  
ALLFor additional information contact: Kathy Barton  
Telephone: 713-794-9998 ; 713-826-5801Date and identification of prior authorizing  
Council action:**RECOMMENDATION:** (Summary)

An ordinance approving contracts with various providers of construction services for the City's Lead-Based Paint Hazard Reduction Control Program

**Amount of Funding:** Maximum Contract Amount: \$12,500,000.00  
 Initial Allocation per Contract: \$150,000.00, Federal (5000)  
 a. \$3,000,000 - Federal (5000) Grant No: TXLHB0378-07;  
 b. \$3,000,000 - Federal (5000) Grant No: TXLHD0175-07

Finance Department:

**SOURCE OF FUNDING:** [ ] General Fund [X] Grant Fund [ ] Enterprise Fund [ ] Other (Specify)**SPECIFIC EXPLANATION:**

The Houston Department of Health and Human Services (HDHHS) requests City Council to approve an ordinance for five (5) contracts for construction services for the City's Lead-Based Paint Hazard Reduction Control Program. The objectives of this program are to continue to perform lead-based paint hazard reduction in low income private housing units, to conduct community outreach, education and blood lead screening, and to relocate families during hazard reduction, when needed. Specific areas targeted by the City include housing units which were constructed prior to 1978 and contain low income residents whose young children (age less than 72 months) could be poisoned by lead-based paint. The contracts will have an initial term of two years with three one year renewals. The contracts will have an initial term of two years with three one year renewals.

Funding for this program is through two grants from the U.S. Department of Urban Development (HUD). On October 29, 2007, Council approved a grant application to HUD for a lead-based paint hazard control grant program and on May 1, 2008, Council authorized the acceptance of a another grant from HUD for lead-based paint hazard control program.

The five contractors were selected through a Request for Qualifications ("RFQ") process. Through the RFQ process seven contractors obtained an RFQ packet, seven contractors submitted a proposal, and five contractors are being recommended. All participating contractors are certified through the State of Texas, Texas Department of Health as lead abatement firms.

The following contractors will participate in the program:

Contractor	Maximum Contract Amount
AAR Incorporated	\$2,500,000.00
Alfred M. Torres Jr. dba R & A Building Specialists	\$2,500,000.00
Ortho Construction/Renovation Company	\$2,500,000.00
Trebor Incorporated	\$2,500,000.00
Lonnie Charles Watson dba Watson Consolidated	\$2,500,000.00

These services will include painting, floor overlay or replacement, cabinet remediation/replacement, window and door remediation/replacement, vinyl siding and soil remediation. Pricing for these services were standardized by the HDHHS and accepted by the contractors.

cc: Finance Department  
 Legal Department  
 Agenda Director

## REQUIRED AUTHORIZATION

Finance Department

Other Authorization:

Other Authorization:



# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8021

**Subject:** Approve an Ordinance Awarding a Sole Source Contract for Computer Software and Hardware Maintenance Services for the Public Works & Engineering Department  
S10-E22952

Category #  
4

Page 1 of 2

Agenda Item

28

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

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

**Origination Date**

October 29, 2008

**Agenda Date**

NOV 19 2008

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

David Guernsey Phone: (713) 238-5241  
Douglas Moore Phone: (832) 393-8724

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a sole source contract to General Dynamics Itronix Corporation in an amount not to exceed \$799,190.00 for computer software and hardware maintenance services for the Public Works & Engineering Department.

Maximum Contract Amount: \$799,190.00

**Finance Budget**

\$799,190.00 - Water & Sewer System Operating Fund (8300)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options to General Dynamics Itronix Corporation in an amount not to exceed \$799,190.00 for computer software and hardware maintenance services for the Public Works & Engineering Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

General Dynamics Itronix Corporation is the only provider of the VR-2, and the SapphirePlus and Emerald Maintenance Services. The VR-2 is a field touch-screen laptop used by utility customer service technicians. The VR-2 is the latest version of the field laptop and will be used to replace GoBooks as they reach the end of their useful life. As work orders are received for services, they are transmitted to the laptop via radio or wi-fi. The technician is then able to open, update with notes and work performed, close, and then transmit the work order back to the main computer for access by customer service representatives and others in Public Works. SapphirePlus and Emerald maintenance service plans are extended service warranties whose benefits are listed below.

The scope of work requires the contractor to provide VR-2 wireless field computers, and SapphirePlus and Emerald maintenance services for its GoBook and VR-2. Along with the standard warranty, the emerald service warranty will cover the following services not covered under the standard warranty:

- Damage caused by impact with other objects, or which drops and falls beyond contractor's durability, including but not limited to broken display glass, hard drive sector damage, read/write head damage, or physical breakaway of internal components.
- Damage caused by liquid intrusion into the interior of the equipment as a result of case fracture or entry through an external port or door.
- Overnight freight charges.
- Battery replacement.
- Full-field replacement kit parts.

NDT

**REQUIRED AUTHORIZATION**

65CDW8021C

Finance Department:

Other Authorization:

Other Authorization:



Date: 10/29/2008	Subject: Approve an Ordinance Awarding a Sole Source Contract for Computer Software and Hardware Maintenance Services for the Public Works & Engineering Department S10-E22952	Originator's Initials GB	Page 2 of 2
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- Vehicle-mounted and base-mounted charging equipment.
- Reprogramming any components returned to manufacturer for repair.

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (7) (A) of the Texas Local Government Code for exempt procurements.

Buyer: Greg Hubbard  
SRO No.: 4500077907

**Estimated Spending Authority:**

DEPARTMENT	FY 2009	OUT YEARS	TOTAL
Public Works & Engineering	\$ 108,044.00	\$ 691,146.00	\$ 799,190.00

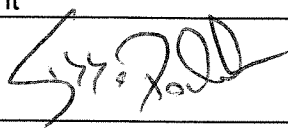



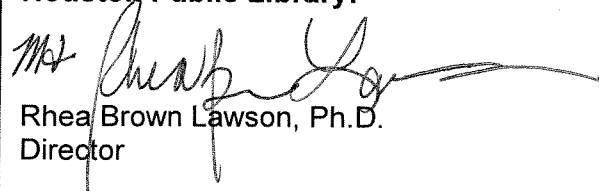


TO: Mayor via City Secretary      REQUEST FOR COUNCIL ACTION

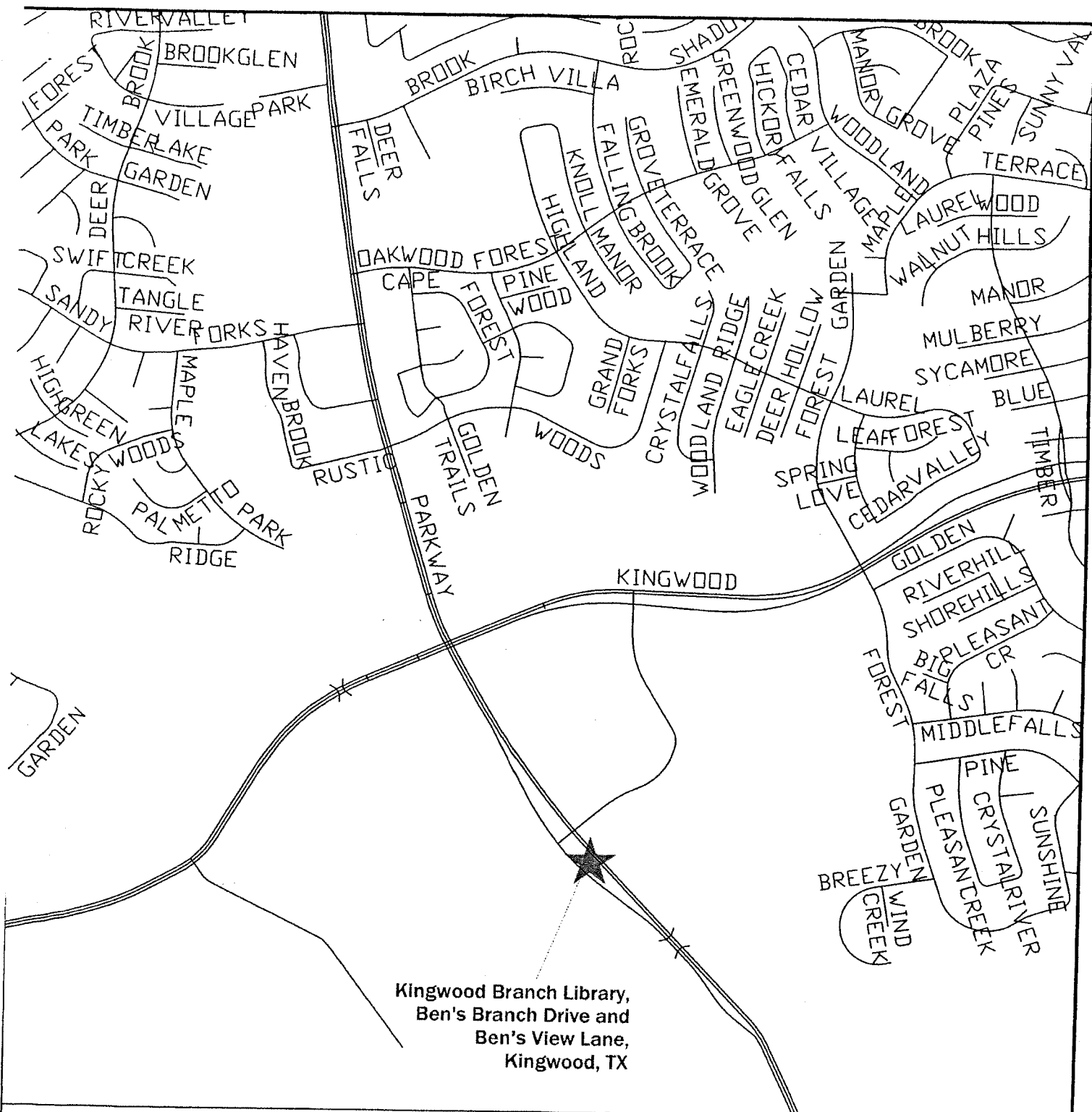
<b>SUBJECT:</b> Ordinance making findings relating to the proposed construction of the new Kingwood Library on 4.845 acres of Kingwood Park, Parcel GY9-001, located at 2700 Bens Branch Dr. & Bens View Ln.; Restricted Reserve "B" Kingwood Town Center, Sec. 3, John W. Asbury Survey, A-91.		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  30
<b>FROM</b> (Department or other point of origin):  Parks & Recreation Department		<b>Origination Date</b> Nov. 13, 2008	<b>Agenda Date</b> NOV 19 2008	
<b>DIRECTOR'S SIGNATURE:</b> Joe Turner, Director <i>Joe Turner</i>		<b>Council District affected:</b>  District "E"		
<b>For additional information contact:</b> Daniel Pederson Phone: (713) 865-4507		<b>Date and identification of prior authorizing Council action:</b> Ord. No. 2008-804, dated 09/10/08		
<b>RECOMMENDATION:</b> (Summary) That an ordinance be passed making certain findings and authorizing the use and taking of 4.845 acres of a portion of Kingwood Park by the City of Houston Public Library Department for the site of a new 2-story Kingwood Library containing approximately 30,000 square feet of building space and associated parking spaces located within the Park.				
<b>Amount of Funding:</b> N/A		<b>F &amp; A 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>  By Ordinance No. 2008-804, passed September 10, 2008, City Council called a public hearing, pursuant to the requirements of Chapter 26, Texas Parks and Wildlife Code, to consider the proposed construction of a new 2-story Kingwood Library ("Project") located in Kingwood Park ("Park"). The Project involves taking and using 4.845 acres (Parcel GY9-001) of a portion of the Park as a site for an approximately 30,000 square feet of building and associated parking spaces all located in the Park. Because the property to be used for the Project is park property and is currently used as a public park, a public hearing was held in the City Council Chambers on October 29, 2008. In order to authorize the use of a portion of the Park for the Project, City Council is required to make certain findings, namely, that there is no feasible or prudent alternative to the proposed use and taking of a portion of the Park for the Project; and that the Project includes all reasonable planning to minimize harm to the Park as a park, recreation area, scientific area, wildlife refuge or historic site which would otherwise result from the proposed use and taking of a portion of the Park for the Project.				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>		



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

<b>SUBJECT:</b> Interlocal Agreement Between the City of Houston and Harris County New Kingwood Library WBS: E-000097-0002-2		<b>Page</b> 1 of 1	<b>Agenda Item</b> <b>30A</b>
<b>FROM (Department or other point of origin):</b> General Services Department		<b>Origination Date</b> 11/10/08	<b>Agenda Date</b> NOV 19 2008
<b>DIRECTOR'S SIGNATURE:</b>  6/30/08 Issa Z. Dadoush, P. E.		<b>Council District affected:</b> E	
<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>	
<b>RECOMMENDATION:</b> Approve and authorize the Interlocal Agreement between the City of Houston and Harris County for the design, construction, operations and maintenance related to the new Kingwood Library.			
<b>Amount and Source of Funding:</b> N/A		<b>Finance Budget:</b>	
<p><b>SPECIFIC EXPLANATION:</b> Harris County currently operates a 12,000 square foot library in Kingwood. The size of this library is inadequate to meet the needs of the community. To provide quality services, Harris County and the City propose to combine resources to construct and operate a 30,000 square foot library.</p> <p>Under the proposed Interlocal Agreement, the City will fund the costs for the design and construction of the new library on property currently owned by the Houston Parks and Recreation Department (HPARD). It is anticipated that the design and construction costs for the new library will be \$6.9 million. Harris County will be responsible for the operation and maintenance of the new facility.</p> <p>The City will lease the newly constructed library to Harris County for 30 years in exchange for the existing Kingwood library property. HPARD plans to demolish the existing library and construct a community center on the newly acquired property.</p> <p>The General Services Department recommends that City Council approve the Interlocal Agreement between the City of Houston and Harris County for the design, construction, operations and maintenance of the new Kingwood Library.</p> <p><b>PROJECT LOCATION:</b> 2601 Bens Branch Drive (337B)</p>			
IZD:PJG:JLN:RAV:VTN:vtn 			
c: Marty Stein, Rhea Brown Lawson, Ph.D., Wendy Teas Heger, AIA, Calvin Curtis, File E-000097-0002/1200			
<b>REQUIRED AUTHORIZATION</b> <span style="float: right;">CUIC ID # 25DSGN25</span>			
<b>General Services Department:</b>  Phil Golembiewski, P.E. Chief of Design & Construction Division		<b>Houston Public Library:</b>  Rhea Brown Lawson, Ph.D. Director	





**Kingwood Branch Library**  
**Bens Branch Dr. & Bens View Lane,**  
**Kingwood, TX**







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

<b>SUBJECT</b> First Amendment to Construction Manager at Risk Contract Spaw Glass Construction Corporation New Kingwood Library WBS No. E-000097-0001-4		<b>Page</b> 1 of 2	<b>Agenda Item</b> <i>30B</i>
<b>FROM (Department or other point of origin):</b> General Services Department		<b>Origination Date</b> <i>11-13-08</i>	<b>Agenda Date</b> NOV 19 2008
<b>DIRECTOR'S SIGNATURE:</b> <i>Issa Z. Dadoush, P. E.</i> Issa Z. Dadoush, P. E.		<b>Council District(s) affected:</b> E	
<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JN</i> <b>Phone:</b> 832.393.8023		<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2008-237; March 26, 2008	
<b>RECOMMENDATION:</b> Approve First Amendment to the Construction Manager at Risk contract and appropriate funds for construction.			
<b>Amount and Source of Funding:</b> \$6,436,625.00 Reimbursement of Equipment / Projects Fund (1850) <b>Previous Funding:</b> \$110,000.00 Reimbursement of Equipment / Projects Fund (1850)		<b>Finance Budget:</b> <i>Michelle Mitchell</i>	
<b>SPECIFIC EXPLANATION:</b> The General Services Department (GSD) recommends that City Council approve a First Amendment to the Construction Manager at Risk (CMAR) contract with Spaw Glass Construction Corporation to delegate authority to the director of GSD to approve the Guaranteed Maximum Price (GMP) proposal, and appropriate funds for construction of the new Kingwood Library. It is expected that the Reimbursement of Equipment/Projects Fund will be reimbursed by The Lake Houston Tax Increment Reinvestment Zone (TIRZ No. 10), subject to future Council action.			
<b>PROJECT LOCATION:</b> 4400 Bens View Lane (intersection of Bens Branch Dr. and Bens View Lane - Key Map 337B)			
<b>PROJECT DESCRIPTION:</b> The Houston Public Library and Harris County Library have partnered to facilitate the development of a vacant track of land into the new Kingwood Library. The project will construct a new 30,000-square foot library that will be operated and maintained by Harris County. The facility will house approximately 125,000 to 150,000 traditional library materials, 60 computers for public use, and seat over 150 patrons. The new library will serve residents seeking information through traditional print materials, audio-visual materials or through the internet, informational databases and programs. The library will also be a meeting place for organizations and groups throughout northeast Harris County and will serve as a site for video conferencing. The project will utilize the Leadership in Energy & Environmental Design (LEED™) Green Building Rating System to achieve certification.			
<b>PREVIOUS HISTORY AND PROJECT SCOPE:</b> On March 26, 2008, City Council awarded a CMAR contract to Spaw Glass Construction Corporation to provide pre-construction and construction phase services for a new Kingwood Library and appropriated funds for pre-construction phase services, which included budgetary estimating, constructability and material selection.			
The anticipated contract duration for this project is 300 calendar days. The design consultant is John Kirksey Associates, Architects, Inc.			
<b>REQUIRED AUTHORIZATION</b> <span style="float: right;">CUIC ID # 25CONS58</span>			
<b>General Services Department:</b>  <i>Humberto Bautista</i> Humberto Bautista Chief of Design & Construction Division		<b>Houston Public Library:</b>  <i>Rhea Brown Lawson</i> Rhea Brown Lawson, Ph.D. Director	



<b>Date</b>	<b>SUBJECT:</b> First Amendment to Construction Manager at Risk Contract Spaw Glass Construction Corporation New Kingwood Library WBS No. E-000097-0001 -4	<b>Originator's Initials</b> VTN	<b>Page</b> 2 of 2
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**FUNDING SUMMARY:** It is recommended that City Council appropriate funds for construction phase services, including an additional appropriation of \$85,000.00 for engineering testing services under the existing contract with Atser, LP.


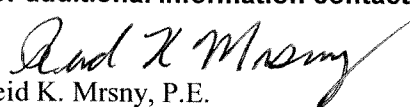
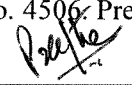

\$ 5,950,000.00	Construction Phase Services
\$ 297,500.00	5% Contingency
\$ 85,000.00	Engineering Testing
\$ 104,125.00	Civic Art (1.75%)
<b>\$ 6,436,625.00</b>	<b>Total Funding</b>

**CONSTRUCTION GOALS:** An MBE goal of 14%, SBE goal of 5%, and WBE goal of 5% have been established for the construction phase of this contract. The construction manager will submit the list of proposed certified sub-contractors with the issuance of the GMP proposal.

IZD:HRB:JLN:RAV:VTN:vtn

c: Marty Stein  
Jacquelyn L. Nisby  
Velma Laws  
Siria Harbour  
Webb Mitchell  
Sydney Igleheart  
Wendy Heger  
Gabriel Mussio  
File E-000094-0002/812



<b>SUBJECT:</b> Additional Appropriation to the Agreement between the City of Houston (City) and Texas Department of Transportation (TxDOT) for the Reconstruction of Hempstead Highway from IH-10 to Mangum Road; WBS No. N-000611-0001-2.		<b>Page</b> 1 of 2	<b>Agenda Item</b> #  31
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  11-6-08	<b>Agenda Date</b>  NOV 19 2008	
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> A & H  See		
<b>For additional information contact:</b>  Reid K. Mersny, P.E. Senior Assistant Director Phone: (713) 837-0452	<b>Date and identification of prior authorizing Council action:</b> Resolution: 88-103, 10/19/1988 Ordinance: 94-152, 02/16/1994		
<b>RECOMMENDATION: (Summary)</b> Adopt an ordinance approving an additional appropriation to TxDOT for the City's cost participation.			
<b>Amount and Source of Funding:</b> \$60,358.00 from the Street & Bridge Consolidated Construction Fund No. 4506. Previous original appropriation of \$40,700 from Street, Bridges & Traffic Control COs Series 1993B, Fund 433.  10/28/08			
<b>PROJECT NOTICE/JUSTIFICATION:</b> This project is part of the Principal Arterial Street System (PASS) Program. Under this program, the City would be responsible for 50% of the cost of the right-of-way acquisition and 100% cost of utility adjustments. Currently, TxDOT is requesting reimbursement for the City's final share of costs for the additional right-of-way acquisition.			
<b>DESCRIPTION/SCOPE:</b> The project consists of constructing a six-lane concrete boulevard including street lighting, traffic signals, and all necessary underground utilities.			
<b>LOCATION:</b> The project is generally bounded by 18 <sup>th</sup> Street on the North, T.C. Jester Boulevard on the East, N. Post Oak Boulevard on the West, and IH-10 on the South. It is located on Key Map Nos. 451 V & Z, 452W, and 492 A, B & F.			
<b>SCOPE OF THIS AGREEMENT:</b> The City entered into an Agreement to Contribute Funds with TxDOT for the right-of-way acquisition for the Project under Ordinance No. 94-152 on February 16, 1994. According to the Agreement, the City was responsible for 50% of the cost of the right-of-way to be acquired by TxDOT for this project. TxDOT had completed acquiring the right-of-way and City's final share for the right-of-way acquisition was \$94,483.60.  Previously, City made a payment to TxDOT for the right-of-way acquisition in the amount of \$37,000.00 in accordance with Ordinance No. 94-152 approved by City Council on February 16, 1994. TxDOT is currently requesting payment for the remaining in the amount of \$57,483.60. Therefore, it is necessary to appropriate additional funds in the amount of \$60,358.00 which includes \$2,874.40 for City's salary recovery.			
<b>REQUIRED AUTHORIZATION</b> <b>CUIC ID # 20TAA24</b>			
<b>Finance Department:</b>  Mitchell	<b>Other Authorization:</b>		<b>Other Authorization:</b>



Date	<b>SUBJECT:</b> Additional Appropriation to the Agreement between the City of Houston (City) and Texas Department of Transportation (TxDOT) for the Reconstruction of Hempstead Highway from IH-10 to Mangum Road; WBS No. N-000611-0001-2.	<b>Originator's Initials TAA</b>  <i>JL</i>	<b>Page</b> <u>2</u> of <u>2</u>
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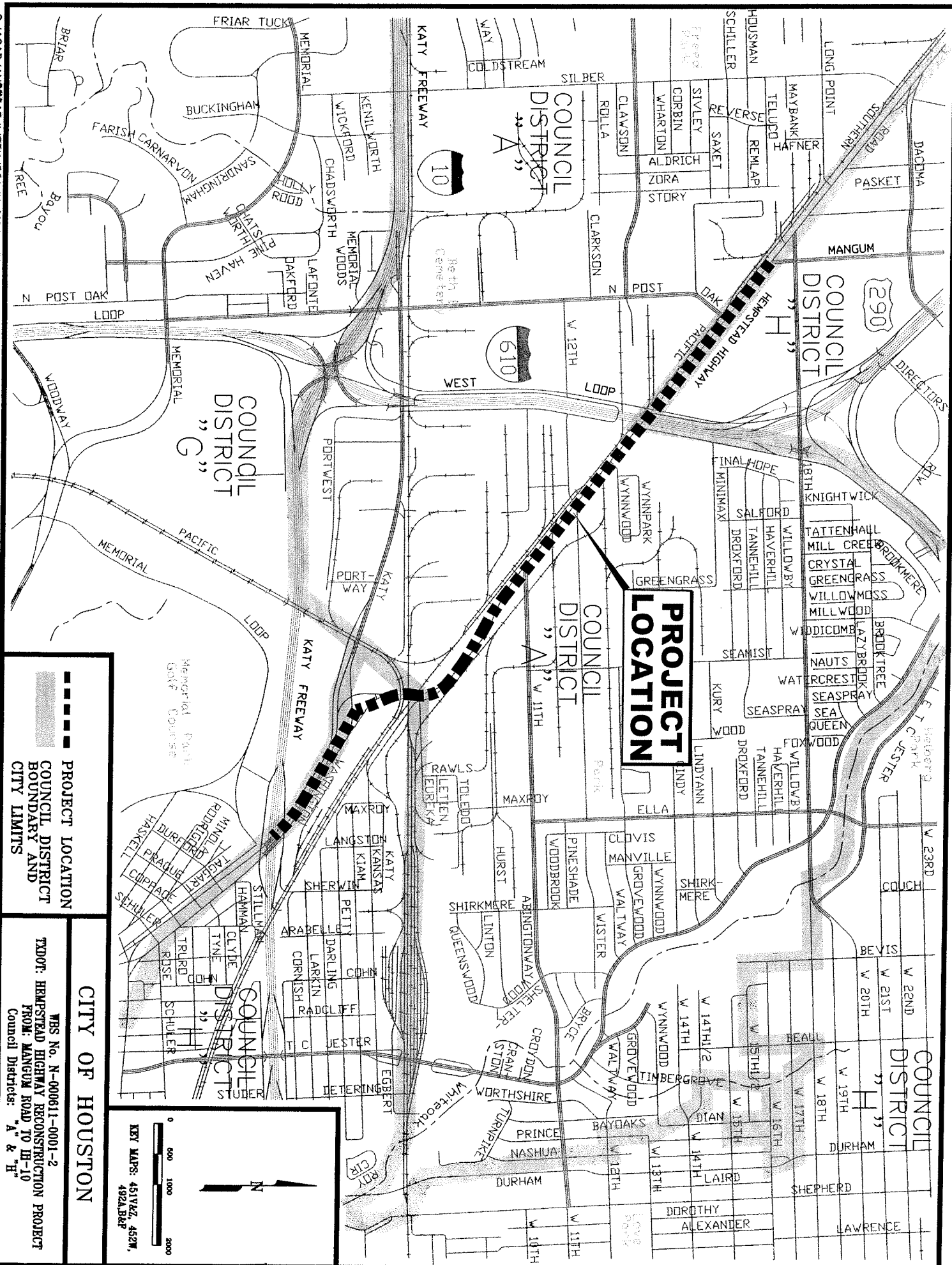
**ACTION RECOMMENDED:** It is recommended that the City Council adopt an ordinance approving an additional appropriation in the amount of \$60,358.00 for the City's final cost participation.

*RKM 3/22*  
MSM:RKM:TAA:kat

S:\constr\A-SB-DIV\Design\TxDOT\Projects\81701202\MANGUM\RCA 20TAA24.DOC

C: Marty Stein  
Susan Bandy  
Velma Laws  
Craig Foster  
File – TxDOT - Hempstead Highway from IH-10 to Mangum Road.







0211  
TO: Mayor via City Secretary

**REQUEST FOR COUNCIL ACTION**

**SUBJECT:** First Amendment to Agreement for Capacity in Sanitary Sewer Conveyance Facilities with Baybrook Municipal Utility District No. 1.

**Page**  
1 of 1

**Agenda Item**  
# **321**

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

Department of Public Works and Engineering

**Origination Date**

11-13-08

**Agenda Date**

NOV 19 2008

**DIRECTOR'S SIGNATURE**

*MS*  
*Michael S. Marcotte*  
Michael S. Marcotte, P.E., D.WRE, BCEE, Director

**Council District affected:** All

**For additional information contact:**

Ann Marie Stone Sheridan, P.E. *AMS*

**Phone:** (713) 837-9142

**Date and identification of prior authorizing Council action** 89-1042 July 5, 1989

**RECOMMENDATION:** Approve the first amendment to the sewage transportation agreement with Baybrook MUD No. 1 and allocate funds.

**Amount and Source of Funding:** \$85,201.60 - Water and Sewer System Operating Fund No. 8300.  
\$4,260.08 - FY 09  
\$80, 941.52 - FY 10 thru FY 29  
*11-5-08*

**SPECIFIC EXPLANATION:**

Baybrook Municipal Utility District No. 1 ("Baybrook"), under an agreement dated July 21, 1989, utilizes the City of Houston Lift Station 142-1 and 142-2 to transport sewage to the Blackhawk Wastewater Treatment Plant. Under the initial agreement, Baybrook was to pay for upgrades to lift station 142-1. Due to a necessary repair to a related force main and with no need for the extra capacity, the upgrade was postponed by mutual agreement. Now with increased service demand, the City of Houston ("Houston") is upgrading the lift station and Baybrook has agreed to participate in the cost upgrade. However, the increased future demand is so large that Baybrook is also making plans to divert its flow to a separate, new, larger lift station to be owned solely by Baybrook, which Houston will also utilize. While Baybrook is constructing its facility, it will lease additional capacity in Lift Station 142-1.

*ms*  
This amendment allows for Baybrook to pay its share of the upgrade to Lift Station 142-1 and for Houston to utilize Baybrook's new facilities. Baybrook will pay the City \$133,655.29 for its share of the upgrades to Lift Station 142-1. Baybrook will also continue to pay the Operating and Maintenance expenses associated with its current 150,000 gallons per day share of Lift Station 142-1 and lease an additional 150,000 gallons per day capacity until Baybrook completes its own lift station and force main in the Spring of 2009. After completion of Baybrook's new facilities, Houston will pay Baybrook its share of the Operating and Maintenance expenses of the new line, \$4,260.68 annually for 125,000 gallons per day, through FY 2029.

CUIC# 20JZC436

**Finance Department**

**Other Authorization:**

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

**Other Authorization:**



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** An Ordinance authorizing the execution of a Treated Water Supply Contract between the City of Houston and Harris County Municipal Utility District No. 406.

**Category #** 6

**Page** 1 of 1

**Agenda Item #** 33

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

Department of Public Works and Engineering

**Origination Date**

11-13-08

**Agenda Date**

NOV 19 2008

**DIRECTOR'S SIGNATURE**

Michael S. Marcotte, P.E., D.WRE, BCEE

**Council District affected:** ALL

**For additional information contact:**

Ann Marie Stone Sheridan, P.E. Phone: (713) 837-9142

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

**RECOMMENDATION: (Summary)**

It is recommended that City Council approve an ordinance authorizing the Mayor to execute a Treated Water Supply Contract between the City of Houston and Harris County Municipal Utility District No. 406.

**Amount of Funding:** NO FUNDS REQUIRED; REVENUE CONTRACT FOR TREATED WATER.

**F & A Budget:**

**SOURCE OF FUNDING:**

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 406 has submitted a Treated Water Supply Contract drafted by our Legal Department. The initial minimum monthly contract amount is 1.2 million gallons per month.

This contract charges rates for treated water as specified in the City of Houston Code of Ordinances, Section 47-61(f). The base rate is currently \$1.793 per thousand gallons.

The Planning and Development Services Division has evaluated the request and found that the water supply and delivery system is adequate to provide the requested quantities.

Approval of Harris County Municipal Utility District No. 406 Water Supply Contract is requested.

cc: Marty Stein  
Waynette Chan  
Gary Norman  
Andrew F. Icken  
Jun Chang, P.E.

CUIC# 20JZC 483

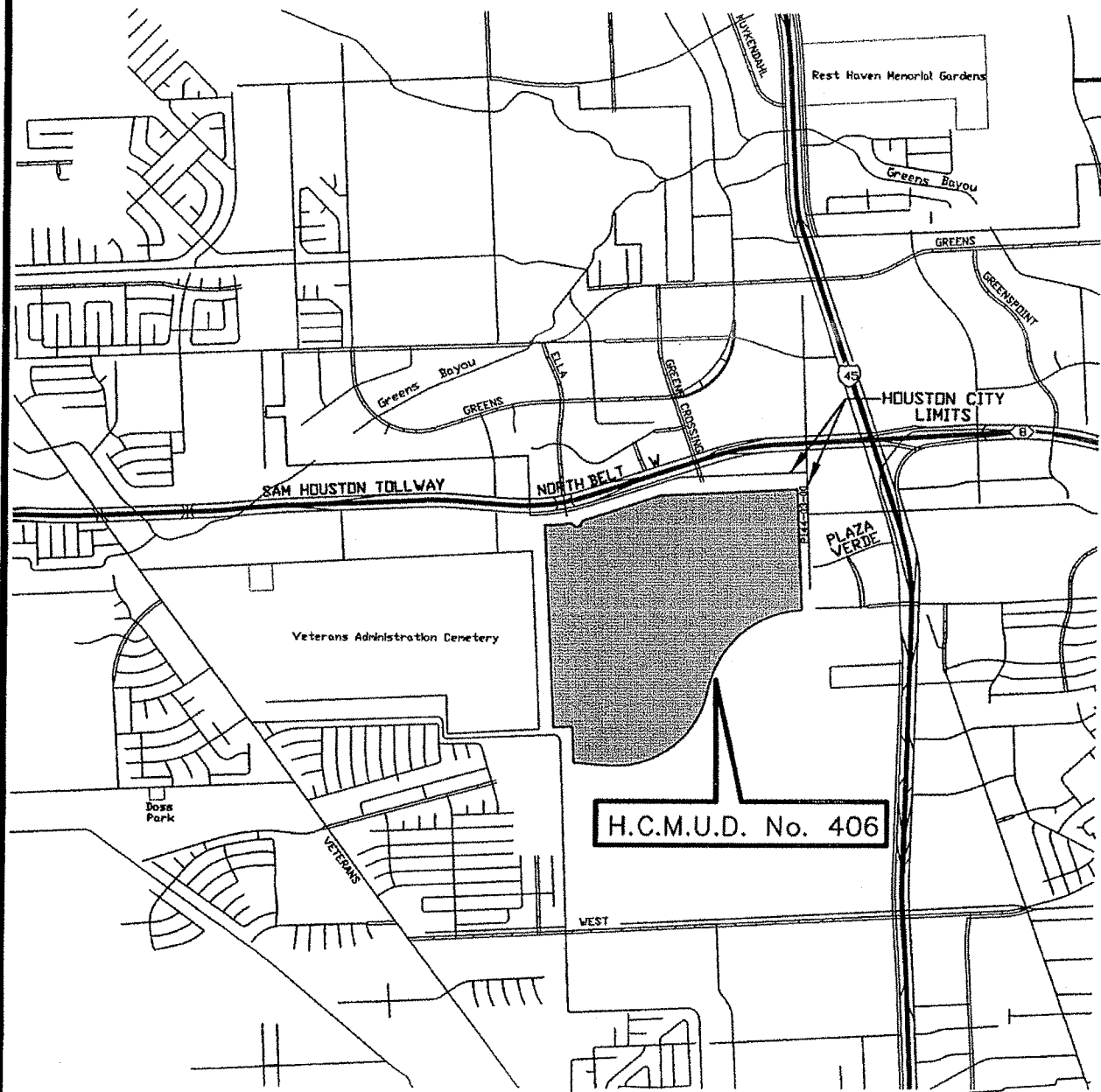
**F & A Director**

**Other Authorization:**

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

**Other Authorization:**





**BROWN  
& GAY**  
ENGINEERS, INC.

CIVIL ENGINEERS & SURVEYORS  
11490 WESTHEIMER, SUITE 700  
HOUSTON, TEXAS 77077  
(281) 558-8700

**H.C.M.U.D. No. 406**

**SERVICE AREA MAP  
WATER SUPPLY FROM  
CITY OF HOUSTON**

Scale:  
1"=3000'

Job No.:  
40660

Date:  
JULY, 2008

Exhibit:  
B



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Contract Award for Monroe Road Paving from Fuqua to Beltway 8  
W.B.S. No. N-000711-0001-4.

Page  
1 of 2

Agenda Item #  
**34**

**FROM: (Department or other point of origin):**  
Department of Public Works and Engineering

**Origination Date:**

11-13-08

**Agenda Date:**

NOV 19 2008


**DIRECTOR'S SIGNATURE:**

  
Michael S. Marcotte, P.E., D.WRE, BCEE

**Council District affected:**

E

**For additional information contact:**

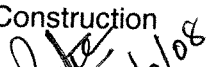
  
Reid K. Mrsny, P.E. Phone: (713) 837-0452  
Senior Assistant Director

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

Ordinance #	Date
2008-843	09/24/08
2008-982	11/5/08

**RECOMMENDATION: (Summary)**

Accept low bid, award construction Contract and appropriate funds.

**Amount and Source of Funding:** A total appropriation of \$7,004,865.00 (\$4,095,058.24 Metro Project Commercial Paper Series E Fund No. 4027, \$2,612,423.67 from the Water and Sewer System Consolidated Construction Fund No. 8500 and \$297,383.09 from the Water and Sewer Contributed Capital Fund No. 8319). 

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the Capital Improvement Plan program and required to improve traffic flow/circulation, drainage and reduce neighborhood traffic congestion.

**DESCRIPTION/SCOPE:** The project consists of 3,950 linear feet of concrete pavement, the construction of eight-inch reinforced concrete with four 12 foot lanes divided with medians, curb and gutters, storm sewers, sanitary sewers, water lines, sidewalks, wheelchair ramps, driveways and the necessary underground utilities.

The City approved an agreement with the City of Pearland under Ordinance 2008-982 to install a 30-inch water line along a portion of Monroe to convey water from a metering station near Monroe and Fuqua south to the City of Pearland. Additionally, the City approved an agreement with HCMUD 382 under Ordinance 2008-843 to include a 12-inch sanitary sewer line in the project to convey wastewater from the MUD to a new lift station to be constructed by the MUD. Per the agreements, the City of Pearland will reimburse the City \$1,623,877.21 for the cost to install the water line and HCMUD 382 will reimburse the City \$297,383.09 for the cost to install the sanitary sewer line.

The Contract duration for this project is 365 calendar days. The paving project was designed by Pate Engineers, Inc., the 30 inch Water Transmission line for the City of Pearland was designed by CDM, Inc. and the 12 inch Sanitary Sewer Line for HCMUD 382 was designed by Walter P. Moore, Inc.

**LOCATION:** The project is bounded by Fuqua to the North. Beltway 8 to the South, Blackhawk to the East and Telephone Rd to the West. The project is located in Key Map Grids 575 U and Y.

**REQUIRED AUTHORIZATION**


CUIC ID#20MR61

NDT


Finance Department



**Other Authorization:**

  
Jun Chang, Interim Deputy Director  
Public Utilities

**Other Authorization:**

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



<b>Date</b>	<b>Subject:</b> Contract Award for Monroe Road Paving from Fuqua to Beltway 8 W.B.S. No. N-000711-0001-4.	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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**BIDS:** Bids were received on October 2, 2008. The nine bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. SER Construction Partners, Ltd.	\$5,955,948.50
2. Reytec Construction Services, Inc.	\$6,237,531.50
3. Texas Sterling Construction, Co.	\$6,492,560.50
4. Angel Brothers Enterprises, Ltd.,	\$6,962,511.25
5. JFT Construction, Inc.	\$7,227,691.46
6. Total Contracting Limited	\$7,421,650.57
7. Hassell Construction, Inc.	\$7,943,737.00
8. Conrad Construction Company, Ltd.	\$8,371,381.80
9. TJ& T Enterprises, Inc.	\$173,883,901.00

**AWARD:** It is recommended that this construction Contract be awarded to SER Construction Partners, Ltd. with a low bid of \$5,955,948.50 and that Addendum Number 1, 2 and 3 be made part of the contract.

**PROJECT COST:** The total cost of this project is \$7,004,865.00 to be appropriated as follows:

•	Bid Amount	\$5,955,948.50
•	Contingencies	\$297,797.43
•	Engineering and Testing Services	\$195,000.00
•	Project Management	\$119,119.07
•	Construction Management	\$437,000.00

Engineering and Testing Services will be provided by Associated Testing Laboratories, Inc. under a previously approved contract.

Construction Management Services will be provided by Atsar, 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. Reliable Signal & Lighting Solutions	Traffic Signal& Conduit work	\$349,459.00	5.87%
2. PRV Services, Inc.	Underground Utilities	\$325,000.00	5.46%
3. Texas Fluid Power Products, Inc.	Pipes and Fittings	\$250,000.00	4.20%
<b>TOTAL</b>		<b>\$924,459.00</b>	<b>15.53%</b>

<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Deanie Hayes, Inc.	Backfill Material	\$325,000.00	5.46%
<b>TOTAL</b>		<b>\$325,000.00</b>	<b>5.46%</b>

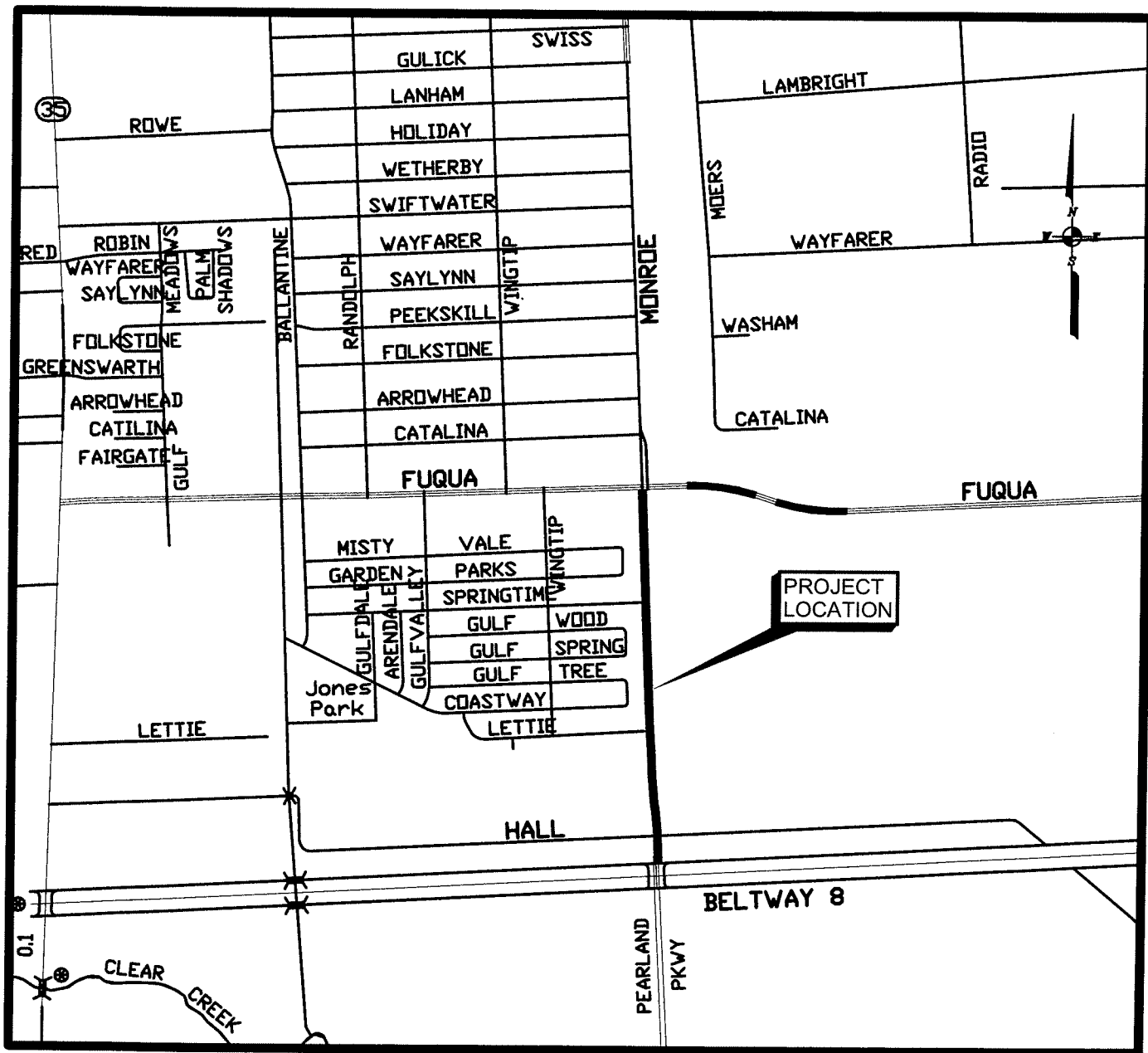
<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. F.S. Garza Trucking	Trucking Services	\$200,000.00	3.36%
<b>TOTAL</b>		<b>\$200,000.00</b>	<b>3.36%</b>

MSM:DRM:RKM:JHK:MR:cd

S:\design\A-sw-div\WPDATA\MRW-0711-01-2-Monroe\Construction\postbid\RCA construction3.doc

c: Marty Stein      Velma Laws      Mike Pezeshki, P.E.  
Susan Bandy      Jun Chang, P.E.      WBS No. N-000711-0001-4 (3.7 construction RCA)





# VICINITY MAP

KEY MAP NO 575 U & Y  
GIMS MAP NO 5651D

WBS NO. N-000711-0001-4



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Contract Award for FY09 Fire Hydrant Replacement  
WBS No. S-000035-0118-4, File No. 10866-03

Page  
1 of 2

Agenda Item #

35

**FROM: (Department or other point of origin):**  
Department of Public Works and Engineering

**Origination Date:**  
11-13-08

**Agenda Date:**  
NOV 19 2008

**DIRECTOR'S SIGNATURE:**

  
Michael S. Marcotte, P.E. DEE

**Council District affected:**

All

**For additional information contact:**

A. James Millage Phone: 713-641-9566  
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:**

\$2,965,223.00 Water and Sewer System Consolidated Construction Fund No. 8500.

**PROJECT NOTICE/JUSTIFICATION:** This project is required to replace damaged or irreparable fire hydrants throughout the City.

**DESCRIPTION/SCOPE:** This project will provide for the replacement of fire hydrants and valves, the height correction of fire hydrants, and the relocation of fire hydrants and ancillary work. The Contract duration for this project is 365 calendar days.

**LOCATION:** The project area is generally bound by the City limits. The project is located in various Key Map Grids.

**BIDS:** Bids were received on 08/21/08. The five (5) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. D. L. Elliott Enterprises, Inc.	\$2,809,736.00
2. Resicom, Inc.	\$2,973,544.00
3. Metro City Construction, L.P.	\$3,096,400.00
4. Troy Construction, L.L.C.	\$3,894,964.00
5. Laughlin-Thyssen, Inc.	\$4,324,960.00

**REQUIRED AUTHORIZATION**

CUIC#20AJM204

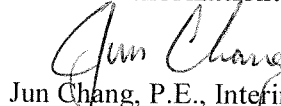
**Finance Department:**



**Other Authorization:**



**Other Authorization:**

  
Jun Chang, P.E., Interim Deputy Director  
Public Utilities Division

MSJ



<b>Date</b>	<b>Subject:</b> Contract Award for FY09 Fire Hydrant Replacement WBS No. S-000035-0118-4, File No. 10866-03	<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 D. L. Elliott Enterprises, Inc. with a low bid of \$2,809,736.00.

**PROJECT COST:** The total cost of this project is \$2,965,223.00 to be appropriated as follows:

•	Bid Amount	\$2,809,736.00
•	Contingencies	\$140,487.00
•	Engineering and Testing Services	\$15,000.00

Engineering and Testing Services will be provided by QC Laboratories, Inc. under a previously approved contract.

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

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. S & F Contractors, L.L.C.	Fire Hydrant Replacement	\$393,363.04	14.0%
2. Municipal Marketing Systems, Inc.	Pipes/fittings	\$140,486.80	5.0%
3. Ramon's Trucking	Hauling Services	<u>\$84,292.08</u>	<u>3.0%</u>
<b>TOTAL</b>		<b>\$618,141.92</b>	<b>22.0%</b>




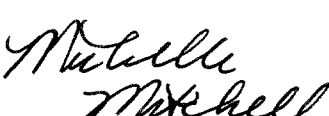

MSM:AJM:OS:TC:tc

cc: Marty Stein  
Mark Loethen, P.E.  
Velma Laws  
Craig Foster  
Waynette Chan  
Gary Norman  
Carol Ellinger, P.E.  
File No. WA 10866-03



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-0119-4		<b>Page</b> 1 of 2	<b>Agenda Item #</b> 36						
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 11-6-08	<b>Agenda Date</b> NOV 19 2008						
<b>DIRECTOR'S SIGNATURE</b>  Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> All							
<b>For additional information contact:</b> Joseph G. Majdalani, P.E. Senior Assistant Director  <b>Phone:</b> (713) 641-9182		<b>Date and identification of prior authorizing Council action:</b> N/A							
<b>RECOMMENDATION: (Summary)</b> Accept low bid, award construction contract, and appropriate funds.									
<b>Amount and Source of Funding:</b> \$964,377.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier III.  10/15/08									
<b>SPECIFIC EXPLANATION:</b> This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems on an emergency basis throughout the City.									
<b>DESCRIPTION/SCOPE:</b> This project consists of sanitary sewer rehabilitation by point repair method. The contract duration for this project is 730 calendar days.									
<b>LOCATION:</b> The project area is generally bounded by the City Limits.									
<b>BIDS:</b> Two (2) bids were received on June 26, 2008 for this project as follows:									
<table><thead><tr><th><u>Bidder</u></th><th><u>Bid Amount</u></th></tr></thead><tbody><tr><td>1. Troy Construction, LLC</td><td>\$891,433.39</td></tr><tr><td>2. Reliance Construction Services, L.P.</td><td>\$911,329.62</td></tr></tbody></table>				<u>Bidder</u>	<u>Bid Amount</u>	1. Troy Construction, LLC	\$891,433.39	2. Reliance Construction Services, L.P.	\$911,329.62
<u>Bidder</u>	<u>Bid Amount</u>								
1. Troy Construction, LLC	\$891,433.39								
2. Reliance Construction Services, L.P.	\$911,329.62								
<b>File/Project No. WW 4235-41</b>		<b>REQUIRED AUTHORIZATION</b>							
Finance Department  Michelle Mitchell	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Jun Chang P.E., Interim Deputy Director Public Utilities Division							



<b>Date</b>	<b>Subject:</b> Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-0119-4	<b>Originator's Initials</b> M7	<b>Page</b> 2 of 2
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**AWARD:** It is recommended that this construction contract be awarded to Troy Construction, LLC, with a low bid of \$891,433.39.

**PROJECT COST:** The total cost of this project is \$964,377.00 to be appropriated as follows:

• Bid Amount	\$891,433.39
• Contingencies	\$44,571.67
• Project Management	\$13,371.94
• Engineering Testing Services	\$15,000.00

Engineering Testing Services will be provided by Arias & Associates, Inc. under a previously approved contract.

**M/WSBE PARTICIPATION:** The low bidder has demonstrated a good faith effort to comply with the M/WBE goals of the Texas Water Development Board. No city M/WSBE participation goal has been established for this project.

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

MSM:JC:JGM:RK:JI:MF:aa

cc: Marty Stein  
Jun Chang, P.E.  
Susan Bandy, CPA  
Velma Laws  
Reid Mrsny, P.E.  
File No. WW 4235-41



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Contract Award for Wastewater Collection System  
Rehabilitation and Renewal  
WBS# R-000266-0118-4

Page  
1 of 2

Agenda Item  
#

37

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

Department of Public Works and Engineering

**Origination Date**

10-16-08

**Agenda Date**

Nov 19 2008

**DIRECTOR'S SIGNATURE**

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

**Council District affected:**  
All

**For additional information contact:**

Joseph G. Majdalani, P.E.  
Senior Assistant Director

*Joseph G. Majdalani*  
Phone: (713) 641-9182

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

N/A

**RECOMMENDATION: (Summary)**

Accept low bid, award construction contract, and appropriate funds.

**Amount and Source of Funding:** \$1,651,033.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier III. *10/17/08*

**SPECIFIC EXPLANATION:** This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems on an emergency basis throughout the City.

**DESCRIPTION/SCOPE:** This project consists of sanitary sewer rehabilitation by point repair method. The contract duration for this project is 730 calendar days.

**LOCATION:** The project area is generally bounded by the City Limits.

**BIDS:** Five (5) bids were received on May 29, 2008 for this project as follows:

Bidder

Bid Amount

- |   |                |
|---|----------------|
| 1. Metro City Construction, L.P.        | \$1,536,181.13 |
| 2. Troy Construction, L.L.C.            | \$1,617,000.60 |
| 3. RePipe Construction, LTD             | \$1,628,756.16 |
| 4. Reliance Construction Services, L.P. | \$1,689,003.41 |
| 5. D.L. Elliott Enterprises, Inc.       | \$3,630,140.25 |

**File/Project No. WW 4235-40**

**REQUIRED AUTHORIZATION**

**CUIC# 20JGM245**

Finance Department

**Other Authorization:**

**Other Authorization:**

*Michelle Mitchell*

*Jun Chang*  
Jun Chang, P.E.  
Public Utilities Division

NDT



<b>Date</b>	<b>Subject:</b> Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-0118-4	<b>Originator's Initials</b> <i>MF</i>	<b>Page</b> 2 of 2
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**AWARD:** It is recommended that this construction contract be awarded to Metro City Construction, L.P. with a low bid of \$1,536,181.13.

**PROJECT COST:** The total cost of this project is \$1,651,033.00 to be appropriated as follows:

- Bid Amount \$1,536,181.13
- Contingencies \$76,809.06
- Project Management \$23,042.81
- Engineering Testing Services \$15,000.00

Engineering Testing Services will be provided by DAE & Associates, LTD., d/b/a Geotech Engineering & Testing a Texas Limited Partnership, under a previously approved contract.

**M/WSBE PARTICIPATION:** The low bidder has demonstrated a good faith effort to comply with the M/WBE goals of the Texas Water Development Board and the SBE goals of the City of Houston. The bidder has proposed an MBE participation of 14%, WBE participation of 5%, and SBE participation of 3%.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
RP Construction.	Sewer Installation	\$ 92,170.87	6.00%
Vaca Underground	Sewer Line Installation	\$122,894.49	8.00%
	<b>TOTAL</b>	<b>\$215,065.36</b>	<b>14.00%</b>

<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
El Dorado Paving Company, Inc.	Paving	\$76,809.05	5.00%
	<b>TOTAL</b>	<b>\$76,809.05</b>	<b>5.00%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Ace Telecom	Sewer Line Installation	\$46,085.43	3.00%
	<b>TOTAL</b>	<b>\$46,085.43</b>	<b>3.00%</b>

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

*JTM RB MF*  
MSM:JT:JGM:RK:JI:MF:aa

cc: Marty Stein

Susan Bandy, CPA  
Velma Laws

File No. WW 4235-40



# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:**  
Ordinances granting Commercial Solid Waste Operator Franchises

Category #

Page 1 of 1

Agenda Item#

*2nd Reading*

*38 + 39*

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

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

Origination Date

November 4, 2008

Agenda Date

~~NOV 12 2008~~

**DIRECTOR'S SIGNATURE:**

*[Signature]*

Council Districts affected:

ALL

*NOV 19 2008*

**For additional information contact:**

Juan Olguin *359* Phone: (713) 837- 9623  
Tina Paez *18* Phone: (713) 837- 9630

**Date and identification of prior authorizing**

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

**RECOMMENDATION: (Summary)**

Approve ordinance(s) granting Commercial Solid Waste Operator Franchise(s)

**Amount of Funding:**  
REVENUE

**F & A Budget:**

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

**SPECIFIC EXPLANATION:**

It is recommended that City Council approve ordinance(s) granting Commercial Solid Waste Operator Franchises to the following solid waste operators pursuant to Article VI, Chapter 39. The proposed Franchisees are:

1. J Bar Contractors
2. TAP Environmental, Inc.

The proposed ordinances grant the Franchisees the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, each Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise terms expire on December 31, 2013.

**REQUIRED AUTHORIZATION**

Finance Director:



# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:

Ordinance granting Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

Agenda Item#

FROM: (Department or other point of origin):

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

FINAN

Origination Date

October 27, 2008

Agenda Date

NOV 12 2008  
NOV 05 2008

DIRECTOR'S SIGNATURE:

Council Districts affected:

ALL

For additional information contact:

Juan Olguin 570 1027108 Phone: (713) 837-9623  
Nikki Cooper 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 Franchises to the following solid waste operators pursuant to Article VI, Chapter 39. The proposed Franchisees are:

1. Longhorn Bag, LLC

The proposed ordinance grants the Franchisees the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, each Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise terms expire on December 31, 2013.

REQUIRED AUTHORIZATION

Finance Director:



41

NOV 19 2008

MOTION NO. 2008 0777

MOTION by Council Member Noriega that the following item be postponed until November 19, 2008:

Item 41 - Ordinance approving and authorizing Interlocal Agreement between the City and the Texas Department of Transportation (TXDOT) for Registration holds on vehicles with 1) Outstanding penalty for Photographic Traffic Signal Enforcement System Violations (a.k.a the Red Light Camera System), and/or 2) Outstanding warrants for failure to appear or failure to pay a fine for traffic moving violations; providing a maximum contract amount - \$340,000.00 General and Darlep Funds

Seconded by Council Member Sullivan and carried.

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

Council Member Khan out of the City on business

PASSED AND ADOPTED this 22nd day of October, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is October 28, 2008.

  
City Secretary



# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:** Interlocal Agreement with the Texas Department of Transportation relating to Registration Holds on Vehicles.

Category #

Page 1  
of 2

Agenda Item#

41 77 23

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

**Origination Date**

**Agenda Date**

Municipal Courts Administration Department,  
Houston Police Department

October 6, 2008

~~OCT 15 2008~~

~~OCT 22 2008~~

**DIRECTOR'S SIGNATURE:**

**Council Districts affected:**

All

NOV 19 2008

Sahira J. Abdool, Director and Chief Clerk  
Harold L. Hurtt, Chief of Police

**For additional information contact:**

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

Sahira J. Abdool, MCA Director Chief Clerk (713) 247-8013  
Joseph A. Fenninger, HPD CFO/Deputy Director (713) 308-1708

**RECOMMENDATION:** Adopt Ordinance approving Interlocal Agreement with the Texas Department of Transportation (TxDOT) to preclude registration renewal of a motor vehicle with a past due 1) civil penalty resulting from a red light violation and/or 2) fine for failure-to-appear warrant.

**Amount and source of Funding:**

**Finance Department Budget:**

**Phase I:** Initial start-up cost not to exceed \$40,000 – DARLEP Fund (2212)

**Phase II:** Initial start-up cost not to exceed \$300,000 – General Fund (1000)

## SPECIFIC EXPLANATION:

**Phase I** – (November-December, 2008) – HPD instituted the Digital Automated Red Light Enforcement Program (DARLEP) to create safer intersections by modifying driver behavior. The potential for having to pay money out of pocket has traditionally been considered a deterrent for drivers inclined to commit violations, however if there are no consequences for failure to pay, the deterrent is not as effective. Currently there are limited and infrequent consequences for failure to pay the fine for violating a red light monitored by camera.

Approximately 29% of all notices issued since the program began in September, 2006 were unpaid after the second notice period elapsed and were sent to collection. The collection process is largely ineffective with an 18% success rate. The value of past due notices in collection and currently owed to the City of Houston is approximately \$8.8 million and is growing at \$500,000 per month.

Transportation Code §707.017 specifically envisions at least one enforcement mechanism for those choosing to ignore Red Light Camera violations that have been assessed as an operation of law or after the vehicle owner has availed himself or herself of the appellate process. The County Tax Assessor-Collector or TxDOT may refuse to register a motor vehicle alleged to have been involved in a Red Light Camera violation. In this case it would be accomplished with a standard Interlocal Agreement with TxDOT under which a vehicle involved in a Red Light Camera violation with a past due notice will be "flagged" and that vehicle will not be allowed to have its registration renewed until the "flag" is removed by proof that the penalty has been disposed of.

TxDOT will charge for each file submitted (currently \$23 per file) as well as \$.12 (twelve cents) for each transaction on the file. The initial start-up cost for Phase I is not to exceed \$40,000. Ongoing costs are estimated at \$3,000 per month, which will be more than offset by increased collections.



**Phase II** (early 2009) – MCA issues approximately 11,000 Failure-to-Appear (FTA) warrants every month, with an average rate paid of slightly over 18%. The estimated value of unpaid FTA's on a monthly basis is just under \$1M.

Section 702.003 of the Texas Transportation Code provides that a County Tax Assessor-Collector or TxDOT, under a contract, may refuse to register a motor vehicle if the department receives information from a municipality that the owner of the vehicle has an outstanding warrant for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law. The TxDOT cost to “flag” such vehicles is \$23.00 per file submission plus \$.12 for each transaction in the file. The initial startup cost for Phase II is not to exceed \$300,000. Ongoing costs are estimated at \$12,000 per month, which will be offset by increased collections and more efficient disposition of Municipal Court Cases.

cc: Marty Stein, Agenda Director  
Arturo Michel, City Attorney  
Michelle Mitchell, Finance Director

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





NOV 19 2008

MOTION NO. 2008

MOTION by Council Member Khan that the recommendation of the Director of the Department of Public Works and Engineering, for payment of invoice from Texas Commission on Environmental Quality (TCEQ) for Annual Consolidated Water Quality (CWQ) fee for FY09, be adopted and payment in the amount of \$1,175,230.20, is hereby approved by the City Council.

Seconded by Council Member Sullivan

Council Members Holm and Brown absent

Council Members Lawrence, Johnson and Garcia out of the City on City business


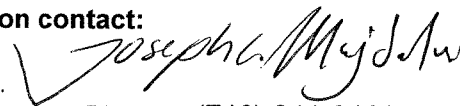
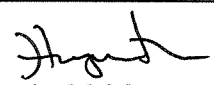
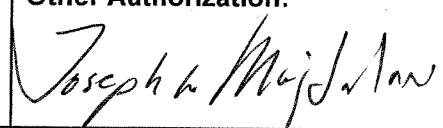
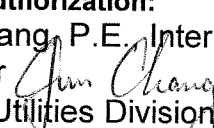
On 11/12/2008 the above motion was tagged by Council Member Khan.

mla



TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Texas Commission on Environmental Quality (TCEQ)'s Annual Consolidated Water Quality (CWQ) fee for FY09		<b>Page</b> 1 of 1	<b>Agenda Item #</b> 427
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 11-4-08	<b>Agenda Date</b> NOV 12 2008 NOV 19 2008
<b>DIRECTOR'S SIGNATURE</b>  Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> All	
<b>For additional information contact:</b> Joseph G. Majdalani, P.E. Senior Assistant Director  <b>Phone:</b> (713) 641-9182		<b>Date and identification of prior authorizing Council action:</b> N/A	
<b>RECOMMENDATION: (Summary)</b>  Authorize payment of the TCEQ invoice for <b>\$1,175,230.20</b> for the annual Consolidated Water Quality (CWQ) fee for 39 wastewater treatment plants, of which two (Sims Bayou North and Sims Bayou South) operate under a single permit number, 10495-002.			
<b>Amount &amp; Source of Funding:</b>  <b>\$1,175,230.20</b> from the Water and Sewer System Operating Fund 8300		 10/29/08	
<b>SPECIFIC EXPLANATION:</b>  This is a Request for Council Action (RCA) to authorize payment of an invoice received from the Texas Commission on Environmental Quality (TCEQ) for the annual Consolidated Water Quality (CWQ) fee that applies to the COH's 39 wastewater treatment plants.  The current invoice covers the period from September 1, 2008 to August 31, 2009, corresponding to TCEQ's fiscal year FY09. The annual assessment is based on the permitted flow and pollutants for each wastewater treatment plant. The fee rate schedule is found in TCEQ's regulations, - Title 30, Texas Administrative Code (TAC), Chapter 21: Water Quality Fees, Section 21.3. Fee Assessment.  The revenue resulting from the Consolidated Water Quality fee pays TCEQ's expenses to inspect wastewater treatment facilities and to enforce the provisions of the Texas Water Code. It also funds comprehensive monitoring of water quality for each river basin, conducted under the Texas Clean Rivers Program.  Recommend that Council approve the Department of Public Works and Engineering's request to pay TCEQ the invoiced amount of <b>\$1,175,230.20</b> .  MSM:JC:JGM:WS:ag  cc: Susan Bandy, CPA Craig Foster Joseph G. Majdalani, P.E. Marty Stein			
<b>REQUIRED AUTHORIZATION</b> <b>CUIC# 20JGM260</b>			
<b>Finance Department</b>	<b>Other Authorization:</b> 	<b>Other Authorization:</b> Jun Chang, P.E., Interim Deputy Director  Public Utilities Division	





TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

# INVOICE


COMPANY: CITY OF HOUSTON  
ACCOUNT: 23002078

DETACH BOTTOM PORTION AND RETURN WITH PAYMENT - KEEP TOP PORTION FOR YOUR RECORDS -

PAGE 1

ACCOUNT NO.	THIS INVOICE REFLECTS ALL PAYMENTS RECEIVED THROUGH:		LATE FEES	BALANCE DUE
23002078	OCT07, 08		0.00	1,175,230.20
INVOICE DATE	INVOICE NO.	DESCRIPTION	AMOUNT	BALANCE
OCT31, 08	CWQ0023107	PERMIT 010495-002 FY09 CWQ ASSESSMENT FE	75,000.00	75,000.00
OCT31, 08	CWQ0023108	PERMIT 010495-003 FY09 CWQ ASSESSMENT FE	75,000.00	150,000.00
OCT31, 08	CWQ0023109	PERMIT 010495-009 FY09 CWQ ASSESSMENT FE	28,800.00	178,800.00
OCT31, 08	CWQ0023110	PERMIT 010495-010 FY09 CWQ ASSESSMENT FE	9,655.00	188,455.00
OCT31, 08	CWQ0023111	PERMIT 010495-016 FY09 CWQ ASSESSMENT FE	31,425.00	219,880.00
OCT31, 08	CWQ0023112	PERMIT 010495-023 FY09 CWQ ASSESSMENT FE	17,310.00	237,190.00
OCT31, 08	CWQ0023113	PERMIT 010495-030 FY09 CWQ ASSESSMENT FE	75,000.00	312,190.00
OCT31, 08	CWQ0023114	PERMIT 010495-037 FY09 CWQ ASSESSMENT FE	75,000.00	387,190.00
OCT31, 08	CWQ0023115	PERMIT 010495-050 FY09 CWQ ASSESSMENT FE	26,207.00	413,397.00
OCT31, 08	CWQ0023116	PERMIT 010495-065 FY09 CWQ ASSESSMENT FE	10,405.00	423,802.00
OCT31, 08	CWQ0023117	PERMIT 010495-075 FY09 CWQ ASSESSMENT FE	20,893.00	444,695.00
OCT31, 08	CWQ0023118	PERMIT 010495-076 FY09 CWQ ASSESSMENT FE	75,000.00	519,695.00
OCT31, 08	CWQ0023119	PERMIT 010495-077 FY09 CWQ ASSESSMENT FE	32,470.00	552,165.00
OCT31, 08	CWQ0023120	PERMIT 010495-078 FY09 CWQ ASSESSMENT FE	35,605.00	587,770.00
				1,175,230.20

See REVERSE SIDE for Explanation of Charges and TCEQ Contact Telephone Numbers.

PLEASE PAY THIS AMOUNT   
INCLUDE ACCOUNT NUMBER ON CHECK

TCEQ VIPP Form AR41A 02-16-06

OCT06, 08

DETACH THIS PORTION AND RETURN WITH  
CHECK OR MONEY ORDER PAYABLE TO:



TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

ACCOUNT NO.	BALANCE DUE
23002078	1,175,230.20

☐ CHECK HERE IF YOUR ADDRESS HAS CHANGED.  
PLEASE INDICATE ADDRESS CHANGE ON BACK

**INVOICES NOT PAID WITHIN  
30 DAYS OF INVOICE DATE WILL  
ACCRUE PENALTIES**

CITY OF HOUSTON  
ATTN: JOSEPH MAJDALANIE  
4545 GROVEWAY DR  
DEPT OF PUBLIC WORKS AND ENGIN  
HOUSTON TX 770871122

0023002078 1533360 01175230201130083



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**BILLING DATE:** OCT06,08

**ACCOUNT NO.:** 23002078

**PAGE** 2

INVOICE DATE	INVOICE NO.	DESCRIPTION	AMOUNT	BALANCE
OCT31,08	CWQ0023121	PERMIT 010495-079 FY09 CWQ ASSESSMENT FE	18,391.00	606,161.00
OCT31,08	CWQ0023122	PERMIT 010495-090 FY09 CWQ ASSESSMENT FE	75,000.00	681,161.00
OCT31,08	CWQ0023123	PERMIT 010495-095 FY09 CWQ ASSESSMENT FE	32,255.00	713,416.00
OCT31,08	CWQ0023124	PERMIT 010495-099 FY09 CWQ ASSESSMENT FE	18,810.00	732,226.00
OCT31,08	CWQ0023125	PERMIT 010495-100 FY09 CWQ ASSESSMENT FE	16,192.00	748,418.00
OCT31,08	CWQ0023126	PERMIT 010495-101 FY09 CWQ ASSESSMENT FE	17,310.00	765,728.00
OCT31,08	CWQ0023127	PERMIT 010495-109 FY09 CWQ ASSESSMENT FE	50,930.00	816,658.00
OCT31,08	CWQ0023128	PERMIT 010495-110 FY09 CWQ ASSESSMENT FE	31,625.00	848,283.00
OCT31,08	CWQ0023129	PERMIT 010495-111 FY09 CWQ ASSESSMENT FE	58,078.00	906,361.00
OCT31,08	CWQ0023130	PERMIT 010495-112 FY09 CWQ ASSESSMENT FE	3,454.00	909,815.00
OCT31,08	CWQ0023131	PERMIT 010495-116 FY09 CWQ ASSESSMENT FE	75,000.00	984,815.00
OCT31,08	CWQ0023132	PERMIT 010495-119 FY09 CWQ ASSESSMENT FE	75,000.00	1,059,815.00
OCT31,08	CWQ0023133	PERMIT 010495-122 FY09 CWQ ASSESSMENT FE	23,020.00	1,082,835.00
OCT31,08	CWQ0023134	PERMIT 010495-126 FY09 CWQ ASSESSMENT FE	10,405.00	1,093,240.00
OCT31,08	CWQ0023135	PERMIT 010495-133 FY09 CWQ ASSESSMENT FE	7,745.00	1,100,985.00
OCT31,08	CWQ0023136	PERMIT 010495-135 FY09 CWQ ASSESSMENT FE	16,270.00	1,117,255.00
OCT31,08	CWQ0023137	PERMIT 010495-136 FY09 CWQ ASSESSMENT FE	17,380.00	1,134,635.00
OCT31,08	CWQ0023138	PERMIT 010495-139 FY09 CWQ ASSESSMENT FE	4,176.50	1,138,811.50
OCT31,08	CWQ0023139	PERMIT 010495-142 FY09 CWQ ASSESSMENT FE	1,592.10	1,140,403.60
OCT31,08	CWQ0023140	PERMIT 010495-146 FY09 CWQ ASSESSMENT FE	22,665.00	1,163,068.60
OCT31,08	CWQ0023141	PERMIT 010495-148 FY09 CWQ ASSESSMENT FE	2,051.60	1,165,120.20
OCT31,08	CWQ0023142	PERMIT 010495-149 FY09 CWQ ASSESSMENT FE	3,995.00	1,169,115.20
OCT31,08	CWQ0023143	PERMIT 010495-150 FY09 CWQ ASSESSMENT FE	2,950.00	1,172,065.20
OCT31,08	CWQ0023144	PERMIT 010495-151 FY09 CWQ ASSESSMENT FE	3,165.00	1,175,230.20



143

MOTION NO. 2008

NOV 19 2008

MOTION by Council Member Lovell that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from Christy B. Smidt of Kerry R. Gilbert & Associates, Inc., 23501 Cinco Ranch Blvd. Suite A-250, Katy, Texas, 77494, on behalf of EBH Development Group, for the abandonment and sale of Briarway Court from Briar Hollow Lane to its terminus and a 10-foot-wide prescriptive storm sewer easement, all located within the Ivy Oaks subdivision plat out of the William White Survey A-836, Parcel Nos. SY9-010A and SY9-010B, be adopted as follows:

1. The City abandon and sell Briarway Court from Briar Hollow Lane to its terminus and a 10-foot-wide prescriptive storm sewer easement all located within the Ivy Oaks subdivision plat out of the William White Survey A-836;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The applicant be required to: (a) cut, plug, and abandon the 4-inch water main that occupies the Briarway Court 60-foot right-of-way, from the terminus of the water main to the Briar Hollow right-of-way, and move the fire hydrant to the main line on Briar Hollow and pay the depreciated value for the water main; (b) cut, plug, and abandon the 8-inch sanitary sewer that occupies the Briarway Court 60-foot wide right-of-way, from the terminus of the sewer to the existing 8-inch sewer in the Briar Hollow right-of-way and pay the depreciated value for the sanitary sewer; (c) cut, plug and abandon the 12-inch storm sewer that occupies the Briarway Court 60-foot wide right-of-way, from the terminus of the storm sewer to Briar Hollow right-of-way; (d) cut, plug and abandon the 18-inch storm sewer south of Briarway Court right-of-way from its terminus to the Briar Hollow right-of-way; (e) all of the foregoing items must be completed at no cost to the City and under the proper permits;
4. In the interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost for work required in Item 3 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide a LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for the transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;



5. The applicant be required to prepare drawings that show all public utilities (sanitary sewer, water and storm) that are to be abandoned, relocated, and/or constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the Council Motion shall be attached to the plan set when it is submitted for plan review;
6. The applicant be required to: (a) remove existing public street name signs and return these to the Traffic Operations Center at 2200 Patterson and replace with a street name sign that indicates "Private" or "Pvt"; (b) eliminate the public street appearance of Briarway Court at its intersection with Briar Hollow Lane by removing the Briarway Court pavement and extending the curb along Briar Hollow across Briarway Court pavement and extending the curb along Briar Hollow across Briarway Court or fencing off or gating Briarway Court if the pavement is to remain in place after the street is abandoned;
7. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the street being abandoned and sold;
8. The Legal Department be authorized to prepare the necessary transaction documents; and
9. Inasmuch as the value of the property interests is not expected to exceed \$1,000,000 that the value be established by an independent appraiser, appointed by the Director of Public Works and Engineering.

Seconded by Council Member Khan

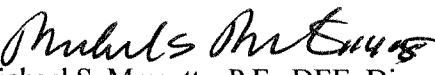
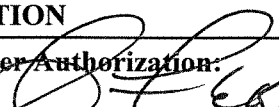
Council Members Holm and Brown absent

Council Members Lawrence, Johnson and Garcia out of the City on City business

On 11/12/2008 the above motion was tagged by Council Member Sullivan.

mla



<b>SUBJECT:</b> Request for the abandonment and sale of Briarway Court from Briar Hollow Lane to its terminus and a 10-foot-wide prescriptive storm sewer easement, all located within the Ivy Oaks subdivision plat out of the William White Survey A-836. <b>Parcels SY9-010A and SY9-010B</b>		<b>Page</b> <b>1 of 2</b>	<b>Agenda Item #</b> <b>439</b>
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 11-6-08	<b>Agenda Date</b> <del>NOV 12 2008</del> NOV 19 2008
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> G <b>Key Map:</b> 491R	
<b>For additional information contact:</b> Nancy P. Collins Senior Assistant Director-Real Estate <b>Phone:</b> (713) 837-0881		<b>Date and identification of prior authorizing Council Action:</b>	
<b>RECOMMENDATION: (Summary)</b> It is recommended City Council approve a Motion authorizing the abandonment and sale of Briarway Court from Briar Hollow Lane to its terminus and a 10-foot-wide prescriptive storm sewer easement, all located within the Ivy Oaks subdivision plat out of the William White Survey A-836. <b>Parcels SY9-010A and SY9-010B</b>			
<b>Amount and Source of Funding:</b> Not Applicable			
<b>SPECIFIC EXPLANATION:</b> <p>Christy B. Smidt of Kerry R. Gilbert &amp; Associates, Inc., 23501 Cinco Ranch Blvd. Suite A-250, Katy, Texas, 77494, on behalf of EBH Development Group, requested the abandonment and sale of Briarway Court from Briar Hollow Lane to its terminus and a 10-foot-wide prescriptive storm sewer easement, all located within the Ivy Oaks subdivision plat out of the William White Survey A-836. EBH Development Group plans to develop a 200-250 unit apartment complex as well as 30,000 square feet of commercial space.</p> <p>This is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an Ordinance effecting the abandonment and sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:</p> <ol style="list-style-type: none"><li>1. The City abandon and sell Briarway Court from Briar Hollow Lane to its terminus and a 10-foot-wide prescriptive storm sewer easement all located within the Ivy Oaks subdivision plat out of the William White Survey A-836;</li><li>2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;</li><li>3. The applicant be required to: (a) cut, plug, and abandon the 4-inch water main that occupies the Briarway Court 60-foot right-of-way, from the terminus of the water main to the Briar Hollow right-of-way, and move the fire hydrant to the main line on Briar Hollow and pay the depreciated value for the water main; (b) cut, plug, and abandon the 8-inch sanitary sewer that occupies the Briarway Court 60-foot wide right-of-way, from the terminus of the sewer to the existing 8-inch sewer in the Briar Hollow right-of-way and pay the depreciated value for the sanitary sewer; (c) cut, plug and abandon the 12-inch storm sewer that occupies the Briarway Court 60-foot wide right-of-way, from the terminus of the storm sewer to Briar Hollow right-of-way; (d) cut, plug and abandon the 18-inch storm sewer south of Briarway Court right-of-way from its terminus to the Briar Hollow right-of-way; (e) all of the foregoing items must be completed at no cost to the City and under the proper permits;</li></ol>			
gg\sy9-010.rc1.doc		CUIC #20GG8988	
<b>REQUIRED AUTHORIZATION</b>			
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division	



<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of Briarway Court from Briar Hollow Lane to its terminus and a 10-foot-wide prescriptive storm sewer easement, all located within the Ivy Oaks subdivision plat out of the William White Survey A-836. <b>Parcels SY9-010A and SY9-010B</b>	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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4. In the interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost for work required in Item 3 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide a LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for the transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;
5. The applicant be required to prepare drawings that show all public utilities (sanitary sewer, water and storm) that are to be abandoned, relocated, and/or constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the Council Motion shall be attached to the plan set when it is submitted for plan review;
6. The applicant be required to: (a) remove existing public street name signs and return these to the Traffic Operations Center at 2200 Patterson and replace with a street name sign that indicates "Private" or "Pvt"; (b) eliminate the public street appearance of Briarway Court at its intersection with Briar Hollow Lane by removing the Briarway Court pavement and extending the curb along Briar Hollow across Briarway Court pavement and extending the curb along Briar Hollow across Briarway Court or fencing off or gating Briarway Court if the pavement is to remain in place after the street is abandoned;
7. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the street being abandoned and sold;
8. The Legal Department be authorized to prepare the necessary transaction documents; and,
9. Inasmuch as the value of the property interests is not expected to exceed \$1,000,000 that the value be established by an independent appraiser, appointed by the Director of Public Works and Engineering.

MSM:NPC:gg

c: Phil Boriskie  
Jun Chang, P.E.  
Raymond Chang, P.E., PTOE  
Marlene Gafrick  
Daniel Menendez, P.E.  
Arturo G. Michel  
Marty Stein

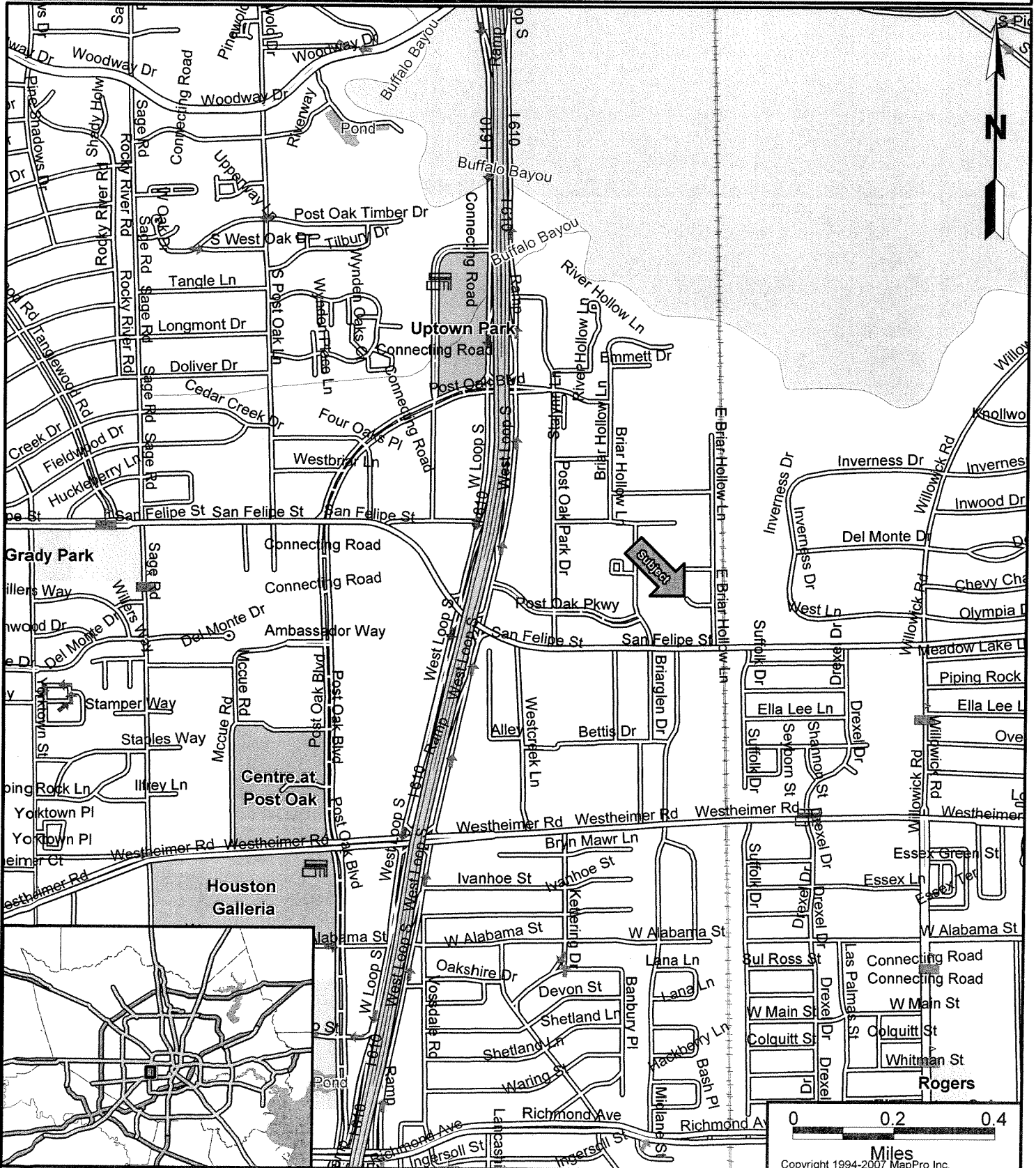


**LOCATION MAP**

**Description:** Request for the abandonment and sale of Briarway Court from Briar Hollow Lane to its terminus and a 10-foot-wide prescriptive storm sewer easement, all located within the Ivy Oaks subdivision plat out of the William White Survey A-836.  
**Parcels SY9-010A and SY9-010B**

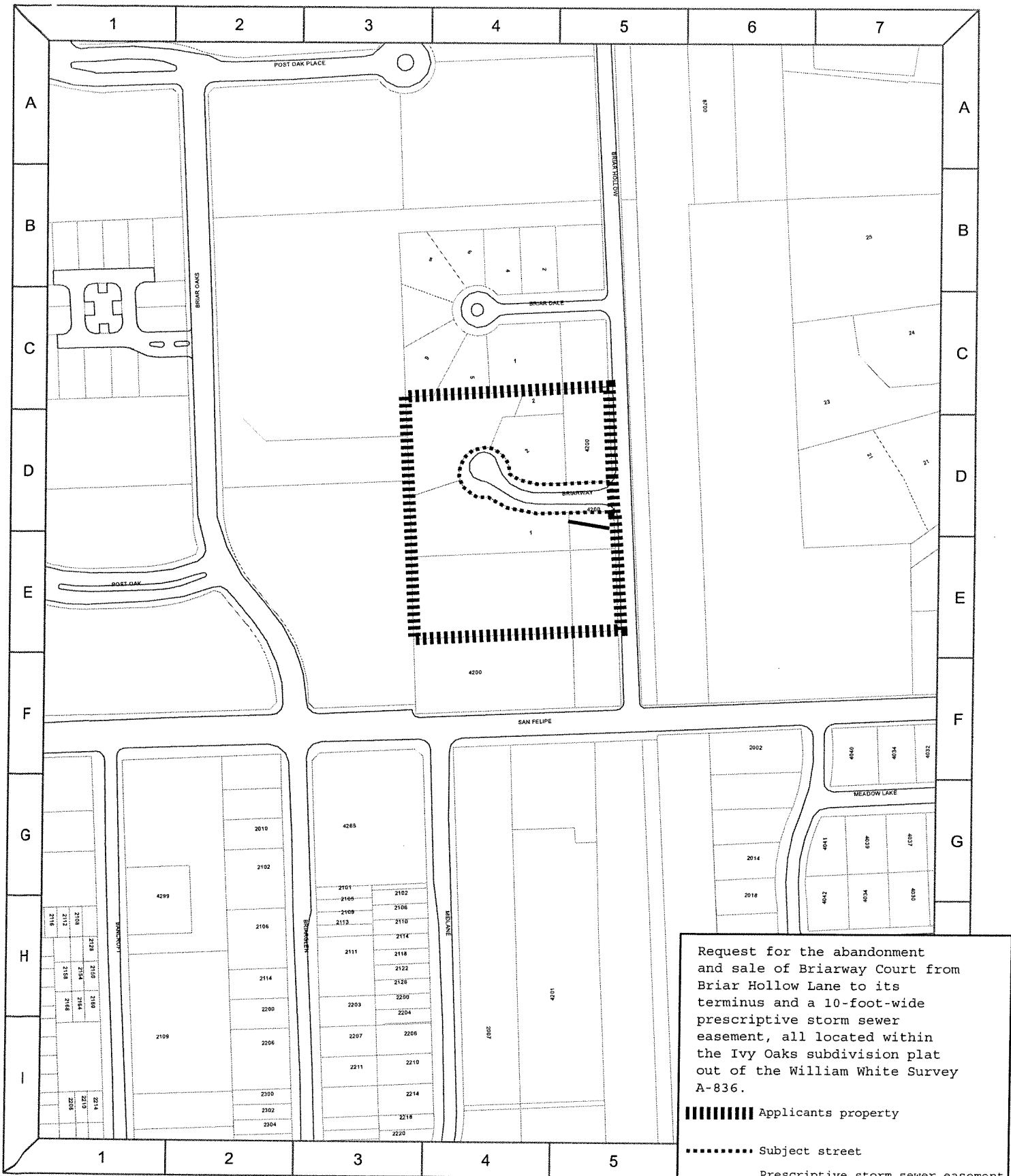
**Subject Address:** Briarway, Houston, TX 77027

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

**CAUTION:**

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





Request for the abandonment and sale of Briarway Court from Briar Hollow Lane to its terminus and a 10-foot-wide prescriptive storm sewer easement, all located within the Ivy Oaks subdivision plat out of the William White Survey A-836.

■■■■■■■■ Applicants property

..... Subject street

—— Prescriptive storm sewer easement

1 inch equals 250 feet

0 255075100

Feet



## CITY OF HOUSTON

Department of Public Works & Engineering

Geographic Information & Management System (GIMS)

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

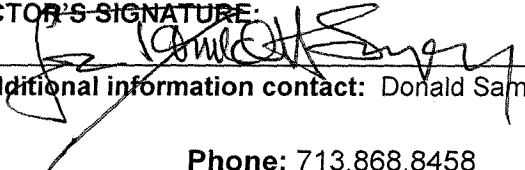




TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

HCD 08-150

<b>SUBJECT:</b> An Ordinance authorizing a substantial amendment to the 2008 Consolidated Action Plan to include the Neighborhood Stabilization Program (NSP).		<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>
<b>FROM (Department or other point of origin):</b> Richard S. Celli, Director Housing and Community Development Department		<b>Origination Date</b> 10/31/08	<b>Agenda Date</b> <del>NOV 12 2008</del> NOV 19 2008	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> A, B, D, E, H, I		
<b>For additional information contact:</b> Donald Sampley  <b>Phone:</b> 713.868.8458		<b>Date and identification of prior authorizing Council action:</b>		

**RECOMMENDATION: (Summary)**

City Council authorization to substantially amend the 2008 Consolidated Action Plan and submit an application for a Neighborhood Stabilization Program (NSP) and accept the grant award from the U.S. Department of Housing and Urban Development (HUD).

**Amount of Funding:** \$13,542,193**Finance Budget:**

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

☐ Other (Specify)**SPECIFIC EXPLANATION:**

The Housing and Community Development Department (HCDD) is requesting approval for substantially amending the 2008 Consolidated Action Plan and submitting an application to HUD for a Neighborhood Stabilization Program (NSP). HUD established NSP to assist cities in redevelopment of abandoned and foreclosed homes in economically distressed areas. The City of Houston is scheduled to receive \$13,542,193 to finance improvement strategies in areas adversely impacted by residential foreclosures.


HCDD has established three (3) Target Zones as demonstration areas for the Neighborhood Stabilization Program. NSP funds will be used to finance two (2) types of community improvement projects: Acquisition/Blight Removal and Acquisition/Rehabilitation of foreclosed abandoned residential properties. Federal funds will be leveraged with private sector and local dollars to reduce foreclosures, increase homeownership, expand the stock of affordable housing while removing the presence of vacant and abandoned buildings. NSP improvement strategies will be replicated in neighboring areas around each of the Target Zones. NSP funds are proposed for distribution among the following categories:

Acquisition/Blight Removal	\$8,802,425
Acquisition/Rehabilitation	\$3,385,549
Program Administration	\$1,354,219

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>Date</b>  10/31/08	<b>Subject:</b> An Ordinance authorizing a substantial amendment of the 2008 Consolidated Action Plan to include the Neighborhood Stabilization Program (NSP).	<b>Originators</b> <b>Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
<p>A summary of the NSP Substantial Amendment was published in the Houston Chronicle, LaVoz de Houston, Forward Times and Southern Chinese Daily News. As stipulated by federal regulations for the NSP Grant, residents have fifteen (15) days to comment on the proposed amendment to the <b>2008 Consolidated Action Plan</b> before it is approved by City Council. The fifteen-day review period extended from November 4, 2008 through November 18, 2008. In addition, information about the Neighborhood Stabilization Program will be distributed at a public hearing, sponsored by HCDD, on November 12th.</p>			
<p>Approval of the ordinance is recommended.</p>			
<p>cc: Financial Department Legal Department Mayor's Office City Secretary</p>			