

AGENDA - COUNCIL MEETING - TUESDAY - MARCH 31, 2009 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Adams

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 - APRIL 1, 2009 - 9:00 A. M.

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

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

MAYOR'S REPORT - Fiscal Year 2010 Budget Process

CONSENT AGENDA NUMBERS 1 through 38

MISCELLANEOUS - NUMBERS 1 and 2

1. REQUEST from Mayor for confirmation of the appointment of the following to serve as Full-Time and Part-Time **ADJUDICATION HEARING OFFICERS** for Parking Citations and the Photographic Traffic Signal Enforcement Program, for two year terms:

SYLVIA G. CASTILLO - Full-Time

ANGELA L. DIXON - Part-Time

MARK GOLDBERG - Part-Time

JOHN MICHAEL LEIJA - Part-Time

MEGAN A. MCLELLAN - Part-Time

AGENDA - APRIL 1, 2009 - PAGE 2

MISCELLANEOUS - continued

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **JOINT CITY/COUNTY COMMISSION ON CHILDREN**:
 - Position One - **MS. ANN P. KAUFMAN**, reappointment, and to serve as Chair, for a term to expire 12/31/2010
 - Position Three - **DR. BOBBIE ALLEN HENDERSON**, reappointment, for a term to expire 12/31/2010
 - Position Four - **MR. JIM S. ADLER**, appointment, for a term to expire 12/31/2009
 - Position Six - **MS. JO ANN DELGADO**, reappointment, for a term to expire 12/31/2009
 - Position Seven - **MR. J. VICTOR SAMUELS**, reappointment, for a term to expire 12/31/2010
 - Position Eight - **COUNCIL MEMBER MELISSA NORIEGA**, appointment, for a term to expire 12/31/2009
 - Position Nine - **MS. SHARON MICHAEL OWENS**, reappointment, for a term to expire 12/31/2010

ACCEPT WORK - NUMBERS 3 through 6A

3. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$65,586,887.03 and acceptance of work on contract with **CADDELL CONSTRUCTION COMPANY, INC** for Terminal A North Concourse at George Bush Intercontinental Airport/Houston (IAH) Project No. 530 - 1.80% over the original contract amount - **DISTRICT B - JOHNSON**
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,195,403.05 and acceptance of work on contract with **INDUSTRIAL TX. CORP.** for Jersey Village Pump Station Improvements - 8.64% under the original contract amount **DISTRICT A - LAWRENCE**
5. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **HEYL CONSTRUCTION, LTD.** to settle a lawsuit; authorizing payment to **AACON, INC** as Disbursing Agent for the bankruptcy estate of Heyl Construction, Ltd. **DISTRICT A - LAWRENCE**
- a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,933,787.37 and acceptance of work on contract with **HEYL CONSTRUCTION LTD.** for 54-inch Water Line along W. Tidwell Road from Hollister Drive to Old Hempstead Highway - 1.23% over the original contract amount - **DISTRICT A - LAWRENCE**
6. ORDINANCE appropriating \$179,126.66 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Contract No. 51678 between the City of Houston and **BOYER, INC** approved by Ordinance No. 2000-0515 (passed by City Council on June 14, 2005); approving and authorizing the execution of a Compromise and Settlement Agreement between Boyer, Inc and the City of Houston in reference to Cause No. 2003-18626, Boyer, Inc. v. the City of Houston, in the 164th Judicial District Court of Harris County, Texas
- a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,421,717.91 and acceptance of work on contract with **BOYER, INC** for Buffalo Bayou Siphon - 8.01% over the original contract amount - **DISTRICTS H - and I - RODRIGUEZ**

AGENDA - APRIL 1, 2009 - PAGE 3

PROPERTY - NUMBER 7

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Mario Escobedo, for sale of ±6,420 square feet of excess, fee-owned Fulton Street right-of-way, within Lots 10 and 11, Block 99, located in the Irvington Addition, out of the John Austin Survey, A-1, Parcel SY9-042
DISTRICT H

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 14

8. **PATTERSON DENTAL SUPPLY** for Dental Equipment and Supplies for the Houston Department of Health & Human Services - \$1,500,000.00 - General Fund
9. **SHI GOVERNMENT SOLUTIONS, INC** for Maintenance Agreement and License Renewal of NetIQ Software through the City's Master Agreement with the Texas Department of Information Resources for the Information Technology Department - \$173,412.93 - Central Service Revolving Fund
10. **HIGHLANDS CONSULTING GROUP, LLC** for Consulting Services (Phase II) for the 700 MHz Trunked Radio Systems & Maintenance Organizational Study from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for the Information Technology Department - \$140,000.00 - General Fund
11. **PROGRESSIVE COMMERCIAL AQUATICS, INC** for Swimming Pool Grates for the Parks & Recreation Department - \$116,415.00 - General Fund
12. **AMEND MOTION #2008-288, 4/30/08, TO AUTHORIZE** Change Order to Purchase MetaMAP Systems for the MD500E 4-Passenger Helicopters, awarded to **MD HELICOPTER, INC** for Houston Police Department - \$130,911.00 - Police Special Services Fund
13. **LAYNE-TEXAS** - \$140,600.00 and **BEVCO COMPANY** - \$66,875.00 for Clarifier Drive Assemblies for Department of Public Works & Engineering - Enterprise Fund
14. **DAVIS CHEVROLET** for Automotive, GM Car and Truck OEM Replacement Parts and Repair Services for Various Departments - \$3,553,834.34 - General and Fleet Management Funds

ORDINANCES - NUMBERS 15 through 38

15. ORDINANCE approving and authorizing contract between the City of Houston and **BRENTWOOD COMMUNITY FOUNDATION** providing up to \$940,692.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds, which amount includes a limitation on additional funding in the amount of \$470,346.00, for the operation of a community residence, administration of a short-term rent, mortgage and utility assistance program, and the provision of supportive services
DISTRICT D - ADAMS
16. ORDINANCE 1) appropriating \$500,000.00 out of TIRZ Affordable Housing Fund (Fund 2409); 2) appropriating \$1,200,000.00 out of TIRZ Uptown Series 2002B Fund (Fund 2410); 3) appropriating \$535,000.00 out of TIRZ Uptown Series 2004 Fund (Fund 2417); and 4) approving and authorizing a fifth amendment to Land Assembly Grant Agreement between the City of Houston and **LAND ASSEMBLAGE REDEVELOPMENT AUTHORITY ("LARA")** to provide funds for certain approved costs

ORDINANCES - continued

17. ORDINANCE approving and authorizing various contracts for Elderly Services provided through the Harris County Area Agency on Aging between the City and (1) **ASIAN AMERICAN FAMILY COUNSELING CENTER**, (2) **FAITH PRESBYTERIAN CHURCH OF BAYTOWN, TEXAS**, (3) **CHINESE COMMUNITY CENTER, INC** and (4) **THE SHELTERING ARMS, HOUSTON, TEXAS**; providing maximum contract amounts - \$3,909,505.36 - Grant Fund
18. 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 two substantial amendments to the plan
 - a. ORDINANCE approving and authorizing contract between the City of Houston, the **PASADENA INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide \$55,000.00 for the Development of Neighborhood Parks on Public School Grounds under the Spark Program CDBG Grant Funds **DISTRICT E - SULLIVAN**
 - b. ORDINANCE approving and authorizing third amendment to contract between the City of Houston, the **HOUSTON INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide an additional \$190,000.00 and continue the program for the Development of Neighborhood Parks on Public School Grounds under the Spark Program - CDBG Grant Funds - **DISTRICTS B - JOHNSON; E - SULLIVAN and DISTRICT H**
 - c. ORDINANCE approving and authorizing eighth amendment to contract between the City of Houston, the **ALIEF INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide \$55,000.00 and continue the program for the Development of Neighborhood Parks on Public School Grounds under the Spark Program - CDBG Grant Funds - **DISTRICT F - KHAN**
19. ORDINANCE appropriating \$14,552,875.00 out of Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone) Tax Increment Fund for payment to the **FOURTH WARD REDEVELOPMENT AUTHORITY** as provided herein - **DISTRICTS D - ADAMS and I - RODRIGUEZ**
20. ORDINANCE approving the third amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Five, City of Houston, Texas (Memorial-Heights Zone); authorizing the City Secretary to distribute such plans; determining the portion of tax increment the City will pay from the area annexed into the Zone - **DISTRICTS A - LAWRENCE; D - ADAMS; G - HOLM and DISTRICT H**
21. ORDINANCE making a general appropriation of certain revenues of the City in support of annual budgets for Fiscal Year 2009; authorizing transfers in support of the annual budgets of the City for Fiscal Year 2009; making additional appropriations; reclassifying the Fleet/Equipment Fund; creating the Historic Preservation Fund
22. ORDINANCE approving and authorizing contract between the City of Houston and **PULITZER BOGARD & ASSOCIATES, L.L.C.** for Consulting Services; establishing a maximum contract amount - 3 Years with two one-year options - \$300,000.00 - General Fund
23. ORDINANCE approving and authorizing Settlement Agreement between the City of Houston and **KOSSMAN CONTRACTING COMPANY, INC** (Civil Action No. H-96-3100); establishing annual goals for the Minority/Small Business Enterprise Program, including certain specific categories of construction contracts; **AMENDING CHAPTER 15, CODE OF ORDINANCES, HOUSTON, TEXAS**, to conform to the Settlement Agreement; containing a repealer - \$175,000.00 - Property and Casualty Fund

ORDINANCES - continued

24. ORDINANCE approving and authorizing amendment to an Enterprise License Agreement between the City of Houston and **ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC (ESRI)** extending the Enterprise License Agreement to include Houston Transtar (Approved by Ordinance No. 2008-0141); amending Ordinance No. 2008-0141 to increase the maximum contract amount for the aforementioned agreement - \$50,000.00 - Greater Houston TranStar and Emergency Center Fund
25. ORDINANCE appropriating \$3,500,000.00 out of Houston Airport System Consolidated 2001 NONAMT Construction Fund and approving and authorizing contract for Professional Engineering Services between the City of Houston and **KLOTZ ASSOCIATES, INC** for Rehabilitation of Taxiways "WA" and "WB" and Construction of a new West Complex Electrical Vault at George Bush Intercontinental Airport/Houston (Project No. 648) - **DISTRICT B - JOHNSON**
26. ORDINANCE approving and authorizing Purchase and Sale Agreement between Patsy Joan Creed, Lamesa Corporation and the estate of Leslie L. Appelt, Seller, and the City of Houston, Texas, Purchaser, for 2.4520 acres (106,809 square feet), more or less, of land located at 1002 Washington Avenue, Houston, Texas, for a purchase price of \$5,750,000.00 with additional expenses, for the Planning and Development Division of the Department of Public Works & Engineering - \$5,778,284.00 - Building Inspection Fund - **DISTRICT H**
27. ORDINANCE appropriating \$705,960.00 out of Public Library Consolidated Construction Fund as an additional appropriation for the African American Library at the Gregory School, WBS E-000144-0004-4, and approving and authorizing first amendment to construction contract between the City of Houston and **PRIME CONTRACTORS, INC**, (Approved by Ordinance No. 2008-0332); providing funding for architectural services under contract with Smith & Co. Architects (Outline Agreement No. 4600007469) and contingencies relating to construction of facilities financed by Public Library Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**
28. ORDINANCE de-appropriating \$238,000.00 approved by Ordinance 2008-0558, dated 6/18/08 for Construction of Fire Station No. 37; appropriating \$5,738,000.00 out of Fire Consolidated Construction Fund, approving and authorizing second amendment to Construction Management-At-Risk Contract (approved by Ordinance No. 2007-1323) between the City of Houston and **GILBANE BUILDING COMPANY** for Construction of Fire Station No. 90; WBS C-000065-0002-4; providing funding for Civic Art Program, engineering testing services, and contingencies related to construction of facilities financed by Fire Consolidated Construction Fund - **DISTRICT A - LAWRENCE**
29. ORDINANCE appropriating \$85,000.00 out of Street & Bridge Consolidated Construction Fund, \$300,000.00 out of Fire Consolidated Construction Fund, \$500,000.00 out of Parks Consolidated Construction Fund, \$100,000.00 out of Solid Waste Consolidated Construction Fund, \$325,000.00 out of Police Consolidated Construction Fund, \$425,000.00 out of Public Library Consolidated Construction Fund, \$300,000.00 out of Public Health Consolidated Construction Fund, and \$450,000.00 out of General Improvement Consolidated Construction Fund for Project Management Costs - \$75,000.00 - Enterprise Fund

ORDINANCES - continued

30. ORDINANCE appropriating \$2,000,000.00 out of General Improvement Consolidated Construction Fund, \$3,417,000.00 out of Police Consolidated Construction Fund, and \$1,237,000.00 out of Reimbursement of Equipment/Project Fund, approving and authorizing first amendment to Construction Management-At-Risk Contract (Approved by Ordinance No. 2008-0006) between the City of Houston and **SPAW GLASS CONSTRUCTION CORPORATION** for Midwest Police Station - District 18; providing funding for Civic Art Program, Security and Audio/Visual System, engineering testing services, and contingencies related to construction of facilities financed by the General Improvement Consolidated Construction Fund, the Police Consolidated Construction Fund, and the Reimbursement of Equipment/Project Fund **DISTRICT F - KHAN**
31. ORDINANCE appropriating \$500,000.00 out of Julia Ideson Library Contributions Fund and \$6,000,000.00 out of Reimbursement of Equipment/Projects Fund as an additional appropriation to Construction Management-At-Risk Contract (Approved by Ordinance No. 2007-1471) between the City of Houston and **SPAWMAXWELL COMPANY, LLC f.k.a. SPAW MAXWELL COMPANY, L.P.** for Construction of the Julia Ideson Building Restoration and Addition; providing funding to furnish and install Data/Telecom Equipment, Security Equipment, Furniture Fixtures and Equipment, a Mobile High Density Storage System, Engineering/Material Testing Services and contingencies related to construction of facilities financed by the Julia Ideson Library Contributions and Reimbursement of Equipment/Projects Funds - **DISTRICT I - RODRIGUEZ**
 - a. **SOUTHWEST SOLUTIONS GROUP** for Mobile High-Density Shelving through the State of Texas Building and Procurement Commissioner's Contract (TXMAS) for Houston Public Library \$445,000.00
32. ORDINANCE approving and authorizing (1) A Utility Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 415** and (2) A Water Supply Contract between the City of Houston and **THE COMMONS OF LAKE HOUSTON WATER SUPPLY, LTD.** to provide a temporary water supply for development within Harris County Municipal Utility District No. 415 - **DISTRICT E - SULLIVAN**
33. ORDINANCE deappropriating \$2,000,000.00 out of Street & Bridge Consolidated Construction Fund 4506; amending Ordinance No. 2005-371, which established the City's Utility Relocation Policy, to extend the term of the provisions requiring a utility relocation set-aside fund
34. ORDINANCE appropriating \$925,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **ENTECH CIVIL ENGINEERS, INC** for Neighborhood Street Reconstruction Project (NSR) 449 - **DISTRICTS A - LAWRENCE and B - JOHNSON**
35. ORDINANCE appropriating \$410,600.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **NEDU ENGINEERING SERVICES** for the Safe Sidewalk Program - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; F - KHAN and G - HOLM**
36. ORDINANCE appropriating \$324,687.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **BLACK & VEATCH** for Design of Almeda Sims Sludge Processing Facility Improvements (Approved by Ordinance No. 01-0458); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS**

AGENDA - APRIL 1, 2009 - PAGE 7

ORDINANCES - continued

37. ORDINANCE approving and authorizing Professional Services Contract between the City and **POST, BUCKLEY, SCHUH & JERNIGAN, INC** for Biomonitoring Testing at various Wastewater Treatment Plants; providing a maximum contract amount - 3 Years with two one-year options \$2,200,000.00 - Enterprise Fund
38. ORDINANCE appropriating \$2,218,000.00 out of Water & Sewer System Consolidated Construction Fund awarding contract to **BLASTCO TEXAS INC** for Rehabilitation of Ground Storage Tank at Acres Homes and Replacement of Bolted Tank with Concrete Tank at Willowchase Pump Stations, setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE and B - JOHNSON**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 39

MISCELLANEOUS

39. REVIEW on the record and make determination relative to the appeal from the decision of the Automotive Review Board, filed by Mr. Gregory Rincon on behalf of Richard and Patricia Gonzales for application for Automotive Storage Lot License #90619 for **STAN'S WRECKER SERVICE, INC**, 3551 Almeda Genoa

MATTERS HELD - NUMBERS 40 through 44

40. ORDINANCE approving and authorizing contract between the City and **YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF HOUSTON** for Elderly Services provided through the Harris County Area Agency on Aging; providing a maximum contract amount - \$1,765,686.04 - Grant Fund - **TAGGED BY COUNCIL MEMBER SULLIVAN**
This was Item 34 on Agenda of March 25, 2009
41. ORDINANCE appropriating \$239,000.00 out of Fire Consolidated Construction Fund for Construction Services for Various Houston Fire Department Facilities under an existing Citywide Contract (approved by Ordinance No. 2007-1052) with **SPRING EQUIPMENT COMPANY, INC**
DISTRICTS B - JOHNSON; D - ADAMS and I - RODRIGUEZ
TAGGED BY COUNCIL MEMBER JOHNSON
This was Item 47 on Agenda of March 25, 2009

MATTERS HELD - continued

42. RECEIVE nominations for appointment to Position 4 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS** for term to expire December 31, 2010
POSTPONED BY MOTION #2009-164, 3/25/09
This was Item 58 on Agenda of March 25, 2009
- a. MOTION to suspend the rules to confirm the appointment of an individual to Position 4 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS** for term to expire December 31, 2010
POSTPONED BY MOTION #2009-165, 3/25/09
This was Item 58A on Agenda of March 25, 2009
- b. APPOINTMENT of an individual to Position 4 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS** for term to expire December 31, 2010
POSTPONED BY MOTION #2009-165, 3/25/09
This was Item 58B on Agenda of March 25, 2009
43. REQUEST from Mayor for confirmation of the reappointment of **MS. VICTORIA A. ROCKWELL**, to Position Four of the **ST. GEORGE PLACE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS** for a term to expire December 31, 2010
POSTPONED BY MOTION #2009-165, 3/25/09
This was Item 59 on Agenda of March 25, 2009
44. REVIEW on the record and make determination relative to the appeal from the decision of the Electrical Board, filed by Scott A. Lisman on behalf of **VALCO INSTRUMENTS COMPANY, L.P.** regarding modification of the City of Houston Electrical Code as it pertains to Project No. 07065538 - **TAGGED BY COUNCIL MEMBERS LAWRENCE and KHAN**
This was Item 60 on Agenda of March 25, 2009

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

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

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

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

**CITY COUNCIL CHAMBER – CITY HALL 2nd FLOOR – TUESDAY
MARCH 31 , 2009 – 2:00PM**

AGENDA

3MIN 3MIN 3MIN

NON-AGENDA

2MIN 2MIN 2MIN

MS. CONNIE BARNABA – 410 Pierce St. Ste. 226 – 77002 - MWBE

3MIN 3MIN 3MIN

MR. DELL YORK – 8855 Gulf Freeway - 77017 – 281-995-5995- When are you guys going to stop throwing money away

MR. MARTY YAKLIN – 1819 Commonwealth – 77006 – 281-235-6234 – Parking Signs

MS. LORETTA KISER-JASPER - 13007 Wilde Glen Ln. – 77072 – 832-889-7702 – Sheriff Department wrongfully accused my son

MR. CHARLES SMOOT – 7710 Cherry Park - 77095 – 832-721-0961 – Homeless Program

MR. GENE WU – 8926 Hazen St. – 77036 – 512-689-8618 – Asian Representation in HPD

MS. ELSIE HUANG – 8580 Woodway, No. 1410 – 77063 – 713-782-7222 – Asian Population

MS. MARTHA WONG – 15 Greenway Unit 16F – 77046 – 713-622-7888 – Asian Assistant Police Chief

MR. JACKSON CHANGE – 4041 Richmond Ave. – 77027 – 713-965-9060 – Asian Assistant Police Chief

MR. CECIL FONG – 12054 Circle Drive East - 77071 – 713-230-4917 – Asian Assistant Police Chief

MR. MICHAEL NGUYEN – 11210 Bellaire - 77072 – Asian Assistant Police Chief

MS. JAN KISH – 13611 Hidden Dell Ct. – 77059 - Asian Assistant Police Chief

MS. LISA RICHARD – 1041 North Ln. – 77008 – 281-448-5449 – Crime Lab

MS. MARY ATKINSON - 1041 North Ln. – 77008 – 281-448-5449 – Crime Lab

MR. WILLIAM BEAL - 4718 Boicewood – 77016 – 713-633-0126 – January 20, 1980: Inauguration Day: President Regan

MS. SHALONDA E. FISHER – 6240 Antoine Dr., No. 225 – 77091 – 713-263-7898 – Problems within Children Protection Services

MS. CAROLYN WEBSTER – 6823 Reed Rd. – 77087 – 713-644-9266 – Crime and Garbage in my community

PASTOR DAVID UDOH – 14144 Westheimer, Ste. 110 -77077 – 832-338-0991 – Homelessness in the Community

MR. FRANK SALZHANDLER – 1813 Missouri St. – 77006 – 713-520-1985 – Hogg Bird Sanctuary

MS. PAT FOX - 1813 Missouri St. – 77006 – 713-520-1985 – Hogg Bird Sanctuary

PREVIOUS

1MIN 1MIN 1MIN



BILL WHITE
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

APR 01 2009

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 3-18-09
date

COUNCIL MEMBER: _____

March 18, 2009

The Honorable City Council
Houston, Texas

Re: Appointments of full-time and part-time adjudication hearing officers for parking citations and the Photographic Traffic Signal Enforcement Program

Dear Council Members:

Pursuant to Chapter 16, Article IV, and Chapter 45, Article XIX, of the City of Houston Code of Ordinances, I appoint the following individuals to serve as adjudication hearing officers for parking citations and the Photographic Traffic Signal Enforcement Program for two-year terms, beginning immediately upon Council confirmation:

Names	Full or Part-Time
Sylvia Castillo	Full-Time
Angela L. Dixon	Part-Time
Mark Goldberg	Part-Time
John Michael Leija	Part-Time
Megan A. McLellan	Part-Time

The résumés are attached for your review.

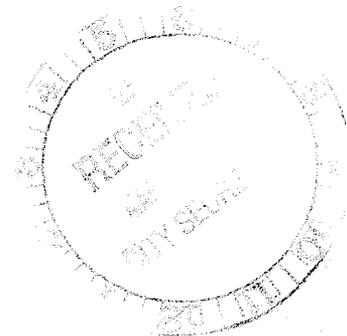
Sincerely,

Bill White
Mayor

BW:CC:jsk

Attachments

cc: The Honorable Berta Mejia, Presiding Judge of Municipal Courts
Marty Stein, Agenda Director, Mayor's Office
Christina J. Cabral, Director, Boards and Commissions





BILL WHITE
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

March 18, 2009

COPY TO EACH MEMBER OF COUNCIL:
CITY SECRETARY: 3-14-09
date

COUNCIL MEMBER: _____

2
APR 01 2009

The Honorable City Council
City of Houston

Dear Council Members:

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

Ms. Ann P. Kaufman, reappointment to Position One and to serve as Chair, for a term to expire December 31, 2010;

Dr. Bobbie Allen Henderson, reappointment to Position Three, for a term to expire December 31, 2010;

Mr. Jim S. Adler, appointment to Position Four, for a term to expire December 31, 2009;

Ms. Jo Ann Delgado, reappointment to Position Six, for a term to expire December 31, 2009;

Mr. J. Victor Samuels, reappointment to Position Seven, for a term to expire December 31, 2010;

Council Member Melissa Noriega, appointment to Position Eight, for a term to expire December 31, 2009; and

Ms. Sharon Michael Owens, reappointment to Position Nine, for a term to expire December 31, 2010.

The résumés are attached for your review. An additional appointment will be submitted at a later date.

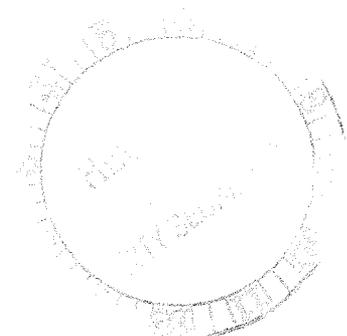
Sincerely,

Bill White

Bill White
Mayor

BW:CC:jsk

cc: Ms. Sherea McKenzie, Executive Director, w/attachment
Ms. Ann P. Kaufman, Chair, w/attachment



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Jersey Village Pump Station Improvements. WBS. No. S-001004-0002-4.	Page 1 of 1	Agenda Item # <div style="text-align: right; font-size: 2em; font-weight: bold;">4</div>
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 3/26/09	Agenda Date APR 01 2009
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D. WRE., BCEE, Director	Council Districts affected: A	
For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director	 Phone: (713) 837-7074	Date and Identification of prior authorizing Council Action: Ord. #2005-757 dated 06/15/2005

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,195,403.05 or 8.64% under the original Contract Amount, accept the Work, and authorize final payment.

Amount and Source of Funding: No additional funding required.
 (Original appropriation of \$1,515,700.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund, Fund No. 755.)

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's rehabilitation and upgrades of the Groundwater Production Facilities Program. It is required to increase the capacity, improve operability and to ensure compliance with the Safe Drinking Water Act requirements as promulgated by the Texas Commission on Environmental Quality (TCEQ).

DESCRIPTION/SCOPE: This project consisted of Jersey Village Pump Station Improvements. Pate Engineers, Inc. designed the project with 270 calendar days allowed for construction. The project was awarded to Industrial TX Corp. with an original Contract Amount of \$1,308,500.00.

LOCATION: The project area is located at 7207 Fairview Street in Key Map Grid 409-N.

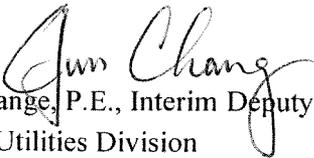
CONTRACT COMPLETION AND COST: The Contractor, Industrial TX Corp. has completed the Work under the subject contract. The project was completed within the Contract Time with additional 179 days allowed by Change Order Nos. 1 and 2. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1 is \$1,195,403.05, a decrease of \$113,096.95 or 8.64% under the original Contract Amount.

The decreased cost is primarily due to the Work not requiring use of Extra Unit Price Items.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 19.71%. The Contractor achieved an "Outstanding" rating for M/WBE Compliance.

MSM:JTL:CVS:RC:mq
 SAE&C Construction\Facilities\Projects\S-1004-02-3 Jersey Village\Closeout\RCA\RCA_CL-2.DOC

File No. S-001004-0002-4 - Closeout

REQUIRED AUTHORIZATION		CUIC ID# 20MZQ032
Finance Department:	Other Authorization:  Jun Chang, P.E., Interim Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineer and Construction Division

O: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Approve an Ordinance authorizing a Compromise and Settlement Agreement between the City of Houston and Heyl Construction, Ltd. to settle a lawsuit; Payment to Aacon, Inc. as Disbursing Agent for the Bankruptcy Estate of Heyl Construction, Ltd.; and pass a Motion to Accept Work for 54-inch Water Line along W. Tidwell Road from Hollister Drive to Old Hempstead Highway. WBS No. S-000900-0062-4.

Page 1 of 2

Agenda Item #

5.5A

FROM (Department or other point of origin):

Department of Public Works & Engineering

Origination Date
3-26-09

Agenda Date
APR 01 2009

Department DIRECTOR'S SIGNATURE:

Michael S. Marcotte, P.E. W.RE, BCEE, Director

Council Districts affected:
A

For additional information contact:

J. Timothy Lincoln, P.E. Sr. Assistant Director
Erica Schwam, LGL Assistant City Attorney
Phone: (713) 837-7047 Phone: (832) 393-6461

Date and Identification of prior authorizing Council Action:

Ord. No. 2001-502 Dated: 5/30/2001

RECOMMENDATION: (Summary) Approve an Ordinance authorizing a Compromise and Settlement Agreement between the City of Houston and Heyl Construction, Ltd. to settle a lawsuit; Payment to Aacon, Inc. as Disbursing Agent for the Bankruptcy Estate of Heyl Construction, Ltd.; and pass a Motion to Accept Work for 54-inch Water Line along W. Tidwell Road from Hollister Drive to Old Hempstead Highway.

Amount and Source of Funding: No additional appropriation required.

Original appropriation of \$4,511,100.00 from Water and Sewer System Consolidated Construction Fund No. 755.

FOR SETTLEMENT PURPOSES ONLY

SPECIFIC EXPLANATION: Pursuant to Houston Ordinance No. 01-502, Houston entered into Contract No. 52867, on or about July 12, 2001, with Heyl Construction Ltd. ("Heyl") for construction services for the 54-Inch Water Main along West Tidwell from Hollister to Old Hempstead Highway (the "Contract").

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's Surface Water Transmission Program. This program is required to meet Harris-Galveston Coastal Subsidence District's legislative mandate to regulate the withdrawal of ground water.

DESCRIPTION/SCOPE: The project consisted of construction of approximately 7,750 linear feet of 54-inch water line, valves and appurtenances along W. Tidwell Road from Hollister Drive to Old Hempstead Highway. S & B Infrastructure, Inc. designed the project with 270 calendar days allowed for construction. The project was awarded to Heyl Construction, Ltd. with an original Contract Amount of \$3,885,920.00. The final Contract Amount of \$3,933,787.37 is 1.23% over the original Contract Amount.

LOCATION: The project area is along W. Tidwell Road from Hollister Drive to Old Hempstead Highway. The project is located in Key Map Grids 450-B, C, and D.

CONTRACT COMPLETION AND COST: The Contractor, Heyl Construction Ltd. has completed the Work under subject Contract. The project was completed within the Contract Time with additional 315 days approved by Changer Order Nos. 1 through 5.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 16.91%. Heyl Construction Ltd. achieved a "Satisfactory" rating for M/WBE compliance.

REQUIRED AUTHORIZATION

CUIC ID# 20MZQ090 A

Finance Department

Other Authorization

Other Authorization



Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division



Arturo G. Michel, City Attorney
Legal

5.5A

Date	Approve an Ordinance authorizing a Compromise and Settlement Agreement between the City of Houston and Heyl Construction, Ltd. to settle a lawsuit; Payment to Aacon, Inc. as Disbursing Agent for the Bankruptcy Estate of Heyl Construction, Ltd.; and pass a Motion to Accept Work for 54-inch Water Line along W. Tidwell Road from Hollister Drive to Old Hempstead Highway. WBS No. S-000900-0062-4.	Originator's Initials	Page 2 of 2
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FOR SETTLEMENT PURPOSES ONLY

THE LAWSUIT:

On or about June 24, 2004, Heyl filed a lawsuit against Houston relating to the Contract in Cause No. 2004-33307, styled Heyl Construction Ltd. v. the City of Houston in the 215th Judicial District Court of Harris County, Texas. (the "Lawsuit"). Heyl claims it is entitled to \$500,580.00 for additional costs and damages it incurred to complete the contract.

On or about December 2, 2004, Heyl filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Western District of Texas. Marsha Milligan is the duly appointed and acting Trustee for Heyl's bankruptcy estate.

Marsha Milligan, as Bankruptcy Trustee for Heyl's bankruptcy estate, has offered to settle this claim for the total sum of \$97,917.16.

The Bankruptcy Court has ordered that payments being made to Heyl to settle this claim be made to Aacon, Inc., Disbursing Agent for Heyl Construction, Ltd.

After a thorough review, the Public Works & Engineering Department and the Legal Department recommend that Council accept his settlement offer and approve an Ordinance authorizing the execution of a Compromise and Settlement Agreement to settle this lawsuit; and pass a Motion to Accept Work for 54-inch Water Line along W. Tidwell Road from Hollister Drive to Old Hempstead Highway.

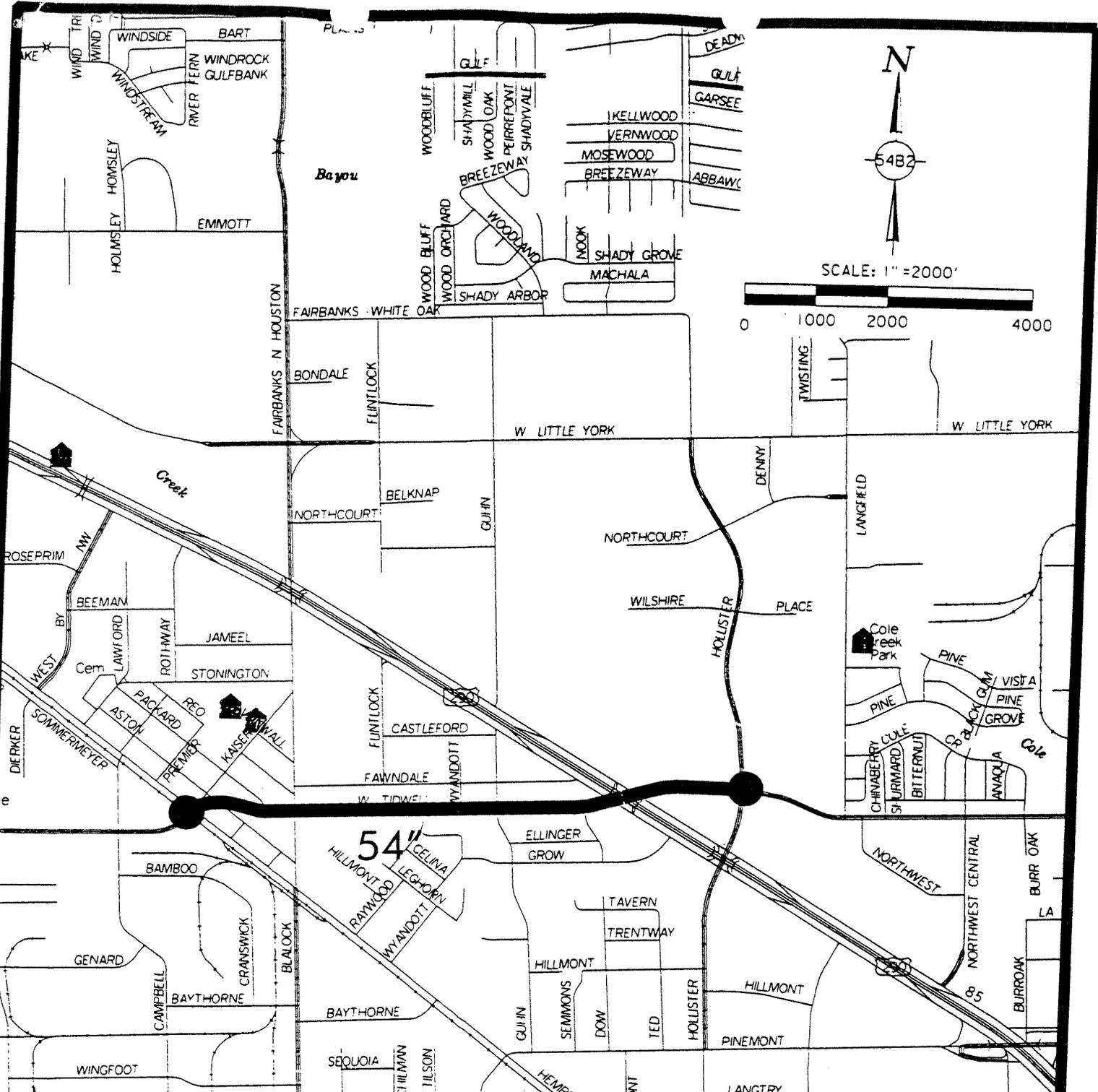
The Legal Department has prepared the settlement documents.



MSM:DRM:JTL:CWS:PK:mq

\\E&C Construction\North Sector\PROJECT FOLDER\S-000900-0062-4\23.0 Closeouts\RCA\RCA FINAL 2.DOC

:: File No. S-000900-0062-4 – Closeout 21.0



CITY OF HOUSTON

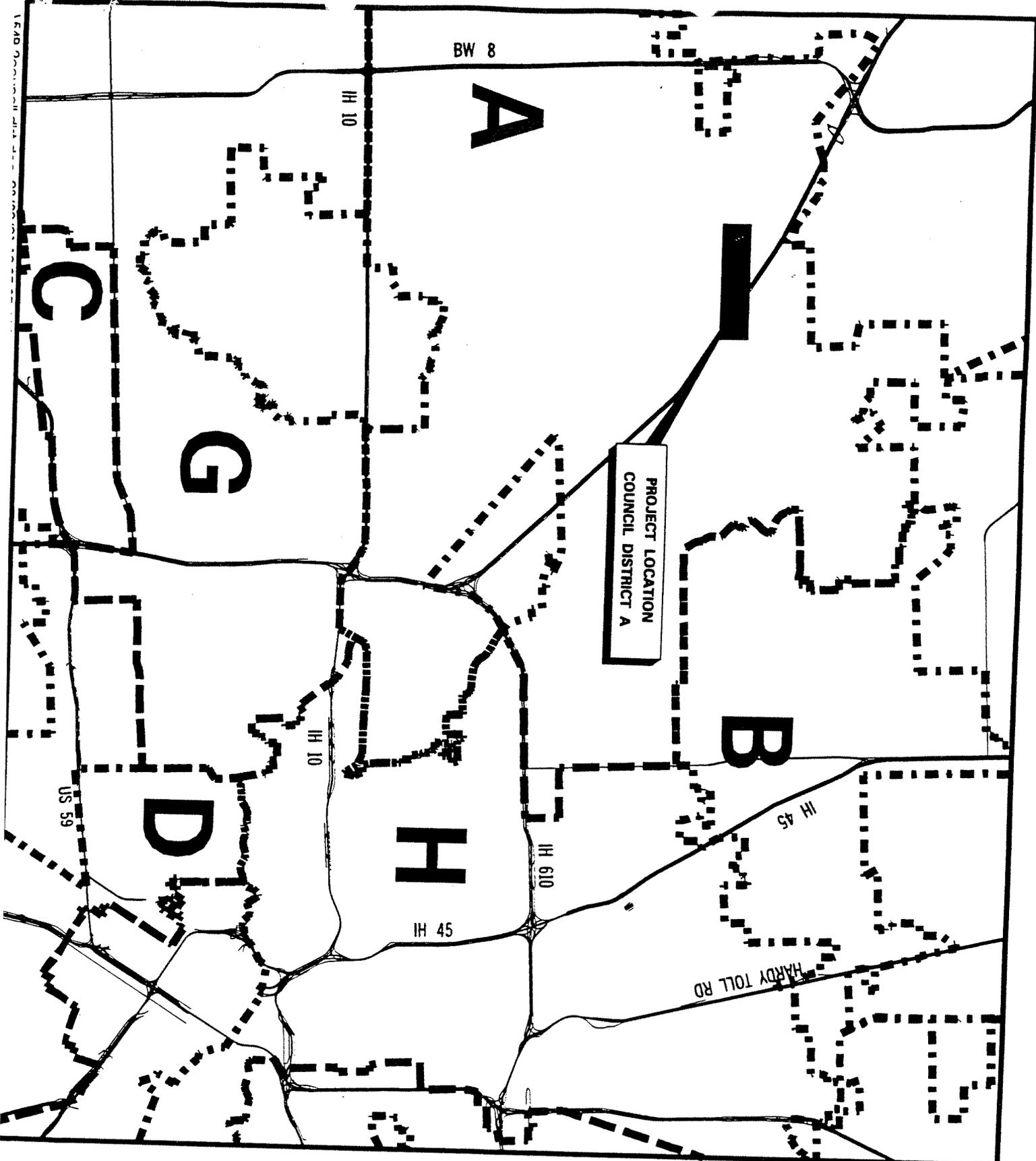
**7,750 L.F. OF 54" WATER MAIN ALONG
W. TIDWELL FROM HOLLISTER TO OLD
HEMPSTEAD HWY.**

GFS S-0900-62-2 WA10635
 Design Consultant: S & B Infrastructure, Ltd.
 Est. Construction Cost: \$5,013,200
 Key Map: 450 B,C,D

School
 Hospital

LAN
 Lockwood, Andrews & Newnam, Inc.
 1500 CityWest Blvd
 Houston, Tx 77042

ASWTP
 Accelerated Surface Water Transmission Program



BW 8

A

IH 10

C

G

PROJECT LOCATION
COUNCIL DISTRICT A

B

IH 10

D

US 59

H

IH 610

IH 45

IH 45

HARDY TOLL RD



Other Cities

--- Council Dist. Boundary

SWTP CONTRACT 54B-2
7,750 L.F. OF 54" WATER MAIN ALONG W. TIDWELL
FROM HOLLISTER TO OLD HEMPSTEAD HWY.
GFS No. S-0900-62-2 (File No. 10635)



Lockwood, Andrews & Newnam, Inc.



SUBJECT: An Ordinance to Approve and Authorize the Execution of a Compromise and Settlement Agreement, Appropriate Additional Funds and a Motion to Accept Work for Buffalo Bayou Siphon. WBS No. R-000270-0001-4.	Page <u>1</u> of <u>1</u>	Agenda Item # <i>656A</i>
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date APR 01 2009
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council Districts affected: H and I	
For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director  Phone: (713) 837-7074	Date and Identification of prior authorizing Council Action: Ord. #2000-515 dated 06/14/2000	

RECOMMENDATION: (Summary) Approve and authorize the execution of a Compromise and Settlement Agreement, approve an ordinance appropriating an additional \$179,126.66, adopt a motion to approve the final Contract Amount of \$6,421,717.91, which is 8.01% over the original Contract Amount, accept the Work and authorize the final payment of \$550,000.00.

Amount and Source of Funding: \$179,126.66 from Water and Sewer System Consolidated Construction Fund No. 8500. (Original appropriation of \$6,699,500.00 from Water and Sewer System Consolidated Construction Fund No. 755.) *MS 3/13/09*

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's ongoing effort to enhance the operation of its wastewater collection system.

DESCRIPTION/SCOPE: The project consisted of an 84-inch siphon crossing under Buffalo Bayou, junction structures, and various utility relocations. Black and Veatch Corporation designed the project with 545 calendar days allowed for construction. The project was awarded to Boyer, Inc. with an original Contract Amount of \$5,945,325.00.

LOCATION: The project is located at Fannin/San Jacinto from Commerce to Allen. The project is located in the Key Map grid 493-M.

CONTRACT COMPLETION AND COST: The Contractor, Boyer, Inc. has completed the Work under subject Contract. The final amount of the Contract, including change orders 1 through 12 in the amount of \$286,833.48, and including the Compromise and Settlement Agreement is \$6,421,717.91, which is 8.01% over the original Contract amount, primarily due to Change Orders Nos. 1, 2, and 3 and Compromise and Settlement Agreement which were necessary to complete the work and settle claims.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 18.46%. The Contractor achieved an "Outstanding" rating for M/WBE Compliance.

FOR SETTLEMENT PURPOSES ONLY:
 Pursuant to Houston's Ordinance No. 2000-0515, the City of Houston (Houston) entered into a Contract with Boyer, Inc. (Boyer) for the construction of the Buffalo Bayou Siphon. Boyer has completed all of the work required under the Contract dated June 29, 2000 in the amount of \$5,945,325.00.

Boyer presented a claim for damages for alleged changed site conditions and delays in the construction to the City Engineer in the amount of \$1,395,349.01 and was awarded \$183,649.00. Boyer refused to accept the award and filed a lawsuit on the claim. Boyer has offered to settle its claim for \$550,000.00 which includes the final payment and retainage. After thoroughly investigating the claim, the Legal Department and the Public Works & Engineering Department recommend that Council accept Boyer's offer and adopt an Ordinance approving and authorizing a Compromise and Settlement Agreement between Boyer and Houston to settle a claim and that Council appropriate the sum of \$179,126.66 to fund the Compromise and Settlement Agreement. The Legal Department has prepared the documents necessary to settle the claim.

MSM:JTL:CWS:NI:mj
 S:\E&C Construction\Facilities\Projects\R-0270-01-3 Buffalo Bayou Siphon\RCA-revised2.DOC

c: Jun Chang File No. R-000270-0001-4 - Closeout

REQUIRED AUTHORIZATION		CUIC ID# 20MZQ084
Finance Department:	Other Authorization:  Arturo Michel, City Attorney Legal Department	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

BCEE

SUBJECT Sale of ±6,420 square-feet of excess, fee-owned Fulton Street right-of-way, within Lots 10 and 11, Block 99, located in the Irvington Addition, out of the John Austin Survey, A-1. Parcel SY9-042		Page <u>1</u> of <u>2</u>	Agenda Item # 7
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 3-26-09	Agenda Date APR 01 2009
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director		Council District affected: H Key Map 453U 	
For additional information contact: Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director-Real Estate		Date and identification of prior authorizing Council Action:	
RECOMMENDATION: (Summary) It is recommended City Council approve a council motion authorizing the sale of ±6,420 square-feet of excess, fee-owned Fulton Street right-of-way, within Lots 10 and 11, Block 99, located in the Irvington Addition, out of the John Austin Survey, A-1. Parcel SY9-042			
Amount and Source of Funding: Not Applicable			
SPECIFIC EXPLANATION: Mario Escobedo, 210 Moody Street, Houston, Texas, 77009, requested the sale of ±6,420 square-feet of excess, fee-owned Fulton Street right-of-way, within Lots 10 and 11, Block 99, located in the Irvington Addition, out of the John Austin Survey, A-1. Mario Escobedo, the abutting property owner, plans to use the requested parcel as a parking lot for his adjacent restaurant. As this portion of Fulton Street is not paved as a public street, the posting of signs is not required. By deed dated March 27, 1992 the City acquired ±11,433 square feet of land consisting of Lots 10 and 11, Block 99, for Fulton Street right-of-way. Approximately ±5,013 square feet will be retained for Metro's use in accordance with the Consent Agreement with the City, leaving a remainder of ±6,420 square feet of excess right-of-way. The City no longer requires this excess fee-owned right-of-way and the JRC determined that it can be sold to the abutting property owner. This is Part One of a two-step process in which the applicant will first receive a City Council authorized council motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an ordinance effecting the sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended: 1. The City sell the ±6,420 square-feet of excess, fee-owned Fulton Street right-of-way, within Lots 10 and 11, Block 99, located in the Irvington Addition, out of the John Austin Survey, A-1; 2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property; 3. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the fee-owned land being sold; 4. The applicant be required to maintain the alley between the lot to be sold by the City and their property as is; 5. The Legal Department be authorized to prepare the necessary transaction documents; and,			
s:\ggsy9-042.rcl.doc		CUIIC #20GG9043	
REQUIRED AUTHORIZATION			
Finance Department:	Other Authorization:	Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division	

Date:	Subject: Request for the sale of ±6,420 square-feet of excess, fee-owned Fulton Street right-of-way, within Lots 10 and 11, Block 99, located in the Irvington Addition, out of the John Austin Survey, A-1. Parcel SY9-042	Originator's Initials GG	Page <u>2</u> of <u>2</u>
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6. Inasmuch as the value of the City's property interest is not expected to exceed \$1,000,000.00, that the value be established by Jimmy Payton, an independent appraiser appointed by the Director of Public Works and Engineering.

NPC:WSB:gg

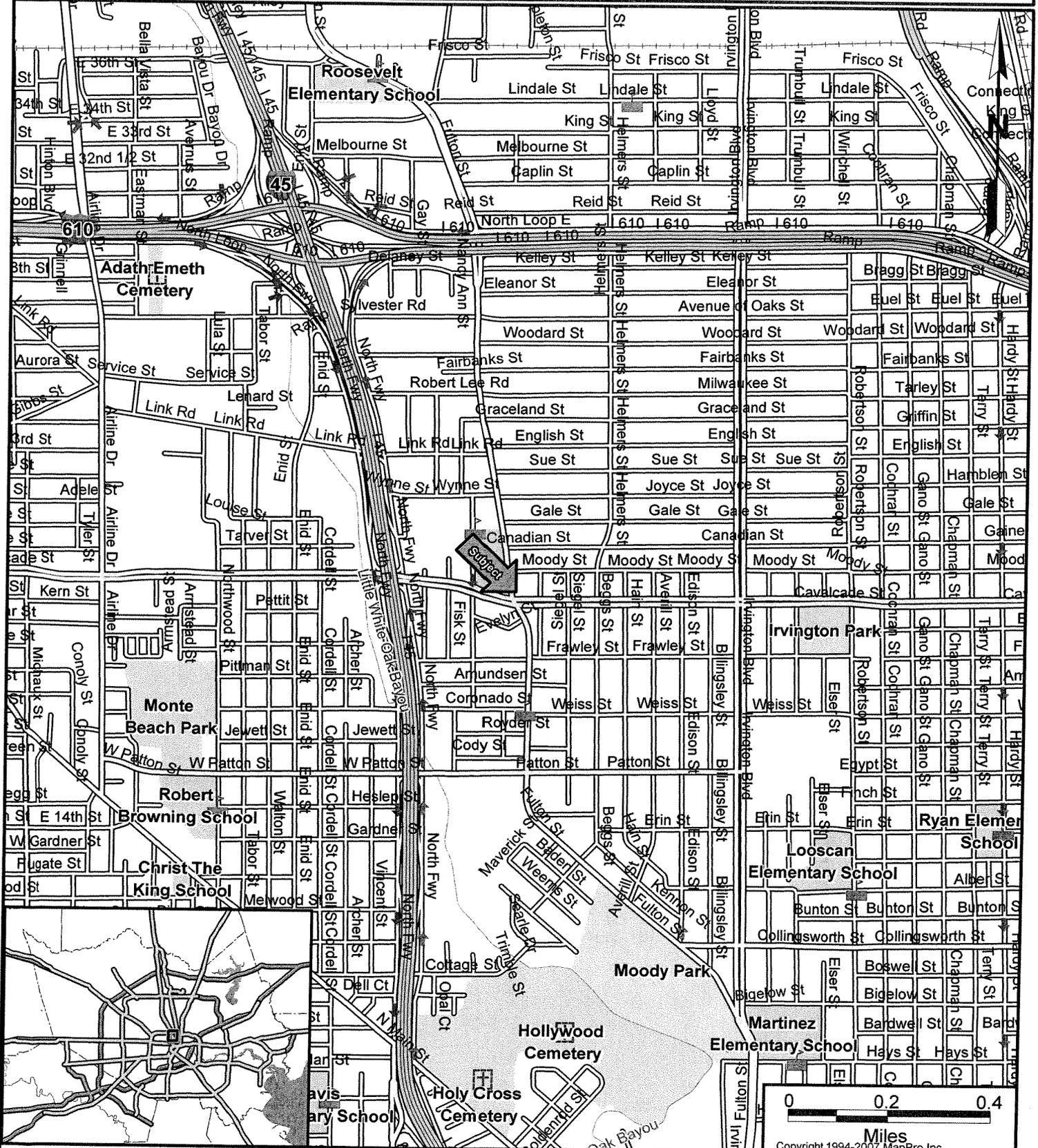
- c: Phil Boriskie
- Jun Chang, P.E.
- Raymond D. Chong, P.E., PTOE
- Marlene Gafrick
- Daniel Menendez, P.E.
- Arturo G. Michel
- Marty Stein

LOCATION MAP

Description: Sale of ±6420 square feet of excess fee-owned Fulton Street right-of-way, within Lots 10 and 11, Block 99, located in the Irvington Addition, out of the John Austin Survey, A-1. Parcel SY9-042

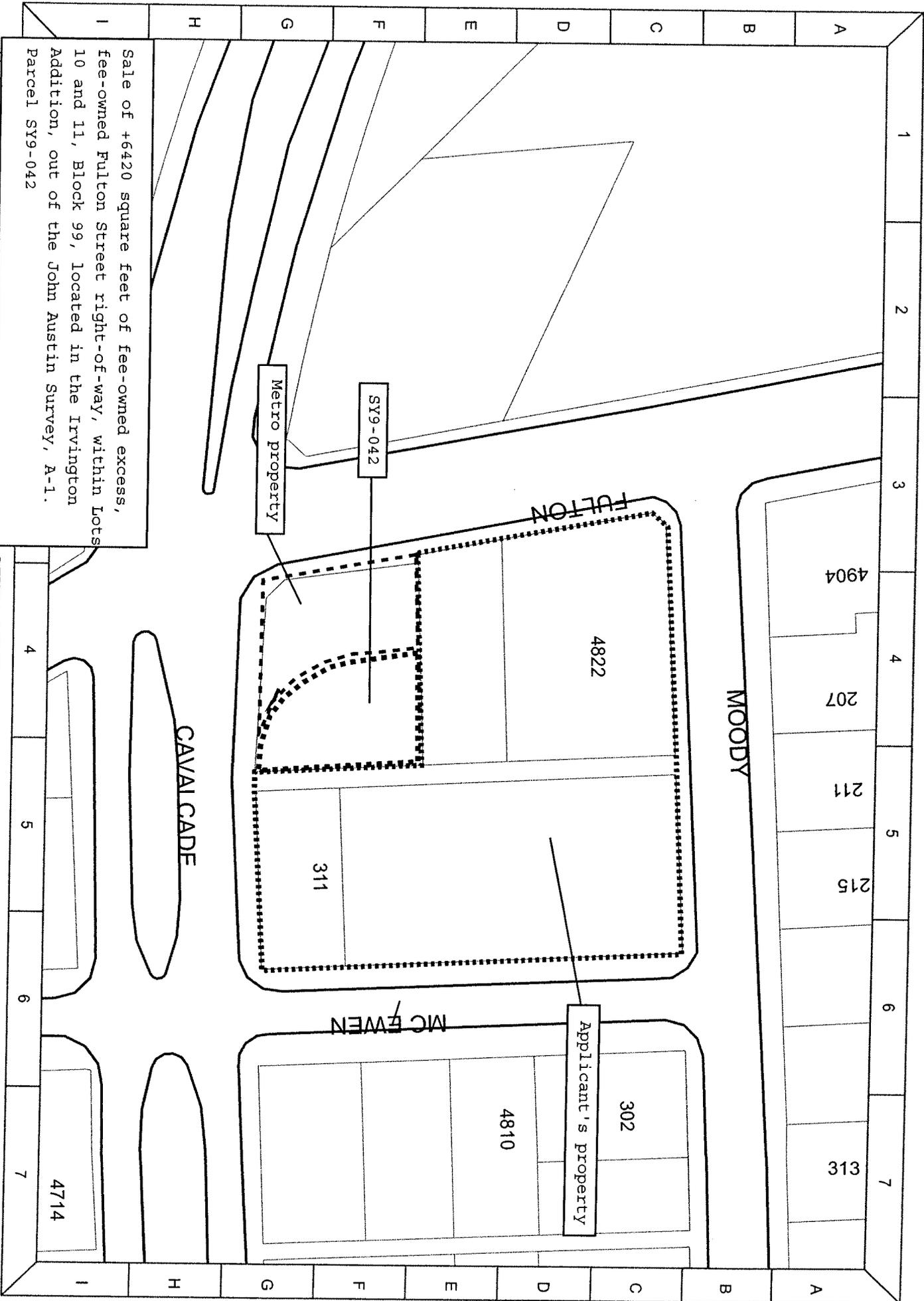
Subject Address: 4812 Fulton St, Houston, TX 77009

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.



Sale of +6420 square feet of fee-owned excess, fee-owned Fulton Street right-of-way, within Lots 10 and 11, Block 99, located in the Irvington Addition, out of the John Austin Survey, A-1. Parcel SY9-042

1 inch equals 75 feet

0 8 16 24 32

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 OF HOUSTON. THE CITY DOES NOT WARRANT ITS ACCURACY OR BUSINESS FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8104

Subject: Formal Bids Received for Dental Equipment and Supplies (Just-In-Time Delivery) for the Houston Department of Health & Human Services
S21-S23024

Category #
4

Page 1 of 1

Agenda Item

8

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

Origination Date
March 04, 2009

Agenda Date
APR 01 2009

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Kathy Barton Phone: (713) 794-9998
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Patterson Dental Supply on its low bid in an amount not to exceed \$1,500,000.00 for dental equipment and supplies (just-in-time delivery) for the Houston Department of Health & Human Services.

Estimated Spending Authority: \$1,500,000.00

Finance Budget

\$1,500,000.00 General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Patterson Dental Supply on its low bid in an amount not to exceed \$1,500,000.00 for dental equipment and supplies (just-in-time delivery) for the Houston Department of Health & Human Services (HDHHS). It is further requested that authorization be given to make purchases, as needed, for a 60-month period. This award consists of one price list for dental equipment and supplies which includes; but is not limited to, ortho instruments, x-ray film, impression material, syringes, anesthetics and sealants to be used to treat patients at HDHHS dental clinics.

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

Patterson Dental Supply: Award on its low bid for Group No. 1 (Patterson Dental Supply Price List) in an amount not to exceed \$1,500,000.00.

COMPANY

Patterson Dental Supply
Dental Health Products, Inc.

SAMPLE PRICING

\$ 945.12
\$ 955.38

Buyer: Laura A. Marquez

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

Estimated Spending Authority

Department	FY09	OUT YEARS	TOTAL
Health & Human Services	\$50,000.00	\$1,450,000.00	\$1,500,000.00

REQUIRED AUTHORIZATION

Finance Department:

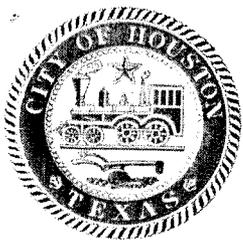
Other Authorization:

Other Authorization:

NOT

MP

MP



CITY OF HOUSTON

Interoffice

Administration & Regulatory Affairs Department
Strategic Purchasing Division (SPD)

Correspondence

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

From: L. Marquez

Date: February 4, 2009

Subject: MWBE Participation Form

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

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

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

If requesting a revision, how many solicitations were received: 2

Solicitation Number: S21-S23024 Estimated Dollar Amount: \$1,500,000.00

Anticipated Advertisement Date: Solicitation Due Date: 10/2/2008

Goal On Last Contract: 1% Was Goal met: Yes No

If goal was not met, what did the vendor achieve: 0%

Name and Intent of this Solicitation:
Dental Equipment and Supplies for the Health and Human Services Department

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

The dental equipment and supplies will be directly shipped from the manufacturer to the City; therefore there is not an opportunity for M/WBE participation.

Concurrence:

SPD Initiator

Division Manager

Robert Gallegos, Deputy Assistant Director
*Affirmative Action

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

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

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8272

Subject: Purchase of a Maintenance Agreement and License Renewal of NetIQ Software through the City's Master Agreement with the Texas Department of Information Resources

Category #
4 & 5

Page 1 of 1

Agenda Item

9

FROM (Department or other point of origin):

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

Origination Date

March 16, 2009

Agenda Date

APR 01 2009

DIRECTOR'S SIGNATURE

MS Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Janis Benton Phone: (832) 393-0004
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of a maintenance agreement and renewal of the NetIQ software license in a total amount not to exceed \$173,412.93 through the City's Master Agreement with the Texas Department of Information Resources.

Award Amount: \$173,412.93

Finance Budget

\$173,412.93 - Central Service Revolving Fund (Fund 1002)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of a twelve-month maintenance agreement and renewal of the NetIQ software license in a total amount not to exceed \$173,412.93 through the City's Master Agreement with the Texas Department of Information Resources (DIR) for the Information Technology (IT) Department, and that authorization be given to issue a purchase order to DIR's Go Direct Vendor, SHI Government Solutions, Inc., a certified State of Texas Historically Underutilized Business.

The renewal of the NetIQ license and associated support will allow the City's IT personnel to continue to receive support, updates and upgrades for the NetIQ software. The NetIQ software is utilized by IT personnel to monitor and manage servers, as well as, report their availability, existing trends and statistics.

Under the terms of this agreement, the vendor will be required to provide:

- Access to the latest version of software, as well as, all service packs and patches
- Telephone, e-mail, and extended website support
- Quarterly visits from a NetIQ System's Engineer

Buyer: Murdock Smith III

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

MS

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8285

Subject: Purchase of Consulting Services (Phase II) for the 700 MHz Trunked Radio Systems & Maintenance Organizational Study from the General Service Administration Schedule 70 Contract through the Cooperative Purchasing Program for the I.T. Department/E23197

Category #
4

Page 1 of 1

Agenda Item

10

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

Origination Date
March 26, 2009

Agenda Date
APR 01 2009

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Tom Sorley Phone: (832) 393-0300
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:
CM 2008-0405, passed 6/11/2008

RECOMMENDATION: (Summary)

Approve the purchase of consulting services (Phase II) for 700 MHz Trunked Radio systems and maintenance organizational study in the total amount not to exceed \$140,000.00 from the General Services Administration Schedule (GSA) 70 Contract through the Cooperative Purchasing Program for the Information Technology Department.

Award Amount: \$140,000.00

Finance Budget

\$140,000.00 - General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of consulting services for the 700 MHz trunked radio systems and maintenance organizational study for the Information Technology Department (ITD) in the total amount not to exceed \$140,000.00 from the GSA's Schedule 70 contract through the Cooperative Purchasing Program under Section 211 of the Government Act of 2002, and that authorization be given to issue a purchase order to the GSA contractor, Highlands Consulting Group, LLC.

On June 11, 2008 City Council approved a purchase order to conduct an organizational study of existing radio services to develop a new Citywide radio organization. During the initial analysis phase, additional concerns were raised by the affected departments on the need to right size the existing organizations. These organizations must have the appropriate staffing levels to continue to perform non-radio duties and tasks. The contractor will now be required to provide information, research and analysis of various organizational options and appropriate staffing levels for the existing radio shops to the Radio System Steering Committee. These efforts are follow-on activities of the original purchase order authorized by City Council.

M/WBE Subcontracting:

The GSA contract does not have an M/WBE subcontracting component; however, the contractor has agreed to subcontract 5% of the total contract amount utilizing a certified City of Houston M/WBE.

Buyer: Eric Alexander

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:
Thomas E. Sorley

Other Authorization:

NDT

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8275

Subject: Formal Bids Received for Swimming Pool Grates for the Parks and Recreation Department
S50-N23161

Category #
4

Page 1 of 1

Agenda Item

11

FROM (Department or other point of origin):

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

Origination Date

March 06, 2009

Agenda Date

APR 01 2009

DIRECTOR'S SIGNATURE

MS


Council District(s) affected
All

For additional information contact:

Daniel Pederson Phone: (713) 865-4507
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Progressive Commercial Aquatics, Inc. on its low bid in the amount of \$116,415.00 for swimming pool grates for the Parks and Recreation Department.

Award Amount: \$116,415.00

Finance Budget

\$116,415.00 - General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Progressive Commercial Aquatics, Inc. on its low bid in the amount of \$116,415.00 for swimming pool grates for the Parks and Recreation Department. These swimming pool grates will be installed in the City's public swimming pools to bring them into compliance with the Virginia Graeme Baker Pool and Spa Safety Act (Act) which was effective on December 20, 2007. The Act promotes the safe use of pools, spas and hot tubs by imposing mandatory federal requirements for suction entrapment.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Fifteen prospective bidders downloaded this solicitation from SPD's e-bidding website, and two bids were received as outlined below.

	<u>Company</u>	<u>Total Amount</u>
1.	Progressive Commercial Aquatics, Inc.	\$116,415.00
2.	Hancock Pool Services, Inc.	\$122,850.00

This purchase consists of 117 grates which have been manufactured to the strict standards prescribed in Virginia Graeme Baker Pool and Spa Safety Act. City staff will install the grates in the pools. The grates will come with a full year warranty and the life expectancy is twenty years.

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

Buyer: Arturo Lopez

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MD

MS



2111 Eisenhower Avenue
Alexandria VA 22314-4695

703.838.0083
703.549.0493 fax
www.TheAPSP.org

Summary Analysis of the Virginia Graeme Baker Pool and Spa Safety Act

The Virginia Graeme Baker Pool and Spa Safety Act (Act) promotes the safe use of pools, spas and hot tubs by imposing mandatory federal requirements for suction entrapment avoidance, and by establishing a voluntary grant program for states with laws that meet certain minimum requirements as outlined in the Act. Effective December 20, 2007, the Act is being administered by the U.S. Consumer Product Safety Commission (CPSC).

1. Mandatory Federal Requirements for Entrapment Avoidance. By December 20, 2008, the Act requires:

- **Safety Drain Covers.** Each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the American National Standard ASME A112.19.8 - 2007 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs published by the American Society of Mechanical Engineers (ASME). Compliance with this Standard will be enforced by the CPSC as a consumer product safety rule.
- **Public Pool Drain Covers.** Each public pool and spa (as defined), both new and existing, shall be equipped with drain covers conforming to the ASME/ANSI A112.19.8 - 2007 Standard described above.
- **Public Pool Drain Systems.** Each public pool and spa (pump) with a single main drain, other than an unblockable drain, shall be equipped with one or more additional devices or systems designed to prevent suction entrapment that meet the requirements of any applicable ASME/ANSI Standard or applicable consumer product safety rule. In addition to a compliant drain cover, such additional devices or systems include a safety vacuum release system (SVRS), or suction limiting vent system, or gravity drainage system, or automatic pump shutoff system, or drain disablement, or other system determined by the CPSC to be equally effective in preventing suction entrapment.

ANSI/APSP-7 Standard Exceeds Federal Requirements. All pools and spas configured to comply with ANSI/APSP-7 *American National Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Catch Basins* will comply with each of these mandatory requirements.

2. Voluntary Grant Program for States. The CPSC will also establish and administer a grant program for eligible states. A sum of \$2 million is authorized to be appropriated to the CPSC for each of the fiscal years 2009 and 2010. In order to be eligible for a grant, a state must impose certain requirements by statute, including:

- **Barriers.** The enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access;
- **Suction Entrapment Avoidance.**

New. Each pool and spa built more than one year after enactment of the state statute shall employ one of the following:

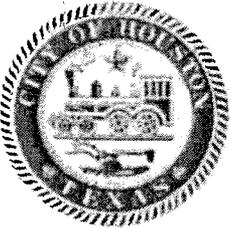
- ❖ The installation of more than one safety drain per suction system, or
- ❖ The installation of one or more unblockable drains, or
- ❖ No drains.

Existing. In addition to a compliant drain cover, each pool or spa with a single main drain, other than an unblockable drain, shall be equipped with one or more of the following safety options — a safety vacuum release system (SVRS), or suction limiting vent system, or gravity drainage system, or automatic pump shut-off system, or drain disablement, or other system determined by the CPSC to be equally effective in preventing suction entrapment.

- **Funding.** The grant program directs state recipients to use grant funding to:
 - ❖ Hire and train enforcement personnel and
 - ❖ Educate pool companies, pool owners and operators, and other members of the public about the standards contained in the Act and about the prevention of drowning or entrapment of children.

ANSI/APSP-7 Standard Exceeds Federal Requirements. All pools and spas configured to comply with the ANSI/APSP-7 Standard will conform to these provisions and any state that adopts the Standard will meet the Act's minimum state requirements. This ANSI/APSP-7 Standard is the only comprehensive approach to engineering swimming pools and spas to avoid all five suction entrapment hazards: hair entrapment, limb entrapment, body suction entrapment, evisceration/disembowelment, and mechanical entrapment. The design requirements and construction practices in this Standard are based upon sound engineering principles, research, and field experience that, when applied properly, provide for a safe installation that exceeds the requirements of the Act.

3. Public Safety Education: The Act requires the CPSC to establish and carry out a public education program on methods to prevent drowning and entrapment in pools and spas. \$5 million is authorized to be appropriated for each of the fiscal years 2008-2012 to carry out the education program.



CITY OF HOUSTON

Interoffice

Administration & Regulatory Affairs Department
Strategic Purchasing Division (SPD)

Correspondence

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

From: Arturo Lopez

Date: 02/10/2009

Subject: MWBE Participation Form

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

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

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

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

Solicitation Number: N23161 Estimated Dollar Amount: \$172,500.00

Anticipated Advertisement Date: 2/13/2009 Solicitation Due Date: 3/5/2009

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

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

Name and Intent of this Solicitation:
Swimming Pool Grates for Parks and Recreation Department

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

A review of the MWBE directory revealed that there are no M/WBE that sell this type of swimming pool grates as per specifications. Therefore, in collaboration with the department and Affirmative Action, it has been determined that there is no dividible work or commercially useful function that can be performed by a certified M/WBE contractor. Additionally, the manufacturer will ship the devices directly to the designated Parks and Recreation Department location.

Concurrence:

SPD Initiator

Division Manager

Robert Gallegos, Deputy Assistant Director
*Affirmative Action

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

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

Attachment & RCA # 8256

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8277

Subject: Amend Council Motion No. 2008-0288, Passed 4/30/08, for Change Order for 4-Passenger Helicopters for the Houston Police Department
S34-N22826A1

Category #
4

Page 1 of 1

Agenda Item

12

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

Origination Date
March 16, 2009

Agenda Date
APR 01 2009

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Joseph Fenninger Phone: (713) 308-1708
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:
CM No. 2008-0288, Passed 4/30/08

RECOMMENDATION: (Summary)
Approve an amendment to Council Motion No. 2008-0288, Passed 4/30/08, for Change Order to purchase MetaMAP systems for the MD500E 4-Passenger Helicopters for the Houston Police Department in the amount of \$130,911.00.

Award Amount: \$130,911.00

Finance Budget

\$ 130,911.00 - Police Special Services Fund (Fund 2201)

SPECIFIC EXPLANATION:
The City Purchasing Agent recommends that City Council approve an amendment to Council Motion No. 2008-0288, passed 4/30/08, for Change Order to purchase MetaMAP systems for the MD500E 4-Passenger Helicopters for the Houston Police Department and that authorization be given to issue a purchase order to MD Helicopter, Inc. in the amount of \$130,911.00. Houston Police aircrews are now using paper Key Maps, an antiquated and non-precise method, to determine their air route to respond to high priority calls for service. The airborne moving map (MetaMAP) systems will allow aircrews to quickly and accurately determine the most direct path to locations of emergency calls. These moving map systems will ensure faster response times and deployment of Police resources.

Council Motion No. 2008-0288 approved an award to MD Helicopter, Inc. for the purchase of eight 4-passenger helicopters in the total amount of \$15,192,816.00. When City Council originally approved the purchase of the helicopters, the MetaMAP system (System) was not included in the total cost or included in the helicopter specifications as funding was not available at the time to include this System as part of the deliverable equipment with the helicopters. These systems will be installed in all current and on-order MD500E Helicopters.

Buyer: Larry Benka

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:



CITY OF HOUSTON

Finance & Administration Department
Strategic Purchasing Division (SPD)

Interoffice

Correspondence

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

From: Larry Benka

Date: March 29, 2008

Subject: MWBE Participation Form

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

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

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

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

Solicitation Number: S34-N22826

Estimated Dollar Amount: \$14,492,000.00

Anticipated Advertisement Date: 3/4/2008

Solicitation Due Date: 3/20/2008

Goal On Last Contract: 0%

Was Goal met: Yes No

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

Name and Intent of this Solicitation:

Purchase of Eight Helicopters

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

This purchase is for turbine helicopters. The helicopter, including all options, will be manufactured as a completely assembled unit by an out-of state manufacturer. The manufacturer will deliver the helicopter to a distributor that will deliver the units to the City. There is no potential for M/WBE participation.

Concurrence:

Larry Benka
SPD Initiator

[Signature]
Division Manager

Robert Gallegos
Robert Gallegos, Deputy Assistant Director
*Affirmative Action

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

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

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8190

Subject: Formal Bids Received for Clarifier Drive Assemblies for the Public Works & Engineering Department
S48-N23075

Category #
4

Page 1 of 2

Agenda Item

13

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

Origination Date
January 30, 2009

Agenda Date
APR 01 2009

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
David Guernsey Phone: (713) 238-5241
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve various awards, as shown below, in the total amount of \$207,475.00 for clarifier drive assemblies for the Public Works & Engineering Department.

Award Amount: \$207,475.00

Finance Budget

\$207,475.00 - PW&E Combined Utility System General Purpose Fund (8305)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve various awards, as shown below, in the total amount of \$207,475.00 for clarifier drive assemblies for the Public Works & Engineering Department, and that authorization be given to issue purchase orders. These clarifier drive assemblies will be installed at the Department's 69th Street, Northbelt and Water Control Improvement District No.111 Wastewater Treatment Facilities.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Thirty-two bidders downloaded the solicitation document from SPD's e-bidding website and four bids were received as outlined below.

Layne-Texas: Award on its low bid meeting specifications for Item No. 1 (Walker Process, Model S60x16 clarifier drive assembly) and best value bid for Item No. 4 (Hi-Tech, Model 6066-9 clarifier drive assembly) in an amount of \$140,600.00.

<u>Company</u>	<u>Total Amount</u>
1. Hartwell Environmental Corp.	\$59,878.00 (Partial Bid/Higher Unit Cost)
2. West Tech Engineering, Inc.	\$85,344.00 (Partial Bid/Did Not Meet Specification)
3. Layne-Texas	\$140,600.00
4. Bevco Company	\$294,860.00

Bevco Company: Award on its sole bid meeting specifications for Item No. 2 (Eimco, Model C40HT clarifier drive assembly) in the amount of \$66,875.00.

Only one supplier submitted the bid for Item No. 2 due to the limited competition for the specified equipment.

No bids were received for Item No. 3 (Zurn Industries clarifier drive assembly) as this item is no longer manufactured. This clarifier drive assembly will be replaced with a Hi-Tech, Model 6066-9 clarifier drive assembly, Item No. 4, which is part of this award recommendation.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

65CDW 8190

Calvin D. Wells

NDT

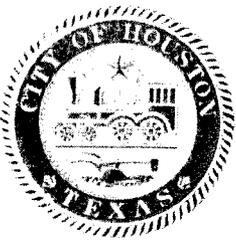
ND

Date: 1/30/2009	Subject: Formal Bids Received for Clarifier Drive Assemblies for the Public Works & Engineering Department S48-N23075	Originator's Initials IC	Page 2 of 2
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These new clarifier drive units will replace units that have exceeded their life expectancy and are no longer economically repairable. Clarifier drives are used in the treatment of wastewater generated by residential, commercial and industrial customers and are essential for the proper operation of the wastewater treatment plants. The optimal operation of these units ensure that the City meets State and Federal regulatory agency requirements as well as preserve and protect the health of citizens and the environment. The new units will come with a full one-year warranty and the life expectancy is 25 years. The old units will be sent to the Property Disposal Management Office for disposition.

Buyer: Irina Chong
PR No. 10058460

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



CITY OF HOUSTON

Interoffice

Administration & Regulatory Affairs Department
Strategic Purchasing Division (SPD)

Correspondence

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

From: Irina Chong

Date: 10/28/08

Subject: MWBE Participation Form

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

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

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

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

Solicitation Number: S48-N23075 Estimated Dollar Amount: \$206,900.00

Anticipated Advertisement Date: 10/31/2008 Solicitation Due Date: 11/20/2008

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

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

Name and Intent of this Solicitation:
Furnish and deliver Clarifier Drive Unit Assembly for Public Works & Engineering Department. The equipment is essential for the proper operation of the Waste Water Treatment Plants for treating wastewater in accordance to the regulatory agencies requirements and to ensure the safety of the public health and environment.

Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):
(To be completed by SPD)
The Clarifier Drive Unit Assembly will be shipped directly from the manufacturer to the City end-user. Therefore, there is no potential for M/WBE participation on this one-time procurement.

Concurrence:

SPD Initiator

Division Manager

Robert Gallegos, Deputy Assistant Director
*Affirmative Action

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

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

RECEIVED

OCT 31 2008

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8236

Subject: Formal Bids Received for Automotive, GM Car and Truck OEM Replacement Parts and Repair Services for Various Departments S36-S23062

Category #
4

Page 1 of 2

Agenda Item

14

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

Origination Date
March 12, 2009

Agenda Date
APR 01 2009

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Jack Williams Phone: (713) 247-8793
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Davis Chevrolet on its low complete bid in an amount not to exceed \$3,553,834.34 for automotive, GM car and truck Original Equipment Manufacturer (OEM) replacement parts and repair services for various departments.

Estimated Spending Authority: \$3,553,834.34

Finance Budget

\$2,733,738.00 General Fund (1000)
\$ 820,096.34 Fleet Management Fund (1005)
\$3,553,834.34 TOTAL

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Davis Chevrolet on its low bid in an amount not to exceed \$3,553,834.34 for automotive, GM car and truck OEM replacement parts and repair services for various departments. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. This award consists of a price list for various types of OEM replacement parts which includes; but is not limited to, exhaust manifolds, water pumps, rotors, condensers, pumps, hinge pins, starters and alternators. These parts will be used by the Public Works & Engineering, Fire, Police, Solid Waste Management and Parks & Recreation Departments to repair and maintain various models of GM vehicles used by City personnel to perform daily activities. This award also includes a \$422,222.00 labor component for repair services that cannot be performed by City maintenance personnel.

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

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

<u>Company</u>	<u>Sample Pricing/Labor Component Total</u>
1. Davis Chevrolet	\$ 424,456.80
2. Timmers Chevrolet dba Monument Chevrolet	\$600,752,839.69

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

65CDW 8236

Calvin D. Wells 3/8/09

NDT

Date: 3/12/2009	Subject: Formal Bids Received for Automotive, GM Car and Truck OEM Replacement Parts and Repair Services for Various Departments S36-S23062	Originator's Initials VK	Page 2 of 2
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- The disparity in the bids is due to a system calculation error which occurred as a result of Monument Chevrolet entering the line total in unit price column for the labor rate. The bid could not be changed to correct the calculation error because the unit price governs.

M/WBE Subcontracting:

This bid was issued with an 11% goal for M/WBE participation. **Davis Chevrolet** has designated the below-named companies as its certified subcontractors.

<u>Name</u>	<u>Type of Work</u>	<u>Dollar Amount</u>	<u>Percentage</u>
General Body Manufacturing Company, Inc., dba General Truck Body	Truck Body Repair	\$319,845.09	9%
Pretty Quick Delivery Services, LLC	Delivery	\$ 71,076.69	2%

Buyer: Valerie Player-Kaufman

Estimated Spending Authority:

<u>Department</u>	<u>FY09</u>	<u>Out Years</u>	<u>Total</u>
Fire	\$166,666.67	\$1,833,333.33	\$2,000,000.00
Public Works & Engineering	\$ 54,673.09	\$ 765,423.25	\$ 820,096.34
Police	\$ 35,000.00	\$ 490,000.00	\$ 525,000.00
Parks and Recreation	\$ 10,000.00	\$ 126,238.00	\$ 136,238.00
Solid Waste Management	\$ 6,041.67	\$ 66,458.33	\$ 72,500.00
Grand Total	\$272,381.43	\$3,281,452.91	\$3,553,834.34

City of Houston
Bid Tabulation

Automotive, GM Car and Truck OEM Replacement Parts and Repair Services
for

Various Departments

S23062 - Close Date: 1/8/2009 10:30:00 AM

Bids Received: 3

		Davis Chevrolet 713-794-2500				Monument Chevrolet 713-580-1760			
Item #	Description	Qty	U/M	Unit Price	Percent Change	Line Total	Unit Price	Percent Change	Line Total
Discount proposed from GM Dealer Parts and Accessories Price Schedule No. P6, effective August 1, 2008, Volumes 1 and 2, or latest edition, for any quantity as needed, per specifications. Estimated Expenditures: \$3,150,000.00.									
1	Exhaust Manifold	1	Each	139.09	15	159.95	139.09	14.00	158.56
2	Water Pump	1	Each	143.91	15	165.50	143.91	14.00	164.06
3	Rotor	1	Each	235.96	15	271.35	235.96	14.00	268.99
4	Condenser	1	Each	196.60	15	226.09	196.60	14.00	224.12
5	Pump	1	Each	684.88	15	787.61	1,230.81	14.00	1,403.12
6	Hinge Pin	1	Each	1.51	15	1.74	1.51	14.00	1.72
7	Lower Door Seal	1	Each	48.24	15	55.48	48.24	14.00	54.99
8	Pad Kit (Front Brake for Trucks)	1	Each	91.77	15	105.54	91.77	14.00	104.62
9	Starter	1	Each	195.17	15	224.45	195.17	14.00	222.49
10	Alternator for Trucks	1	Each	207.91	15	239.10	207.91	14.00	237.02
Sub-Total:						\$ 2,236.80			\$ 2,839.69
Standard Per Hour Labor Rate for Bodywork.									
11	Year One	1	Hour	36.00		36.00	0.00		No Bid
12	Year Two	1	Hour	37.00		37.00	0.00		No Bid
13	Year Three	1	Hour	38.00		38.00	0.00		No Bid
14	Year Four	1	Hour	39.00		39.00	0.00		No Bid
15	Year Five	1	Hour	40.00		40.00	0.00		No Bid
Sub-Total:						\$ 190.00			\$ -
Standard Per Hour Labor Rate for Mechanical Work.									
16	Year One	1	Hour	60.00		60.00	65.00		65.00
17	Year Two	1	Hour	62.00		62.00	65.00		65.00
18	Year Three	1	Hour	64.00		64.00	65.00		65.00
19	Year Four	1	Hour	66.00		66.00	65.00		65.00
20	Year Five	1	Hour	68.00		68.00	65.00		65.00
Sub-Total:						\$ 320.00			\$ 325.00

Davis Chevrolet
713-794-2500

Monument Chevrolet
713-580-1760

Item #	Description	Qty	U/M	Unit Price	Percent Change	Line Total	Unit Price	Percent Change	Line Total
Standard Per Hour Labor Rate for Frame Work.									
21	Year One	1	Hour	40.00		40.00	0.00		No Bid
22	Year Two	1	Hour	41.00		41.00	0.00		No Bid
23	Year Three	1	Hour	42.00		42.00	0.00		No Bid
24	Year Four	1	Hour	43.00		43.00	0.00		No Bid
25	Year Five	1	Hour	44.00		44.00	0.00		No Bid
Sub-Total:						\$ 210.00			\$
Standard Per Hour Labor Rate for Paint and Material (Service.)									
26	Year One	1	Hour	22.00		22.00	0.00		No Bid
27	Year Two	1	Hour	23.00		23.00	0.00		No Bid
28	Year Three	1	Hour	24.00		24.00	0.00		No Bid
29	Year Four	1	Hour	25.00		25.00	0.00		No Bid
30	Year Five	1	Hour	26.00		26.00	0.00		No Bid
Sub-Total:						\$ 120.00			\$
Standard Per Hour Labor Rate for Refinishing.									
31	Year One	1	Hour	36.00		36.00	0.00		No Bid
32	Year Two	1	Hour	37.00		37.00	0.00		No Bid
33	Year Three	1	Hour	38.00		38.00	0.00		No Bid
34	Year Four	1	Hour	39.00		39.00	0.00		No Bid
35	Year Five	1	Hour	40.00		40.00	0.00		No Bid
Sub-Total:						\$ 190.00			\$
Standard Per Hour Labor Rate for Miscellaneous Material.									
36	Year One	1	Hour	0.00		0.00	0.00		No Bid
37	Year Two	1	Hour	0.00		0.00	0.00		No Bid
38	Year Three	1	Hour	0.00		0.00	0.00		No Bid
39	Year Four	1	Hour	0.00		0.00	0.00		No Bid
40	Year Five	1	Hour	0.00		0.00	0.00		No Bid
Sub-Total:						\$			\$
Wrecker (Towing Charge) Cost Per Tow.									
41	Year One	1	Each	65.00		65.00	175.00		175.00
42	Year Two	1	Each	65.00		65.00	175.00		175.00
43	Year Three	1	Each	65.00		65.00	175.00		175.00
44	Year Four	1	Each	65.00		65.00	175.00		175.00
45	Year Five	1	Each	65.00		65.00	175.00		175.00
Sub-Total:						\$ 325.00			\$ 875.00
Standard Per Hour Labor Rate Based on Year One Hourly Rate. Estimated Expenditures: \$410,745.00									

Davis Chevrolet
713-794-2500

Monument Chevrolet
713-580-1760

Item #	Description	Qty	U/M	Unit Price	Percent Change	Line Total	Unit Price	Percent Change	Line Total
46	Mechanical Work	3000	Hour	60.00		180,000.00	195,000.00		585,000,000.00
47	Body Work	2700	Hour	36.00		97,200.00	0.00		No Bid
48	Frame Work	600	Hour	40.00		24,000.00	0.00		No Bid
49	Paint and Material	1080	Hour	22.00		23,760.00	0.00		No Bid
50	Refinishing	2160	Hour	36.00		77,760.00	0.00		No Bid
51	Miscellaneous Material	630	Hour	0.00		0.00	0.00		No Bid
52	Wrecker (Towing Charge) cost per tow.	300	Each	65.00		19,500.00	52,500.00		15,750,000.00
Sub-Total:						\$ 422,220.00			\$ 600,750,000.00

City's Option

Should you be awarded ALL ITEMS you bid, what percent additional discount (if any) would be deducted from each item bid?

53		1	Each	0.00	0	0.00	0.00	0	0.00
Sub-Total:						0.00			0.00

City Pick Up Option

For any item in this Award what additional discount, if any, would you give for items picked up at your location by the City?

54		1	Each	0.00	0	0.00	0.00	0	0.00
Sub-Total:						0.00			0.00
Grand Total:						\$ 425,811.80			\$ 600,754,039.69

Data Entry Error on Line 46 and 52

Buyer: 

March 12, 2009

INSTRUCTIONS for BIDDING and TERMS & CONDITIONS

1. All bids must show the full name of the firm bidding and must be on forms furnished by the Purchasing Section of the Strategic Purchasing Division, Finance and Administration Department, and must be written in ink or typed. Pencil quotations will not be considered. Bids should be filed in duplicate and at least one copy of the Bid Form must be manually signed in ink by an authorized officer of the company and title must be shown. Obligations assumed by the signature must be fulfilled. The bid number, title of the bid, and the bid due date must be shown on the front of the envelope(s) containing the Bid Form.
2. **TIME AND DATE:** Bids **MUST** be in the Office of City Secretary, City Hall Annex, Public Level, 900 Bagby, Houston, Texas 77002 at or before 10:30 A.M. on the day bids are due; an early postmark will not suffice. Be sure you have allowed ample time for postal delivery. **CAUTION:** Bids mailed on the day before bids are due may not be received in time to be considered.
3. **WITHDRAWAL OF BID:** A bidder may withdraw its offer before the expiration of the time during which the offer may be submitted, without prejudice, by submitting a written request for its withdrawal to the City Secretary.
4. The Official Bid Form should indicate the Unit Price for the specified item/service and the Total Price after multiplying the Estimated Quantity times the Unit Price. In case of conflict between Unit Price and the Total Price once computed using the Estimated Quantity, the Unit Price shall control. The Unit Price shall be inclusive of all costs, including insurance and transportation costs. **Cash discounts will not be considered in the award of bids.**
5. No change in price will be considered after bids have been opened.
6. Provisions of the City's Official Bid Form, Specifications, and General Terms & Conditions must not be altered. Any erasure or alteration of figures or terms may invalidate the bid on the item on which the erasure or alteration is made. Submission or attachment of company "Quotation Forms" containing alternative terms and/or conditions is not acceptable and may result in your bid being determined as non-responsive.
7. Bids will not be considered in cases in which bidder quotes an item price and also an alternate price on a proposed substitute item, except in cases in which alternate bids are called for. If bidder wishes to submit more than one bid on the same item, separate Bid Forms for each bid, complete with its own original signature page, must be submitted.
8. All bids are for delivery not later than the time stated in the specifications, F.O.B. the point of delivery stated in the Specifications and/or Bid Form.
9. **Bidders are invited to be present at the opening of bids. After opening, bids may be inspected in the City Secretary's Office, City Hall Annex, Public Level, 900 Bagby, Houston, Texas 77002.**
10. If your firm chooses not to submit a bid, please complete the No Bid Sheet at the back of this bid document and forward it to the Buyer listed on the bottom of the form.
11. **Cost of Bid/Proposal Preparation:** The City shall not reimburse the cost of developing, presenting or providing any response to this solicitation. Offers submitted for consideration should be prepared simply and economically, providing adequate information in a straightforward and concise manner.
12. **Contact with anyone other than the City of Houston Strategic Purchasing Division Representative concerning this bid may result in immediate disqualification of your firm.**

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

08-BCF

HCD09-16

SUBJECT: An Ordinance authorizing the execution of a contract between The City of Houston and Brentwood Community Foundation for the administration for a HOPWA Grant.	Page 1 of 2	Agenda Item # 15
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FROM (Department or other point of origin): Richard R. Celli, Director Housing and Community Development Department	Origination Date 12/28/08	Agenda Date APR 01 2009
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DIRECTOR'S SIGNATURE: <i>Richard R. Celli</i>	Council District affected: District D CM Wanda Adams
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For additional information contact: Keith W. Bynam Phone: 713-868-8396 <i>KWB</i>	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary)
Approval of an ordinance authorizing the execution of a contract between the City of Houston and Brentwood Community Foundation providing up to \$940,692.00 for the administration and operation of community residence, administer a short-term rent, mortgage and utility assistance program, and provide supportive services under the Housing Opportunity for Persons with AIDS ("HOPWA") Act.

Amount of Funding: \$940,692.00 \$470,346.00 HOPWA Grant (See Attachment) \$470,346.00 Renewal HOPWA Grant	Finance Budget:
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund
 Other (Specify) Grant Fund (5000)

SPECIFIC EXPLANATION:

The Housing and Community Development Department ("HCDD") recommends approval of a contract between the City of Houston and Brentwood Community Foundation (BCF) for the administration of a Housing Opportunities for Persons with AIDS (HOPWA) funded community residence, short-term rent, mortgage and utility assistance program and supportive services. (BCF) also provides substance abuse support services and is located in District D, at 13033 Landmark, Houston, Texas.

(BCF) operates a community residence, a rent, mortgage and utility assistance program, along with providing supportive services, which include case management and nutritional services to individuals affected with HIV/AIDS. Funding through the HOPWA grant program has enabled Brentwood to serve person affected with HIV/AIDS since 1995.

Brentwood Community Foundation is a Texas 501(c)(3) non-profit corporation. (BCF) is seeking funds to provide housing and support service needs to 200 unduplicated low-income persons and their family members.

REQUIRED AUTHORIZATION

Finance Director: <i>Michelle Mitchell</i>	Other Authorization:	Other Authorization:
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MOT

14

Date
12/28/2008

Subject: An Ordinance authorizing the execution of a contract between The City of Houston and Brentwood Community Foundation for the administration for a HOPWA Grant.

Originator's

Initials
RCB

Page
2 of 2

HCDD recommends a contract in the amount of \$940,692.00 in HOPWA funding for a one (1) year contract with a one (1) year renewal option, in order to provide (on site) permanent housing to HIV positive men; financial assistance thru the short-term rent, mortgage and utility assistance program and homeless prevention supportive services.

Total Funds and Sources: \$940,692.00
Number of Persons to be Served: 200
Category of Persons: HIV/AIDS/Low-income

The Contract will provide funding for:

Administrative Expenses	\$ 32,505.00
Supportive Services	\$ 90,762.00
Operation Cost	\$ 97,080.00
STRUMA	\$249,999.00
Total	\$470,346.00

RC:KB:MR

City Secretary
Mayor's Office
Legal Department
Finance Department

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

09-LARA 5th Amend

SUBJECT: An ordinance appropriating \$500,000 out of the TIRZ Affordable Housing (Fund 2409), \$1,200,000 out of the TIRZ Affordable Housing Uptown Series 2002B Bond (Fund 2410), and \$535,000 out of the TIRZ Affordable Housing Uptown Series 2004 Bond (Fund 2417), for a total appropriation of \$2,235,000; and approving and authorizing a Fifth Amendment to Land Assembly Grant Agreement between the City of Houston and the Land Assemblage Redevelopment Authority; to acquire property for affordable housing, to include payments to participating community development corporations (CDCs) and builders and certain vendors to the list of eligible costs as incurred.

Page 1 of 2

Agenda Item #

16

FROM (Department or other point of origin): Richard Celli, Director Housing and Community Development Department

Origination Date 03-06-2009

Agenda Date APR 01 2009

DIRECTOR'S SIGNATURE: [Signature]

Council District affected: All

For additional information contact: Steve Tinnermon Phone: 832-393-0661

Date and identification of prior authorizing Council action: Ordinance 2004-0800: July 28, 2004 Ordinance 2005-902: July 27, 2005 Ordinance 2005-1073: September 14, 2005 Ordinance 2006-0902: August 30, 2006 Ordinance 2008-255: March 26, 2008

RECOMMENDATION: (Summary)

Approval of an Ordinance approving the Fifth Amendment to Land Assembly Grant Agreement ("Fifth Amendment") between the City of Houston ("City") and the Land Assemblage Redevelopment Authority ("LARA"); appropriating \$500,000 out of the TIRZ Affordable Housing (Fund 2409), \$1,200,000 out of the TIRZ Affordable Housing Uptown Series 2002B Bond (Fund 2410), and \$535,000 out of the TIRZ Affordable Housing Uptown Series 2004 Bond (Fund 2417), for a total appropriation of \$2,235,000 for the purpose of enabling LARA to continue to acquire identified properties by bid or direct purchase; and to include payments to participating community development corporations (CDCs), builders and certain vendors to the list of eligible costs as incurred.

Amount of Funding: \$2,235,000

Finance

SOURCE OF FUNDING

[] General Fund [] Grant Fund [] Enterprise Fund

[X] Other (Specify) TIRZ Affordable Housing Fund No. 2409 \$ 500,000 TIRZ Affordable Housing Uptown Series 2002B Bond Fund No. 2410 \$1,200,000 TIRZ Affordable Housing Uptown Series 2004 Bond Fund No. 2417 \$ 535,000

SPECIFIC EXPLANATION: On July 28, 2004, City Council approved Ordinance No. 2004-800, which authorized the Land Assembly Acquisition Fund and authorized a Land Assembly Grant Agreement ("Agreement") between the City and LARA in the amount of \$615,000. The Agreement required that up to 85% of the fund be used to purchase designated tax delinquent properties at foreclosure auction.

On July 27, 2005, City Council approved Ordinance No. 2005-902, which authorized the First Amendment providing an addition of \$400,000 to the Fund to be paid out of the TIRZ Affordable Housing Fund for the continued purchase of properties. On September 13, 2005, City Council approved Ordinance No. 2005-1073, which authorized the Second Amendment providing an addition of \$800,000. A Third Amendment was approved on August 30, 2006 awarding an additional \$1,000,000; and a Fourth Amendment was approved on March 26, 2008 awarding LARA \$2,300,000 to acquire lots, make payments to participating CDCs and builders and certain other vendors.

The availability of additional funding through appropriations for the Project has led to major strides in land assemblage for new affordable housing efforts. To date, LARA has acquired through strike-off or direct acquisition over 1,000 lots. Nearly 500 lots are now available to qualified builders and community development corporations. Another 200 lots have already been awarded to builders and CDCs, with 46 houses currently under construction and another 70 houses either already sold or available for sale to affordable homebuyers. LARA plans to acquire 400 lots during the 2009 fiscal year.

REQUIRED AUTHORIZATION

Finance Director: [Signature]

Other Authorization:

Other Authorization:

Date: 03-06-09	Subject: An ordinance appropriating \$500,000 out of the TIRZ Affordable Housing (Fund 2409), \$1,200,000 out of the TIRZ Affordable Housing Uptown Series 2002B Bond (Fund 2410), and \$535,000 out of the TIRZ Affordable Housing Uptown Series 2004 Bond (Fund 2417), for a total appropriation of \$2,235,000; and approving and authorizing a Fifth Amendment to Land Assembly Grant Agreement between the City of Houston and the Land Assemblage Redevelopment Authority; to acquire property for affordable housing, to include payments to participating community development corporations (CDCs) and builders and certain vendors to the list of eligible costs as incurred.	Originator's Signature 	Page: <u>2</u> of <u>2</u>
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As an expansion to the existing program, this ordinance will: 1) authorize LARA to reimburse builders for the cost of installing water and sewer taps needed in connection with the construction of new houses and 2) fund a special Solicitation of Offers to furnish lots to builders at a discounted price. The funding will also allow for the continuation of several on-going initiative supporting affordable housing development, including: 1) make payments to participating CDCs who assist with marketing the Houston Hope initiative; 2) make payments to participating builders to cover the costs associated with constructing all houses so they comply with "Energy Star" standards and 3) reimburse LARA for lots sold under a Solicitation of Offers for discounted lots.

Under a recent LARA Request for Proposals, a participating CDC partnering with a selected builder was entitled to receive a fee from LARA of up to \$2,500. The CDC used these funds to help market the house and the program. Under a revised initiative, designed to increase effectiveness and accountability, participating CDCs will enter into an agreement with LARA to perform specific program marketing and information dissemination tasks to inform Houston Hope neighborhood residents about the City's housing down-payment assistance programs, home repair and new housing construction efforts. Participating CDCs will be entitled to receive an amount not to exceed \$25,000 annually. A total of \$250,000 is allocated under this ordinance to pay CDC fees.

This ordinance will also authorize LARA to continue to make payments to participating builders for each house constructed to industry recognized, Home Energy Rating System (HERS) "Energy Star" standards. A Payment of \$2,500 will be made after the house is constructed and certified by an independent inspector as meeting "Energy Star" HERS requirements. A total of \$300,000 is allocated under this ordinance to pay builders to meet Energy Star standards. The benefit of covering this cost is two-fold. First, it helps to reduce the sales price of the new affordable home; and secondly, it helps to reduce the monthly utility costs for the new low or moderate-income owner, thereby increasing the likelihood that the owner will avoid future foreclosure risks.

This ordinance also authorizes LARA to pay up to \$500,000 in Affordable Housing TIRZ funds for the installation of water and sewer taps needed in connection with new housing construction. The purpose is to reimburse builders for the cost of water and sewer taps in an amount not to exceed \$3,000 per tap for short water and sewer taps and \$5,000 per tap for long water and sewer taps. Typically, this expense is passed on to the buyer but, to increase the affordability of the homes, the builder will be reimbursed for this expense.

This ordinance will also authorize the reimbursement of LARA of up to \$500,000 (at \$5,000 per lot) for lots sold under a special solicitation offer whereby lots are made available to builders at a cost of one dollar. A total of 100 lots will be made available, 60 lots in Trinity Gardens and 40 lots in the other Houston Hope neighborhoods. The goal of this initiative is to further encourage affordable housing development. Qualified builders must secure a loan commitment from a third party lender and close on the lots within 30 days after the contract is executed by LARA. The builder must start construction on each lot purchased within 30 days of closing and complete construction within 180 days.

Finally, a total of \$685,000 is allocated under this ordinance to the aforementioned Land Assembly Acquisition Fund (to support acquisition of lots). LARA agrees to make a good faith effort to ensure that not less than \$582,250 or 85% of the total approved amount is used for costs directly related to land purchases and land development costs, with no more than \$102,750 or 15% for administration costs.

These matters were brought before the Housing and Community Development Committee on March 13, 2009 (as Items# 3 and 4) and recommended for full consideration by City Council. The Department recommends approval of the Ordinance.

CC: City Secretary Mayor's Office
Legal Department City Controller

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

R

SUBJECT: An Ordinance approving new contracts for elderly services with various Contractors through the Harris County Area Agency on Aging	Category #	Page 1 of 2	Agenda Item # 17
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FROM (Department or other point of origin): Department of Health and Human Services	Origination Date 3/11/09	Agenda Date APR 01 2009
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DIRECTOR'S SIGNATURE: <i>Colina Garza Pledge for SLW</i>	Council District affected: All
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For additional information contact: Kathy Barton Telephone: 713-794-9998; pgr 713-826-5801	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
Adopt an ordinance approving four contracts for elderly services through the Harris County Area Agency on Aging

Amount of Funding: Maximum Contract Amount: \$3,909,505.36 Federal State Local – Pass Through Fund (5030)	Finance Department:
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SOURCE OF FUNDING: [] General Fund [X] Grant Fund [] Enterprise Fund []
Other (Specify): Aging Title III Grant (Fund 5030)

The Houston Department of Health and Human Services (HDHHS) requests City Council approval of an ordinance authorizing new contracts with four providers of elderly services. The providers were selected through a Request for Proposal process conducted by the Harris County Area Agency on Aging. The ordinance sets a maximum contract amount for each provider and authorizes the HDHHS Director to allocate supplemental funding as it becomes available, up to the maximum amount. The contract terms extend through September 30, 2009, with three one-year renewals. The Director may extend the contracts for an additional 90 days if funds remain. The City of Houston, as designated by the Texas Department of Aging and Disability Services, has full authority and responsibility for funds authorized under the Title of the Older Americans Action of 1965, as amended. These funds are disbursed by the U.S. Department of Health and Human Services through the Texas Department of Aging and Disability Services and administered by HDHHS' Harris County Area Agency on Aging.

- Services provided by these contractors include:
- **Home delivered meal services** include a hot or otherwise appropriate meal that meets the recommended dietary allowance and is served to an eligible person at his/her residence.
 - **Caregiver Information services and Education and Training services** include the establishment of support groups for caregivers, conferences and training for those providing care to older adults.
 - **Support Services** includes the provision of mental health services to seniors.

REQUIRED AUTHORIZATION		
Finance Department	Other Authorization:	Other Authorization:

Date

3/11/08

Subject: An Ordinance approving new contracts for elderly services with various Contractors though the Harris County Area Agency on Aging

Originator's Initials

Page 2 of 2

- **Respite in-home and non-residential services** includes temporary relief of caregivers that includes an array of services provided to people who need supervision. In-home services are provided in the client's home environment on a short term, temporary basis while the primary caregiver is unavailable or needs relief. Non-residential respite services are provided in an adult type day care location while the primary caregiver is unavailable or needs relief. Services may also include meal preparation, housekeeping and assistance with personal care and/or social recreational activities. The City or the service provider identifies the client eligible for services.
- **Personal Assistance** includes the performance of personal care tasks including bathing, dressing, feeding, grooming, transferring / ambulation to individuals who need assistance with performing activities of daily living in their residence.
- **Adult Day Care** services is an array of services provided in a congregate, non-residential setting to dependent older individuals who need supervision but do not require institutionalization.
- **Homemaker** services provided by trained and supervised homemakers involving the performance of housekeeping and home management, meal preparation, or escort tasks and shopping assistance provided to older individuals who require assistance with these activities in their place of residence.
- **Instruction and Training services** include providing experience or knowledge to individuals or professionals working with older individuals to acquire skills in a formal, informal, or in individual or group settings.

The Contractors and their respective total contract value are:

Contractor	Maximum Contract Amount	Services
Asian American Family Counseling Center	\$183,096.37	Mental Health Services
Faith Presbyterian Church of Baytown, Texas previously know as First Westminster Presbyterian Church	\$485,023.27	Home Delivered Meals
Chinese Community Center	\$234,029.19	Caregiver Education and Training and Caregiver Information Services
The Sheltering Arms, Houston, Texas	\$3,007,356.53	Personal Assistance, Caregiver Respite Care-in Home, Instruction and Training, Homemaker Services, and Adult Day Services
TOTAL:		\$3,909,505.36

Cc: Finance Director
Legal Department
Agenda Director

HCD 09-46

SUBJECT: The Housing and Community Development Department recommends City Council's approval of an Ordinance approving an amendment to the HOME Budget for Program Year 2008 to decrease funds allocated to the Single Family Development/ New Construction Budget Activity in the amount of \$250,000 and to increase funds allocated to the Community Housing Development Organization (CHDO's) Operations Budget Activity by \$250,000; and approving an amendment to the Community Development Block Grant (CDBG) for the 34th Program Year to decrease the Public Facilities and Improvements Budget Activity by \$300,000 and add a new project, the SPARKS Park Program, under the same budget in the amount of \$300,000.

Category # 1,2	Page 1 of 1	Agenda Item # 18
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FROM (Department or other point of origin):
Richard S. Celli,
Housing and Community Development Department

Origination Date
March 18, 2009

Agenda Date
(Proposed) April 18, 2009

DIRECTOR'S SIGNATURE: *Richard S. Celli*

Council District affected:
All

For additional information contact: Brenda Scott
Phone: 713-868-8484

Date and identification of prior authorizing Council action: Ordinance No. 2008-385, April 30, 2008; Ordinance No. 2008-1051 November 19, 2008

RECOMMENDATION: (Summary)
The Housing and Community Development Department recommends City Council's approval of an Ordinance approving an amendment to the HOME Budget for Program Year 2008 to decrease funds allocated to the Single Family Development/ New Construction Budget Activity in the amount of \$250,000 and to increase funds allocated to the Community Housing Development Organization (CHDO's) Operations Budget Activity by \$250,000; and approving an amendment to the Community Development Block Grant (CDBG) for the 34th Program Year to decrease the Public Facilities and Improvements Budget Activity by \$300,000 and add a new project, the SPARKS Parks Program, under the same budget in the amount of \$300,000.

Amount of Funding:

Budget:

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify)

SPECIFIC EXPLANATION:

The Housing and Community Development Department recommends City Council's approval of an Ordinance amending the HOME Budget under the 2008 Consolidated Annual Plan. The details of the amendment are included in the attached Public Notices (Notices). Following is a recap of each Notice.

The 2008 Consolidated Annual Plan for the HOME Grant is amended as follows:

- Decrease funds allocated to the Single Family Development/ New Construction by \$250,000
- Increase funds allocated to Community Housing Development Organization (CHDO's) Operation by \$250,000

The 2008 Consolidated Annual Plan for the CDBG Grant for the 34th program year is amended as follows:

- Decrease funds allocated to the Public Facilities and Improvements by \$300,000
- Add SPARK Parks Program in the amount of \$300,000

In accordance with HUD regulations, the City is required to amend components of the Grant Agreement when (1) an activity is added; (2) an activity is deleted; (3) a change in the scope of an activity or reallocation of funds increases or decreases the budget of an activity by more than twenty-five (25%) of the original budget; or (4) when there is a change in the purpose, location or beneficiaries of an activity.

By this amendment, an activity is added, fund reallocations are decreased and others increased by more than 25%

Through a Notice published in the Houston Chronicle on Wednesday, February 25, 2009 the public was notified of these proposed changes to the HOME Grant. The public has thirty days to comment on these proposed changes. The comment period extends from Wednesday, February 25, 2009 through Friday, March 27, 2009. The CDBG notice was published for the period of Wednesday, January 28, 2009 through Friday, February 27, 2009. Following the citizen review period, these amendments and any selected projects are being presented to City Council for approval. Projects not yet selected will be presented to City Council for approval when selected.

Therefore, approval of an ordinance is recommended.

RC: GV/BS

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

SUBJECT: To enter into a Contract for the (B08) 34 th Year CDBG funded "SPARK" Program with the Pasadena Independent School District (PISD), SPARK Inc. (SPARK) and Housing and Community Development Department (HCDD).	Category #	Page 1 of 1	Agenda Item # 18A
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FROM (Department or other point of origin): Richard S. Celli, Director Housing and Community Development	Origination Date 12/10/2008	Agenda Date APR 01 2009
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MS **DIRECTOR'S SIGNATURE:** 

Council District affected:
"E"

For additional information contact: Gayve F. Anklesaria Phone: 713-868-8466	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary)
City Council Ordinance approving and authorizing a Contract with PISD, SPARK Inc. and HCDD to allow allocation of CDBG funding in the amount of \$55,000 approved in the City of Houston Consolidated Plan for the (B08) – 34th Year program.

Amount of Funding: Grant Funds- 5000	Finance Department
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund
 Other (Specify) Community Development Block Grant (CDBG)

SPECIFIC EXPLANATION:

City Council is being requested to authorize and approve a Contract between the Housing and Community Development Department (HCDD), the Pasadena Independent School District (PISD) and SPARK Inc. for a "SPARK" program. The Contract will provide for the development of neighborhood parks on public school grounds and authorized Community Development Block Grant (CDBG) funding in conjunction with other outside funding sources for implementation of this program.

This Contract will provide \$55,000 from the (B08) 34th Year CDBG Program to Pasadena ISD to be appropriated for work specified in the scope of work below in the low-income eligible areas.

PROJECT DESCRIPTION/SCOPE: CDBG funds will be utilized for:

Installing play equipment including slides and climbing equipment, fall surface and border, four (4) picnic tables with one handicap accessible.

PROJECT NAME AND LOCATION: Garfield Elementary, 10301 Hartsook Street, Houston Texas 77034

PROJECT COST: In addition to CDBG funds, each SPARK Park gets funding from several outside sources, which include; Private sector, Corporations, Foundations, School District, Community fund raisers, County and the SPARK Inc.

Approval of this Ordinance is recommended.

RC:ga

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

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

08-HISD.RCA *HCD 09-42*

SUBJECT: Third amendment to the HISD Contract for the (B08) 34 th Year CDBG funded "SPARK" Program with the Houston Independent School District (HISD), SPARK Inc. and the Housing and Community Development Department (HCDD).	Category #	Page 1 of 2	Agenda Item <i>18B</i>
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FROM (Department or other point of origin): Richard S. Celli, Director Housing and Community Development	Origination Date 12/10/2008	Agenda Date APR 01 2009
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DIRECTOR'S SIGNATURE: <i>RS Celli</i>	Council District affected: "B,E,H"
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For additional information contact: Gayve F. Anklesaria Phone: 713-868-8466	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary)
City Council Ordinance approving and authorizing Third Contractual Amendment with HISD, SPARK Inc. and HCDD to allow allocation of CDBG funding in the amount of \$190,000 approved in the City of Houston Consolidated Plan for the (B08) – 34th Year program.

Amount of Funding: Grant funds – 5000	Finance Department:
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund
 Other (Specify) Community Development Block Grant (CDBG)

SPECIFIC EXPLANATION:

Through this Council action, City Council is being requested to authorize and approve a Contract Amendment between the HCDD, HISD and SPARK Inc. for a "SPARK" program. This Contract amendment will provide for the development of neighborhood parks on public school grounds and authorized Community Development Block Grant (CDBG) funding in conjunction with other outside funding sources for implementation of this program.

This Contract amendment will provide \$190,000 from the (B08) 34th Year CDBG Program to be appropriated for various SPARK park activities specified in the project description/ scope of work below at four (4) SPARK schools in the HUD/CDBG low income eligible areas.

PROJECT DESCRIPTION/SCOPE: CDBG funds will be utilized for renovation and/or installation of new park equipment, sidewalks, concrete seating areas, asphalt and/or crushed granite tracks, in-ground bleachers and benches, landscaping and site work.

PROJECT NAME AND LOCATION: The SPARK Schools in HISD for (B08) 34th Year are reflected in Attachment I.

PROJECT COST: In addition to CDBG funds, each SPARK Park gets funding from several outside sources, which include; Private sector, Corporations, Foundations, School District, Community fund raisers, County and SPARK Inc.

Approval of this Ordinance is recommended.

RC:ga
 xc: City Attorney
 Mayor's Office
 City Secretary
 Finance Department

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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ATTACHMENT I

Project Description	Project Location	CDBG Budget	Council District
Patrick Hendry Middle School	10702 E. Hardy Road Houston Texas - 77093	\$55,000	B
Coop Elementary	10130 Aldine Westfield Road Houston Texas - 77093	\$55,000	B
Chavez High School	8501 Howard Drive Houston Texas - 77017	\$25,000	E
Hererra Elementary	528 Bennington Houston Texas -77034	\$55,000	H
Total Budget		\$190,000	

SUBJECT: Eighth Amendment to the ALIEF Contract for the (B08) 34th Year CDBG funded "SPARK" Program with Alief Independent School District (AISD), SPARK Inc. and the Housing and Community Development Department (HCDD). Category # Page 1 of 1 Agenda Item # *18c*

FROM (Department or other point of origin): Richard S. Celli, Director
Housing and Community Development
Origination Date: 12/10/2008. **Agenda Date:** APR 01 2009

MD **DIRECTOR'S SIGNATURE:** *Richard S. Celli*
Council District affected: "F"

For additional information contact: Gayve F. Anklesaria
Phone: 713-868-8466 **Date and identification of prior authorizing Council action:** N/A

RECOMMENDATION: (Summary)
City Council Ordinance approving and authorizing Contractual Amendment with AISD, SPARK Inc. and HCDD to allow allocation of CDBG funding in the amount of \$55,000 approved in the City of Houston Consolidated Plan for the (B08) – 34th Year program.

Amount of Funding: Grant funds – 5000 **Finance Department**

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund
 Other (Specify) **Community Development Block Grant (CDBG)**

SPECIFIC EXPLANATION:
City Council is requested to authorize and approve this eighth Contract Amendment between HCDD, SPARK Inc. and the Alief Independent School District (AISD) for a "SPARK" program. This Contract will provide for the development of neighborhood parks on public school grounds and authorized Community Development Block Grant (CDBG) funding in conjunction with other outside funding sources for implementation of this program.
This Contract Amendment will provide funding for \$55,000 from the (B08) 34th Year CDBG Program to Alief Independent School District to be appropriated for work specified in the scope of work below in the HUD/CDBG low income areas.

PROJECT DESCRIPTION/SCOPE: CDBG funds will be utilized for:
Developing a new ½ mile asphalt trail with concrete curbing and install four (4) benches including one handicap accessible.

PROJECT NAME AND LOCATION: Cummings Elementary, 10455 South Kirkwood, Houston, Texas 77099

PROJECT COST: In addition to CDBG funds, each SPARK Park gets funding from several outside sources, which include; Private sector, Corporations, Foundations, School District, Community fund raisers, County and the SPARK Inc.

Approval of this Ordinance is recommended.

RC:ga
xc: City Attorney
Mayor's Office
City Secretary
Finance Department

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: An ordinance appropriating \$14,552,875.00 in tax increment revenue pre-payment to the Fourth Ward Redevelopment Authority pursuant to the Tri-Party Agreement.

Category #

Page
1 of 1

Agenda Item#

19

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date
March 20, 2009

Agenda Date
APR 01 2009

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Council Districts affected:
D, I

For additional information contact:

Robert Fiederlein **Phone:** (832)393-8091
Julia Gee **Phone:** (713)837-7828

Date and identification of prior authorizing Council Action:
Ord. 2009-212, 03/11/09; Ord. 2009-213, 03/11/09

RECOMMENDATION: (Summary)

An ordinance appropriating \$14,552,875.00 in tax increment revenue pre-payment to the Fourth Ward Redevelopment Authority pursuant to the Tri-Party Agreement.

Amount of Funding: \$14,552,875.00

Finance Budget:

SOURCE OF FUNDING:

General Fund Grant Fund
 Other (Specify) Fund 7562 Reinvestment Zone #14 Tax Increment Fund (Fourth Ward Zone)

SPECIFIC EXPLANATION:

On April 9, 2008, the City of Houston, Reinvestment Zone Number Fourteen and the Federal Reserve Bank of Dallas Houston Branch entered into an agreement providing for prepayment of \$15 million to the City by the Bank for its property taxes on its property located within the TIRZ and located, generally, at W. Dallas, Gillette St. and Allen Parkway. The prepayment was to facilitate by the City and TIRZ certain public improvement projects in the vicinity of the Bank including, but not limited to, improvements to San Felipe Park and Gillette St.

In consideration of a scenario where a tax paying property owner prepays their property taxes, the Tri-Party Agreement between the City of Houston, Texas, Reinvestment Zone Number Fourteen and the Fourth Ward Redevelopment Authority was therefore amended and recently approved by City Council. This appropriation implements the aforementioned agreement with the Bank.

Additionally, the Fiscal Year 2009 Operating Budget and FY 2009-FY2013 CIP for the Fourth Ward Redevelopment Authority was also approved by Council. The Capital Improvement Plan includes funding for projects such as Bethel Missionary Baptist Church Preservation, West Webster Park, Gillette St., San Felipe Park, Wiley Park, Gregory School, Crosby St., various streets reconstruction and affordable housing.

cc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo Michel, City Attorney
Deborah McAbee, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approval of an ordinance to approve a Third Amended Tax Increment Reinvestment Zone Number Five (Memorial Heights Zone) Project Plan and Reinvestment Zone Financing Plan.

Category #

Page
1 of 1

Agenda Item#

20

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

3-19-09

Agenda Date

APR 01 2009

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Council Districts affected:

A, D, G, H

For additional information contact:

Ralph De Leon (832)393-8080
Tom Mesa (713) 837-9857

Date and identification of prior authorizing

Council Action: Ord. 96-1337, 12/18/1996, Ord. 97-594, 5/21/1997, Res. 97-67, 12/10/1997, Ord. 1999-823, 8/11/1999, Ord. 2007-1142, 10/10/2007, Ord. 2008-784, 9/3/2008, Ord. 2008-1204, 12/17/08

RECOMMENDATION: (Summary) Approval of an ordinance to approve a Third Amended Tax Increment Reinvestment Zone Five (Memorial Heights Zone) Project Plan and Reinvestment Zone Financing Plan.

Amount of Funding: No Funding Required

Finance Budget:

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

SPECIFIC EXPLANATION:

City of Houston Tax Increment Reinvestment Zone Number Five (Memorial Heights Zone) was created by Ordinance 96-1337 on December 18, 1996. Subsequently City Council approved a Project Plan and Reinvestment Zone Financing Plan (the "Plan") for the Zone via Ordinance 97-594, adopted May 21, 1997, and created the Memorial Heights Redevelopment Authority via Resolution 97-67, on December 10, 1997 to help implement the Plan. On August 11, 1999, via Ordinance 1999-823, City Council approved a First Amended Project Plan and Reinvestment Zone Financing Plan. On September 3, 2008 City Council approved a Second Amended Project Plan and Reinvestment Zone Financing Plan via Ordinance 2008-784.

This proposed Third Amended Plan is needed to facilitate the development of Regents Square, a planned 4 million square foot mixed-use development located in the vicinity of Dunlavy Street between Allen Parkway and Dallas Street, and includes provisions for pedestrian amenities, roadways, streetscape improvements, and other public infrastructure upgrades, system expansions, and relocations. This Third Amended Project Plan and Reinvestment Zone Financing Plan restates the goals and objectives included in the Original, First Amended, and Second Amended Project Plans. The remaining project categories including design and construction of public infrastructure including public streets and utility systems, parks, hike and bike trails, pedestrian bridges, the redevelopment of cultural and public facilities and affordable housing will remain unchanged. Overall, the non-educational project costs will increase \$17,610,792 including \$6,610,792 for affordable housing.

cc: Marty Stein, Agenda Director
Anna Russell, City Secretary
J Arturo Michel, City Attorney
Deborah McAbee, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

[Signature]

**TAX INCREMENT REINVESTMENT ZONE NUMBER FIVE
CITY OF HOUSTON**

MEMORIAL-HEIGHTS ZONE

Third Amended
Project Plan and Reinvestment Zone Financing Plan

March 10, 2009

REINVESTMENT ZONE NUMBER FIVE, CITY OF HOUSTON, TEXAS
 MEMORIAL HEIGHTS ZONE – Third Amended Project Plan and Reinvestment Zone
 Financing Plan

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Introduction

The purpose of the Project Plan and Reinvestment Zone Financing Plan (the “Plan”) for Reinvestment Zone Number Five, City of Houston, Texas (Zone) is to set forth goals, expectations and redevelopment plans and programs necessary to create and support an environment attractive to private investment in the greater Memorial Heights area and the Buffalo Bayou inner loop recreational corridor. The intent of the Plans is to ensure that the improvements will result in the long-term stability and viability of the area.

The Zone was created by Ordinance No. 96-1337, dated December 18, 1996, as a tool to facilitate the master-planned, mixed-use, residential redevelopment of approximately 112 acres generally bounded by Washington Avenue, Washington Cemetery, Memorial Drive and Heights Boulevard. The Plans were adopted by City Council on May 21, 1997 by Ordinance No. 97-594 (the “Part A Plan”). Subsequently, City Council approved the First Amendment of the Plan via Ordinance 99-823 on August 11, 1999. In the Part A Plan two alternatives were identified that were predicated on the relocation/abandonment of an existing rail spur. The rail spur was not abandoned within timelines that would allow the development contemplated by alternative A and development proceeded according to alternative B. By 2006, most of the projects defined in the Part A Plan were complete, while the costs for such projects continue to be financed. On October 10, 2007, City Council passed Ordinance No. 2007-1142 annexing an additional 767 acres of public land into the Zone located primarily along Buffalo and White Oak Bayous, bringing the total acreage within the Zone Boundary to approximately 877 acres.

The Second Amendment to the Plans (the “Part B” Plan) consists of two parts, Section One and Section Two.

Section One:

The Part A Plan: The First Amendment of the Plans covered a total of 112 acres generally bounded by Washington Avenue, Washington Cemetery, Memorial Drive and Heights Boulevard. The Part A Plan provided the financing and management tools needed to help alleviate blight, deteriorated site conditions, relieve obsolete platting; and encourage sound growth of residential development and supporting uses within the Zone. The aforementioned goals were to be achieved primarily through the financing of

- Real property assemblage and associated costs
- Environmental remediation
- Public utilities including water, sewer and drainage facilities
- Utility Impact Fees
- Paving
- Landscaping
- Improvements to Spotts Park
- Intersection improvements
- Pedestrian Bridge and improvements to tie into Houston Bikeways/Memorial Trail system.

Much of what was formerly vacant land previously occupied by industrial uses has been converted into high-density residential and commercial development. This development, which occurred within the original boundaries of the Zone has acted as a catalyst for additional redevelopment throughout the surrounding area. A new initiative proposed to occur within the original boundaries of the Zone will convert an additional 28 acres of multi-family housing from 616 units with an estimated 1,860 units. Property valuation of the Zone has increased from \$25,951,340 in 1997 (Zone Base Year) to \$246,890,645 in 2007, an increase of 927%. The Zone will continue to implement and pay for the project costs for the Part A Plan.

Section Two:

The Part B Plan: The Second Amendment to the Plans included provisions for a Zone area expansion and projects for the enhancement of and improvements to the newly annexed public land. The geographic area covered by Part B Plan includes the areas covered by Part A, as well as the recently annexed 767 acres of land.

Goals:

Public improvements proposed in the Part B Plan are in relationship to the original goals of the Zone and are as follows:

Goal 1: Infrastructure Improvements: Public streets and public utility systems are required to create an environment that will stimulate private investment in retail, residential, and multi-family developments. Reconstruction (major and minor) of key streets and utility systems will be taken to enhance the level of service in the area, improve functionality, replace aged facilities, and increase aesthetics. All roadway improvements will be integrated with street reconstruction projects of the City of Houston, and others as needed, and where possible include elements not included in those programs.

Goal 2: Parks and Related Amenities: The creation of pedestrian-friendly safe environments, public open greens space, and access and egress improvements including land acquisition, dedication of public easements, parking, and the construction of enhancements. All improvements will be integrated with adjacent land uses and provided with upgrades focused on connectivity, pedestrian safety, and the visual environment.

Goal 3: Non-Vehicular/Multi-Modal Transportation Systems: Development of on road and off road hike and bike trails including sidewalks, pedestrian bridges, lighting, street trees, landscaping, wayfinding signage, benches, street furniture, public art and other pedestrian amenities. Improvements include establishment of off-street hike and bike lanes where adequate right-of-way/public easements are available, widening of existing sidewalks/roadway bridge decks to accommodate both pedestrian and bicyclists, and modification of lane design within existing pavement.

Goal 4: Cultural and Public Facilities: Efforts to enhance the quality of life of area residents through the rehabilitation of cultural and public facilities are anticipated in the Part B Plan. One specific project identified by the Zone is the reconstruction of the Fonde Recreation center and includes the expansion of the weight center. Repositioning of Historic Cemeteries is also a fundamental goal of the Part B Plan Amendment.

Goal 5: Affordable Housing: Provisions for a commitment to the City of Houston for an affordable housing contribution is included in the Part B Plan.

Section Three:

The Part C Plan: The Third Amended Project Plan includes provisions for a Zone area expansion and projects for the enhancement of and improvements to the newly annexed territory. The geographic area covered by the Part C Plan includes the areas covered by Parts A and B, as well as the recently annexed 39 acres of land at Regent Square and sidewalk/trail easements at Studemont and Memorial Drive.

The proposed improvements in the 39 acre annexation are associated with the Regent Square project and will allow the Zone to enter into a development agreement with the owner of most of this property to develop a mixed-use project that includes for-sale and rental residential units, retail and restaurant development, and office space. The development agreement would allow the developer to be reimbursed for various public improvements including, but not limited to, underground utility improvements (water, wastewater and storm drainage), street lighting and landscaping, sidewalks and utility impact fees. Public improvements proposed in this Part C Plan are in relationship to the original goals of the Zone. The

developer in turn has committed to certain milestones related to the start of the project and to the provision of certain public benefits including access to parking garages on site for use by park patrons of the adjacent parkland and support for the nearby historical African-American cemetery. Part C tax increment revenues that are not utilized for the project costs associated with the Part C annexed area may be utilized for project costs in Part A or B of the Zone.

Other Project Plan Provisions

Project Plan:

Existing and Proposed Uses of Land Within the Zone: Map 1 reflects the existing land uses within the boundaries of the Zone.

Estimated Non-Project Cost Items: The viability of submitting to city council a Public Improvement District (PID) Project Plan and subsequent assessment is currently being discussed among single family and multi-family residents within the original boundaries of the Zone. No known assessment rate or collection amount is known at this time.

Proposed Changes of Zoning Ordinances, Master Plan of Municipality, Building Codes, and other Municipal Ordinances: All construction will be done in conformance with existing rules and regulations of the City of Houston. There are no proposed changes of any City ordinance, master plan, or building codes.

Statement of Method of Relocating Persons to be Displaced as a Result of Implementing the Plan: It is not anticipated that any residents will be displaced by any of the projects to be undertaken by the Zone.

Financing Plan:

Estimated Project Costs: Exhibit 1 is a detailed listing of the proposed project costs including administrative educational project costs. The existing project descriptions in the Part A and Part B Project and Financing Plan remain valid for those projects at this time.

Economic Feasibility: Exhibits 2 to 4 are updated revenue estimates for the Zone. These estimates detail the total appraised value, the captured appraised value and the net revenue from each taxing entity participating in the Zone over the life of the Zone.

Estimated Bond Indebtedness: No Bonds have been issued. The Zone will explore available financing methods including, but not limited to short-term notes, developer agreement financing and collaboration with other entities for grant funding and partnerships. The value of these future/potential financing methods will correlate to the debt capacity as derived from the revenue and project schedules attached herein.

Reinvestment Zone Duration: When initially created by City Council on December 18, 1996, the term of the Zone was established at 20 years.

Taxing Jurisdiction Participation: The 2008 incremental revenue estimate from all participating jurisdictions is sufficient to cover the costs of the proposed redevelopment as well as supporting the improvement of parks and open spaces proposed for the Zone. The Project Plan and Reinvestment Zone Financing Plan estimates a total project cost of \$84,377,748.

MAPS AND EXHIBITS

Exhibit 1 – Estimated Project Costs

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

<u>Infrastructure Improvements:</u>	Estimated Costs 1999 Plan	Estimated Costs 2008 Plan	Estimated Costs 2009 Plan	Cumulative
Public Utilities - Part A				
Water Single Family/Townhome	\$ 262,000	\$ -	\$ -	\$ 262,000
Water Multi Family	\$ 123,000	\$ -	\$ -	\$ 123,000
Sanitary Sewer	\$ 383,652	\$ -	\$ -	\$ 383,652
Water Impact Fees	\$ 158,800	\$ -	\$ -	\$ 158,800
Wastewater Impact Fees	\$ 555,800	\$ -	\$ -	\$ 555,800
Stormwater	\$ 511,500	\$ -	\$ -	\$ 511,500
Streetlights	\$ 5,400	\$ -	\$ -	\$ -
Public Utilities - Part B				
Public Utilities	\$ -	\$ 1,644,510	\$ -	\$ 1,644,510
Public Utilities - Part C				
Public Utilities	\$ -	\$ -	\$ 4,500,000	\$ 4,500,000
Total Public Utilities - Parts A, B & C	\$ 2,000,152	\$ 1,644,510	\$ 4,500,000	\$ 8,139,262
Roadway and Sidewalk Improvements - Part A				
Intersection Improvements (Studemont@Washington)	\$ 150,000	\$ 125,000	\$ -	\$ 275,000
Public 41' Paving Sect.	\$ 281,250	\$ -	\$ -	\$ 281,250
Private/UE/28' Paving sect.	\$ 781,850	\$ -	\$ -	\$ 781,850
Roadway and Sidewalk Improvements - Part B				
Public right-of-way improvements	\$ -	\$ 500,000	\$ -	\$ 500,000
Roadway and Sidewalk Improvements - Part C				
Public right-of-way improvements	\$ -	\$ -	\$ 6,500,000	\$ 6,500,000
Total Roadway and Sidewalk Improvements - Parts A, B & C	\$ 1,213,100	\$ 625,000	\$ 6,500,000	\$ 8,338,100
Total Infrastructure Improvements - Parts A, B & C	\$ 3,213,252	\$ 2,269,510	\$ 11,000,000	\$ 16,477,362
Other Project Costs:				
Park Improvements - Part A:				
Landscape/Irrigation	\$ 1,065,000	\$ -	\$ -	\$ 1,065,000
Perimeter Fencing	\$ 284,375	\$ -	\$ -	\$ 284,375
Park Improvements	\$ 500,000	\$ -	\$ -	\$ 500,000
Pedestrian Bridge	\$ 300,000	\$ -	\$ -	\$ 300,000
Park Improvements - Part B:				
Parks/Pedestrian Amenities/Hike and Bike Trails	\$ -	\$ 15,000,000	\$ -	\$ 15,000,000
Total Park Improvements - Parts A & B	\$ 2,149,375	\$ 15,000,000	\$ -	\$ 17,149,375
Professional Service/TIRZ Administration Parts - A & B				
Professional Services	\$ 1,185,000	\$ 2,133,460	\$ -	\$ 3,318,460
TIRZ Administration and Management	\$ -	\$ 1,980,393	\$ -	\$ 1,980,393
Total Professional Services/TIRZ Administration- Parts A & B	\$ 1,185,000	\$ 4,113,853	\$ -	\$ 5,298,853
Property Assemblage/Clean-up				
Land Acquisition/Relocation	\$ 100,000	\$ -	\$ -	\$ 100,000
Environmental Clean-up	\$ 2,000,000	\$ -	\$ -	\$ 2,000,000
Total Property Assemblage/Clean-up - Parts A & B	\$ 2,100,000	\$ -	\$ -	\$ 2,100,000
Project Financing Costs - Parts A & B				
Financing Costs	\$ 8,959,321	\$ 920,192	\$ -	\$ 9,879,513
Total Project Financing Costs - Parts A & B	\$ 8,959,321	\$ 920,192	\$ -	\$ 9,879,513
Creation Costs - Parts A & B				
Creation Costs	\$ 165,000	\$ -	\$ -	\$ 165,000
Total Creation Costs - Parts A & B	\$ 165,000	\$ -	\$ -	\$ 165,000
Educational Project Costs - Parts A & B				
Design and Construction of Educational Facilities	\$ 10,903,863	\$ 10,903,863	\$ -	\$ 21,807,726
Total Educational Project Costs - Parts A & B	\$ 10,903,863	\$ 10,903,863	\$ -	\$ 21,807,726
Affordable Housing Costs - Parts A & B				
Affordable Housing	\$ -	\$ 4,889,127	\$ -	\$ 4,889,127
Affordable Housing Costs - Part C				
Affordable Housing	\$ -	\$ -	\$ 6,610,792	\$ 6,610,792
Total Affordable Housing Costs - Parts A, B & C	\$ -	\$ 4,889,127	\$ 6,610,792	\$ 11,499,919
Total Other Project Costs - Parts A, B & C	\$ 28,675,811	\$ 33,207,418	\$ 11,000,000	\$ 72,877,829
PROJECT PLAN TOTAL	\$ 28,675,811	\$ 38,096,545	\$ 17,610,792	\$ 84,377,748

Map 1 – Land Use Map of Memorial Heights Zone
 TIRZ No. 5 – City of Houston

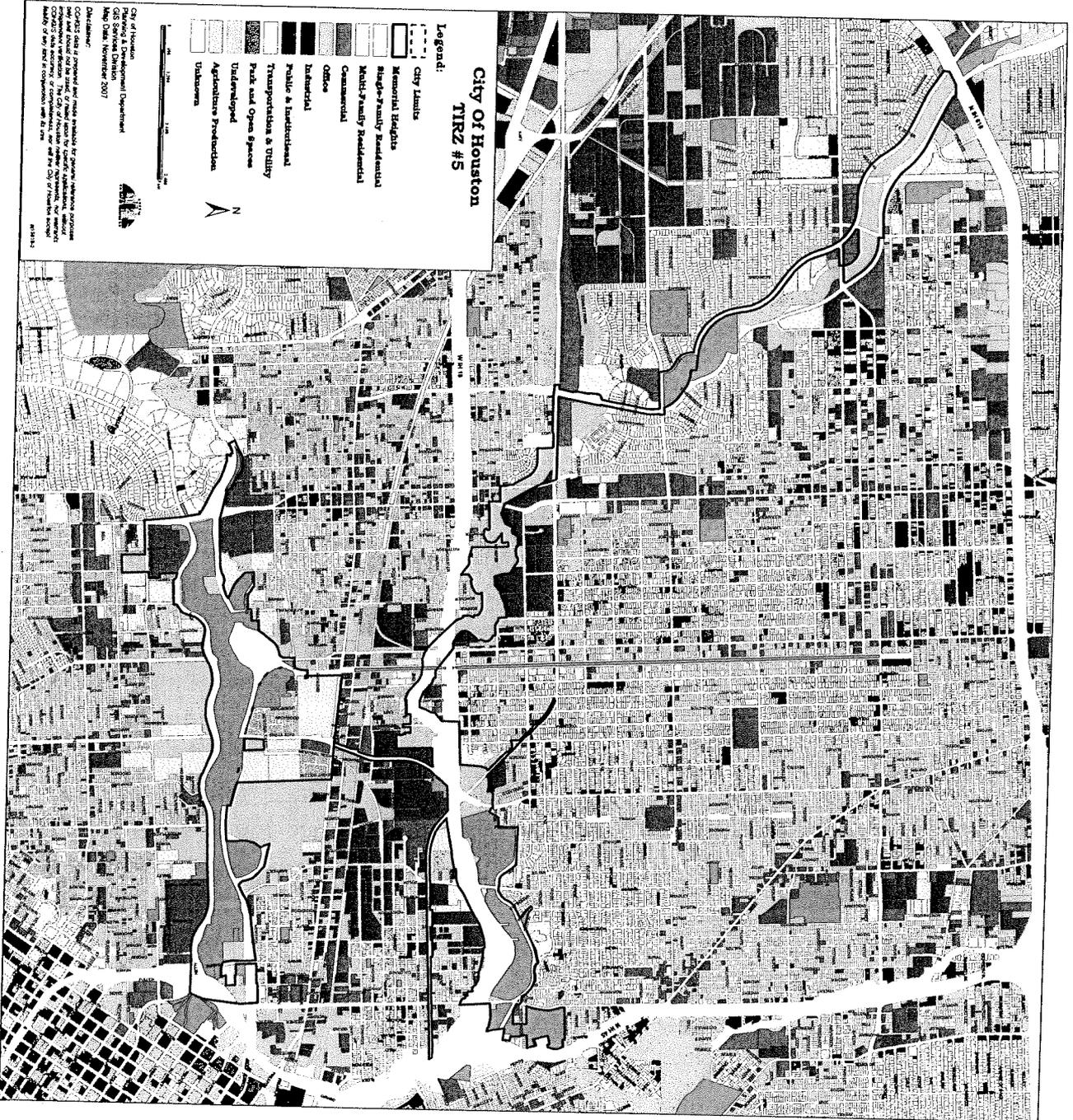


Exhibit 2 – Part B Table 1
Assumes \$0.38/\$100 Harris County participation

Tax year	NEW INCREMENT CREATED FROM PROPOSED DEVELOPMENT				TIRZ CASH FLOW							HISD INCREMENT From Original Plan		
	Taxable value	Redevelopment Increment w/Appreciation	Captured Appraised Value	City Tax @ \$0.64375	Harris County @ \$0.38103	HISD @ \$0.64 (Schedule)	TIRZ Admin Expense	City, County, HISD Admin Fees	Developer Maximum Request*	Whole TIRZ Net revenue	Dedicated to Affordable Housing	NET Revenue for Parks	HISD TAX Educational	HISD TAX NON-Educational
1997	25,951,340		0	0	0	0				0		0		
1998	42,804,630		16,853,290	0	0	103,632			103,632			0	51,816	103,632
1999	48,517,077		22,565,737	108,712	68,660	138,039			315,412			0	176,647	138,039
2000	68,436,346		42,485,006	145,560	91,933	260,395			497,888			0	333,224	260,395
2001	82,276,106		56,324,766	274,050	173,084	344,760			791,893			0	441,185	344,760
2002	94,406,669		68,455,329	363,323	229,467	419,539			1,012,329			0	536,878	419,539
2003	96,172,074		70,220,734	441,571	278,887	430,498			1,150,956			0	550,903	430,498
2004	97,970,491		72,019,151	452,959	286,079	441,663			1,180,701			0	565,190	441,663
2005	99,802,539		73,851,199	464,560	293,406	448,288			1,206,253			0	573,668	448,288
2006	230,581,020		204,629,680	476,377	300,870	455,012	66,731	89,759	1,298,990			0	582,273	455,012
2007	246,425,345		220,474,005	1,221,882	733,303	461,837	62,029	126,628	2,479,051			0	591,007	461,837
2008	246,890,645		220,939,305	1,405,037	828,309	468,765	72,400	136,667	2,493,044			0	599,873	468,765
2009	251,507,500		22,188,296	1,379,628	816,590	475,796	72,400	134,811	2,031,671	747,913	1,745,131	0	608,871	475,796
2010	256,210,690		43,524,888	1,547,009	915,661	482,933	72,400	148,134	1,825,312	609,501	1,422,170	0	618,004	482,933
2011	261,001,830		65,145,382	1,709,611	1,011,904	490,177	72,400	161,076	1,631,514	547,594	1,277,718	0	627,274	490,177
2012	265,882,564		82,279,777	1,874,536	1,109,521	497,530	72,400	174,203	1,431,004	489,454	1,142,060	0	636,683	497,530
2013	270,854,568		103,469,589	2,012,006	1,190,889	504,993	72,400	185,145	1,211,941	841,194	1,962,786	0	646,233	504,993
2014	275,919,549		125,895,840	2,175,371	1,287,583	512,568	72,400	198,148	1,050,644	971,521	2,266,882	0	655,927	512,568
2015	281,079,244		148,215,840	2,347,036	1,389,190	520,256	72,400	211,811	812,271	1,050,644	2,451,504	0	665,766	520,256
2016	286,335,426		170,535,840	2,518,630	1,490,755	528,060	72,400	225,469	4,239,575	1,191,681	2,780,590	0	675,752	528,060
2017				2,690,826	1,592,676	535,981	72,400	239,175	4,507,908	1,271,873	2,967,703	0	685,888	535,981
TOTAL				20,917,857	12,496,091	7,984,742	780,360	1,791,850	3,525,364	35,775,024	7,721,375	18,016,542	10,823,062	8,520,723

Assumes 97% collection rate - 1.87% growth rate.

Assumes City of Houston participation at 100% of \$0.64375 tax rate.

Assumes Harris County participation at 100% (\$0.38103/\$100). Additional participation from Harris County Flood Control possible.

HISD participation conforms to Part A and remains unchanged. HISD tax participation rate is \$1.459 from 1999 through the end of the life of the Zone; \$0.819 applied to HISD School & Educational Facilities.

Assumes 30% of NET TIRZ revenues dedicated to off-site affordable housing.

NOTE: Project Revenues from 1997 through 2006 are carried forward from the original Project Plan. 2006 calculations prepared by City of Houston, Department of Finance & Administration.

Information from Part A Alternative B not updated.

Exhibit 3 – Part B Table 2
Assumes 0% Harris County participation

Tax year	NEW INCREMENT CREATED FROM PROPOSED DEVELOPMENT			TIRZ CASH FLOW								HISD INCREMENT From Original Plan	
	Taxable value	Redevelopment Increment w/Appreciation	Captured Appraised Value	City Tax @ \$0.64375	HISD @ \$0.64 (Schedule)	TIRZ Admin Expense	City, County, HISD Admin Fees	Developer Maximum Request Plus Interest	Whole TIRZ Net revenue	Dedicated to Affordable Housing	NET Revenue for Parks	HISD TAX Educational	HISD TAX NON-Educational
1996	25,951,340		0	0	0				0		0		
1997	42,804,630		16,853,290	108,712	103,632			103,632			0	51,816	103,632
1998	48,517,077		22,565,737	145,560	138,039			246,752			0	176,647	138,039
1999	68,436,346		42,485,006	274,050	260,395			405,955			0	333,224	260,395
2000	82,276,106		56,324,766	363,323	344,760			618,809			0	441,185	344,760
2001	94,406,669		68,455,329	441,571	419,539			782,862			0	536,878	419,539
2002	96,172,074		70,220,734	452,959	430,498			872,069			0	550,903	430,498
2003	97,970,491		73,851,199	464,560	448,288			912,847			0	573,668	448,288
2004	99,802,539		75,717,507	476,377	455,012	66,731	89,759	998,120			0	592,273	448,288
2005	103,570,054		77,618,714	1,221,882	1,221,882	62,029	126,628	1,745,748			0	591,007	451,837
2006	246,890,645		220,939,305	1,405,037	1,379,628	72,400	95,252	1,706,150			0	589,873	468,765
2007	251,507,500	22,188,296	247,744,456	1,547,009	1,547,009	72,400	102,350	1,255,911	511,845	1,194,305	0	608,871	475,796
2008	256,210,690	43,524,888	273,784,239	1,709,611	1,709,611	72,400	118,727	1,255,911	376,773	1,194,305	0	618,004	482,933
2009	261,001,830	65,145,382	300,196,872	1,874,536	1,874,536	72,400	133,769	1,255,911	201,061	1,224,955	0	627,274	490,177
2010	265,882,564	82,279,777	322,211,001	2,012,006	2,012,006	72,400	125,600	1,255,911	524,981	1,224,955	0	636,683	497,530
2011	270,854,568	103,469,589	348,372,817	2,175,371	2,175,371	72,400	133,769	1,255,911	632,117	1,224,955	0	646,233	504,993
2012	275,919,549	125,895,840	375,864,049	2,347,036	2,347,036	72,400	150,931	1,255,911	795,762	1,224,955	0	655,927	512,568
2013	281,079,244	148,215,840	403,343,744	2,518,630	2,518,630	72,400	159,541	1,255,911	847,007	1,224,955	0	665,766	520,256
2014	286,335,426	170,535,840	430,919,926	2,660,828	2,660,828	72,400	159,541	1,255,911	898,460	1,224,955	0	675,752	528,060
2015													
2016													
TOTAL				20,917,857	7,984,742	780,360	1,289,830	3,525,364	23,780,952	4,859,861	11,339,675	10,823,062	8,520,723

Assumes 97% collection rate - 1.87% growth rate.
 Assumes City of Houston participation at 100% of \$0.64375 tax rate.
 Assumes Houston Independent School District total participation of \$0.96. TIRZ collects \$0.64/\$100 and HISD receives \$0.32/\$100.
 Assumes 30% of NET TIRZ revenues dedicated to off-site affordable housing.
 HISD participation conforms to Part A and remains unchanged. HISD tax participation rate is \$1,459 from 1999 through the end of the life of the Zone, \$0.819 applied to HISD School & Educational Facilities;
 NOTE: Project Revenues from 1997 through 2006 are carried forward from the original Project Plan. 2008 calculations prepared by City of Houston, Department of Finance & Administration.
 Information from original Project Plan not updated.

Exhibit 4 – Part C Table 1
Assumes 0% Harris County participation

Exhibit 4 - Part C Table 1 Estimate of Tax Increment Revenue
13-Mar-09

TY	Base Value (1)	Total Appraised Value(2)	Captured Appraised Value	Collection Rate	Tax Increment (0.63875/100) (3)	Affordable Housing Set-Aside (33%)	Balance Available for Allowable Project Costs
2008	\$ 39,720,626	\$ 39,720,626	\$ -	97.50%	\$ -		
2009	\$ 39,720,626	\$ 41,309,451	\$ 1,588,825	97.50%	\$ 9,400	\$ 3,133	\$ 6,267
2010	\$ 39,720,626	\$ 216,935,677	\$ 177,215,051	97.50%	\$ 1,048,479	\$ 349,493	\$ 698,986
2011	\$ 39,720,626	\$ 399,586,952	\$ 359,866,326	97.50%	\$ 2,129,121	\$ 709,707	\$ 1,419,414
2012	\$ 39,720,626	\$ 415,570,430	\$ 375,849,804	97.50%	\$ 2,223,686	\$ 741,229	\$ 1,482,457
2013	\$ 39,720,626	\$ 432,193,247	\$ 392,472,621	97.50%	\$ 2,322,034	\$ 774,011	\$ 1,548,022
2014	\$ 39,720,626	\$ 693,317,222	\$ 653,596,596	97.50%	\$ 3,866,953	\$ 1,288,984	\$ 2,577,969
2015	\$ 39,720,626	\$ 721,049,911	\$ 681,329,285	97.50%	\$ 4,031,031	\$ 1,343,677	\$ 2,687,354
2016	\$ 39,720,626	\$ 749,891,908	\$ 710,171,282	97.50%	\$ 4,201,673	\$ 1,400,558	\$ 2,801,115

(1) Estimate based upon tax records
 (2) 4% base growth rate; build-out scenario provided by developer
 (3) Net of 5% City administration fee

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: The general appropriation ordinance authorizing FY2009 expenditures.

Category #

Page 1 of 2

Agenda Item#

21

FROM: (Department or other point of origin):

Michelle Mitchell
Director of Finance

Origination Date

March 24, 2009

Agenda Date

APR 01 2009

DIRECTOR'S SIGNATURE:

Council Districts affected:

All

For additional information contact:

Michelle Mitchell, Director Phone: 713-221-0935

Date and identification of prior authorizing Council Action: Ord. #2008-0509 (Interim Spending Plan Appropriation), June 11, 2008; and Ord. #2008-0568 (Adoption of the FY2009 Budget), June 18, 2008..

RECOMMENDATION: (Summary)

That City Council approves the general appropriations ordinance authorizing FY2009 expenditures.

Amount of Funding: SEE ATTACHMENTS (Exhibits A and B)

Finance Department Budget:

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund Other - Special Revenue and FY 2008 Budget Resources

SPECIFIC EXPLANATION:

The City begins each fiscal year operating on an interim spending plan until such time as the General Appropriations Ordinance or annual certification is brought forward and approved by City Council. The FY2009 interim spending plan was adopted by City Council along with the annual budget in June 2008, using FY2008 spending estimates. The annual certification process requires the City Controller to certify the level of funding that the Controller's Office analysis indicates will be available for the current year.

This action will establish the General Fund appropriation at \$1,918,036,175, \$202,535 more than the current budget for General Fund expenditures. City Council approval of the budget transfers and appropriation ordinance is requested including:

General Fund:

- Budget transfers to the General Fund ending balance:
 - From departments' electricity budgets in the net amount of \$2,040,000; and
 - From departments' workers' compensation budgets in the amount of \$589,000.
- Budget transfers from the General Fund ending balance:
 - To Houston Emergency Center for increased holiday pay in the amount of \$70,000;
 - To the Legal Department for two additional staff in the amount of \$119,000 that is reimbursable from the Combined Utility System Fund;
 - To Municipal Courts Administration in the amount of \$700,000 for court security service to replace HPD officers reassigned to truck enforcement activities generating offsetting revenue; and
 - To the General Government budget in the net amount of \$1.9 million:
 - o Increase by \$450,000 in proceeds from the sale of fire stations for a new Historic Preservation Special Fund
 - o Increase by \$200,000 for a special Council election,
 - o Decrease by \$1,095,000 for reduced payments to annexed water districts, and
 - o Increase General Government Contingency by \$2.39 million to replace funds transferred to various departments since the start of the fiscal year.

Enterprise Funds

- Convention and Entertainment Fund
 - Transfer from ending fund balance for Advertising and Promotion in the amount of \$1.56 million in response to higher Hotel Occupancy Tax collections than anticipated in the FY2009 Budget.

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

- Combined Utility System
 - In response to lower revenue projection than anticipated in the FY2009 Budget for the Combined Utility System:
 - o Decrease the Water & Sewer Operating Fund Budget by \$9.8 million, to cover increased costs of chemicals, debt service, and the net effect of a change in accounting for CUS reserves;
 - o Decrease the Combined Utility System Operating Fund Budget by \$52.3 million to recognize the net effect of higher debt service cost and a change in accounting for CUS reserves; and
 - o Increase the General Purpose Fund Budget by \$58.3 million to replace capital recovery charge to be paid by Fort Bend County in FY2010.
- Aviation
 - Decrease the Aviation operating fund in the amount of \$19.2 million to recognize lower interest rates and resulting debt service payments on variable rate debt.

Other Funds

- Budget transfers and appropriations as follows:
 - Transfer \$2.7 million in red light camera income due and payable to the State of Texas from the Police Special Services Fund to the DARLEP Fund;
 - Budget \$5.5 million in red light camera income due and payable to the State of Texas from the DARLEP Fund, including the \$2.7 million transfer from the Special Services Fund;
 - Transfer \$95,000 from fund balance in the Juvenile Case Manager Fund for two juvenile case workers;
 - Transfer \$8,000 to fund balance in the Houston Emergency Center Fund to reflect lower beginning fund balance;
 - Transfer \$1.58 million from the Municipal Courts Technology Fee Fund balance for transition from the current to a new system.
 - Transfer \$1.5 million to fund balance in the Child Safety Fund to reflect lower courts and vehicle registration revenue from Fort Bend County to be paid to Fort Bend schools.
- Reduce allocations to the Health Benefits Fund (\$9.3 million), Property & Casualty Fund (\$6.1 million) and Workers Compensation Fund (\$2.8 million) to reflect lower claims and premium costs for FY2009 than budgeted.

Approval to appropriate \$2.3 million from the Limited Use Roadway and Mobility Capital Fund to the Storm Water Enterprise Fund for the Wrenwood drainage project already budgeted in FY2009 and previously approved by City Council.

Approval to transfer funds from the balances of the following funds to the General Fund:

	Transfer Amt
Disaster Recovery Fund (Tropical Storm Allison)	\$5,124,071
Limited Use and Roadway Mobility Capital Fund	\$2,000,000
Building Inspection Special Revenue Fund	\$5,000,000
Long-Term Disability Internal Service Fund	\$1,000,000
Digital Houston Special Revenue Fund	\$500,000
Total Transfer Amount	\$13,624,071

This ordinance also will approve the reclassification of the Fleet Equipment fund from an internal service fund to a special revenue fund. This reclassification will not change the management purpose, operational use or budget amounts of the fund as included in the FY2009 Adopted Budget.

The ordinance also creates the Historic Preservation Special Revenue Fund to include the \$450,000 fire station sales proceeds previously mentioned as a transfer from the General Fund.

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

EXHIBIT A

PROPOSED APPROPRIATIONS BY FUND

FUNDS	FY2009	FY2009	APPROPRIATION ADJUSTMENTS	PROPOSED FY2009 GENERAL
	ADOPTED BUDGET EXPENDITURES	CURRENT BUDGET EXPENDITURES		APPROPRIATION ORD 2008-XXX
General Fund, Enterprise & Special Revenue Funds				
General Fund	1,929,685,883	1,917,833,640	202,535 ⁽¹⁾	1,918,036,175
Aviation	463,421,422	463,421,422	(19,190,422) ⁽²⁾	444,231,000
Convention & Entertainment Facilities	95,005,827	95,005,827	1,562,557 ⁽³⁾	96,568,384
Parking Management Operating Fund	13,729,670	13,729,672	0	13,729,672
Water & Sewer Operating	776,668,002	776,668,002	(9,800,000) ⁽⁴⁾	766,868,002
Combined Utility System Operating Fund	356,928,041	356,928,041	(52,300,000) ⁽⁴⁾	304,628,041
Storm Water Fund	43,719,753	43,719,753	0	43,719,753
Digital Houston	2,107,096	2,107,096	0	2,107,096
Houston Emergency Center	22,435,174	22,435,174	(8,000) ⁽⁵⁾	22,427,174
Cable Television	2,523,790	2,688,790	0	2,688,790
Courts Building Security Fund	1,569,484	1,569,484	0	1,569,484
Municipal Courts Technology Fee	3,703,267	3,703,267	1,576,733 ⁽⁶⁾	5,280,000
Parks Special Revenue	8,217,838	8,217,838	0	8,217,838
Building Inspection	46,995,608	46,995,608	0	46,995,608
Sign Administration	3,580,999	3,580,999	0	3,580,999
Asset Forfeiture	8,800,000	8,800,000	0	8,800,000
Auto Dealers	4,670,977	4,670,977	0	4,670,977
Child Safety Fund	5,045,871	5,045,871	(1,503,871) ⁽⁷⁾	3,542,000
Police Special Services	23,742,201	23,742,201	2,699,000 ⁽⁸⁾	26,441,201
Supplemental Environmental Protection	278,000	278,000	0	278,000
Mobility Response Team	3,434,106	3,434,106	0	3,434,106
Houston TranStar Center	2,722,926	2,722,926	0	2,722,926
Houston Police - DARLEP	10,680,462	10,680,462	5,474,538 ⁽⁹⁾	16,155,000
Juvenile Case Manager	277,533	277,533	95,000 ⁽⁹⁾	372,533
Fleet Equipment	30,467,867	30,467,867	0	30,467,867
CIP Salary Recovery	33,492,632	33,492,632	0	33,492,632
Subtotal	3,893,904,429	3,882,217,188	(71,191,930)	3,811,025,258
Enterprise Related Funds				
Airport System Capital Outlay	11,702,794	11,702,794	0	11,702,794
Combined Utility System General Purpose Fund	96,849,509	96,849,509	58,274,743 ⁽¹⁰⁾	155,124,252
Subtotal	108,552,303	108,552,303	58,274,743	166,827,046
Total Appropriated Funds	4,002,456,732	3,990,769,491	(12,917,187)	3,977,852,304
From the above fund appropriations, the following funds are allocated:				
Internal Service Funds				
Health Benefits	301,595,681	301,595,681	(9,267,681) ⁽¹¹⁾	292,328,000
Long-term Disability	2,736,643	2,736,643	0	2,736,643
Subtotal	304,332,324	304,332,324	(9,267,681)	295,064,643
Revolving Funds				
Central Service Revolving	257,506,381	257,506,381	0	257,506,381
In-House Renovation	3,750,130	3,750,130	0	3,750,130
Fleet Management	38,194,686	38,194,686	0	38,194,686
Property & Casualty	34,219,143	34,219,143	(6,119,143) ⁽¹²⁾	28,100,000
Workers' Compensation	22,824,821	22,824,821	(2,801,821) ⁽¹³⁾	20,023,000
Subtotal	356,495,161	356,495,161	(8,920,964)	347,574,197
Total Allocated Funds	660,827,485	660,827,485	(18,188,645)	642,638,840

(1) General Fund is net of increases to funding to return the General Government Contingency to \$4 million (\$2.39 million), to fund \$700,000 for Municipal Courts security to be offset by additional truck enforcement revenue as the result of reassigning police officers from court duty, \$450,000 from fire station sale proceeds to fund a new Historic Preservation Special Fund, holiday pay for HEC (\$70,000), two positions for Legal reimbursed by CUS Fund (\$119,000), and special election (\$200,000); offset by reductions in payments to annexed water districts (\$1,095,000), Workers Compensation (\$589,000), and electricity (\$2,040,000)

(2) Reduction to recognize lower debt service payments on variable rate debt paid by the Aviation Fund.

(3) Increase in expenditure budget for Advertising and Promotion as result of increased Hotel Occupancy Tax collections.

(4) CUS fund changes are net in each fund of higher debt service, chemicals, and change in CUS reserves accounting.

(5) Beginning Houston Emergency Fund balance \$8,000 less than budgeted.

(6) Transfer from Municipal Court Technology Fee fund balance to provide funding for transition period between current and new system.

(7) Reduced amount of courts revenue and vehicle registrations received from Fort Bend County to be paid to Fort Bend schools.

(8) Provides expenditure authority to transfer red light camera monies due to the State of Texas that remained in the Police Special Services Fund as of the end of FY2008 to the DARLEP fund where they will be paid to the State along with the State's share of FY2009 red light camera revenue.

(9) Provide funding for two case managers in the Juvenile Case Manager Fund.

(10) Allocation of CUS reserve funds to cover capital charge of \$48 million payable from Fort Bend County that will be delayed until FY2010.

(11) Savings in Health Benefits Fund from fewer enrolled employees and lower related premium costs.

(12) Savings in Property & Casualty Fund expected from lower claims costs in FY2009.

(13) Savings in Workers Compensation Fund expected from lower claims and administrative costs in FY2009.

EXHIBIT B

FY2009 GENERAL FUND TRANSFERS

Department Name	FY 2009 Current Budget	Increase/(Decrease)		Other Adjustments	FY2009 Revised Budget	Variance from Current Budget
		Electricity (1)	Workers' Comp (2)			
Administration & Regulatory Affairs	23,798,162	3,051	(10,000)	0	23,791,213	(6,949)
Affirmative Action	2,511,016	(1,000)	(1,000)	0	2,510,016	(1,000)
City Council	5,215,775	(3,000)	(3,000)	0	5,212,775	(3,000)
City Secretary	833,578			0	833,578	-
Controller's	7,390,258		(3,000)	0	7,387,258	(3,000)
Convention & Entertainment	1,194,137			0	1,194,137	-
Finance	10,444,098		(2,000)	0	10,442,098	(2,000)
Fire	421,565,440		(150,000)	0	421,415,440	(150,000)
General Services	48,274,815	445,831	(8,000)	0	48,712,646	437,831
Health and Human Services	56,434,319		(27,000)	0	56,407,319	(27,000)
Housing & Community Development	816,067	0	0	0	816,067	-
Houston Emergency Center	11,210,051	0	0	70,000 (3)	11,280,051	70,000
Human Resources	3,240,695		(1,000)	0	3,239,695	(1,000)
Information Technology	17,634,583		(5,000)	0	17,629,583	(5,000)
Legal	17,148,000		(6,000)	119,000 (4)	17,261,000	113,000
Library	39,716,997		(19,000)	0	39,697,997	(19,000)
Mayor's Office	3,056,726		(1,000)	0	3,055,726	(1,000)
Municipal Courts - Administration	17,733,672	(10,662)	(10,000)	700,000 (6)	18,413,005	679,333
Municipal Courts - Justice	5,552,084		(3,000)	0	5,549,084	(3,000)
Parks & Recreation	70,217,989	44,514	(36,000)	0	70,226,503	8,514
Planning & Development	8,820,603		(4,000)	0	8,816,603	(4,000)
Police	661,123,193		(259,000)	0	660,864,193	(259,000)
Public Works and Engineering	93,682,758	(2,527,540)	(19,000)	0	91,136,218	(2,546,540)
Solid Waste	75,804,509	4,653	(22,000)	0	75,787,162	(17,347)
Total Departmental Expenditures	1,603,419,525	(2,040,153)	(589,000)	889,000	1,601,679,367	(1,740,158)
General Government	80,964,115	0	0	1,942,693 (6)	82,906,808	1,942,693
Transfer to Debt Service Fund	233,450,000	0	0	0	233,450,000	-
Total General Fund	1,917,833,640	(2,040,153)	(589,000)	2,831,693	1,918,036,175	202,535

NOTES:

- (1) Electricity budgets are being adjusted to reflect current estimates for FY2009 reflecting overall savings.
- (2) Workers' Compensation budgets are being adjusted to reflect current estimates for FY2009 reflecting overall savings.
- (3) Houston Emergency Center - FY2009 Holiday Pay for 5 remaining holidays of FY2009.
- (4) Legal - Two additional staff paid for by CUS Fund through direct reimbursement as interfund transfer.
- (5) Municipal Courts Administration - Fund additional security costs offset by increased truck enforcement revenue generated by police officers reassigned from court security.
- (6) General Government - Amount shown is net of (a) \$200,000 for Special Election, (b) \$2,387,693 to bring the General Fund Contingency Reserve back to \$4 million, (c) Transfer of \$450,000 in proceeds from the sale of fire stations to a new Historic Preservation Special Fund, and (d) reduction in payments to annexed water districts (\$1,095,000)

REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance Approving and Authorizing a Contract with Pulitzer Bogard & Associates, L.L.C. for Consulting Services and Allocating \$30,000.00		Page 1 of 2	Agenda Item # 22
FROM (Department or other point of origin): Legal Department		Origination Date March 27, 2009	Agenda Date APR 01 2009
DIRECTOR'S SIGNATURE: 		Council District affected: All	
For additional information contact: Andrea Chan Phone: 832-393-6480		Date and identification of prior authorizing Council action: June 21, 2005; Ord. 2005-764	
RECOMMENDATION: (Summary) Approve and Authorize the Contract with Pulitzer Bogard & Associates, L.L.C.			
Amount and Source of Funding: \$30,000.00 (Initial Allocation) \$300,000.00 (Maximum Contract Amount, including Renewals) Fund 1000, General Fund			
SPECIFIC EXPLANATION: In 1976, Freddie Morgan, an indigent, and Tommie Flakes, a colostomy patient, filed a class action suit, civil action number H-76-0629 in the United States District Court for the Southern District of Texas, Houston Division, on behalf of all municipal jail detainees in Houston. The suit focuses on jail conditions and incarceration procedures. In 1980, a suit filed by Ivan Merrit, who is blind, was consolidated with the <i>Morgan</i> action. The actions are pending before Judge Sim Lake. In 1987, the parties selected agreed experts to evaluate the conditions of the municipal jails. At that time, the parties agreed upon Gordon C. Kamka as the jail conditions expert. In 1989, the City entered into a consent decree with the plaintiff class which detailed the specific requirements for the operation of the City's detention facilities after reviewing the experts' reports. Although the consent decree resolved the contested issues, Judge Lake retains jurisdiction to enforce the consent decree. In 1994, the plaintiff class filed a motion for sanctions against the City. The motion alleged that the City failed to comply, and continued to fail to comply, with the consent decree's provisions. The thrust of the motion for sanctions has been the method by which the City provides medical care to its detainees. To settle the motion for sanctions, the parties agreed to quarterly inspections of the City's detention facilities by Mr. Kamka to ensure that the City complied with the terms of the 1989 consent decree and that the City continues to provide adequate services to its detainees. Mr. Kamka's duties included inspecting the detention centers, interviewing detainees, reviewing documents, and meeting with City representatives. Mr. Kamka provided written reports documenting his findings and recommendations following each inspection. Mr. Kamka's reports also addressed issues relating to changes and improvements to the current detention facilities.			
REQUIRED AUTHORIZATION			
Other Authorization:	Other Authorization:	Other Authorization:	

Date March 27, 2009	SUBJECT: An Ordinance Approving and Authorizing a Contract with Pulitzer Bogard & Associates, L.L.C. for Consulting Services and	Originator's Initials AC	Page 2 of 2
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In June 2008, Mr. Kamka passed away. As a result, the plaintiff class and the City were able to agree on Pulitzer Bogard & Associates, L.L.C. to serve as the replacement inspector for Mr. Kamka. Pulitzer Bogard & Associates, L.L.C. will continue to conduct quarterly inspections of the detention facilities and provide reports of findings.

The City has not sought to terminate the Consent Decree as the original intent was that the Consent Decree remain in force until the City completed a new jail/detention facility. The City has not constructed a new facility. In fact, those plans have been put on hold in anticipation of a joint booking facility with Harris County. Only after the new booking facility is operational and the inspector is satisfied that it meets the requirements set forth in the Consent Decree can the City consider filing a motion with the district court to terminate the Consent Decree.

The total value of the contract is \$300,000.00 with an initial term to span three calendar years and two years renewals.

SUBJECT: Ordinance approving and authorizing a settlement agreement between the City of Houston and Kossman Contracting, Inc.; establishing program goals and amending Chapter 15 of the Code of Ordinances to conform to the settlement agreement.		Page 1 of 1	Agenda Item # 23
FROM (Department or other point of origin): <p style="text-align: center;">Legal</p>	Origination Date March 27, 2009	Agenda Date <p style="text-align: center;">APR 01 2009</p>	
DIRECTOR'S SIGNATURE: 	Council District affected: <p style="text-align: center;">All</p>		
For additional information contact: Arturo G. Michel (832) 393-6412 Velma Laws (713) 837-9015	Date and identification of prior authorizing Council action: <p style="text-align: center;">N/A</p>		
RECOMMENDATION: (Summary) That City Council pass an ordinance (i) approving and authorizing a settlement agreement between the City of Houston and Kossman Contracting, Inc., to settle a constitutional challenge to the City's Minority and Women Business Enterprises program; (ii) establishing program goals; and (iii) amending chapter 15 of the Code of Ordinances to conform to the settlement agreement.			
Amount and Source of Funding: \$175,000.00 Property & Casualty Fund (Fund 1004)			
SPECIFIC EXPLANATION: The proposed ordinance authorizes and approves a settlement agreement in a federal constitutional challenge to the City's MWBE program, first initiated in 1996 (<u>Kossman Contracting, Inc. v. City of Houston</u> , Civil Action H-96-3100), and filed in the U. S. District Court, Southern District of Texas, Houston Division. In the lawsuit, the plaintiff sought a ruling that the City's MWBE program was unconstitutional, and injunctive relief to prohibit the further operation of the program by the City. A settlement of the matter was effected in May 2006, but the plaintiff later filed to re-open the case, alleging that the City had breached the 2006 settlement agreement. After months of negotiation between the parties (which negotiations at times involved court-assisted mediation and efforts by the Houston Contractors Association), a second settlement agreement was reached in December 2008 subject to City Council approval. The proposed settlement includes the following key provisions:			
<ol style="list-style-type: none"> 1. The overall annual goals for the City's MWBE program for construction would be set at 14% MBE and 8% SBE, pending the completion of a new disparity study. 2. A contractor for the new disparity study would be retained during July 2009 with a goal to complete the study by the end of calendar year 2009, if possible. New goals supported by the study are to be implemented as soon as possible following the study, as recommended by the study contractor. 3. Input as to the study parameters, methods and other factors will be received from all local contractor associations and groups and other interested parties, prior to the release of an RFP seeking the contractor to perform the study. 4. Attorneys fees and damages totaling \$175,000.00 will be paid by the City to the plaintiff. 5. The Court will retain jurisdiction of the pending case for a period to be determined by the Court as necessary to ensure the performance of the City. 6. Amendment of Chapter 15 of the Code of Ordinances to conform to the settlement agreement. 			
K:\ORD\KOSSMNRCA.WPD			
REQUIRED AUTHORIZATION			
Other Authorization:			

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

R

SUBJECT: Approval of an amendment to the City's Enterprise License Agreement (ELA) between the City of Houston and Environmental Systems Research Institute, Inc. (ESRI) extending the ELA to include Houston TranStar.	Category #	Page 1 of	Agenda Item # 24
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FROM (Department or other point of origin): Planning & Development Department	Origination Date 2-23-09	Agenda Date APR 01 2009
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DIRECTOR'S SIGNATURE: <i>Margene K. Griffin</i>	Council District affected: All
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For additional information contact: Max Samfield Phone: 713 837-7740 Marcia Wilson Phone: 713 837-7732	Date and identification of prior authorizing Council action: 2-20-08; 2008-0141
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RECOMMENDATION: (Summary)
Approve an ordinance authorizing a contract amendment to the ELA between the City and ESRI and amending ordinance No. 2008-141 to increase the maximum contract amount

Amount and Source of Funding: \$50,000 Houston TranStar (Fund 2402)	Finance Budget:
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SPECIFIC EXPLANATION:

ENTERPRISE LICENSE AGREEMENT AMENDMENT
The City of Houston is currently in the first year of a three year contract with Environmental Systems Research Institute, Incorporated for an Enterprise License Agreement (ELA). The ELA provides for unlimited use of ESRI's suite of GIS software within the City of Houston, under a single, annually invoiced account. This amendment will allow TranStar to participate in the contract increasing the contract from \$1,810,000 to \$1,860,000.

Houston TranStar, which is jointly operated by the City of Houston, Harris County, Texas Department of Transportation and Houston Metro seeks to be included under the City's ELA and can be added by an amendment to the existing agreement. The amendment would extend the same privileges of software use, maintenance and support to all TranStar employees working within the physical TranStar facility. The agreement would include non-TranStar employees, as well, enabling Federal, State and military personnel to make use of the software, during times of emergency, such as hurricanes, flooding, or other disasters.

The ELA has proved to be a valuable part of the City's successful move to an Enterprise GIS environment.

As in all projects funded under the Houston TranStar program, this amendment is jointly funded by the program members. The program has collected a percentage of the total cost from each member and deposited those funds in the Houston TranStar fund that the City holds for the program members.

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

- cc: Arturo Michel, City Attorney
Jo Wiginton, Legal Department
Richard Lewis, Director, Information Technology Department
John Whaley, Houston TranStar

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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24

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract for Professional Engineering Services with Klotz Associates, Inc. for Rehabilitation of Taxiways "WA" & "WB" and Construction of a New West Complex Electrical Vault at George Bush Intercontinental Airport/Houston (IAH), Project No. 648 (WBS# A-000571-0001-3-01).	Category #	Page 1 of 2	Agenda Item # 25

FROM (Department or other point of origin): Houston Airport System	Origination Date March 11, 2009	Agenda Date APR 01 2009
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DIRECTOR'S SIGNATURE: <i>[Handwritten Signature]</i>	Council District affected: "B"
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For additional information contact: Eric R. Potts <i>[Handwritten]</i> Phone: 281-233-1999 Adil Godiwalla <i>[Handwritten]</i> Phone: 281-233-1934	Date and identification of prior authorizing Council action:
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AMOUNT & SOURCE OF FUNDING: CIP No. A-0571.01; 03 \$3,500,000.00 Arpt Syst Consolidated 2001 NAMT <i>[Handwritten]</i> Fd (8202) <i>[Handwritten]</i>	Prior appropriations:
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RECOMMENDATION: (Summary)
Enact an ordinance to approve a Contract for Professional Engineering Services with Klotz Associates, Inc. and appropriate the necessary funds to finance the cost of these services.

SPECIFIC EXPLANATION:

A Contract for Professional Engineering Services has been prepared with Klotz Associates, Inc. for rehabilitation of Taxiways "WA" & "WB" and construction of a new west complex electrical vault at George Bush Intercontinental Airport/Houston (IAH).

This project consists of design and engineering services for concrete overlays for Taxiways "WA" & "WB" and the high speed taxiways off Runway 15L-33R, replacement of taxiway centerline and edge lights, construction of a new airfield electrical vault, installation of taxiway/taxiway intersection pavement markings, and re-grading of area south of taxiways to eliminate ponding.

The professional services to be provided by Klotz Associates, Inc. include:

- Topographic surveying, geotechnical investigation and recommendation, and other engineering services that may be required.
- Preparation of detailed construction drawings, specifications and cost estimates.
- Construction site visits, written reports, participation in construction progress meetings, and assistance with the review of shop drawings.

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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25

Date March 11, 2009	Subject: Contract for Professional Engineering Services with Klotz Associates, Inc. for Rehabilitation of Taxiways "WA" & "WB" and Construction of a New West Complex Electrical Vault at George Bush Intercontinental Airport/Houston (IAH), Project No. 648 (WBS# A-000571-0001-3-01).	Originator's Initials BPG	Page 2 of 2
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PROJECT COST: The total amount to be appropriated is as follows:

\$1,154,000.00	Preliminary Design
\$1,370,375.00	Final Design
\$ 360,625.00	Construction Phase Services
<u>\$ 615,000.00</u>	Special Services and Reimbursable Expenses
\$3,500,000.00	Total

This project may be eligible for federal funding through the FAA's AIP program. Appropriate fund source adjustments will be made in the future if AIP funding becomes available.

DBE Participation:

The Disadvantage Business Enterprise (DBE) goal for this project is thirty-five percent (35%) and will be met by the following certified firms:

Firm	Type of Work	Amount	% of bid
Landtech Consultants, Inc.	Topographic Surveying	\$ 205,345.00	5.87%
HVJ Associates, Inc.	Geotechnical Survey	\$ 131,778.00	3.76%
Ferguson Consulting	Electrical Design	\$ 892,877.00	25.51%
	Total	\$1,230,000.00	35.14%

RMV:ERP:AG:BPG:km

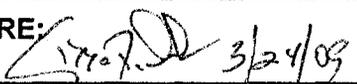
- cc:
- | | |
|-------------------------------|-----------------------|
| Ms. Marty Stein | Ms. Roxanne Butler |
| Mr. Anthony W. Hall, Jr. | Ms. Marlene McClinton |
| Mr. Arturo G. Michel | Ms. Janice Woods |
| Ms. Velma Laws | Ms. Cynthia Saldana |
| Mr. Richard M. Vacar | |
| Mr. Eric R. Potts | |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

Revised

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Purchase and Sale Agreement between Patsy Joan Creed, Lamesa Corporation, a Texas corporation, and the Estate of Leslie L. Appelt (Sellers) and the City of Houston (Purchaser) for the purchase of land containing a total of 2.4520 acres (106,809 square feet) and improvements located at 1002 Washington Avenue, Houston, Harris County, for the Planning and Development Services Division of the Public Works and Engineering Department.	Page 1 of 2	Agenda Item 26
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FROM (Department or other point of origin): General Services Department	Origination Date 3-26-09	Agenda Date APR 01 2009
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DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E.  3/24/09	Council District affected: H
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For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Approve a Purchase and Sale Agreement between Patsy Joan Creed, Lamesa Corporation, a Texas corporation, and the Estate of Leslie L. Appelt (Sellers) and the City of Houston (Purchaser) for the purchase of land containing a total of 2.4520 acres (106,809 square feet) and improvements located at 1002 Washington Avenue, Houston, Harris County, for the Planning and Development Services Division of the Public Works and Engineering Department; and appropriate funds.

Amount and Source Of Funding: \$ 5,778,284.00 Building Inspection Fund (2301)	Finance Budget:
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SPECIFIC EXPLANATION: The Planning and Development Services Division of the Public Works and Engineering Department (PWE) is developing a "one-stop" permitting location. Currently PWE has permitting related services at four locations: 3300 Main Street, 611 Walker Street, 2102 Austin Street and 2636 South Loop West. Efforts are underway to utilize web-based permitting options to the maximum extent possible, but experience and specific processing and efficiency needs suggest a single physical City location is highly desirable to support all on-site and off-site permitting activities.

The primary PWE permitting office, located at 3300 Main, sustained significant damage during both Tropical Storm Allison and Hurricane Ike, necessitating closure of the building during periods critical to the community and incurring significant recovery costs. The expense to flood proof the building is prohibitive, especially since its size and condition are not sufficient for current and future consolidation needs.

Therefore, the General Services Department recommends that City Council approve a Purchase and Sale Agreement with Patsy Joan Creed, Lamesa Corporation, a Texas corporation, and the Estate of Leslie L. Appelt for the purchase of land containing 2.4520 acres (106,809 square feet) at 1002 Washington Avenue, which includes improvements of a core and shell building with 187,000 square feet of interior space, for a purchase price of \$5,750,000.00 plus additional expenses of \$28,284.00.

The building was constructed as a rice warehouse in 1924 and has been examined and determined a good candidate for rehabilitation and would be an excellent long-term, durable and sustainable home for this citywide activity. It is expected that renovation of the building will incorporate LEED™ standards.

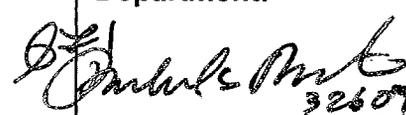
REQUIRED AUTHORIZATION CUIC ID# 25 RB 44

General Services Department:



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

Public Works & Engineering Department:



32609
Michael S. Marcotte, P.E., D.WRE,
BCEE, Director

Date	SUBJECT: Purchase and Sale Agreement between Patsy Joan Creed, Lamesa Corporation, a Texas corporation, and the Estate of Leslie L. Appelt (Sellers) and the City of Houston (Purchaser) for the purchase of land containing a total of 2.4520 acres (106,809 square feet) and improvements located at 1002 Washington Avenue, Houston, Harris County, for the Planning and Development Services Division of the Public Works and Engineering Department.	Originator's Initials RB	Page 2 of 2
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The property is adjacent to the Amtrak station and proximate to the new HPD property warehouse. City investment in this location will contribute significantly to the economic development in the general Washington Avenue area.

The rehabilitation of this vacant core and shell building for this purpose will provide the desired space for a single city-wide permitting location with sufficient customer parking and low cost employee surface parking. The site is also large enough to accommodate the one-stop permitting operation planned by the Administrative and Regulatory Affairs Department. The costs to rehabilitate this property for this use are anticipated to be significantly less than the cost of a new building or leasing equivalent space.

This new site has land valued at approximately \$30 per square foot (encumbered by rail line, Union Pacific property, I-45 proximity). The rehabilitation of the core and shell building and the site is the subject of a current Request for Qualifications process, the outcome of which would be the subject of future Council action. Once the renovations are complete, the PWE Midtown properties (3300 and 3400 Main) will be offered for sale to the public with appreciably higher land value anticipated and should similarly encourage land development in Midtown.

The following is a breakdown of expected costs:

\$5,750,000.00	Purchase Price
15,000.00	Environmental Studies
4,284.00	Estimated Closing Costs
4,000.00	Boundary Survey
<u>5,000.00</u>	Engineering Services
\$5,778,284.00	TOTAL

IZD:BC:JLN:RB:ddc

xc: Marty Stein, Jacquelyn L. Nisby, Anna Russell and Susan McMillian

SUBJECT: First Amendment to Construction Contract and Additional Appropriation
Prime Contractors, Inc.
African American Library at the Gregory School
WBS No. E-000144-0004-4

Page
1 of 2

Agenda
Item

27

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

Origination Date

3-20-09

Agenda Date
APR 01 2009

DIRECTOR'S SIGNATURE:

Issa Z. Dadoush, P.E.

[Handwritten Signature] 3/4/09

Council District affected:

1

For additional information contact:

Jacquelyn L. Nisby

Phone: 832-393-8023

Date and identification of prior authorizing
Council action:

Ordinance 2008-0332; dated April 16, 2008

RECOMMENDATION: Approve First Amendment to construction contract and appropriate additional funds for the project.

Amount and Source of Funding:

\$ 705,960.00—Public Library Consolidated Construction Fund (4507)

Finance Budget:

Previous Funding:

\$ 3,000,000.00 General Improvement Consolidated Construction Fund (4509)
121,000.00 Federal Government—Grant Funded (5000) EDI
3,000,000.00 Reimbursement of Equipment/Projects Fund (1850)
2,400,000.00 Federal Government—Grant Funded (5000) CDBG
712,000.00 Public Library Consolidated Construction Fund (4507)
\$9,233,000.00 Total Funding

[Handwritten Signatures]

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a First Amendment to the construction contract with Prime Contractors Inc. to increase the director's authority to approve Change Orders up to 14% of the original contract price. It is further recommended that City Council appropriate an additional \$25,000.00 to the existing design contract with Smith & Company Architects to provide additional design services. Unforeseen conditions and latent defects in the original building construction have resulted in the need for these additional services. Due to the age and historical nature of the building, Council may be requested to appropriate additional funds for unforeseen conditions that are typically inherent in renovation projects.

The additional funds are necessary to complete the renovation and address the following unforeseen conditions, which will exceed the original 6% contingency:

- Structural deviations:
 - Re-design foundation footings and steel superstructure. During construction, it was determined that the location and size of the foundation footings were not as anticipated, resulting in a redesign and relocation of the foundation and steel structure above.

REQUIRED AUTHORIZATION

CUIC ID # 25CONS86

MC

General Services Department:

Houston Public Library:

[Handwritten Signature]

Humberto Bautista, P.E.
Chief of Design and Construction Division

[Handwritten Signature]

Rhea Brown Lawson, Ph. D.
Director

Date	SUBJECT: First Amendment to Construction Contract and Additional Appropriation Prime Contractors, Inc. African American Library at the Gregory School WBS No. E-000144-0004-4	Originator's Initials JBW	Page 2 of 2
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- Redesign North face of the building. The original design recommended removal and replacement of the brick. During construction it was determined that the bricks interlock and could not be removed. Instead, the brick will be covered with a thin brick façade.
- Repair latent defects in the existing structure consisting of the parapet, cracks in the mortar, spalling concrete, honeycombed concrete, and rusted exposed rebar.
- Redesign entire roof support system. The original design anticipated that the steel roof structure would be supported by a concrete beam. During construction, it was discovered that the concrete beam was insufficient to support the roof system.
- Replace interior walls. The interior walls indicated to remain were found structurally unsound.

- **Hazardous materials abatement**

During demolition, additional asbestos containing materials were discovered and must be abated.

- **Associated project delays.**

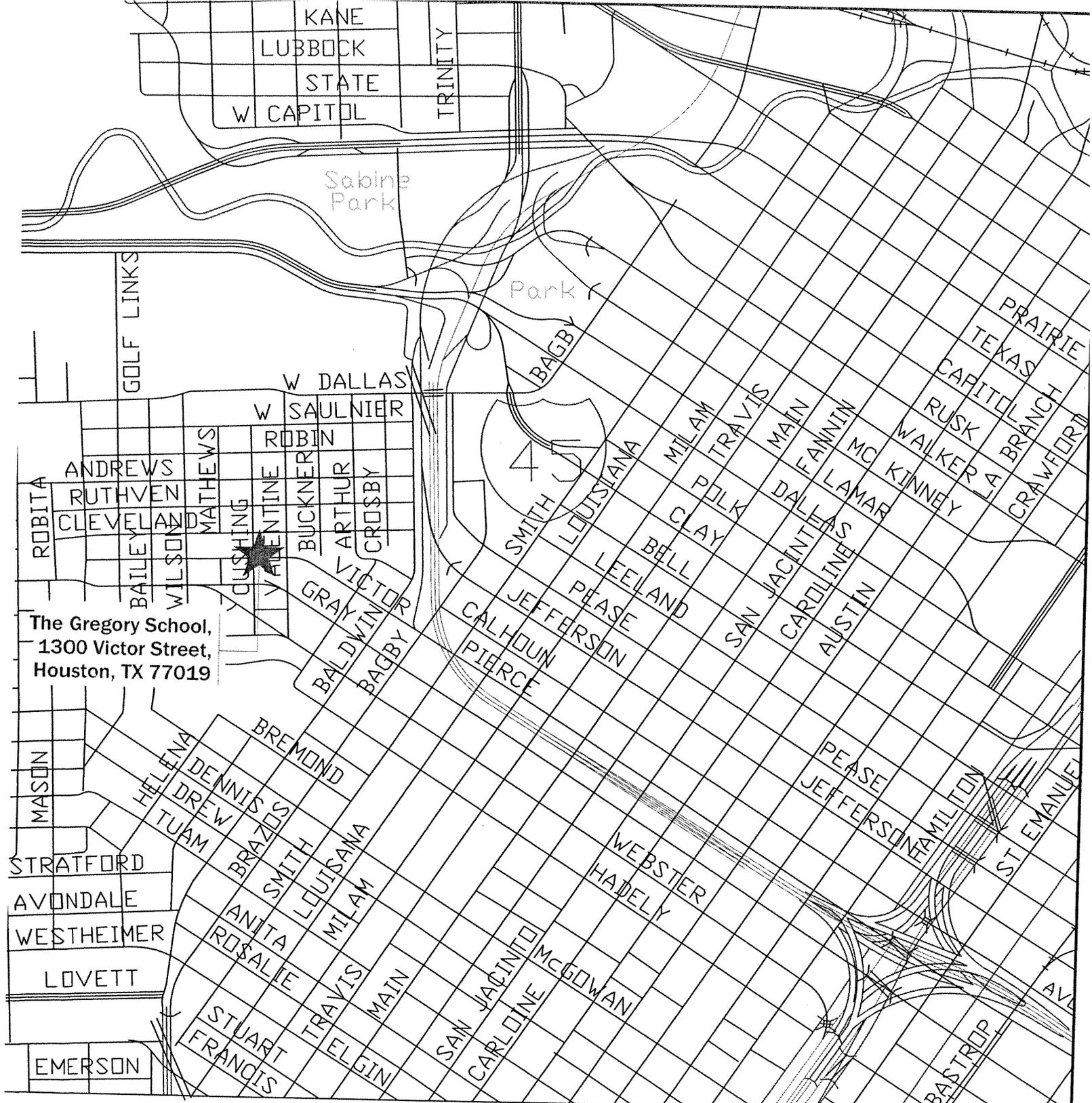
PROJECT LOCATION: 1300 Victor Street (493P)

PREVIOUS HISTORY AND PROJECT DESCRIPTION: On April 16, 2008, City Council awarded a construction contract to Prime Contractors Inc. to provide construction services for the African American Library at the Gregory School for the Houston Public Library. The Gregory School Building is a historical institution located in Houston's Fourth Ward. The Texas Historical Commission has designated the building as a State Archaeological Landmark. The main building, originally constructed in 1926, will be renovated and restored according to federal standards as administered by the Texas Historical Commission. The historic Gregory School will become an African American Library and Archival Center and will tell the history of African Americans in Houston through photographs, letters, documents and oral histories.

CONSTRUCTION GOALS: The original contract and this additional appropriation have a 15% MBE goal, 5% WBE goal and 5% SBE goal. The contractor will utilize the certified subcontractors referenced in the original contract to achieve the goals. To date, the contractor has achieved 0% MBE participation, 0% WBE participation and 4.3% SBE participation. It is anticipated the contractor will meet the goals by the completion of the contract.

IZD:HB:JLN:MCP:JBW:jbw

c: Marty Stein, Siria Harbour, Kim Nguyen, Wendy Teas Heger AIA, Jacquelyn L. Nisby, Webb Mitchell, File



The Gregory School,
1300 Victor Street,
Houston, TX 77019

The African American Library at the Gregory School 1300 Victor Street, Houston, TX 77019

SUBJECT: De-appropriate/Appropriate Funds and Approve and Authorize a Second Amendment to Construction Management at Risk Contract Gilbane Building Company Fire Station 90 WBS No. C-000065-0002-4	Page 1 of 2	Agenda Item <div style="text-align: right; font-size: 2em;">28</div>
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FROM (Department or other point of origin): General Services Department	Origination Date 3-25-09	Agenda Date APR 01 2009
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DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P. E. 	Council District(s) affected: A
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For additional information contact: Jacquelyn L. Nisby  Phone: 832.393.8023	Date and identification of prior authorizing Council action: Ordinance No. 2007-1323; November 28, 2007 Ordinance No. 2008-0558; June 18, 2008
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RECOMMENDATION: Approve an (1) Ordinance de-appropriating the sum of \$238,000.00 approved by Ordinance 2008-0558 for the construction of Fire Station 37; (2) appropriate \$5,738,000.00 out of the Fire Consolidated Construction Fund; and (3) Approve Second Amendment to the Construction Management at Risk contract for construction of Fire Station 90.

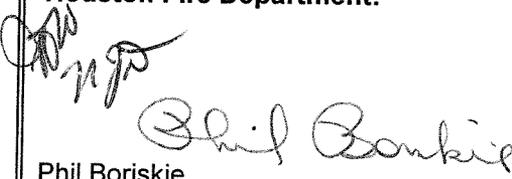
Amount and Source of Funding: Appropriate: \$5,738,000.00 Fire Consolidated Construction Fund (4500) De-appropriate: \$ 238,000.00 Fire Consolidated Construction Fund (4500) Previous Funding: \$ 132,275.00 Fire Consolidated Construction Fund (4500) \$5,783,000.00 Fire Consolidated Construction Fund (4500) \$5,915,275.00 Total Funding	Finance Budget: 
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SPECIFIC EXPLANATION: On November 28, 2007, City Council awarded a Construction Management at Risk (CMAR) contract to Gilbane Building Company to provide pre-construction and construction phase services for Fire Stations 37 and 90. The Guaranteed Maximum Price (GMP) proposal approved by the director for construction of Fire Station 37 was \$238,000.00 less than the construction manager's estimate of costs and remain in the project.

The General Services Department (GSD) recommends that City Council approve a Second Amendment to the CMAR contract with Gilbane Building Company to delegate authority to the director of GSD to approve the GMP proposal for the construction of Fire Station 90, de-appropriate \$238,000.00 approved by Ordinance 2008-0558 for construction of Fire Station 37 and re-appropriate for construction of Fire Station 90.

PROJECT LOCATION: 16553 Park Row (447Y)

PROJECT DESCRIPTION: The scope of work consists of a new fire station approximately 13,500 SF, with four drive-thru apparatus bays, maintenance and EMT areas, living quarters, kitchen and lounge, exercise area, locker rooms and bathrooms in accordance with the Houston Fire Department Design Manual. The project will utilize the Leadership in Energy & Environmental Design (LEED™) Green Building Rating System for commissioning to achieve certification.

REQUIRED AUTHORIZATION		CUIC ID # 25CONS89
General Services Department:  Humberto Bautista, P.E. Chief of Design & Construction Division	Houston Fire Department:  Phil Boriskie Chief	

Date	SUBJECT: De-appropriate/Appropriate Funds and Approve and Authorize a Second Amendment to Construction Management at Risk Contract Gilbane Building Company Fire Station 90 WBS No. C-000065-0002-4	Originator's Initials VTN	Page 2 of 2
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PREVIOUS HISTORY AND PROJECT SCOPE: On June 18, 2008, City Council approved a First Amendment to the CMAR contract which delegated authority to the director of GSD to approve the GMP proposal, and appropriated \$5,783,000.00 for construction of Fire Station 37.

The anticipated contract duration for this project is 360 calendar days. The design consultant is English + Associates Architects, Inc.

FUNDING SUMMARY: It is recommended that City Council appropriate funds for construction phase services, including an additional appropriation of \$80,250.00 for engineering testing services under the existing contract with Fugro Consultants, Inc. The following amounts for construction and contingency are based on the construction manager's estimate of costs. The final cost of construction will be submitted to the director for approval as part of the GMP proposal.

\$ 5,300,000.00	Estimated Construction Cost
\$ 265,000.00	5% Contingency (Estimate)
\$ 5,565,000.00	Total Estimated Contract Services
\$ 80,250.00	Engineering Testing
\$ 92,750.00	Civic Art (1.75%)
\$ 5,738,000.00	Total Appropriation

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.

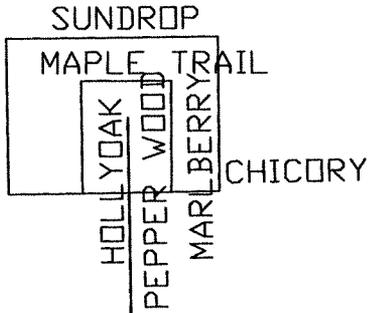
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IZD:JLN:HB:RAV:VTN:vtn

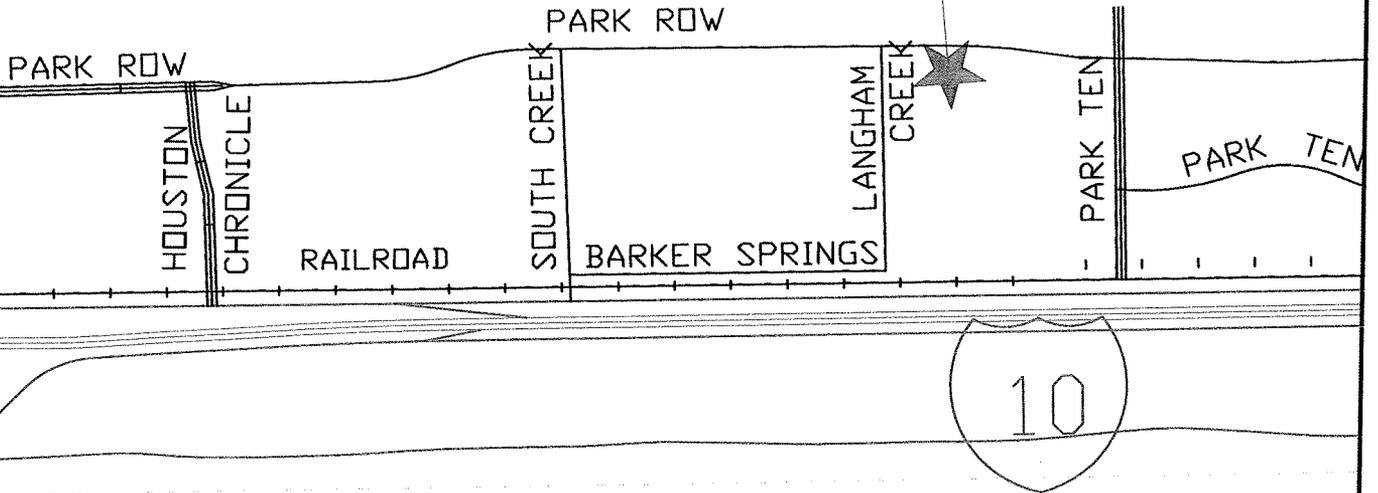
- c: Marty Stein
- Jacquelyn L. Nisby
- Velma Laws
- Morris Scott
- Kim Nguyen
- James Tillman
- Jack Williams
- Gabriel Mussio
- File C-000065-0001/813

ADDICKS RESERVOIR

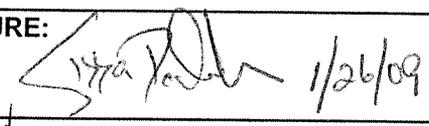
FLOOD CONTROL POOL ELEVATION 114.0'



Fire Station 90
16553 Park Row
Houston, TX



Fire Station 90
16553 Park Row, Houston, TX

SUBJECT: Appropriate Funds Project Management Costs FY09 CIP Projects		Page 1 of 1	Agenda Item 29
FROM (Department or other point of origin): General Services Department		Origination Date 3-13-09	Agenda Date MAR 25 2009
DIRECTOR'S SIGNATURE:  Issa Z. Dadoush, P.E.		Council District(s) affected: All	
For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023		Date and identification of prior authorizing Council action: none	

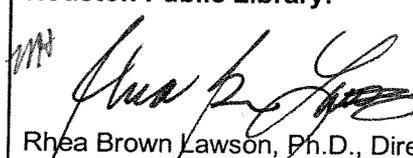
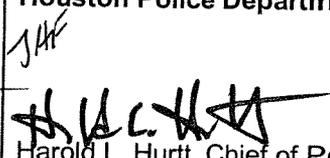
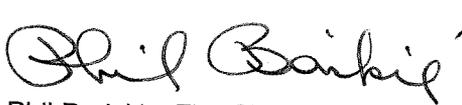
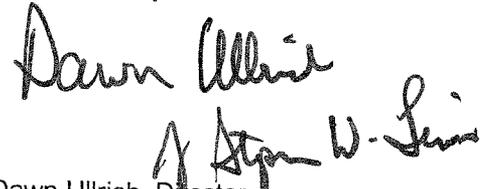
RECOMMENDATION: Appropriate / allocate funds in the amount of \$2,560,000 for project management services associated with CIP projects managed by the General Services Department.

Amount and Source of Funding:	Finance Budget:
\$ 85,000 Street & Bridge Consolidated Construction Fund (4506) \$ 300,000 Fire Consolidated Construction Fund (4500) \$ 500,000 Parks Consolidated Construction Fund (4502) \$ 100,000 Solid Waste Consolidated Construction Fund (4503) \$ 325,000 Police Consolidated Construction Fund (4504) \$ 425,000 Public Library Consolidated Construction Fund (4507) \$ 300,000 Public Health Consolidated Construction Fund (4508) \$ 450,000 General Improvements Consolidated Construction Fund (4509) \$ 75,000 C&E - Civic Center Facility Revenue Fund (8601) \$2,560,000 Total Appropriation	

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate/allocate \$2,560,000 to the CIP Salary Recovery Fund to cover reimbursable project management costs for FY 2009 Capital Improvement Plan (CIP) projects for the City departments listed below.

The requested appropriation will reimburse the CIP Salary Recovery Fund for the actual cost of project management services provided by architects, engineers, project managers and administrators in FY09. These employees provide labor and expertise to manage design and construction capital improvement projects and associated contracts. Project management costs are derived from FY08 timesheets and salary rates, along with FY09 projections. The recovery of salaries for City employees reduces the City's overall operational budget and provides citizens with a better administration of general funds.

IZD:HB:JLN:ml

REQUIRED AUTHORIZATION			CUIC 25MSCL18
General Services Department:  Humberto Bautista, P.E. Chief of Design & Construction Division	Houston Public Library:  Rhea Brown Lawson, Ph.D., Director	Houston Police Department:  Harold L. Hurtt, Chief of Police	
Houston Fire Department:  Phil Boriskie, Fire Chief	Department of Health & Human Services:  Stephen L. Williams, M.ED, MPA, Director	Solid Waste Management Department:  Harry Hayes, Director	
Public Works & Engineering Department:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Parks and Recreation Department:  Joe Turner, Director	Convention and Entertainment Facilities Department:  Dawn Ullrich, Director	

SUBJECT: First Amendment to Construction Management at Risk Contract Spaw Glass Construction Corporation Midwest Police Station - District 18 WBS No. G-000120-0001-4	Page 1 of 2	Agenda Item 30
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FROM (Department or other point of origin): General Services Department	Origination Date 3-25-2009	Agenda Date APR 01 2009
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DIRECTOR'S SIGNATURE: <i>[Signature]</i> 3/3/09 Issa Z. Dadoush, P.E.	Council District(s) affected: F
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For additional information contact: Jacquelyn L. Nisby <i>[Signature]</i> Phone: 832.393.8023	Date and identification of prior authorizing Council action: Ordinance No. 2008-0006; dated 1/3/08
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RECOMMENDATION: Approve First Amendment to the Construction Management at Risk (CMAR) contract and appropriate funds for the project.

Amount and Source of Funding: \$2,000,000.00 General Improvement Construction Fund (4509) \$3,417,000.00 Police Consolidated Construction Fund (4504) \$1,237,000.00 Reimbursement of Equipment/Projects Fund (1850) \$6,654,000.00 Total Funding	Finance Budget: <i>[Signature]</i> <i>[Signature]</i>
Previous Funding: \$162,800.00 Reimbursement of Equipment/Projects Fund (1850)	

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council approve a First Amendment to the 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 the construction of Midwest Police Station – District 18.

PROJECT LOCATION: 7277 Regency Square Blvd. (530D)

PROJECT DESCRIPTION: This project will convert an existing 60,000 SF office building into a police station. The program will renovate approximately 40,770 SF of interior space with the remaining portion shelled out for future use. The police station will include front desk, roll call, community meeting room, break room, officer's work area, exercise room with lockers, showers and restrooms, electrical, data, and telecom rooms and an investigations unit on the second floor.

PREVIOUS HISTORY AND PROJECT SCOPE: On January 3, 2008, City Council awarded a CMAR contract to Spaw Glass Construction Corporation to provide pre-construction and construction phase services for the Midwest Police Station – District 18, and appropriated funds for pre-construction phase services.

The anticipated contract duration for this project is 221 calendar days. The design consultant is Perkins + Will, CRA, L.P.

REQUIRED AUTHORIZATION CUIC ID # 25CONS81

General Services Department: <div style="text-align: center; margin-top: 20px;"> Humberto Bautista, P.E. Chief of Design and Construction Division </div>	Houston Police Department: <div style="text-align: center; margin-top: 20px;"> 22 <i>[Signature]</i> Harold L. Hurtt Chief of Police </div>
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Date:	SUBJECT: First Amendment to Construction Management at Risk Contract Spaw Glass Construction Corporation Midwest Police Station - District 18 WBS No. G-000120-0001-4	Originator's Initials ON	Page 2 of 2
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FUNDING SUMMARY: It is recommended that City Council appropriate funds for construction phase services, including additional appropriations of \$145,060.00 for security and audio/visual equipment and installation under the existing contract with BL Technology, Inc. and \$10,000.00 for engineering testing services under the existing contract with HVJ Associates. The following amounts for construction and contingency are based on the construction manager's estimate of costs. The final cost of construction will be submitted to the director for approval as part of the GMP proposal.

\$ 6,088,000.00	Estimated Construction Cost
\$ <u>304,400.00</u>	5% Contingency (Estimate)
\$ 6,392,400.00	Total Estimated Contract Services
\$ 106,540.00	Civic Art (1.75%)
\$ 145,060.00	Security and Audio/Visual
\$ <u>10,000.00</u>	Engineering Testing Services
\$ 6,654,000.00	Total Appropriation

CONSTRUCTION GOALS: An MBE goal of 14%, WBE goal of 5% and SBE 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:HB:RAV:JLN:ON:on

c : Marty Stein, Kirk Munden, Jacquelyn L. Nisby, Esq., Webb Mitchell, Mary M. Villarreal, Morris Scott, Kim Nguyen,
File G-000120-0001-4 /813

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriate Additional Funds
Construction Management at Risk Contract
SpawMaxwell Company, LLC f.k.a. Spaw Maxwell Company, L.P.
Julia Ideson Building - Restoration and Addition
WBS No. E-000155-0001-4

Page
1 of 3
Agenda
Item
31 + 31A

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

Origination Date
3/25/2009

Agenda Date
APR 01 2009

DIRECTOR'S SIGNATURE:
Issa Z. Dadoush, P.E. *Issa Z. Dadoush* 3/12/09

Council District(s) affected:
1

For additional information contact:
Jacquelyn L. Nisby *J. Nisby* Phone: 832.393.8023

Date and identification of prior authorizing Council actions:
Ordinance No. 2007-1471; dated 12/19/07
Ordinance No. 2008-1208; dated 12/30/08

RECOMMENDATION: Appropriate additional funds for the project and authorize issuance of a purchase order in the amount of \$445,000 to Southwest Solutions Group through the State of Texas Building and Procurement Commissioner's Contract (TXMAS) for mobile high-density shelving.

Amount and Source of Funding:
\$6,000,000.00 Reimbursement of Equipment/Projects Fund (1850)
\$ 500,000.00 Julia Ideson Library Contributions Fund (4036)
\$6,500,000.00 Total Funding

Previous Funding:
\$ 314,800.00 Library Capital Project Fund (4018)
\$7,500,000.00 Julia Ideson Library Contributions Fund (4036)
\$7,814,800.00 Total Funding

Finance Budget:
Michelle Mitchell

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate an additional amount of \$6.5 million to the Construction Management at Risk (CMAR) contract with SpawMaxwell Company, LLC f.k.a. Spaw Maxwell Company, L.P. to provide construction services for Phase I of the Julia Ideson Building – Restoration and Addition project for the Houston Public Library. Phase I is the construction of a new archival wing. GSD further recommends that City Council authorize the issuance of a purchase order in the amount of \$445,000 to Southwest Solutions Group through TXMAS to procure mobile high-density shelving.

On October 31, 2007, City Council approved the Julia Ideson Restoration and Funding Agreement whereby the Downtown Redevelopment Authority TIRZ # 3 (TIRZ # 3) agreed to contribute \$10 million to the project and Julia Ideson Library Preservation Partners (JILPP) agreed to provide the balance of the funds required to complete the project.

On December 30, 2008, City Council approved a First Amendment to the CMAR contract, which delegated authority to the director to approve the Guaranteed Maximum Price (GMP) proposal package with two construction phases: Phase I - construction of a new archival wing and Phase II - restoration of the existing building. Council appropriated \$7.5 million, which partially funded construction costs, 5% contingency, high-density shelving, and engineering/materials testing. Of this amount, TIRZ # 3 contributed \$4 million.

The requested appropriation of \$6.5 million will fully fund the remaining Phase I construction costs. The Reimbursement of Equipment/Projects Fund will contribute \$6 million which will be reimbursed by TIRZ #3 in the fourth quarter of FY '09, thus fulfilling TIRZ # 3's financial obligation under the Agreement.

REQUIRED AUTHORIZATION

CUIC ID # 25CONS87

General Services Department:
Humberto Bautista
Humberto Bautista, P.E.
Chief of Design & Construction Division

Houston Public Library:
Rhea Brown Lawson
Rhea Brown Lawson, Ph.D.
Director

Date:	SUBJECT: Appropriate Additional Funds Construction Management at Risk Contract SpawMaxwell Company, LLC f.k.a. Spaw Maxwell Company, L.P. Julia Ideson Building - Restoration and Addition WBS No. E-000155-0001-4	Originator's Initials ON	Page 2 of 3
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PROJECT DESCRIPTION: This project will construct a new 24,500 square feet archival wing on the Lamar Avenue side of the building. This addition will include three floors of mobile high-density shelving, a climate controlled vault room to house rare artifacts and a ground floor public reading room.

The anticipated contract duration for Phase I is 330 calendar days. The design consultant is Gensler.

PROJECT LOCATION: 500 McKinney (493L)

PREVIOUS HISTORY AND PROJECT SCOPE: On December 19, 2007, City Council awarded a CMAR contract to Spaw Maxwell Company, L.P. to provide pre-construction and construction phase services, and appropriated \$314,800 for pre-construction phase services.

FUNDING SUMMARY: It is recommended that City Council appropriate funds for Phase I construction, including additional appropriations of \$175,000 for data and telecom equipment purchase and installation through the Texas Department of Information Resources (DIR); \$176,000 for security equipment purchase and installation through the existing citywide contract with BL Technology Inc.; \$150,000 to procure furniture from various vendors through TXMAS; issuance of a purchase order in the amount of \$445,000 to Southwest Solutions Group through TXMAS for mobile high-density shelving; and \$45,000 for engineering/material testing under the existing contract with Alliance Laboratories, Inc.

\$ 5,244,702.00	Construction Contract Services
\$ <u>264,298.00</u>	Contingency (5.04%)
\$ 5,509,000.00	Total Contract Services
\$ 175,000.00	Data/Telecom
\$ 176,000.00	Security
\$ 150,000.00	Furniture, Fixtures & Equipment
\$ 445,000.00	High Density Shelving
\$ <u>45,000.00</u>	Engineering/Material Testing
\$ 6,500,000.00	Total Appropriation

Date:	SUBJECT: Appropriate Additional Funds Construction Management at Risk Contract SpawMaxwell Company, LLC f.k.a. Spaw Maxwell Company, L.P. Julia Ideson Building - Restoration and Addition WBS No. E-000155-0001-4	Originator's Initials ON	Page 3 of 3
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CONSTRUCTION GOALS: The contract was awarded with a MBE goal of 14%, WBE goal of 5% and SBE goal of 5%. The contractor submitted documentation of its Good Faith Effort to the Affirmative Action and Contract Compliance Division. Affirmative Action has reviewed the contractor's Good Faith Efforts and determined that a reduced MBE goal of 1.6%, WBE goal of 3.5% and SBE goal of 4.4% are appropriate for this project, as described in the attached correspondence. The contractor has submitted the following list of proposed certified firms to achieve the goals:

<u>PROPOSED FIRM (MBE)</u>	<u>SCOPE</u>	<u>AMOUNT</u>	<u>% of CONTRACT</u>
USA Rebar Placers, Inc.	Rebar Placement	\$245,000.00	1.10
Canalco, Inc.	Waterproofing Material Supplier	\$108,964.00	0.49
		<u>\$353,964.00</u>	<u>1.59%</u>
<u>PROPOSED FIRM (WBE)</u>	<u>SCOPE</u>	<u>AMOUNT</u>	<u>% of CONTRACT</u>
Arc Light Electric, Inc.	Electrical Material Supplier	\$790,685.00	3.54%
<u>PROPOSED FIRM (SBE)</u>	<u>SCOPE</u>	<u>AMOUNT</u>	<u>% of CONTRACT</u>
All Points Inspection Services, Inc.	Project Photography	\$ 32,980.00	0.15
Environmental Allies, LP	Erosion Control & Silt Fence	\$ 30,152.00	0.14
Iron Access, Inc.	Handrail & Railing Fabrication	\$ 55,809.00	0.25
Eagle Fabrications, Inc.	Structural Steel Fabrication	\$207,888.00	0.93
EDH Plumbing Contractors, LLC	Plumbing	\$435,250.00	1.95
Chavez Service Companies, Inc	Ceramic & Stone Tile	\$161,280.00	0.72
Chavez Service Companies, Inc	Masonry Paver Installation	\$ 23,425.00	0.10
North Houston Trucking	Earthwork Hauling	\$ 41,695.00	0.19
		<u>\$988,479.00</u>	<u>4.43%</u>

df
 IZD:HB:RAV:JLN:ON:on
 c: Marty Stein, Dr. Rhea Brown Lawson, Jacquelyn L. Nisby, Esq., Webb Mitchell, Mary M. Villarreal, Morris Scott,
 Kim Nguyen, File E-000155-0001-4 /812

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

SUBJECT: An Ordinance authorizing the execution of a Utility Agreement between the City of Houston and Harris County Municipal Utility District No. 415 and as part of the Agreement the Execution of a Water Supply Contract between the City and The Commons of Lake Houston Water Supply, Inc.	Category #	Page 1 of 1	Agenda Item # 32
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 3-26-09	Agenda Date APR 01 2009
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DIRECTOR'S SIGNATURE <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., D. WRE, BOEE	Council District affected: "E"
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For additional information contact: Ann Marie Stone Sheridan, P.E. <i>AMS</i> Supervising Engineer (713) 837-9142	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
It is recommended that City Council approve an ordinance authorizing the Mayor to execute a Utility Agreement between the City of Houston and Harris County Municipal Utility District No. 415, and as part of the Agreement a Water Supply Contract between the City and The Commons of Lake Houston Water Supply, Inc.

Amount and Source of Funding:
NONE REQUIRED

SPECIFIC EXPLANATION:

Harris County Municipal Utility District No. 415 is an in-city district consisting of 411.81 acres of land located in the vicinity of East Lake Houston, Magnolia Point Drive, the Commons of Lake Houston and Huffman-New Caney Road. Proposed development includes single-family and commercial facilities that will require the District to provide storm drainage and water and wastewater service, including collection, distribution, treatment and water supply facilities.

The Agreement establishes the terms and conditions which govern services provided. The District will construct improvements in accordance with City standards and specifications and convey all facilities to the City as they are constructed. In exchange, the City will participate in the costs of those utilities through the Developer Participation Contract Program. The City will collect taxes and wastewater and water revenues from residents of the District on the same basis as all other city customers.

In addition, to facilitate the development of the District in an expeditious manner, the City will enter into a Water Supply Contract with the Commons of Lake Houston Water Supply, Inc. to provide water for 100 single family equivalent connections. The City will pay Commons of Lake Houston Water Supply, Inc. the same rate that the City charges its wholesale customers from revenues out of the City water and sewer system. Upon reaching 101 equivalent residential connections, the Water Supply Contract will terminate and the City will become the water supplier.

Furthermore, the City currently has a \$6.2 million CIP project to build wastewater facilities that will serve both the District and surrounding neighborhoods. The District will pay approximately \$1.9 million for its share of the facilities as outlined in the Agreement. Until that project is complete, the District will utilize a temporary wastewater package plant to treat wastewater within its boundaries. The City will pay the District for the operation and maintenance of the temporary plant out of revenues from the City water and sewer system until the CIP project has been completed.

Projected build out of the District will result in an estimated \$180,000,000 in assessed value.

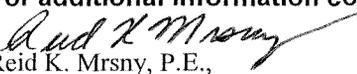
cc: Jun Chang Marlene Gafrick Susan Bandy Mark Loethen Bill Beauchamp Waynette Chan

REQUIRED AUTHORIZATION 20JZC529		
Finance Department	Other Authorization: <i>Andrew F. Icken</i> Andrew F. Icken Deputy Director Planning & Development Services Div.	Other Authorization: <i>Jun Chang</i> Jun Chang Interim Deputy Director Public Utilities Division

SUBJECT: Ordinance amending Ordinance No. 2005-371 relating to the Relocation of Privately-Owned Utilities	Page 1 of 1	Agenda Item # 33
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 3-27-09	Agenda Date APR 01 2009
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D. WRE, BCEE	Council District affected: All <i>ant / JK</i>
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For additional information contact:  Reid K. Mrsny, P.E., Senior Assistant Director Phone: (713) 837-0452	Date and identification of prior authorizing Council action: Ordinance No. 2005-371; April 13, 2005
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RECOMMENDATION:
 Adopt ordinance amending Ordinance 2005-371, which established the City's Utility Relocation Policy, to extend the term of the provisions requiring a utility relocation set-aside fund, and de-appropriating certain funds.

Amount and Source of Funding:
 De-appropriate \$2,000,000 out of the Street and Bridge Consolidated Construction Fund (4506) – (previously Street, Bridge and Traffic Commercial Paper Series D Fund) *P 2/1/09 03/30/09*
 Previous Funding: \$2,000,000 out of Combined Utility System Commercial Paper Fund and \$7,000,000 out of the Street, Bridge and Traffic Commercial Paper Series D Fund

EXPLANATION:
 In April 2005, Council approved the addition of Article XVIII to Chapter 40 of the Code of Ordinances, which established a Utility Relocation Policy. The Public Works and Engineering Department had experienced lengthy and costly delays to capital improvement projects in cases where they encountered conflicting, privately-owned utilities in the City's right of way, for example, telecommunications or electrical conduit. The policy requires owners to register their facilities with PWE and to timely relocate conflicting facilities at their own expense. The policy also requires that PWE provide timely notification of City projects that will necessitate utility relocation, and it sets out a process by which private utilities may file a claim for reimbursement of their relocation costs, should a court of law or legislative action render the City unable to require relocations at the owner's expense. The ordinance appropriated a total of \$9,000,000 to be set aside for this purpose. Because the utility relocation policy was then untested, the set aside program was established with a "sunset" provision that it expire after four years unless extended by Council action.

The Utility Relocation Policy has been very successful in improving communication and cooperation between PWE and the private utilities and has resulted in fewer costly CIP project delays. The set-aside program has encouraged private utilities to relocate their facilities on schedule. So far, there have been no judgments rendered that have impacted the City's requirements under the Utility Relocation Policy. After reviewing the program operation and experience, PWE recommends that the term of the set-aside program be extended indefinitely to continue the benefits of the policy. Further, PWE believes that the balance of the set-aside fund may be reduced somewhat without impacting the program, and therefore recommends that \$2,000,000 be de-appropriated for other use.

MSM:DRM:RKM:JHK:ant
 MSM:DRM:RKM:JHK:ant
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- c: Marty Stein
- Susan Bandy
- Craig Foster

REQUIRED AUTHORIZATION CUIC ID #20ANT01A

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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SUBJECT: Professional Engineering Services Contract between the City and Entech Civil Engineers, Inc. for Neighborhood Street Reconstruction Project (NSR) 449.
W.B.S. No. N-000381-0001-3

Page 1 of 2
Agenda Item # 34

FROM (Department or other point of origin):
Department of Public Works and Engineering

Origination Date:
1-29-09

Agenda Date:
APR 01 2009

DIRECTOR'S SIGNATURE:
Michael S. Marcotte
Michael S. Marcotte, P.E., D.WRE, BCEE

Council District affected:
A, B *RA*

For additional information contact:
Reid K. Mrsny
Reid K. Mrsny, P.E. Phone: (713) 837-0452
Senior Assistant Director

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)
Approve Engineering Services Contract with Entech Civil Engineers, Inc. and appropriate funds.

Amount and Source of Funding: \$925,000.00 from the Street and Bridge Consolidated Construction Fund No. 4506.
12/19/08

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: This project is part of the Neighborhood Street Reconstruction (NSR) Program. This program is required to improve the condition of residential streets in addition to enhancing the quality of life in the neighborhoods.

DESCRIPTION/SCOPE: This project is part of the Neighborhood Street Reconstruction (NSR) Program, and it consists of the reconstruction of neighborhood streets, including concrete roadways with curbs, sidewalks, and underground utilities as required.

LOCATION: The streets included in NSR 449 Project are listed below.

<u>Street</u>	<u>Limit</u>	<u>Key Map Grid</u>	<u>District</u>
Auline	Flowerdale to dead-end, north and south	451 X	A
Baggett	Flowerdale to dead-end, north and south	451 X	A
Carmel	Cul-de-sac to Cliffdale	411 Z	B
Early	Flowerdale to dead-end, north and south	451 X	A
Flowerdale	Wirt Road to Woodvine	451 X	A
Jacquelyn	Shady Villa Lane to Janak	451 X	A
Janak	Wirt Road to Woodvine	451 X	A
Johanna	Dead-end to 136' north of the n.p.l. of Janak	451 X	A
Larston	Adkins to Campbell	450 Y	A
Murrayhill	Shadow Oaks to Brinwood	449 Z	A
Olathe	Freedonia to Adkins Road	450 Y	A
Shady Villa	Antoine to Silber	451 X,Y	A
Waseca	Dead-end to Olathe	450 Y	A
Whispering Pines	Westview south to dead-end	451 X	A

REQUIRED AUTHORIZATION CUIC ID #20MKW20 *NOT*

Finance Department: <i>Michelle Mitchell</i>	Other Authorization:	Other Authorization: <i>Daniel R. Menendez</i> Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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Date

SUBJECT: Professional Engineering Services Contract between the City and Entech Civil Engineers, Inc. for Neighborhood Street Reconstruction Project (NSR) 449. W.B.S. No. N-000381-0001-3

Originator's Initials

Page
2 of 2

SCOPE OF CONTRACT AND FEE: Under the scope of the Contract, the Consultant will perform Phase I Preliminary Design, Phase II Final Design, Phase III Construction Phase Services and Additional Services. Basic Services Fee for Phase I is based on cost of time and materials with a not-to-exceed agreed upon amount. The Basic Services Fee for Phase II and Phase III will be negotiated in a lump sum amount on reimbursable basis after the completion of Phase I. The negotiated maximum for Phase I Basic Services Fee for NSR 449 is \$106,928.00. The total Basic Services Fee appropriation is \$604,367.00.

The Contract also includes certain Additional Services to be paid either as lump sum or on a reimbursable basis. The Additional Services include surveying, geotechnical investigation, environmental assessment, traffic control, signal design, tree protection and storm water pollution prevention. The total Additional Services appropriation is \$243,386.00. The total cost of this project is \$925,000.00 to be appropriated as follows: \$847,753.00 for Contract services and \$77,247.00 for project management.

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

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

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. ESPA Corporation	Utilities	\$101,297.00	11.95%
2. Aviles Engineering Corporation	Environmental Services	\$ 11,340.00	1.34%
3. Aviles Engineering Corporation	Geotechnical	\$ 33,000.00	3.89%
4. Progressive Consulting Engineers, PLLC	Traffic Control	\$ 33,010.00	3.89%
5. Rahaman and Associates, Inc., DBA Western Group Consultants.	Survey Services	\$ 80,620.00	9.51%
6. Chief Solutions, Inc.	Storm Sewer Televising	\$ 29,363.00	3.46%
7. B & E Reprographics, Inc.	Reproduction	\$ 7,557.00	0.89%
	TOTAL	\$296,187.00	34.93%

MSM:DRM:RKM:FOS:MKW:MA
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- c: Marty Stein
- Susan Bandy
- Velma Laws
- Gary Drabek w/attachments
- Craig Foster
- File No. N-000381-0001-3 (ROC)

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Professional Engineering Services Contract between the City of Houston and Nedu Engineering Services for Safe Sidewalk Program; W.B.S. No. N-00610A-00K1-3 & N-00610A-00K2-3	Page 1 of 2	Agenda Item # <i>35</i>
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From: (Department or other point of origin): Department of Public Works and Engineering	Origination Date <i>3-4-09</i>	Agenda Date APR 01 2009
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Director's Signature: <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: A, B, C, F & G <i>ju</i>	
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For additional information contact: <i>Reid K. Mersny</i> Reid K. Mersny, P.E. Senior Assistant Director (713) 837-0452	Date and identification of prior authorizing Council action:
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Recommendation: (Summary)
Approve Engineering Services Contract with Nedu Engineering Services and appropriate funds.

Amount and Source of Funding: \$410,600.00 from Street and Bridge Consolidated Construction Fund No. 4506. *11/16/09*

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: This program is part of a continuing effort by the City to construct sidewalks throughout the City of Houston. The project provides for the design of approximately 78,231 linear feet of sidewalks for people with disabilities, in neighborhoods, adjacent to schools, and along major thoroughfares.

SCOPE OF CONTRACT AND FEE: Under the terms of the Contract, the Consultant will perform Phases I and II Final Design, Phase III Construction Services and Additional Services. The consultant will prepare layouts and sketches, conduct feasibility analysis, develop detailed cost estimates for construction, and prepare final plans and specifications for construction. The Basic Services Fee for this project is computed by lump sum per foot of sidewalk designed. Negotiations with the Consultant have resulted in an estimated total Basic Design Fee of \$250,339.00 for Phases I and II Final Design, and Phase III Construction Services. The Additional Services comprise the bulk of the funds and include surveying, storm water pollution prevention plans and traffic control plans. Project management fee is \$10,000.00.

The total cost of the project is \$410,600.00 to be appropriated as follows: \$400,600.00 for contract services and \$10,000.00 for project management.

LOCATION: This project is located in Council Districts A, B, C, E, F & G. The project is located in various Key Map Grids.

REQUIRED AUTHORIZATION		CUIC ID #20SIK10 <i>NOT</i>
Finance Department: <i>Michelle Mitchell</i>	Other Authorization:	Other Authorization: <i>Daniel R. Menendez</i> Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

SUBJECT: Professional Engineering Services Contract between the City of Houston and Nedu Engineering Services for Safe Sidewalk Program; W.B.S. No. N-00610A-00K1-3 & N-00610A-00K2-3

**Originator's
Initials**

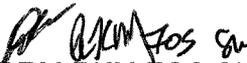
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**Page
2 of 2**

PLAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of the City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

M/WBE INFORMATION: The M/WBE goal established for this project is 24%. The Consultant proposes the following plan to meet the M/WBE goal:

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Amani Engineering, Inc.	Surveying	\$105,611.85	26.36%
2. M2L Associates, Inc.	Tree Protection	\$ 20,500.00	5.12%
3. B & E Reprographics, Inc.	Reproduction	\$ 2,800.00	0.70%
	TOTAL	\$128,911.85	32.18%


MSM:DRM:RKM:FOS:SK:dh:rf

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c: Marty Stein
Susan Bandy
Velma Laws
Craig Foster
File No. N-00610A-00K1-3 & N-00610A-K2-3

DISTRICT A

District	Location	Limits	Length	Key Map	Component	Design_WBSNO
A	Addicks Howell	Memorial to Fleetwood	800.00	488A, E	School	N-00610A-00K1-3
A	Bayram	Long Point 8500 Block	550.00	451-S	School	N-00610A-00K1-3
A	Brinkman	Pinemont to Donoval	1,188.00	452-G	School	N-00610A-00K1-3
A	Emnora	Peppermill to McKean	1,400.00	450Q	Thoroughfare	N-00610A-00K1-3
A	Green Falls Drive	Green Lawn to Antoine (Eisenhower High School)	1,400.00	411T	School	N-00610A-00K1-3
A	Gulfbank, W.	TC Jester to West Montgomery	6,910.00	411-Q	School	N-00610A-00K1-3
A	Hammerly	Gessner N to Spring Woods High	2,600.00	450-N	School	N-00610A-00K1-3
A	Hammerly	Gessner to Shadowdale	4,000.00	450N	Thoroughfare	N-00610A-00K1-3
A	Hollister	Long Point to Hammerly	2,640.00	450V	Thoroughfare	N-00610A-00K1-3
A	Long Point	Blalock to Bingle	7,700.00	450-Y	Thoroughfare	N-00610A-00K1-3
A	Rosefield	Northbrook Middle School (3030)	223.00	450-P	School	N-00610A-00K1-3
A	Shadowdale	Hammerly to Tiger Trail (Westwood Elementary School)	1,800.00	449V	School	N-00610A-00K1-3
A	Sherwood Forest	Hazelhurst to Upland (Sherwood Forest Elementary)	1,800.00	449X	SNAP	N-00610A-00K1-3

DISTRICT F

District	Location	Limits	Length	Key Map	Component	Design_WBSNO
F	Bissonnet	Hillcroft to Beechnut	3,646.00	530B	Thoroughfare	N-00610A-00K1-3
F	Grape	7407	60.00	530-Q	PAR	N-00610A-00K1-3
F	Triola	7038	52.00	530M	PAR	N-00610A-00K1-3

DISTRICT G

District	Location	Limits	Length	Key Map	Component	Design_WBSNO
G	Post Oak Lane	Woodway to Memorial	3,025.00	491H, M	School	N-00610A-00K1-3

Total linear feet			39,794.00			
Estimated Design Fee (Basic Services Only) = 39794 x 3.20 = \$127,340.80						

DISTRICT C

District	Location	Limits	Length	Key Map	Component	Design_WBSNO
C	Airport, West	Preakness Way to Brookvalley	648.00	570G	Thoroughfare	N-00610A-00K2-3
C	Airport, West	Hillcroft to Kirkside	500.00	571E	Thoroughfare	N-00610A-00K2-3
C	Ashcroft	south side of Portal and both sides of Bankside	84.00	531W	PAR	N-00610A-00K2-3
C	Ashcroft	Hillcroft	938.00	531W	PAR	N-00610A-00K2-3
C	Bellfort, W.	Beltway 8 to Stanwood -south side	2,137.00	570-A	SNAP	N-00610A-00K2-3
C	Braeswood, South	Fondren Middle School	200.00	530V	School	N-00610A-00K2-3
C	Fondren	South Braeswood	420.00	530-U	Thoroughfare	N-00610A-00K2-3
C	Hillcroft	at Willowbend (Westbury Christian High School)	740.00	531W	School	N-00610A-00K2-3
C	Landsdowne	Westbury Christian High School	2,233.00	531-S	School	N-00610A-00K2-3
C	McKnight	5519	200.00	571-A	PAR	N-00610A-00K2-3
C	Morningside	Wroxton to Sunset Blvd.	600.00	532C	School	N-00610A-00K2-3
C	Plainfield	Benning and West Bellfort	50.00	530-W	School	N-00610A-00K2-3
C	Rice, South	Braes Valley to Jason Street	1,130.00	531Q	Thoroughfare	N-00610A-00K2-3
C	River Oaks	Reba	100.00	492T	ADA	N-00610A-00K2-3
C	Shepherd	Rice Blvd. to East Frontage Rd.	8,000.00	532D	School	N-00610A-00K2-3
C	Underwood	S. Main to Morningside	770.00	532L	School	N-00610A-00K2-3
C	West Place	at Gessner (8899)	200.00	570-B	ADA	N-00610A-00K2-3

DISTRICT B

District	Location	Limits	Length	Key Map	Component	Design_WBSNO
B	Antoine	Tidwell to Hollyview	500.00	411Y, 451C	Thoroughfare	N-00610A-00K2-3
B	Blue River	12215	1,270.00	415E, J	PAR	N-00610A-00K2-3
B	Foy Street	Hopper to Hartwick	1,915.00	414N	School	N-00610A-00K2-3
B	Jay	Darien to Homestead (Houston Gardens Elementary)	1,800.00	455N, 454R	School	N-00610A-00K2-3
B	Lauder Road	JFK to Vickery (Bill Crowley Park Entrance)	2,500.00	414B	Thoroughfare	N-00610A-00K2-3
B	Lavender	Cavalcade to Pardee	2,000.00	454-U	School	N-00610A-00K2-3
B	Lucerne	Mohawk to Little York (10800 Block)	2,600.00	415-S	School	N-00610A-00K2-3
B	Meadow	IH 10 to Gillespie	680.00	494J	School	N-00610A-00K2-3
B	Meadowfern	Northborough to IH 45	1,460.00	372-L	Thoroughfare	N-00610A-00K2-3
B	Parker	Aldine-Westfield to Peach	1,150.00	414W, X	Thoroughfare	N-00610A-00K2-3
B	Wileyvale	Baton Rouge to Shreveport	4,612.00	454-Q	School	N-00610A-00K2-3

Total Linear feet			39,437.00		
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Estimated Design Fee (Basic Services Only) = 39437 x 3.20 = \$126,198.00					
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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Additional Appropriation for Professional Engineering Services Contract between the City of Houston and Black & Veatch for Almeda Sims Sludge Processing Facility Improvements. WBS No. R-000298-0001-3.	Page 1 of 1	Agenda Item # 36
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From: Department of Public Works and Engineering	Origination Date 3-19-09	Agenda Date APR 01 2009
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Director's Signature:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council District affected: D IMR
--	---

For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (713) 837-7074	 Reid K. Mrsny, P.E. Senior Assistant Director (713) 837-0452	Date and identification of prior authorizing Council action: Ord. No. 2001-0458 Dated 05/23/2001 Ord. No. 2006-0652 Dated 06/21/2006 Ord. No. 2008-0275 Dated 04/02/2008
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Recommendation: Appropriate additional Funds.

Amount and Source of Funding: \$324,687.00 from the Water and Sewer System Consolidated Construction Fund No.8500. Original appropriation of \$4,997,000.00 from Water and Sewer System Consolidated Construction Fund No. 755 and subsequent additional appropriations of \$1,290,000.00 from Water and Sewer System Consolidated Construction Fund No.755 and \$245,300.00 from Water and Sewer System Consolidated Construction Fund No. 8500. IMR 03/03/09

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's ongoing program for improvements to the Almeda Sims Wastewater Treatment Plant and Sludge Processing Facility.

DESCRIPTION/SCOPE: This project consists of thermal dryer technologies design and installation of two new rotary sludge dryers for Bio-Solids handling facility at Almeda Sims Sludge Processing Plant.

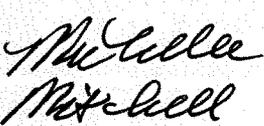
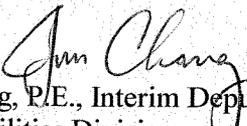
LOCATION: The project is located at 12319 1/2 Almeda Road, Key Map 572L.

PREVIOUS HISTORY AND SCOPE: The Original Contract was approved by City Council under Ordinance No. 2001-0458. The scope of services consisted of Basic Services (i.e.: Phase I – Preliminary Design, Phase II – Final Design and Phase III – Construction Phase Services) and various Additional Services (i.e.: Thermal dryer technologies assessment, air sampling, air permitting assistance, surveying, geotechnical investigations, environmental services, etc.) The subsequent additional appropriation of \$1,290,000.00 approved by Ordinance No. 2006-0652 was for construction management services, and \$245,300.00 approved by Ordinance No. 2008-0275 was for Thermal Dryer Technology System functional and performance testing and preparation of operations and maintenance manuals.

SCOPE OF THIS SUPPLEMENT AND FEE: The requested additional appropriation of \$324,687.00 is to provide continued construction management support. The project was originally scheduled to reach substantial completion by September 26, 2008. Due to unsuitable materials encountered at the job site during excavation, the project is now expected to reach substantial completion in September, 2009.

The requested appropriation of \$324,687.00 is appropriated as follows: \$295,170.00 for contract services and \$29,517.00 for project management.

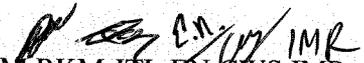
REQUIRED AUTHORIZATION CUIC ID #20IMR61

Finance Department: 	Other Authorization:  Jun Chang, P.E., Interim Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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Date	SUBJECT: Additional Appropriation for Professional Engineering Services Contract between the City of Houston and Black & Veatch for Almeda Sims Sludge Processing Facility Improvements. WBS No. R-000298-0001-3.	Originator's Initials	Page 2 of 2
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M/WBE PARTICIPATION: The M/WBE goal established for this project is 24%. The original Contract amount and subsequent appropriations totals \$6,055,646.00. The consultant has been paid \$5,743,994.47 (94.85%) to date. Of this amount, \$1,258,975.00 (21.92%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the amount will increase to \$6,350,816.00. Black and Veatch proposes the following firms to achieve the 24% goal.

<u>Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>%</u>
1. Prior M/WBE Work		\$1,258,975.00	19.82%
2. HVJ Associates, Inc.	Geotechnical Environmental Investigation	\$ 750.00	0.01%
3. Infrastructure Associates, Inc	Engineering Support	\$ 52,650.00	0.83%
4. STOA/Goleman/Bolullo Architects	Architectural Services	\$ 5,657.00	0.09%
5. Nathelyne A. Kennedy & Associates	Structural Design; Consulting	\$ 18,379.00	0.29%
6. Texas American Engineering, Inc.	Project Controls/Const. Admin.	\$ 192,944.00	3.04%
	Total:	\$1,529,355.00	24.08%


 MSM:RKM:JTL:EN:CWS:IMR:pa

c: Marty Stein
 Jun Chang
 Velma Laws
 Craig Foster
 File No. R-000298-0001-3

SUBJECT: Professional Services Contract between the City and Post Buckley Schuh & Jernigan, Inc. for Biomonitoring Testing at various Wastewater Treatment Plants.	Page 1 of 1	Agenda Item # 37
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 3-26-09	Agenda Date APR 01 2009
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: All
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For additional information contact: Dannelle H. Belhateche, P.E. Phone: (713) 641-9182 Senior Assistant Director	Date and identification of prior authorizing Council action: N/A
---	---

RECOMMENDATION: (Summary)
Approve a Biomonitoring Services Contract with Post Buckley Schuh & Jernigan, Inc. and allocate funds.

Amount and Source of Funding: \$2,200,000.00 Water & Sewer System Operating Fund #8300 PLR

DESCRIPTION/SCOPE: The City of Houston is required by permit to conduct monthly effluent biomonitoring testing on its wastewater treatment discharges. These testing services are highly specialized and require outside technical support. This Contract is both for the monthly testing and interpretation of results and for technical support and additional testing when problems are detected. The term of the contract will be three years with two one-year renewal options.

LOCATION: The project area is at all Wastewater Treatment Plants located throughout the city.

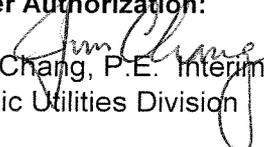
PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's Pay or Play ordinance regarding health benefits for employees of City Contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

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

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. North Water District Lab, Inc.	Laboratory Support	\$440,000	20.0 %
2. Anacon, Inc.	Laboratory Support	\$ 88,000	4.0 %
Total:		\$528,000	24.0 %

MSM:JC:DHB:ws
c:
Marty Stein
Susan Bandy
Velma Laws
Craig Foster
File No.8300/GL520114 NDT

REQUIRED AUTHORIZATION CUIC 20JGM265A

F&A Budget:	Other Authorization:	Other Authorization:  Jun Chang, P.E. Interim Deputy Director Public Utilities Division
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Rehabilitation of Ground Storage Tank at Acres Homes and Replacement of Bolted Tank with Concrete Tank at Willowchase Pump Stations. WBS No. S-000600-00B7-4.	Page 1 of 2	Agenda Item # 38
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FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date: 3-26-09	Agenda Date: APR 01 2009
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DIRECTOR'S SIGNATURE: <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E. D.WRE, BCEE	Council District affected: A,B <i>PL</i>
---	--

For additional information contact: <i>Reid K. Mrsny</i> Reid K. Mrsny, P. E. Phone: (713) 837-0452 Senior Assistant Director	Date and identification of prior authorizing Council action:
---	---

RECOMMENDATION: (Summary)
Accept low bid, award construction contract and appropriate funds.

Amount and Source of Funding:
\$2,218,000.00 Water and Sewer System Consolidated Construction Fund No. 8500. *Pacifica 02/12/09*

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's Water Storage Tank Rehabilitation and Replacement program and is required to insure compliance with the Texas Commission on Environmental Quality (TCEQ) regulations.

DESCRIPTION/SCOPE: This project consists of rehabilitation of a welded steel ground storage tank and replacement of one bolted galvanized steel ground storage tank with a prestressed precast concrete tank in accordance with the plans and specifications. The contract duration for this project is 240 calendar days. This project was designed by Pate Engineers, Inc.

LOCATION: The project area is located at the following water plants:

	<u>Water Plant</u>	<u>Address</u>	<u>Key map Grid</u>	<u>Council District</u>
1.	Acres Homes Pump Station	1810 Dolly Wright.	412S	B
2.	Willowchase Pump Station	13135 Misty Willow Dr.	369M	A

BIDS: Bids were received on November 13, 2008. The four(4) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Blastco Texas Inc.	\$1,903,310.00
2. Boyer, Inc.	\$2,133,055.00
3. Industrial TX Corp.	\$2,258,360.00
4. W.W. Payton Corporation	\$3,194,000.00

REQUIRED AUTHORIZATION **CUIC# 20RS83**

Finance Department <i>Michelle McNeill</i>	Other Authorization: <i>Jun Chang</i> Jun Chang, P.E. Interim Deputy Director Public Utilities Division	Other Authorization: <i>Daniel R. Menendez</i> Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division
--	--	--

Date	Subject: Contract Award for Rehabilitation of Ground Storage Tank at Acres Homes and Replacement of Bolted Tank with Concrete Tank at Willowchase Pump Stations. WBS No. S-000600-00B7-4.	Originator's Initials <i>B</i>	Page 2 of 2
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AWARD: It is recommended that this construction contract be awarded to Blastco Texas Inc. with a low bid of \$1,903,310.00 and that addendum No. 1 be made a part of this contract.

PROJECT COST: The total cost of this project is \$2,218,000.00 to be appropriated as follows:

•	Bid Amount	\$1,903,310.00
•	Contingencies	\$95,165.50
•	Engineering and Testing Services	\$60,000.00
•	Project Management	\$38,224.50
•	Construction Management	\$121,300.00

Engineering and Testing Services will be provided by Fugro Consultants LP under a previously approved contract.

Construction Management Services will be provided by TLC Engineering Inc. under a previously approved contract.

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of city contractors. In this case, the contractor has elected to pay into the Contractor Responsibility Fund in compliance with city policy.

M/WBE PARTICIPATION: The goal established for this project is 19% M/WBE and 3% SBE. The Affirmative Action and Contract Compliance Division has reviewed and approved the following plan as a good faith effort of the contractor in complying with MWSBE Goal. The low bidder has submitted the following proposed MBE participation of 4.25% and SBE participation of 5.68% to satisfy the goal for this project.

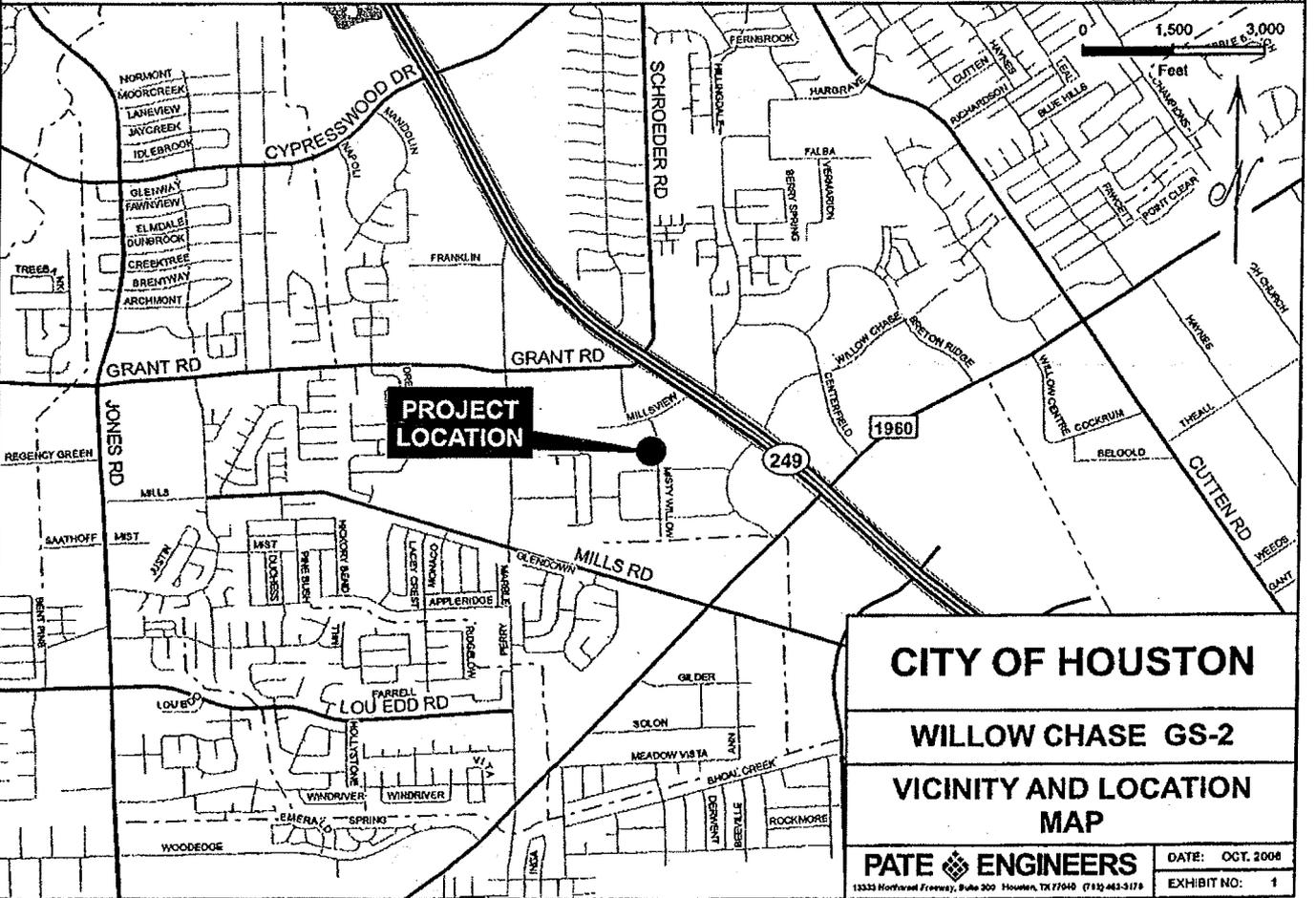
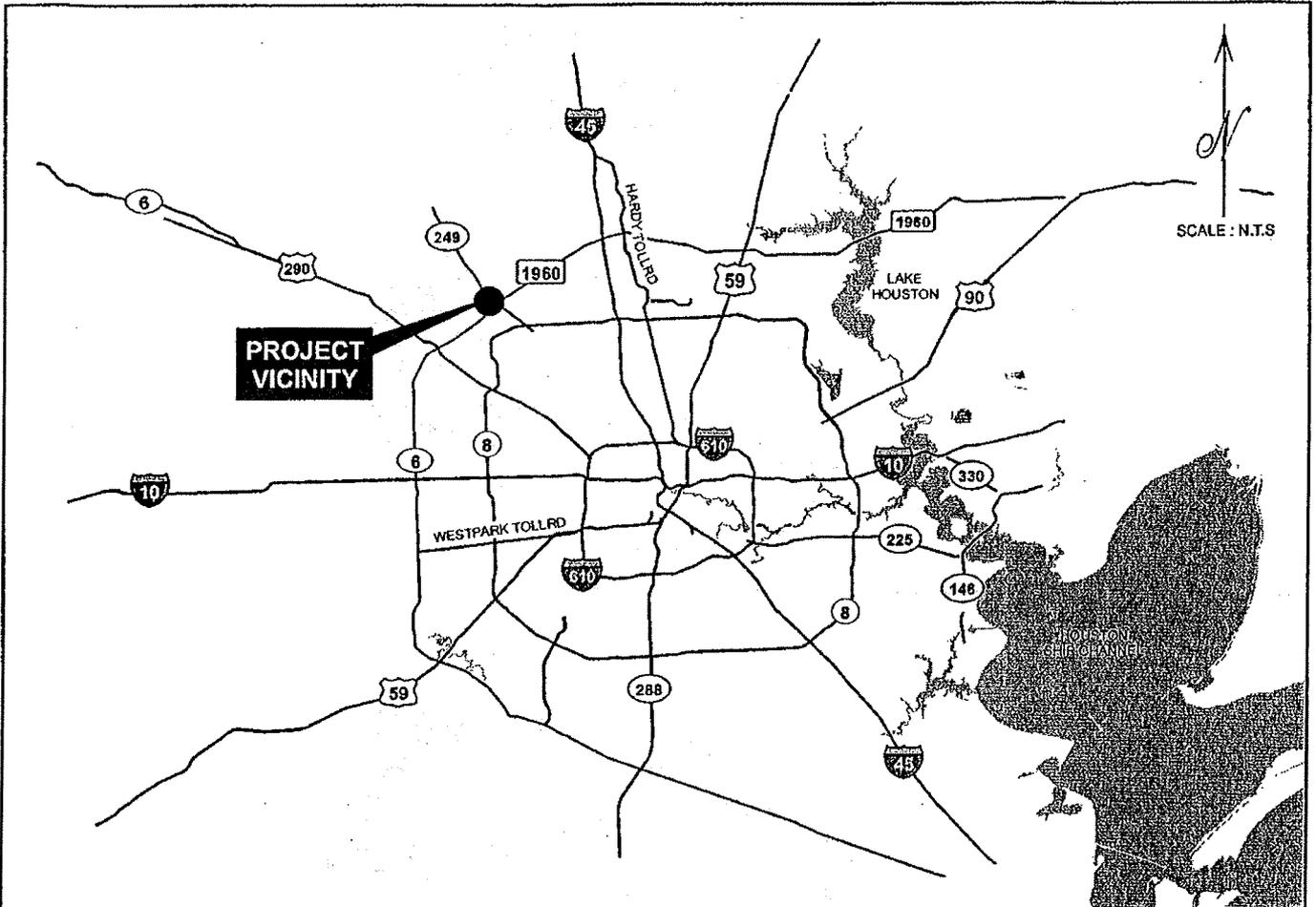
<u>MWBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Action Photography & Service	Photography	\$11,000.00	0.58%
2. Oil Products Distribution, Ltd.	Oil Products/Fuel	<u>\$70,000.00</u>	<u>3.67%</u>
TOTAL		\$81,000.00	4.25%
<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Blackstone Welding & Fabrications, Inc.	Welding & Fabrication	\$105,000.00	5.51%
2. ALLPRO Sign & Banner Co.	Sign Manufacturing & Installations	<u>\$3,246.00</u>	<u>0.17%</u>
TOTAL		\$108,246.00	5.68%

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

MSM:DRM:RKM:HH:SD:RS:jl *MSM*

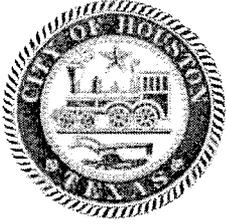
S:\design\A-WS-DIV\WPDATA\RS\10814\10814-6&7\10814-7\RCA Package\RCA-Construction Contract Award.DOC

c: Marty Stein
Velma Laws
Susan Bandy
Mike Pezeshki, P.E.
Craig Foster
File S-000600-00B7 (3.7)



CITY OF HOUSTON	
WILLOW CHASE GS-2	
VICINITY AND LOCATION	
MAP	
PATE ENGINEERS	DATE: OCT. 2008
13333 Northward Freeway, Suite 200 Houston, TX 77040 (713) 463-3178	EXHIBIT NO: 1

PATE ENGINEERS
 \houston\scd01\projects\000000057-053-01_CoH_WST_Rehab\Willow_Chase_GS-2.mxd October 13, 2006 11:24:49 AM By: Amanda Nunley



CITY OF HOUSTON
Office of the Mayor

Interoffice

Correspondence
Affirmative Action and
Contract Compliance
Division

To: Rajinder Singh
Project Manager
Public Works & Engineering Department

From: Robert Gallegos
Deputy Assistant Director

Date: February 13, 2009

Subject: Rehabilitation and Replacement of
Ground Storage Tanks,
WBS Number S-000600-00B7-4

Our office reviewed and evaluated BLASTCO Texas Inc.'s Good Faith Efforts (GFEs) as it relates to the project listed above. The following goals apply to this project:

14% MBE
5% WBE
3% SBE
Overall M/W/S/BE goal is 22%

Contract dollar amount on this project is \$1,903,310

- BLASTCO submitted the following percentages:

MBE 6.45%
WBE 4.26%
SBE 0.00%
Company's overall percentage is 10.71%

- Company's solicitation via phone, faxes and/or e-mails was narrowed to include only those S/M/W/BE firms whose capabilities paralleled the company's needs and scope of services.
- Company contacted our office (Mr. Juan Padilla) asking for assistance. Mr. Padilla did an e-mail blast to about 250 certified M/W/S/BEs.
- Company listed 145 certified S/M/W/BE firms as the primary targets for S/M/W/BE participation.
- Company received only 9 responses from various M/W/S/BEs and proceeded to award portions of this contract to certified M/W/S/BEs.
- Company awarded sub-contracts to Pfeiffer & Son for electrical work, CEM Resources for Cathode Protection, NATGUN for construction of concrete tank and Cadriel Coatings for excavation and demolition site work. These contracts constitute major work for this project. None of these companies are S/M/W/BE certified as of today's date. The electrical work was offered to one of our certified firms (TAG Electric) but TAG Electric is currently involved in other major projects. There are no S/M/W/BE firms certified for cathodic protection (basic concept of cathodic protection is that the electrical potential of a subject metal is reduced below its corrosion potential and it will then be incapable of going into solution or corroding). The excavation and demolition work was assigned to Cadriel Coatings based on depth and extent of work required. As stated above, the construction of concrete tank

- was assigned to NATGUN, a company whose specialty is building concrete tanks.
- Company awarded \$189,246 S/M/W/BE plus anticipated landscaping services (\$15,000), bringing their total S/M/W/BE dollar amount to \$204,246.
 - Our office contacted BLASTCO and recommended that some of the major work being done by major companies can/should be sub-contracted to 2 tier S/M/W/BE firms as part of their GFE plan. BLASTCO sent an e-mail and stated BLASTCO will be using an MBE for the landscaping portion of this project. Dollar amount of landscaping will be \$15,000, bringing their MBE utilization to 10.71%.
 - The scope of services' major work is on pre-stressed, pre-cast concrete tank, which includes demolition and removal of bolted tank and concrete ring beam. These services are primarily done by BLASTCO because it is their specialty. Therefore, the main portions of this project is being self-performed by BLASTCO and company can only sub-contract those areas outside of the main scope of work.

As part of the GFEs review process, the Office of Affirmative Action evaluates the general contractor's S/M/W/BE participation data. BLASTCO has been awarded 5 projects by the COH.

BLASTCO's historical data reflect the following:

- 3 Projects did not have S/M/W/BE goals
- 1 Satisfactory rating
- 1 Outstanding rating
- Zero Unsatisfactory ratings.

Based on our findings, the general scope of services, and on their previous COH contracts, we recommend approval of BLASTCO's Good Faith Efforts.

02/09:



CITY OF HOUSTON
Legal Department

Bill White
Mayor

Arturo Michel
City Attorney
Legal Department
P.O. Box 368
Houston, Texas 77001-0368
City Hall Annex
900 Bagby, 4th Floor
Houston, Texas 77002

T. 832.393.6491
F. 832.393.6259
www.houstontx.gov

November 18, 2008

39

APR 01 2009

Michael Harris
The Harris Law Firm, P.C.
1235 N. Loop West, Suite 1210
Houston, Texas 77008

Re: Appeal from the City of Houston Automotive Board Hearing Held May 13, 2008

Dear Mr. Harris:

The City received a copy of the transcript of the above-referenced hearing involving your client, Mr. Richard Gonzalez. Please note that the transcript is not complete because it does not contain the exhibits that your client submitted at the hearing and are mentioned in the transcript. Please provide the original transcript and all the exhibits that your client submitted at the hearing on May 13, 2008.

The appeal will be placed on the agenda for City Council's consideration once all the documents are received by the City Secretary's Office at 900 Bagby, Houston, Texas 77002.

Sincerely,


YuShan Chang
Assistant City Attorney

cc: Lt. Bukowski, HPD
Anna Russell, CS



CITY OF HOUSTON

Legal Department

Interoffice

Correspondence

To: Anna Russell
City Secretary

From: YuShan Chang *YC*
Assistant City Attorney

Date: July 30, 2008

Subject: Automotive Board Appeal -
Richard and Patricia Gonzalez

By the attached correspondence, you have requested the Legal Department to advise whether the appeal of the suspension of Automotive Storage Lot License # 90619 (Stan's Wrecker Service Inc., 3551 Almeda Genoa) for Richard Gonzalez and Patricia Gonzalez, is timely filed and may be granted.

Pursuant to § 8-57 (b) of the City Code of Ordinances, an appeal from a decision of the Automotive Board to the City Council may be perfected by filing a written request in the Office of the City Secretary within 10 days after the action of the Board suspending the license. The notice of appeal states that the license was suspended on Tuesday, May 13, 2008. The notice of appeal was dated May 20, 2008. The notice of appeal was filed with the City Secretary on May 21, 2008. Therefore, the appeal is timely and may be granted. However, in accordance with City Council Rule 12, appellant must provide you with a certified court reporter's transcript of the Automotive Board hearing.

Please note that the attorney for the applicant, Mr. Gregory Rincon, has requested that the City contact him if a complete copy of the hearing transcript is required in order to request an appeal. Please advise Mr. Rincon that under City Council Rule 12, the City council may consider this appeal only on the basis of reviewing the written record of the hearing before the Automotive Board and any written exceptions thereto, and without further hearing of testimony. These materials must be submitted to the City Secretary promptly, before the City Council may consider this appeal. At the time you provide such information to the attorney for the appellant, please also advise Lt. Bukowski, Houston Police Department, Secretary to the Automotive Board (713) 832-1440, so that any exhibits or other written portions of the record in the possession of the Automotive Board may also be submitted to you for distribution to the City Council.

If you have any questions concerning this memorandum, please advise.

cc: Lt. Bukowski, HPD

TRANSCRIPT Received
11-12-08 AR
See letter from
LEGAL DATED 11/18/08 AR

W OFFICES OF

GREGORY RINCÓN

ATTORNEY AT LAW/ MEDIATOR

ORIGINAL

May 20, 2008

Ms. Anna Russell
City Secretary
City of Houston
P.O. Box 1562
Houston, Texas 77251

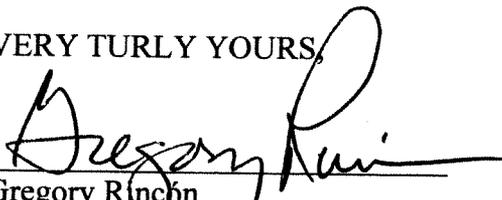
Re: NOTICE OF APPEAL – Automotive Review Board Denial of Automotive Storage License #90619, Stan's Wrecker Service Inc., 3551 Almeda Genoa.

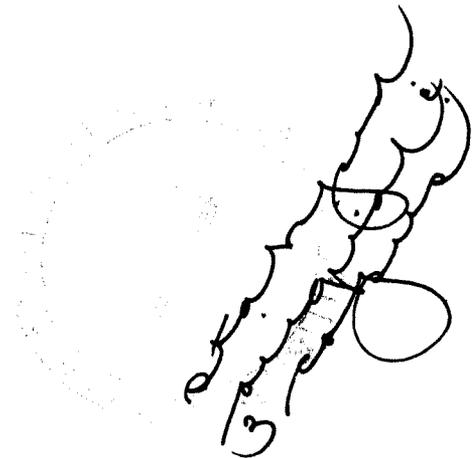
Dear Ms Russell:

Please find attached to this letter our NOTICE OF APPEAL for the above referenced case. Please record by placing your stamp on the original and return our copy with your file stamp copy to our courier.

Please notify me at your earliest convenience should I be required to submit additional information or requirements to have this request to be fulfilled. Should you have any questions, please do not hesitate to call me anytime at my office 713-529-4433. Thank you in advance for your cooperation and assistance. It is greatly appreciated.

VERY TURLY YOURS,


Gregory Rincón
Attorney at Law



The Harris Law Firm P.C.

1235 N. Loop West, Suite 1210 Houston, Texas 77008 713.864.6401 Telephone 713.864.6404 Fax the-harrislawfirm.com Website

Michael R. Harris

of counsel:

Tammy Adams

November 11, 2008

Ms. Anna Russell, City Secretary
Houston City Hall Annex
900 Babgy Street
Houston, Texas 77002

Re: Appeal from the City of Houston Automotive Board Hearing Held May 13, 2008

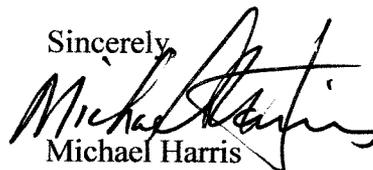
Dear Ms. Russell:

Please be take notice The Harris Law Firm has been retained by Mr. Richard Gonzalez to represent his interest in the above referenced matter. Please direct all future correspondence to my attention.

It appears that on May 13, 2008, an administrative hearing was held concerning my client's application for a City of Houston issued storage license to wit: 3551 Almeda Genoa. The Automotive Board subsequently denied the issuance previously requested, therefore my client has instructed me to seek your assistance with having this matter placed on the agenda for City Council consideration. As customary, I have enclosed a copy of the transcript for the hearing referenced above.

Should you have any questions I can be reached at 713-864-6401 or 713-398-1268

Sincerely,


Michael Harris

enclosure

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RECEIVED
NOV 17 2008
CITY SECRETARY

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ADMINISTRATIVE HEARING BEFORE
CITY OF HOUSTON AUTOMOTIVE BOARD
MAY 13, 2008

ADMINISTRATIVE HEARING BEFORE CITY OF HOUSTON
AUTOMOTIVE BOARD, taken on the 13th day of May, 2008,
from 10:12 o'clock a.m. to 11:52 o'clock a.m., before
Monica Fischer, a court reporter, and a notary public in
and for the State of Texas, reported by machine
shorthand, in the City Hall Annex Chamber, City Hall
Annex, 900 Bagby, Houston, Texas 77002.

JOB NUMBER: 08-644

ORIGINAL

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A P P E A R A N C E S

COUNSEL FOR APPLICANTS PATRICIA GONZALES AND
RICARDO GONZALES:

Mr. Gregory Rincon
THE LAW OFFICES OF GREGORY RINCON
The Clock Tower Building
3401 Allen Parkway, Suite 100
Houston, Texas 77019

CITY OF HOUSTON AUTOMOTIVE BOARD:

Mr. Billy H. Jones
Mr. B.K. Sanchez
Ms. Yushan Chang
Mr. A.F. Bukowski
Officer J.G. Horton
Ms. Andrea Reyes
Mr. Tim Straney
Mr. Ken W. Ulmer
Mr. Owen C. Wang
Mr. Mazen Allaham
Ms. Erma Palmer
Ms. Shelly Richardson

CITY OF HOUSTON POLICE DEPARTMENT:

Officer Michael Provost
Officer Derek Griffin
Officer Luis Gonzalez
Officer Watson
Officer Williams
Officer Montgomery

1 MR. JONES: Move on to Ms. Patricia
2 Gonzales and her attorney.

3 OFFICER HORTON: Mr. Chairman, Item No. 3
4 is a hearing for Mr. Richard Gonzales and Ms. Patricia
5 Gonzales regarding an application for a storage lot
6 license, No. 90619, for Stan's Wrecker, Inc., located at
7 3551 Alameda Genoa. Counsel, are you and your client
8 ready?

9 MR. RINCON: We are. Thank you, sir.

10 OFFICER HORTON: I'd ask all parties who
11 will be giving any testimony in this matter please raise
12 your right hand and be sworn. Mr. Gonzales, you do not
13 have to give sworn testimony if you choose not to;
14 however, sworn testimony is given more weight.

15 Each of you swear the testimony you are
16 about to give is the truth and nothing but the truth?

17 OFFICER GRIFFIN: I do.

18 OFFICER PROVOST: I do.

19 MR. GONZALES: I do.

20 OFFICER HORTON: Thank you.

21 Mr. Chairman, this storage lot application
22 was reviewed by Officer Derek Griffin, and I'd ask him
23 to present his findings.

24 OFFICER GRIFFIN: Good morning, Ladies and
25 Gentlemen of the Board. I'm Officer Derek Griffin with

1 the Houston Police Department Auto Dealers Detail.
2 Again, I present to you Mr. Richard Gonzales and I
3 believe his mother, Ms. Patricia Gonzales, represented
4 by their attorney as well. On December 12th, I believe,
5 their license for a storage lot was revoked under a
6 special permit. They are now applying again for a
7 storage lot license which the City's contention is they
8 do not qualify for due to the fact that the other
9 license was revoked -- the special permit was revoked
10 and, again, they're in violation of the 300-foot rule.

11 I have Exhibit A, which is the photograph
12 in your packet here, which is a red file folder here.
13 If you will look at Photograph No. 158, you will see
14 that the property to the left of USA Auto Collision is,
15 in fact, a residence. If you look at photo -- the next
16 photograph in line, it's the same property. If you go
17 to the third photograph on the top, it's going to be
18 3602 Alameda Genoa, which is directly across the street
19 from USA Auto -- or Stan's Wrecker Service.

20 Going down to Picture 164, you will see
21 that little table in the forefront of the picture. The
22 property to the right of USA Auto Collision, which is
23 162, is, in fact, an air-conditioning company. That
24 residence has been converted over to commercial use;
25 however, in Picture 164, you will notice that little

1 yellow structure. That's the residence where they are,
2 in fact, living behind that commercial -- the commercial
3 building up front. And, lastly, if you will look at
4 Picture 166, that property is directly across the street
5 from Stan's Auto Wrecker Service, and they, in fact, do
6 live in that property.

7 The next exhibit, if you will look at the
8 HCAD map, which I provided in your packet, I have
9 displayed on the wall. 02 -- 026, dash, 114, dash, 000,
10 dash, 0093 is the property in question which is Richard
11 Gonzales's and Ms. Patricia Gonzales's property. The
12 property to the right is, in fact, a commercial
13 property; however, to the left at 3529 -- that's going
14 to be the property listed in Photograph No. 158 and
15 159 -- if you will look at the distance, it's going to
16 show a distance of 270 feet, which is in direct
17 violation of the 300-foot rule. This presents all I
18 have.

19 OFFICER HORTON: Officer, for clarity of
20 the record, City's Exhibit No. 1 is the "Notice of
21 Violation" letter dated May 2nd, 2008; inclusive with
22 that is the "Notice of Rights of Appeal" and "Notice to
23 Appear"?

24 OFFICER GRIFFIN: That is correct, sir.

25 OFFICER HORTON: Thank you.

1 OFFICER GRIFFIN: As well as the
2 hand-delivery notice which will be the last page.

3 OFFICER HORTON: Officer Griffin, so, as a
4 result of your investigation, you clearly find
5 residential properties within 300 feet of the proposed
6 location when measured from property line to property
7 line?

8 OFFICER GRIFFIN: From property line to
9 property line as well as HCAD reports, yes, sir.

10 OFFICER HORTON: Mr. Chairman, the City
11 has nothing further.

12 MR. JONES: So they are not in compliance
13 with the 300 limit right now. Any other noncompliances?

14 OFFICER GRIFFIN: At this time, the City's
15 only contention is the 300-foot rule. We have other
16 issues that we are going to present; however, they do
17 not concern this body.

18 MR. JONES: Of course, the 300-foot
19 disqualifies them automatically, doesn't it?

20 OFFICER GRIFFIN: That is correct, sir.

21 OFFICER HORTON: Mr. Chairman, for clarity
22 of the record also, I believe Officer Griffin mentioned
23 that the revocation took place on November 12th. It
24 was, in fact, November 13th of 2007 that the storage lot
25 license and automotive repair facility license for

1 Mr. Lorenzo Gonzales operating from this location was
2 revoked.

3 The City has nothing further,
4 Mr. Chairman.

5 MR. JONES: Counsel for Mr. Gonzales?

6 MR. RINCON: Thank you, Mr. Chairman.

7 Thank you, Members of this esteemed body. I do have
8 some questions for Officer Griffin, if I may, in regards
9 to his testimony that he just provided.

10 EXAMINATION

11 BY MR. RINCON:

12 Q. I'd like you to identify the individuals who
13 are, in fact, residing in the residence that you pointed
14 out in your Photograph No. 164.

15 A. Those individuals are going to be the actual
16 people that live in the air-conditioning company in
17 Photograph 162.

18 Q. Do you have any names?

19 A. I do not.

20 Q. Do you have any affidavits that indicate that
21 they are residing there?

22 A. I do not.

23 Q. So just based on your information -- and where
24 did you get the information that they are, in fact,
25 living there?

1 A. The fact that it's a house.

2 Q. Okay. But you don't know if it has any desks,
3 any office furniture in that house?

4 A. I do not.

5 Q. Did you go inside that house?

6 A. It's private property. No, sir.

7 Q. Did anyone allow you to go into that house?

8 A. No, sir.

9 Q. Did you ask to go into that house?

10 A. No, sir, I did not.

11 Q. Okay. So other than the fact that it looks
12 like a house, that's your only contention that it is a
13 house?

14 A. Correct.

15 Q. And as you had indicated in testimony, the
16 building in front of that, which you indicated looks
17 like a house, but, in fact, is a part of the
18 air-conditioning company --

19 A. Correct.

20 Q. -- someone could have presumed that that's a
21 house as well?

22 A. Absolutely.

23 Q. All right. Thank you.

24 MR. RINCON: And I would provide to this
25 testimony -- or further add to that testimony to this

1 esteemed body and to the Members of the Commission that
2 there is no evidence to show that that, in fact,
3 residence in Photograph No. 164, as Officer Griffin has
4 identified, is, in fact, a residence. No testimony has
5 been provided by Officer Griffin that, in fact, that
6 building, that structure is a residence.

7 I, however, have a "Certificate of
8 Occupancy" that I would like to introduce, and I will be
9 happy to allow this esteemed body to review it.
10 Unfortunately I only have one copy and my apologies, but
11 I will identify this as Gonzales Exhibit B. And we
12 will -- it is a "Certificate of Occupancy" for three
13 addresses on that property, 3615, 3615B and 3621 Alameda
14 Genoa Road.

15 Q. (BY MR. RINCON) Officer Griffin, do you know
16 what the address is on that white structure in Photo
17 164?

18 A. If you give me a minute. Let me look.

19 Q. You bet. I will be happy to. Thank you.

20 A. 3529, sir.

21 Q. The address on that structure is 3529, on the
22 white structure that's in Photo 164?

23 A. Yes, sir.

24 Q. Okay. But, again, your testimony is you did
25 not go into the residence. Is that correct?

1 A. Yes, sir.

2 Q. You did not speak with anyone in regards to
3 that --

4 A. No, sir. We're going off of outward
5 appearances only.

6 MR. RINCON: Okay. Again, I would submit
7 respectfully to this esteemed body and its Members that
8 no evidence has been provided to indicate that that
9 structure in Photograph 164 is, in fact, a residence and
10 anyone is living in that residence.

11 As Officer Griffin's testimony has
12 indicated, the house in Photograph 162, which was an
13 issue that we discussed in a previous hearing, we have
14 the "Certificate of Occupancy" that indicates that it is
15 being used and Officer Griffin's testimony indicates
16 that it is, in fact, being used as a business operation.

17 And I would contend that the building
18 structure in Photograph 164 -- 164, excuse me, that
19 Officer Griffin was referring to is additionally being
20 used as a commercial structure with -- barring out any
21 other testimony that can be provided by the City or by
22 the officers. And I would respectfully ask that this
23 Board consider that testimony or these facts that are
24 being presented through the testimony of Officer
25 Griffin.

1 Q. (BY MR. RINCON) Officer Griffin, next, can you
2 identify the points of measurement in which you indicate
3 that Photographs 158 and 159 are in -- which support
4 your contention that there is a violation of the
5 300-foot distance rule?

6 A. Yes, sir. I'm going from property line to
7 property line, and as you can see, the, I guess, iron
8 fence is abutted directly against the property in
9 question.

10 Q. Okay. And that is your only means of
11 supporting the violation that Mr. Gonzales and
12 Mrs. Gonzales are in violation of the 300-foot rule?

13 A. As well as the use of the property, of the --
14 I'm sorry -- of the -- the repair shop where he is
15 charging storage. If you will look on -- well, actually
16 that's it.

17 Q. Okay. So --

18 A. I'll just let the measurements stand.

19 OFFICER HORTON: Excuse me, Counsel. Just
20 one brief interruption.

21 Officer Griffin, counsel has asked you is
22 that the sole residence that constitutes the 300-foot
23 problem.

24 OFFICER GRIFFIN: That wasn't what I
25 understood his question.

1 OFFICER HORTON: That's what I picked up.

2 OFFICER GRIFFIN: Was that your question,
3 sir?

4 MR. RINCON: No. No, sir. And I
5 appreciate the officer wanting to assist to identify the
6 question, and we'll get to that issue.

7 Q. (BY MR. RINCON) My question was, in this
8 particular incidence relating to Photographs 158 and
9 159, you indicate that there was a violation of the
10 300-foot distance rule.

11 A. Based on property -- yes, sir, I'm with you.

12 Q. Okay.

13 A. Based on property line to property line, I'm
14 going from the wrought iron fence to the property
15 abutted directly up to it.

16 Q. Okay. And other than that -- and this is
17 the -- if you are facing the property from Alameda Street
18 for the purposes of the Board to logistically make sure
19 we're all on the same page here, this is the left side
20 of the property. Is that correct?

21 A. Correct, sir.

22 Q. And can you please give testimony to this
23 esteemed Board, where is the storage facility at that
24 the Applicants are operating on?

25 A. Within the --

1 Q. Within their property line?

2 A. -- the wrought iron fence, yes, sir.

3 Q. Okay. But are they using the entire property
4 as a storage lot?

5 A. I want to say he's going from the body shop out
6 to the wrought iron fence.

7 Q. Is it the right side of the property or the
8 left side of the property?

9 A. Right side of what property, sir?

10 Q. The Applicant's property that they're
11 operating --

12 A. The left side of their repair shop.

13 Q. Okay. Again, I think we're getting a little
14 confused or at least I am and I apologize. If we're on
15 Alameda Road --

16 A. Right.

17 Q. -- and we're facing Mr. Gonzales's property --

18 A. Right.

19 Q. -- their storage facility is on what side of
20 the property line?

21 A. Oh, to the right side of his property inside
22 the property gate, yes, sir.

23 Q. It's inside the property gate to the right
24 side?

25 A. Correct.

1 Q. Is it on the front of the property line
2 adjacent to Alameda Road, perpendicular to Alameda Road,
3 or is it on the back side of the property?

4 A. Are you talking about the body shop? What part
5 of the property are you speaking of, sir?

6 Q. I'm speaking specifically of the storage lot.

7 A. His storage lot extends from the back of the
8 rearmost portion of the property as indicated on this
9 survey --

10 Q. Okay.

11 A. -- all the way up to the very corner of his
12 body shop, which comes to the very front of the
13 property; however, you have a gap for parking inside the
14 fenced area.

15 Q. Okay. And I appreciate that clarity. Thank
16 you very much, Officer Griffin. Is any of the area that
17 you indicate the gap for parking -- is that being used
18 for storage?

19 A. The parking area, no, sir.

20 Q. Okay. Is the body shop that you have factual
21 first-hand knowledge being used for storage?

22 A. The parking area or the --

23 Q. No. The body shop.

24 A. The body shop. Yes, sir, I do.

25 Q. And what is your firsthand factual knowledge of

1 that?

2 A. The fact that I have had numerous complaints on
3 the defendant -- or citizen here stating that he has
4 charged storage on a vehicle that was physically inside
5 the body shop.

6 Q. Okay. And those fees were from when, what
7 period of time?

8 A. From my initial complaint back in November up
9 until today.

10 Q. Okay. Fair enough. But do you have any
11 recent -- more recent in the last 90 days any complaints
12 that Mr. Gonzales or Mrs. Gonzales have charged fees for
13 storage vehicles inside that body shop?

14 A. I actually have one on my desk; however, we are
15 not presenting that as a part of the case today.

16 Q. Okay. So it's not being presented as record
17 testimony of this application?

18 A. No, sir. No, sir.

19 Q. Okay. And you indicated that that is in the
20 last 90 -- from the date that this application has
21 been --

22 A. You asked me if he has had any more complaints.
23 Yes.

24 Q. Okay. But have they been substantiated?

25 A. We haven't investigated them yet; however, like

1 I said, we have documentation he has charged storage
2 from the body shop.

3 Q. But, again, with respect to your complaint,
4 that complaint has not been substantiated?

5 A. Correct.

6 Q. Okay. So it's an open issue?

7 A. Open investigation, yes, sir.

8 Q. Okay. And so that complaint is not being
9 submitted -- and correct me if I'm wrong -- because
10 there hasn't been a finding as a result of the opening
11 complaint. Is that correct?

12 A. The complaint we're talking about, no, sir.

13 Q. Okay. So, again, my question is, do you have
14 any findings of any violation or any -- as a result of
15 any investigations that Mr. Gonzales or Mrs. Gonzales
16 have in the last 90 days --

17 A. 90 days, yes, sir, I do.

18 Q. You have a finding?

19 A. I do, in the last 90 days.

20 Q. And is that part of the record?

21 OFFICER HORTON: Mr. Chairman, if I may,
22 we're going off on a tangent here. The sole issue
23 before the Board today is whether or not the Applicant's
24 location is within 300 feet of a church, school or
25 residence. The City has brought no other violations or

1 possible violations to the Board's attention at this
2 point. The sole issue is, is there a residence, a
3 church, or a school within 300 feet of the proposed
4 location.

5 MR. RINCON: Mr. Chairman and esteemed
6 Members of the Board, we're not going off on a tangent.
7 Officer Horton is correct. The issue is if my client is
8 in violation of the 300-foot rule. What we are trying
9 to do or what I am trying to do is try to identify
10 actually where these cars are being stored.

11 MR. SANCHEZ: Counselor, I have a
12 question. Where do you -- is it your contention that
13 the 300-foot rule doesn't start at the property line but
14 starts exactly where the actual storage takes place?

15 MR. RINCON: Exactly, Counselor.

16 MR. SANCHEZ: Do you have ordinance
17 backing you up or precedence backing you up on that
18 interpretation of the ordinance?

19 MR. RINCON: Section 28, dash, 34, Section
20 B5 indicates the definition of the measurement of
21 300 feet.

22 MR. SANCHEZ: Right.

23 MR. RINCON: And in that definition, it
24 allows this Board at the request of the applicant to
25 begin the measurement of the boundary lines from the

1 point within the property as a whole that the applicant
2 owns of where the storage facility is going to be
3 contained and which to that measurement to begin
4 measuring to the next -- in a straight line as it is
5 indicated to the next residential property.

6 MR. SANCHEZ: So are you saying that --
7 isn't your client's property still only 270 feet wide?

8 RINCON: It's 270.6 feet wide exactly, but
9 in a straight line that is not going to -- it doesn't
10 meet the qualifications -- or the straight line doesn't
11 meet the qualifications in which in my interpretation --

12 MR. SANCHEZ: Where are you measuring
13 from -- from your client's actual storage, where is the
14 end point that you are taking your measurement to?

15 MR. RINCON: What end point are you
16 referring to?

17 MR. SANCHEZ: You are the one that's
18 bringing up the fact that this may not be -- that they
19 may not meet this 300-foot straight line rule. So I'm
20 asking you -- because it sounds to me what you have just
21 said is that we can take it from the point in storage --
22 in the property where the storage takes place to the
23 property line between the two -- the two lots.

24 MR. RINCON: Exactly.

25 MR. SANCHEZ: Not actually to the physical

1 residence but just to the property line. So are you
2 saying that a storage lot that only is 270 feet wide
3 will somehow have more than 300 feet straight line?

4 MR. RINCON: No, sir. Again, you are --
5 excuse me -- begging the assumption that the
6 residence -- the testimony that Officer Griffin has
7 provided in regards to Photograph 164 for the property
8 and in Photographs 158 and 159 are indicating that that,
9 in fact, is a residence. There has been no supported
10 testimony that that property adjacent to -- in which
11 Officer Griffin is measuring is within -- is, in fact, a
12 residence. And so you can't measure --

13 MR. SANCHEZ: Are you talking about -- the
14 property to the left of his property, you're asserting
15 that that's not a residence?

16 MR. RINCON: No testimony has been
17 provided to prove that that, in fact, is a residence.

18 MR. SANCHEZ: Well, he's provided it. So
19 do you have counter-testimony?

20 MR. RINCON: He did not go inside the
21 residence, and I will submit to the esteemed Members of
22 this Board --

23 MR. SANCHEZ: Well, I --

24 MR. RINCON: Counselor --

25 MR. SANCHEZ: Yeah, but he talked to --

1 what I'm asking you is what you were asking him about
2 was the residence in Picture No. 164.

3 MR. RINCON: Yes.

4 MR. SANCHEZ: I don't think we talked
5 about the residence in Pictures 158 and 159.

6 MR. RINCON: Yeah. Well, again, I was
7 going to be getting to that issue.

8 MR. SANCHEZ: Okay.

9 MR. RINCON: But I wanted to identify the
10 starting point at which he was beginning to measure.
11 And so if he would just, you know, provide the starting
12 point, then we could be able to identify how his -- what
13 is the method of measurement that he's using.

14 MR. SANCHEZ: I just want to make sure
15 that we stay on track because this Board doesn't have to
16 take note of any evidence that's not relevant to its
17 decision. So I want to make sure that we keep on track
18 here.

19 MR. RINCON: Respectfully I would agree,
20 and I don't want to offer anything that's not relevant
21 to this esteemed body.

22 Q. (BY MR. RINCON) Officer Griffin -- go ahead,
23 yes, sir.

24 A. If I may, and I apologize for interrupting your
25 testimony.

1 Q. No. Go right ahead.

2 A. I will concede 164, based on your information,
3 that is commercial. HCAD report shows that it is
4 commercial; however, my argument still stands that
5 Picture 158 and 159 based on records from HCAD shows
6 that it is an actual residence. Now, to answer your
7 question earlier, which I apologize for not being
8 prepared for, but I do have the application in hand now
9 which shows the survey, I'm showing that your client's
10 property extends -- he's saying that his leftmost
11 portion of the storage lot extends in half of the
12 property at 135 feet where that middle line of his
13 property starts at the storage area. My contention is
14 that from 135 feet to the property line of the property
15 to the left is within the 300-foot.

16 Q. Okay. And you're essentially, again, measuring
17 that midpoint to the property line?

18 A. From where he is stating is the leftmost
19 portion of where he is storing vehicles, yes, sir.

20 Q. Okay. But, again, in a straight line, you're
21 measuring from the front of the property line. Is that
22 correct?

23 A. No, sir. I'm going from --

24 OFFICER PROVOST: Where are you talking
25 about? Right here?

1 MR. RINCON: Exactly.

2 Q. (BY MR. RINCON) Officer Griffin, we're --

3 MR. RINCON: Go ahead.

4 OFFICER PROVOST: So which way? Are you
5 saying -- which way are you telling us to measure so we
6 will know what you are talking about, down or here?

7 MR. RINCON: Well, I'm saying -- my
8 contention is that you need to start at the point where
9 the storage facility ends where your finger is, come
10 down --

11 OFFICER PROVOST: Okay. Uh-huh.

12 MR. RINCON: And then make that turn to
13 have a straight line.

14 OFFICER PROVOST: An angle is a straight
15 line?

16 MR. RINCON: Well, there is no clarity as
17 to a straight line because --

18 OFFICER HORTON: The line -- the line is
19 measured, sir, from property line to property line, but
20 it's at any point on the property line to any point on
21 the property line --

22 MR. RINCON: Objection. Objection.

23 OFFICER HORTON: -- on the property.

24 MR. SANCHEZ: Now, this is going to get to
25 be a free-for-all. So let's just try to do this one

1 person at a time. So it's your contention that you
2 are -- well, what you just said, that we're supposed to
3 do an angle?

4 MR. RINCON: Well, again, it's my
5 contention because of the fact that the Applicant is not
6 using the property at the very front of the property
7 line. And so you are -- all of that front area is not
8 being used as a storage facility. So you are penalizing
9 him from the purposes of just having a nice -- and I
10 will be happy to submit photos to support the nice
11 entrance. It's all paved. It's concrete, and it allows
12 sufficient parking for residents to come in -- or
13 residents -- for folks to come in to pick up their
14 vehicles. It's not used as a storage area.

15 MR. SANCHEZ: Counselor, do you think that
16 for any purpose, whether it's this lot or any lot, that
17 we're supposed to take the area where the storage
18 begins, go up to the front of the property and then go
19 sideways to the next property? Is that your
20 interpretation of how we're supposed to measure the
21 straight-line rule?

22 MR. RINCON: According to Section 28,
23 dash, 34, Subsection B5, a measurement of 300 feet shall
24 be in a straight line from property line or at the
25 applicant's request from the boundary of the operations

1 of the automobile storage lot, automobile wrecking and
2 salvage yard, or lot used by a junk dealer or a
3 secondhand dealer to the property line of a church,
4 school, or residence.

5 MR. SANCHEZ: Okay.

6 MR. RINCON: So the key -- the key
7 words -- if I may, Counselor, the key words
8 respectfully, "from the boundaries of the operation of
9 the automobile storage lot." Okay? The operations of
10 the automobile storage lot respectfully to you esteemed
11 Board Members, Mr. Chairman, is that Mr. Gonzales and
12 Mrs. Gonzales do not operate at the front of this
13 property line where Officer Griffin's contention is to
14 start the measurement and go to the corner of the
15 property line to the left of that residence.

16 His measure -- his facility starts either
17 at the point in the mid -- behind the paint and body
18 shop or paint booth or behind the body shop. You can
19 take your pick as to which measurement you would like to
20 start from. But you have to go -- again, according to
21 the definition of the measurement of 300 feet, you have
22 to do it in a straight line.

23 MR. ULMER: So how do you not think that a
24 straight line is from -- looking at your survey, how is
25 a straight line not starting behind the body shop at the

1 235-foot line, which is in the middle, and going
2 directly north, to where it says, "north"? That is
3 135 feet. Right?

4 MR. RINCON: I'm not following you when
5 you say, "directly north."

6 MR. ULMER: Okay. I've got your depiction
7 of the body shop and all the facilities on this
8 property.

9 MR. RINCON: Yes, sir.

10 MR. ULMER: Okay? You are saying the
11 storage lot is here. Correct?

12 MR. RINCON: Yes, sir.

13 MR. ULMER: Okay. Why would I not then go
14 from this point and go directly this way? That's
15 135 feet. That's the other property line we're
16 questioning. Right?

17 MR. RINCON: But, again, the definition of
18 the measurement of 300 feet doesn't clarify as to the
19 measurement --

20 MR. ULMER: You said, "straight line." Is
21 that a straight line?

22 MR. RINCON: It's a straight line. Yes,
23 sir, it is.

24 MR. ULMER: That is a straight-line
25 measurement?

1 MR. RINCON: There is also -- there is not
2 clarity as to the straight line -- at that point which
3 you just -- Commissioner, which you just indicated, or
4 does it go to the beginning of the property line and
5 then make that left turn? I'm only -- again,
6 respectfully, I don't want to be difficult --

7 MR. ULMER: Let me ask you this question.
8 If we measure from here to the front of the property and
9 then go like this, is that a straight line?

10 MR. RINCON: That is a straight line.

11 MR. ULMER: That is straight lines?

12 MR. RINCON: Yes. Yes.

13 MR. ULMER: Okay. This is a straight
14 line.

15 MR. RINCON: Okay.

16 MR. ULMER: I think that's a common sense
17 issue. I mean, I don't have a question about whether
18 that's a straight line or not.

19 MR. RINCON: Commissioner, I -- I
20 understand. Again, I'm just only utilizing what Section
21 28-34 indicates, and 28-34 indicates a straight line
22 from the boundary -- at the request of the applicant
23 from the boundary of the operations of the automobile
24 storage lot.

25 MR. ULMER: Okay. And this is the

1 boundary. Right?

2 MR. RINCON: That's one of the boundaries.

3 MR. ULMER: That is the line that we're
4 talking about, though. That's the boundary?

5 MR. RINCON: You can use that boundary or
6 you can go to the right boundary to the right side, to
7 the far right of the boundary.

8 MR. ULMER: Well, now, why would you
9 measure all the way across it?

10 MR. RINCON: Well, it's part of the
11 measurement. It's part of the measurement.

12 MR. ULMER: Absolutely not. That's not
13 even reasonable.

14 MR. RINCON: No, sir. The entire square
15 that you pointed to is, in fact -- and respectfully the
16 entire square is, in fact, the storage area. That, in
17 fact, is the storage area.

18 MR. ULMER: Okay. When we're talking
19 about a measurement, we're taking this entire area, and
20 that entire area is the area that has to be 300 feet
21 from a church, school, or a residence. Correct?

22 MR. RINCON: Yes, sir.

23 MR. ULMER: So why would we measure, then,
24 from the farthest outside boundary across that boundary
25 and count 135 feet of it to get to the boundary that

1 would be closest to it?

2 MR. RINCON: Commissioner Ulmer, I'm just
3 indicating what the measurement of 300 feet indicates,
4 and the 300 feet indicates from the boundary of the
5 operations of the automobile storage lot.

6 MR. ULMER: And that is the boundary. Am
7 I correct?

8 MR. RINCON: That's one of the boundaries.

9 MR. ULMER: Okay.

10 MR. RINCON: Okay? And I will --

11 MR. ULMER: Going from that boundary to
12 that next property is 135 feet. Am I correct in that
13 number?

14 MR. RINCON: According to this survey,
15 yes, sir, it is.

16 MR. ULMER: Okay. That is my only point.

17 MR. RINCON: And I appreciate that. And I
18 would like to add to that that Section 28-34, again,
19 Subsection B5 indicates from the boundaries of the
20 operations of the automobile storage lot.

21 Now, I understand you are looking at it
22 from a common sense standpoint. I'm looking at it from
23 what this legal interpretation -- this document says.

24 OFFICER HORTON: Mr. Chairman, if I may,
25 for clarity, when it refers to the boundary, there are

1 two methods of establishing a boundary. First is
2 property line, period. The second method of
3 establishing a boundary, which may be used at the
4 applicant's request, is a line established on an
5 engineered drawing that is back 300 feet from whatever
6 offending property there is. That is what they are
7 referring to as the boundary at the owner's request. He
8 can choose to use something other than the property
9 line, meaning an engineered drawing line, fence line,
10 outside the 300-foot. That's what it is referring to
11 where the owner at his request can establish that
12 alternate boundary.

13 MR. RINCON: Respectfully, Officer
14 Horton -- and I appreciate that clarity -- again, you
15 are giving an interpretation, are you not?

16 OFFICER HORTON: No, sir. That is
17 strictly what it says.

18 MR. RINCON: And what do --

19 OFFICER HORTON: We'll read it into the
20 record so that there is no ambiguity.

21 MR. RINCON: Okay.

22 OFFICER HORTON: If I may have my copy
23 back.

24 MR. SANCHEZ: Well, okay. We're obviously
25 having a record of this. So he needs to -- I guess he's

1 going to get his full presentation. I do want to go
2 back to whatever exhibits that you -- because we haven't
3 accepted those exhibits yet. So I want to make sure
4 that you have a chance to put your record on because it
5 appears that there is a basic discrepancy between our
6 views of that particular ordinance. So I believe this
7 is going to be going up to City Council. So why don't
8 we just let him get his record in.

9 OFFICER HORTON: You are absolutely,
10 right, Mr. Sanchez, but since it is based on the record,
11 I would like the record to include the citation from the
12 ordinance which is what Counselor Rincon has asked for.

13 MR. SANCHEZ: No. I'm not denying you
14 that opportunity. I guess I just wanted to
15 short-circuit all this going back and forth.

16 OFFICER HORTON: I will save it for
17 closing.

18 MR. RINCON: Okay. Well, in order to get
19 the exhibits, who would I give these to?

20 MR. SANCHEZ: What are the exhibits
21 relevant for?

22 MR. RINCON: Exhibit B shows -- now that
23 Officer Griffin has submitted that the residence to the
24 right of the Applicant's property is, in fact,
25 commercial, then Exhibit B may not be needed at this

1 point.

2 MR. SANCHEZ: Okay. So what else do you
3 have left?

4 MR. RINCON: I do have photos of the
5 Applicant's location showing the front of the facility
6 as well as the interior of the facility as well as
7 facilities within the entire complex.

8 MR. SANCHEZ: And are you submitting that
9 as Exhibit A?

10 MR. RINCON: Yes. It will be Exhibit A --
11 Applicant's Exhibit A.

12 MR. SANCHEZ: Can you just put that -- if
13 you have multiple sheets, can you put like A-1, A-2,
14 A-3?

15 MR. RINCON: Sure.

16 MR. SANCHEZ: Just so we know they're all
17 part of the same exhibit. And obviously the City has a
18 chance to look over those and -- and make any comments
19 as to whether or not they want -- they believe that
20 those are relevant to this case, but go ahead and submit
21 it to the officer.

22 Are there any other exhibits that you
23 previously tried to submit that we need to discuss?

24 MR. RINCON: Let's see.

25 OFFICER GRIFFIN: I'm sorry. What did you

1 say these photos were?

2 MR. RINCON: Of the facility. Of the
3 Applicant's facility.

4 OFFICER GRIFFIN: Okay.

5 MR. RINCON: I do have some follow-up
6 questions in regards -- and that may lead me to
7 introduce some others.

8 MR. SANCHEZ: Right. I just want to make
9 sure before I forgot that you tried to submit some
10 exhibits before. So I just want to make sure that we
11 dealt with whatever exhibits you tried to submit before.

12 MR. RINCON: I appreciate that. Thank
13 you, Counselor.

14 If I may continue with my questioning of
15 Officer Griffin.

16 Q. (BY MR. RINCON) Officer Griffin, the property
17 that's to the left of Mr. Gonzales's property, which you
18 identified as the address of 3529 -- is that correct,
19 which is --

20 A. 3529, yes, sir.

21 Q. Okay. On that property in your photos you
22 indicated -- it's Photos 158 and 159. Did you talk to
23 anyone in that residence?

24 A. Did not, sir.

25 Q. Did you go inside the residence?

1 A. No, sir.

2 Q. How many structures are on that property?

3 A. From what I see, I'm looking at two.

4 Q. Okay. And you are basing that just on these
5 photos?

6 A. That's correct, sir, as well as the HCAD
7 report.

8 Q. Okay. Does the HCAD report indicate that this
9 is a residence?

10 A. It does.

11 Q. Okay. But, again, does it indicate how many
12 bedrooms?

13 A. It only simply gives me the square footage of
14 the area.

15 Q. Okay. And how big is that square footage of
16 the structure?

17 A. I'm sorry. It has three bedrooms to answer
18 your question, and the square footage of the total
19 living area is 2,041.

20 Q. Thank you. And did you see any vehicles in
21 that -- on that property?

22 A. As of this morning, there was one.

23 Q. There was one. Was it a commercial vehicle
24 or --

25 A. It was a pickup truck.

1 Q. Okay.

2 A. I didn't see any signs on it to indicate
3 commercial or not. I didn't run the plates to see if it
4 was commercial or not.

5 Q. Okay. And your testimony is only -- is based
6 that this property is a residence only because of HCAD?

7 A. Based on appearances and the HCAD report, yes,
8 sir.

9 Q. Okay. But then, again -- you said, "based on
10 appearances" -- the property on the right side you
11 indicated was appearing to be a residential --

12 A. However, I did go up into the property and it
13 appears to be a business when you go and look inside.

14 Q. Okay. So you did look inside?

15 A. I did concede on --

16 Q. Well, and I appreciate that, Officer, and --
17 no.

18 MR. RINCON: And I just want to make
19 clarity for this esteemed body collectively that
20 appearances could be deceiving. We don't, in fact, know
21 that this --

22 A. However, again, I'm basing it on the appearance
23 as well as HCAD.

24 Q. (BY MR. RINCON) Okay.

25 A. The appearance, however, is deceiving; however,

1 I did have a backup using HCAD on the property on the
2 right that says, yes, in fact, it is commercial. That's
3 why I conceded; however, the appearance on the
4 building -- on the structure to the left says commercial
5 as well as HCAD saying -- I'm sorry -- residential as
6 well as HCAD backing it up saying it's residential with
7 a name and address of an individual, not a company.

8 MR. SANCHEZ: I'm sorry. For the City
9 and, Counselor, again, let's try not to mix argument
10 with the questions. If you want to get done with your
11 questioning, that's fine, but we can save the arguments
12 for closing.

13 MR. RINCON: Okay.

14 MR. SANCHEZ: Let's just to try to get
15 through the questioning.

16 MR. RINCON: Thank you, Counselor.

17 Q. (BY MR. RINCON) Other than just using HCAD and
18 the appearances, you did not look inside the structure
19 to see if it was a residence?

20 A. I did not.

21 Q. You did not -- just to clarify, you did not
22 talk to anyone to see if it was a residence?

23 A. No, sir.

24 MR. RINCON: Okay. I think that will end
25 my questioning of Officer Griffin.

1 MR. SANCHEZ: Okay. Before we conclude
2 the officer's testimony, I don't have in my packet a
3 copy of HCAD. Is this something that y'all can make a
4 copy of in the building and give to us?

5 OFFICER GRIFFIN: Yes, sir, I sure can.
6 Also, we have properties across the street that we have
7 HCAD records of.

8 MR. SANCHEZ: Right. But he's concluded
9 his questioning of you. So whatever you want to give to
10 us in terms of exhibits, go ahead and make copies of it
11 and give it to us.

12 MR. RINCON: I do have -- he mentioned
13 exhibits -- Mr. Chairman, if I may, Officer Griffin
14 mentioned exhibits that he wanted to make copies of, and
15 he mentioned properties across the street. He did not
16 provide any --

17 OFFICER GRIFFIN: Actually they are in
18 Exhibit A, which is the photo.

19 MR. RINCON: Okay.

20 OFFICER GRIFFIN: If you will look at
21 Picture No. 167 --

22 MR. RINCON: Okay.

23 OFFICER GRIFFIN: Picture 166, Picture
24 165 --

25 MR. SANCHEZ: I believe in his -- I

1 believe in his main testimony, he did mention the
2 properties across the street.

3 MR. RINCON: Okay.

4 OFFICER GRIFFIN: And 161 shows the actual
5 photos and, again, the HCAD map, and paperwork is
6 supplemental to Exhibit A.

7 MR. RINCON: Great.

8 MR. WANG: Officer Griffin, would you
9 please tell the Board Members what is the legal
10 description of residential according to our
11 understanding? Counsel say it's not residential, and
12 you say this is residential. What is the legal
13 definition of residential? Do you have to go inside to
14 find out if there is a bedroom, that people live there,
15 or what kind of requirement to make this building to be
16 residential or to be commercial?

17 OFFICER HORTON: May I read you the
18 definition, if that clarifies it for you, under 28-34,
19 residence. Any structure at the time of the application
20 for a license is being used as a dwelling place for
21 residential purposes whether single-family or
22 multifamily. A structure located on a lot or tract of
23 land used as an automobile storage lot, automobile
24 wrecking and salvage yard, or lot used for the open
25 storage by a junk dealer or a secondhand dealer shall

1 not be considered a residence within the terms of this
2 definition. That is what we work from.

3 MR. WANG: So this residence, when does it
4 apply to residential? Even though people stay there,
5 even there is no bedroom, but it's still considered as
6 residential?

7 OFFICER HORTON: The rule of thumb is if
8 someone says they live there and they live there as far
9 as we are concerned, then it is a dwelling.

10 MR. WANG: So my question is, what if the
11 police officer go to the house or go to the building to
12 talk to the people to verify whether people live there,
13 that is residential, or we don't live, just the
14 application shows it is residential, it's residential,
15 or it's not enough? Do you understand what I say? If
16 not, I'll clarify.

17 OFFICER HORTON: In this particular case,
18 Mr. Wang, we are using the Harris County Appraisal
19 District records, their classification of what the land
20 use is.

21 MR. WANG: Okay. So if Harris County
22 Appraisal Records show this is a house, this is
23 residential, then to the City this is residential. Now,
24 if they don't live -- this officer go inside, to knock
25 on the door to talk to the people to check in the

1 bedroom that this still be residential, as far as this
2 building in the beginning when they apply, it is
3 residential -- will consider this is residential? Is
4 that true?

5 OFFICER HORTON: It's evidence to support
6 our contention it is a residence. Those additional
7 things such as going to the person, getting their
8 utility records and that type of thing would add to it,
9 but they are not -- there is no process that says we
10 must do those things.

11 MR. SANCHEZ: Is it possible that if you
12 had a house that had been abandoned for years that you
13 would -- but it was still classified as residential on
14 HCAD you would still consider that to be used as a
15 dwelling for purposes of the 300-foot rule?

16 OFFICER HORTON: Our rule of thumb is it
17 should be occupied but in its strictest interpretation
18 it's still a residence, but I believe the ordinance says
19 it has to be used as a dwelling which to me implies
20 someone should be in there.

21 MR. JONES: Does it have any utilities
22 connected to it? That would define -- tell you if it's
23 occupied or not, if it has utilities on it.

24 OFFICER GRIFFIN: Well, you can see the
25 power lines going in; however, I think --

1 OFFICER PROVOST: Which implies right
2 there.

3 OFFICER GRIFFIN: Like I said, I didn't
4 pull any utility records, but if you look at Photograph
5 No. 166, when you go to the property, you can see that
6 they clearly had trash they've set out for the trash man
7 this morning. They have a chair sitting out there from
8 where someone actually sits there.

9 Now, if you took -- you know, in all
10 honesty, if you look at Picture 160, no, no one lives
11 there. I'm not using that against them; however, 166,
12 someone clearly lives in that residence if you want to
13 get to the bones about whether they live there or not.
14 However, the City's contention is HCAD states it's a
15 residence. It's a residence.

16 MR. SANCHEZ: I just want to make sure,
17 are we applying your interpretation of this 300-foot
18 rule across the board? So has the City always said that
19 we will use HCAD as our basis?

20 OFFICER HORTON: It is not the sole
21 determining factor, no.

22 MR. SANCHEZ: Okay. So when do you decide
23 to add other factors in addition to HCAD?

24 OFFICER HORTON: When they are readily
25 available.

1 MR. SANCHEZ: Okay.

2 MR. ULMER: I have a couple of questions.

3 You've asked the officer, Counselor --

4 MR. RINCON: Yes, sir

5 MR. ULMER: -- what information he has
6 that this is a residence. Do you have any information
7 that it is not a residence?

8 MR. RINCON: No, sir.

9 MR. ULMER: Okay.

10 MR. RINCON: I do not.

11 MR. ULMER: Okay. And if I'm
12 understanding correctly, your basis for your measurement
13 was based on a geometric measurement; in other words,
14 going all the way to the front property line and then
15 turning that line and going to the other property line.
16 Correct?

17 MR. RINCON: If that's how you identify my
18 measurement, yes, sir. Yes.

19 MR. ULMER: Okay. If I'm under the
20 correct understanding, this has been a special license
21 for many years because of the 300-foot rule. Is that
22 correct?

23 MR. RINCON: It was a special license and
24 I would, if you would, prefer to have Mr. Gonzales
25 answer that since it was his family who had this

1 license, and the license had already been in existence
2 before this rule had been in effect. So, however, it
3 was --

4 MR. ULMER: So it was a grandfathered
5 license because it had a 300-foot problem?

6 MR. RINCON: I don't think just because it
7 had a 300-foot problem.

8 MR. ULMER: That was the change in the
9 ordinance that caused there to be a grandfather
10 clause --

11 MR. RINCON: Okay.

12 MR. ULMER: -- is the 300-foot rule.

13 MR. RINCON: Well, it was a license that
14 was in existence -- the best way that I can answer your
15 question is that it was a license that was in existence
16 at the time that the new ordinance came out. That's the
17 best way that I can answer.

18 MR. ULMER: So it was a special license
19 that had a 300-foot problem and was continued to be
20 granted because it was in operation prior to the
21 changing of that ordinance?

22 MR. RINCON: If that's how you want to
23 identify the license that was in existence, yes, sir,
24 that's your definition.

25 MR. ULMER: Well, I believe it was

1 identified that way by the Houston Police Department.

2 Am I not correct?

3 OFFICER GRIFFIN: Correct.

4 MR. ULMER: Okay. That was the
5 clarification that I wanted.

6 MR. RINCON: If I may, Commissioner, I
7 believe Mr. Gonzales wants to address the issue of that
8 license, the original as you identified and the
9 Department has identified as a special license when he
10 was here back in -- last year.

11 MR. ULMER: Okay.

12 MR. RINCON: Were you sworn in?

13 MR. GONZALES: Good morning. No, I
14 wasn't.

15 OFFICER HORTON: His swearing is included,
16 Counselor.

17 MR. GONZALES: I was requested to reapply
18 because this special license was taken away from our --
19 from the company. Y'all asked me to reapply, and once I
20 reapplied to comply with the original concerns that
21 y'all had brought to my company's attention during that
22 time, and now I'm back reapplying and taking care of
23 those concerns or issues that was brought to our
24 company's attention.

25 Now that I complied with those

1 contentions, now I'm being brought this 300-foot rule
2 when y'all requested me to reapply, and then once I did
3 comply with those issues, y'all would grant me my
4 license back. And now I'm here with this -- with one
5 issue, another issue and issues keep being brought to
6 me, you know, since day one. Every issue I address and
7 take care of, something else keeps coming back to me
8 when y'all ask me to come back and reapply.

9 MR. ULMER: Mr. Gonzales, are you
10 referring to when we revoked your license? Are you
11 referring to when we revoked your license?

12 MR. GONZALES: The original license.

13 MR. ULMER: Right. You are referring to
14 the revocation that took place with this Board?

15 MR. GONZALES: Correct, sir.

16 MR. ULMER: Okay. This Board didn't make
17 any promises they would reissue your license.

18 MR. GONZALES: I'm not saying that y'all
19 did promise to -- to do so, sir. What I'm saying is
20 that when it was revoked y'all requested for me to
21 reapply, take care of these problems, and I would get my
22 license back as long as I complied with those issues
23 that were brought to me at that time, sir.

24 MR. WANG: But this Board, they give you a
25 prior order by the City of Houston, you will get permit,

1 but we didn't say -- this Board never say if you
2 reapply, we will give you your license again.

3 MR. GONZALES: No, sir. I'm not saying
4 that you said that. You know, you said as long as I
5 took care of those issues, sir. What my understanding
6 was at that time I asked for an extension -- for a
7 one-month extension to be able to comply with those
8 issues. I wasn't given the extension because
9 unfortunately I was ignorant enough to come without an
10 attorney. And to my understanding, I don't believe
11 y'all understood that I had a special license, and that
12 license was taken away from me without the understanding
13 that it was grandfathered in.

14 MR. ULMER: Hold on. Would you think that
15 because it's a special license we shouldn't revoke it
16 because of violations?

17 MR. GONZALES: No, sir. No, sir.

18 MR. ULMER: I mean, the fact that it was a
19 special license wouldn't change what violations were
20 there and what violations we had to look at. We
21 wouldn't give special consideration to a special license
22 and allow a special licensee to have violations that we
23 wouldn't allow a normal licensee. That has no bearing
24 on violations that are in front of us whatsoever. I
25 mean, when we look at violations, we look at the merit

1 of the violation and whether we should revoke that
2 permit or not.

3 MR. ALLAHAM: I have a quick question.

4 MR. RINCON: Yes, sir.

5 MR. ALLAHAM: I have a bad memory.

6 MR. RINCON: Okay. Go right ahead.

7 MR. ALLAHAM: Remind me if I'm wrong. The
8 reason we revoked that license was the actual holder of
9 that license didn't even appear here, and that's why --
10 the guy who had the license I don't think was this
11 gentleman.

12 MR. RINCON: Yes, sir, Commissioner,
13 but --

14 MR. ALLAHAM: He is the only person I've
15 seen here in this matter.

16 MR. RINCON: And he feels warmly for y'all
17 as well, as do I.

18 MR. ALLAHAM: Yes.

19 MR. RINCON: No. What had occurred back
20 then is -- you are right. The license was in his
21 father's name.

22 MR. ALLAHAM: Right.

23 MR. RINCON: And that license --
24 unfortunately, as Mr. Gonzales had indicated in previous
25 testimony before this esteemed body, that that lot --

1 that his father had semi-retired. And unfortunately
2 that information about the notices was not provided to
3 him timely in order to secure counsel and representation
4 in order to properly come and represent the company on
5 its behalf and address the issues.

6 Commissioner Ulmer, you are exactly
7 correct. This body is here to address issues that are
8 brought to their attention that are showing in violation
9 of certain ordinances that pertain to the applications
10 of this sort. But Mr. Gonzales, if I may elaborate on
11 his response, is he is addressing and he has addressed
12 all of these issues and he did so in an expedient
13 manner, as we have discussed in previous testimony
14 before this esteemed body.

15 And it just appears that there may be
16 additional issues that keep coming up time after time,
17 and he wants to be able to know that any issues that get
18 resolved are -- there is not going to be additional
19 issues. And that's the only -- there is nothing in the
20 comments that indicate that this body should not enforce
21 the ordinances that pertain to applications of this sort
22 and those violations shouldn't be responded to, and the
23 Department does a good job about that in bringing that
24 to your attention and holding the applicants and the
25 licensees responsible to address those issues. And

1 Mr. Gonzales, it's my contention he has done that.

2 MR. SANCHEZ: Well, Counselor, I just want
3 to make sure that in terms of -- that when you have
4 someone grandfathered in who didn't have to comply with
5 the 300-foot rule but then his license is revoked
6 because of other violations and then he has to apply for
7 a new one, you are not saying we should allow this
8 special status back onto the new one.

9 You clearly understand that we could
10 have -- if those violations had been taken care of the
11 first time around, you still would have been
12 grandfathered in, and we wouldn't be having this
13 discussion about the 300-foot rule. So it wasn't the
14 300-foot rule that, you know, caused all these problems.
15 It was those other violations that ultimately did you in
16 on the first round.

17 MR. RINCON: Well, and I will grant you
18 that, and I will concur with that. Unfortunately there
19 was a -- you know, a lack of communication and -- and of
20 forwarding the notices to Mr. Gonzales in order to
21 address those issues.

22 MR. SANCHEZ: That's between -- that's a
23 family issue. Right? I mean, you are not contending
24 there were notice problems on the revocation?

25 MR. RINCON: Well, that remains to be

1 seen. I'm reviewing all of those records and trying to
2 identify exactly what the issues are -- the issues were
3 back then as well as what the issues are at this point.

4 My response to your question or to your
5 statement is that Mr. Lorenzo Gonzales and, up until the
6 point that that permit was revoked and over the last
7 90 days or now last few months, Mr. Richard
8 Gonzales has operated a business that has had minimal
9 violations -- minimal violations -- and those violations
10 were correctly addressed within a reasonable time period
11 as I had indicated in the previous testimony, within
12 30 days after the time that they were brought to
13 Mr. Gonzales's and Mrs. Gonzales's attention.

14 And as I had indicated in our presentation
15 last month before this Board is this Board has the right
16 to view that a temporary suspension is an option versus
17 a complete revocation. And so I would contend that
18 issue at this point. And so reserving challenges to --
19 and issues in regards to notices of the previous
20 licensee, meaning Lorenzo Gonzales, I would have to say
21 that I can't answer your question in regards to the
22 300-foot rule.

23 I'm here to address the issue of this
24 pending application on behalf of Mr. Gonzales and would
25 argue that the measurement rule as written currently

1 presented in the ordinance allows for the interpretation
2 as I'm presenting to this Board.

3 MR. SANCHEZ: Okay. As far as I think how
4 we should proceed, I know you want to give some rebuttal
5 or additional comments. But, Counselor, do you have any
6 other questions or testimony for your presentation
7 today?

8 MR. RINCON: Let me regather my thoughts.

9 MR. SANCHEZ: We're going to allow the
10 Applicant to finish his presentation so the City can
11 finish its rebuttal.

12 MR. RINCON: Thank you, Counselor.

13 Mr. Chairman, esteemed Members, the
14 evidence that is presented before you today through the
15 testimony of Officer Griffin, Officer Horton, indicates
16 that there is not specific clarity that there is, in
17 fact, a residence within the 300-foot rule as alleged by
18 Officer Griffin or as the Department alleges.

19 The only testimony that is presented --
20 and you members of this committee individually are very
21 astute and were asking some of the same questions that I
22 had asked is was there -- has there -- was there
23 verification that, in fact, this structure that Officer
24 Griffin refers to in Photos 158 and 159 is, in fact, a
25 residence, is there someone living in that residence or

1 was there someone living in that residence at the time
2 that this application was submitted. That is the
3 specific wording of this ordinance that it states at the
4 time that the application is made.

5 There is also a legal definition of the
6 word, "dwelling." It's an interpretation that needs to
7 be addressed, be it by this Board or by City Council or
8 by a court of law, in regards to how this ordinance is
9 interpreted. And, additionally, if you don't have
10 verification of a residence/dwelling as presented by
11 Officer Horton in Photos 158 and 159, then there, in
12 fact, is no violation of the 300-foot rule.

13 In regards to the homes across the street
14 that are in Photos 166, 167, 165, those, again,
15 measuring from property line to the -- as requested by
16 the Applicant from the boundary of the operations of the
17 storage facility is more than 300 feet if you use the --
18 and that is measured in a straight lane. And, again,
19 going off of the plat, that enlargement that is
20 presented by the wall -- or is presented by the
21 Department on the wall there, if you start on the right
22 side -- and it's in the survey that we had presented to
23 y'all last month -- and you start from the furthest
24 south point of the -- or behind the body shop and then
25 come forward south to Alameda and then cross over the

1 street, that's more -- it's our intention that is more
2 than 300 feet. So those homes, in fact, do not fall
3 within the 300-foot measurement violation rule. And
4 that is our contention is that the homes across the
5 street are outside the 300-foot rule.

6 Officer Horton -- or Griffin has indicated
7 that the appearance of a residence on the right side of
8 the property is, in fact, not a residence; it is, in
9 fact, a business, but, yet, it looks like a residence;
10 it gives the appearance as a residence. There was a
11 structure behind the main structure which he originally
12 had indicated was a residence, but then he admitted
13 that, no, he changed his mind; no, in fact, it is a
14 commercial structure.

15 So the question then begs -- is presented
16 is, in fact, the structure on the left side in Photos
17 158 and 159 without additional evidence and testimony to
18 be presented here -- and I would present to this Board
19 that favor should be in -- on behalf of Mr. Gonzales
20 more so than the Department because the Department is
21 alleging that there is a violation without, in my
22 contention, providing sufficient proof to show that
23 there, in fact, is a residence in Photos 158 and 159
24 because, excuse me, other than the HCAD report that was
25 submitted. And I believe Mr. Sanchez and other esteemed

1 Members, other Commissioners, had asked the question,
2 has there been any other information that has been used
3 in the past to determine if, in fact, there is a
4 residence that exists in Photos 158 or 159 on the lot
5 that's adjacent on the left side of Mr. Gonzales's lot.
6 I would argue that there has been no specific evidence,
7 no -- insufficient evidence, if you will, to show that
8 there is a residence, and as such Mr. Gonzales,
9 Mrs. Gonzales are not in violation of that 300-foot
10 measurement.

11 The measurement for the homes across the
12 street, there has been no information presented that how
13 the measurement was taken by Officer Griffin, what
14 information was supported or given to this Commission to
15 indicate that there was a physical measurement taken by
16 the Department to show that there is a violation.

17 And so you are asking the Applicant to
18 have the burden of proof when, in fact, the Department
19 should have the burden of proof to show that there is a
20 violation. And I may be wrong, but correct me. In the
21 ordinances that I have reviewed in regards to this
22 application, it does not indicate where the Applicant
23 has the burden to prove that he is, in fact, in
24 violation of the 300-foot rule other than being able to
25 provide sound testimony and sufficient evidence to show

1 that he is not in violation.

2 The Department is alleging that there is a
3 violation in Photos 158 and 159. They haven't provided
4 additional information other than the HCAD report. In
5 my experiences, those HCAD reports are behind in their
6 update, that we don't know if there was a family or an
7 individual living in that residence at the time that the
8 application was made according to the section 28, dash,
9 34. And, again, it's our contention that the homes
10 across the street are outside the 300-foot distance
11 marker.

12 And at this point, I will reserve any
13 further comments.

14 MR. SANCHEZ: Okay. The City can now
15 present its rebuttal

16 OFFICER GRIFFIN: Okay. I have a couple
17 of items here, Mr. Chairman. Sir, what is your name
18 again?

19 MR. RINCON: Rincon, R-i-n-c-o-n.

20 OFFICER GRIFFIN: Mr. Rincon, I apologize.
21 I haven't used your name thus far. I apologize.

22 MR. RINCON: No offense.

23 OFFICER GRIFFIN: Mr. Rincon and
24 Mr. Chairman, Mr. Sanchez, my statement is that -- or my
25 rebuttal is that he made a statement earlier stating

1 that -- that was incorrect, stating they have been in
2 compliance and they have, you know, complied up to this
3 far and this is the only thing that we keep presenting.

4 If you will notice, we did present quite a
5 few items on the first -- and you have reduced -- we are
6 not just coming up with extra stuff. We have reduced it
7 from all the violations to simply the 300-foot rule.
8 Now, again, I've alluded to the fact that there are
9 issues that the Department has that we have not
10 presented but we cannot present to this body that we do
11 have a problem with him.

12 So when you make the statement that he's
13 complied up to now, that's incorrect. I won't get into
14 specifics, but I will just state that is incorrect that
15 he has been in compliance up to now.

16 The other point I would like to make is
17 HCAD documentation shows that it's a residence. You've
18 asked me to support that it's a residence. I've shown
19 that it looks like a residence. It shows on HCAD that
20 it's a residence, and it hasn't been changed on HCAD;
21 however, my argument is the property to the right looks
22 like a residence. They have gone and they have made the
23 change to show that it is commercial. We've conceded
24 that point. If they've gone and conducted it into a
25 business and changed it on HCAD, I can assume that the

1 property to the left and to the front have remained or
2 retained their residence status.

3 Now, when you make the statement that HCAD
4 says that it's a residence but it might look like a
5 residence, it's not a residence, my question is why has
6 he worked there for years and he doesn't know who his
7 neighbors are and that it's, in fact, a residence. My
8 contention is this: The City has provided that it's a
9 residence. Is it not your concern to say, Well, hey,
10 you took -- you went about to find out as much as you
11 could on the property to the right to find out that it's
12 commercial, why not for the property to the left and
13 then the front.

14 And then, lastly, my argument is -- on
15 this HCAD report, my argument is this, while you can go
16 left and down and to the left and do all that stuff, his
17 property line, as indicated on the survey, is cut in
18 half. That fence is where he stated he's keeping cars,
19 let alone the fact that he's keeping vehicles inside the
20 body shop for storage, which I have numerous complaints
21 documenting.

22 Let's just use that back portion. He has
23 vehicles back there in storage. If you go from where he
24 chooses to use his property line, that fence would be
25 it. Straight across is 130 feet, period. If you go

1 down and to the left, if you add it up, it's still
2 within the 300 feet. However, my last point is, he is
3 using the body shop as storage. From that body shop to
4 the property line across the street is a violation of
5 the 300-foot rule. So anyway you go you are in
6 violation of the 300-foot rule.

7 MR. SANCHEZ: Do you have any questions?

8 MR. RINCON: Yes, I do.

9 OFFICER HORTON: The City still has a few
10 more comments other than Officer Griffin's, if you would
11 like to hear the balance before we get into any --

12 MR. SANCHEZ: Yes. Let's hear the balance
13 of the rebuttal first.

14 OFFICER HORTON: I would like some
15 clarification. Mr. Gonzales, is it your assertion that
16 you are using the boundary as established on an
17 engineered drawing as to indicate where your storage lot
18 is, or are you using the property lines? Which method
19 are you choosing?

20 MR. RINCON: We are using -- do you want a
21 direct answer from Mr. Gonzales?

22 OFFICER HORTON: It's an either/or. You
23 can either -- the 28, dash, 34 is specific. You can
24 either use the property line or at the owner's
25 discretion or applicant's discretion, he can establish a

1 boundary line on an engineered drawing. Are we using
2 the boundary line as established on the engineered
3 drawing for the purposes of the 300-foot measurement, or
4 are we using the property line?

5 MR. RINCON: At this point, we are using
6 this boundary line, but this boundary line is going to
7 be updated to reflect because I feel that there is
8 some -- as I've shared my concerns with Mr. Gonzales
9 that there may be some inaccuracies as to the -- some
10 mismeasurments as to the accuracy of this particular
11 survey.

12 OFFICER HORTON: Okay. The boundary line
13 as submitted on the plat with his application, that is
14 what we base our actions on. Are we using -- in other
15 words, you've elected to use a boundary line?

16 MR. RINCON: Yes.

17 OFFICER HORTON: Are you aware that if you
18 look farther down in 28, dash, 34, that if you use a
19 boundary line, a fence line, which is what typically
20 occurs, you must also establish a method of ingress and
21 egress to the properties from the street? I see nothing
22 on your engineered drawing that points that there is a
23 fenced boundary for ingress and egress from the public
24 street to that supposed location that would not be in
25 violation of the 300-foot. Is that one of the

1 corrections you think might have to be made?

2 MR. RINCON: That is exactly one of the
3 corrections that need to be made on that.

4 MR. SANCHEZ: Do y'all want to -- are you
5 saying you want to update your application?

6 MR. RINCON: Well, it's going to need to
7 be updated with the corrected survey to show the egress
8 and ingress as well as to show the accurate measurement
9 of where the storage facility actually begins.

10 MR. SANCHEZ: So you don't want the Board
11 to consider the application in its current state?

12 MR. RINCON: I would -- and that was going
13 to be my final statement is I would ask this Board
14 respectfully to allow us to modify this so we can ensure
15 that the -- that we can show, as Officer Horton has
16 pointed out, this Board and Mr. Chairman that we are
17 allowed to show the egress -- entrance and exit in the
18 actual area of the storage because there is some
19 discrepancy as to the fence line that is abutting the
20 body shop.

21 MR. SANCHEZ: And I guess my concern is
22 that we've been here over an hour discussing something
23 that's going to be updated, and I wish we would have
24 known this before. Does the City -- is it typical --
25 does the City allow someone to modify the application,

1 or do they have to withdraw and reapply?

2 OFFICER HORTON: The application that the
3 individual signs, swears to, inclusive of all exhibits,
4 is the only thing this Board can consider with respect
5 to the application, and you act accordingly.

6 MR. SANCHEZ: Well, I guess, but in terms
7 of having a practice, just, you know, when people come
8 up, they decide that they want to do something to change
9 their application, is it the pattern and practice that
10 the City allows them to modify their application and
11 wait, or does the City say we're going to deny the
12 application or withdraw the application and reapply once
13 you have your corrections?

14 OFFICER HORTON: I'm not aware of once an
15 application has been made that the applicant has the
16 ability to withdraw. The matter is put before you as to
17 approve or deny.

18 MR. SANCHEZ: Well, I certainly would
19 think that they can withdraw if they want to. I mean,
20 no one has to go forward with an application if they
21 don't want to. Well, I'm just -- I don't think you've
22 still answered my question. Have you allowed applicants
23 to modify existing applications that haven't been ruled
24 on yet?

25 OFFICER HORTON: No.

1 MR. SANCHEZ: Okay. So, you know, if you
2 are talking, Counselor -- so I need to know
3 specifically, you know, whether or not you want this
4 Board to consider the current application in its current
5 state.

6 MR. RINCON: Well, it would be my
7 contention that I would ask this Board to, at the very
8 least, allow us to --

9 MR. SANCHEZ: I understand -- I understand
10 you want to do some things. All I'm asking you is do
11 you want the Board to consider the current application
12 on file in its current state?

13 MR. RINCON: Allow me one moment,
14 Mr. Sanchez, because I'm trying to identify the section
15 because I believe there is a section in here that allows
16 an applicant to amend his application.

17 MR. SANCHEZ: Okay. I will allow you time
18 just to figure that out.

19 MR. RINCON: And I would like to -- for
20 the benefit of the Chairman and the esteemed
21 Commissioners, I would like to point that out, if I may.

22 I believe, if I may, Mr. Chairman, and
23 esteemed Members of this Board, I would contend that
24 Section 8, dash, 218 would allow this Board at its
25 discretion to allow the Applicant to amend his

1 application in the interest of fair play and in dealing
2 in good faith with the understanding that we would get
3 an amended survey for our next month's hearing, and that
4 would allow -- as Officer Horton has indicated, to allow
5 us to show the entrance and exit and to ensure that
6 these measurements are, in fact, correct.

7 It was only at the time that I was
8 reviewing this last night that I saw that the
9 information was -- it did not show, according to the
10 boundary lines, as Officer Horton has pointed out, under
11 28, dash, 34 that the boundary survey should show an
12 entrance and an exit, egress and -- as required under
13 Subsection B6.

14 And in the interest of allowing all
15 Applicants to have a fair presentation in allowing this
16 Board to make its decision, Mr. Chairman, I would ask
17 that we continue this. We can get a modified or
18 corrected survey to meet the needs -- or to meet the
19 Code and then not -- hopefully address all issues in the
20 next Commission hearing.

21 MR. SANCHEZ: Well, you know, my problem
22 is not necessarily a continuance. It's whether or not
23 you have the ability to change. So we have a member of
24 City Houston Legal assigned to this Board. So I would
25 like to ask her if she contends that that is a proper

1 interpretation of the section he's quoted.

2 MS. CHANG: What section was that?

3 MR. ULMER: 8, dash, 218.

4 MS. CHANG: 218. It's not in here. It's
5 not in here.

6 OFFICER HORTON: Counsel, are you sure of
7 your numbers?

8 MS. CHANG: Can we see a copy of your
9 ordinance?

10 MR. RINCON: Section 82, dash, 218, action
11 on results of hearings or rebuttals.

12 OFFICER HORTON: The section number, sir.

13 MR. RINCON: Section 8, dash, 218.

14 MS. CHANG: Can we see a copy of your
15 ordinance?

16 MR. RINCON: Sure.

17 MR. ULMER: I have a copy of it here if
18 you need a copy.

19 MR. HORTON: Oh, if I may. Counsel, the
20 section you are referring to has to do with an
21 authorization. That is a specific type of license, if
22 you will, granted to franchise dealerships who are
23 exempt from state law that a franchised dealership has
24 to have an authorization from the Police Department to
25 do nonconsent storage. And that term, "authorization,"

1 that is what it is referring to.

2 The section you are dealing with has to do
3 with a franchise dealership wanting to apply for the
4 authority to store nonconsent tows.

5 MR. SANCHEZ: Does City Legal concur with
6 that opinion?

7 MS. CHANG: I do. That has to do with a
8 nonconsent tow agreement that HPD has with certain
9 wreckers and storage facilities across the city.

10 MR. SANCHEZ: Well --

11 MR. RINCON: Well, he also -- if I can
12 have that ordinance back, please, that copy back. I
13 would also contend that he is -- he does store
14 nonconsent tows at the direction of the Department under
15 his Stan's Wrecker Service. So, again, it is my
16 contention that this particular section applies.

17 OFFICER HORTON: That has to do,
18 Counselor, with -- the authority to store nonconsent
19 tows is through a vehicle storage facility license
20 issued by the State. This section of ordinance
21 specifically deals with those who are exempt from state
22 license requirements, and that is, in fact, only
23 franchised dealerships in the city of Houston.

24 MR. RINCON: Respectfully, Officer Horton,
25 I don't see in my research where -- and I would

1 appreciate it if you could show me -- that this
2 particular section only applies to what your
3 interpretation is.

4 OFFICER HORTON: I can -- you would have
5 to research it yourself or look at it, sir. But from
6 years of experience at this, I know that that is what
7 the section refers to. I could probably find it if I
8 sat here long enough, but authorization deals with
9 strictly the authorization for a franchised dealership
10 to store nonconsent tows.

11 MR. RINCON: Mr. Chairman, respectfully,
12 Officer Horton is making a position. He's stating his
13 interpretation of an --

14 MR. HORTON: No, sir. It's not an
15 interpretation.

16 MR. RINCON: Okay. He's --

17 OFFICER HORTON: It's a \$100-a-year
18 license with a \$50 annual renewal fee.

19 MR. RINCON: Okay. Officer Horton, I
20 would allow -- Mr. Chairman, I would allow Officer
21 Horton to allow me to speak -- ask him to allow me to
22 finish before interrupting me.

23 He is presenting testimony to support his
24 statement or his belief of where an ordinance falls
25 under. He is not -- I've asked him to show me how that

1 ordinance of which I believe applies to my client -- he
2 has indicated that it does not apply to my client. He
3 doesn't have any proof to show me or to show this Board
4 that it does not apply.

5 So in a court of law, again, Mr. Chairman,
6 respectfully, if Officer Horton cannot provide evidence
7 or documents to support his contention, then -- I have
8 provided you a copy of an article that I believe applies
9 to my client which respectfully gives this esteemed
10 Board and its Members and you, Mr. Chairman, the
11 opportunity to allow in the public interest my client to
12 have his day before this Board and have this issue
13 continued so that we may provide you with a corrected
14 and updated survey report.

15 MR. SANCHEZ: I have a question regarding
16 the rebuttal. You stated that there are other issues
17 that the City was considering or the Police Department
18 was considering that it hasn't brought before this
19 Board. Are those new issues or issues that have been in
20 existence along with the 300-foot rule violation?

21 OFFICER GRIFFIN: The problem I have with
22 it is I haven't presented it, to whether you will allow
23 it or not. One issue, for example, is --

24 MR. RINCON: Well, objection. Objection.

25 MR. SANCHEZ: Wait, wait, Counselor.

1 I'm not asking you to name the violations.
2 I'm just asking a simple yes or no question. Are they
3 issues that were in existence at the time that you
4 noticed the 300-foot violation, or are they something
5 that's happened since then?

6 OFFICER GRIFFIN: Both.

7 MR. SANCHEZ: Okay. Because, you know, I
8 appreciate the City's position, and I also appreciate
9 the Applicant's position. You have to understand that,
10 you know, we are -- in essence, we are a government
11 body, and, you know, the government shouldn't -- if we
12 have violations of somebody and we want to take away
13 their license and let's say we have five violations, I
14 really don't think it's fair that the government -- and
15 I'm not talking about you, in particular. I'm just
16 talking about any governments -- that the government has
17 the right to say, well, instead of presenting all of our
18 violations against you, we are just going to present
19 one --

20 OFFICER GRIFFIN: Oh, I understand where
21 you are going.

22 MR. SANCHEZ: Well, just let me finish.

23 OFFICER GRIFFIN: Well, I will answer your
24 question. The reason is, is -- and I actually did say
25 that -- a few of them are to be presented to this body.

1 MR. SANCHEZ: Okay. All we're saying is
2 that -- and I understand that they may be presented to
3 this body. But what the Applicant has also said is that
4 I don't want to have to be coming up to the Board over
5 and over again for violations that you already know
6 about.

7 Now, the City can always come back for any
8 violation that you do and present its, you know,
9 evidence of those violations. So you don't necessarily
10 get, you know, a one shot and then get a year free and
11 then get another shot. I mean, so anytime you have a
12 violation, the City can present that.

13 I also think, however, that if the City
14 has a pot of violations, that if it's not ready to
15 proceed against all of them, because, you know --
16 because, you know, someone is going to have to come --
17 any applicant -- and I'm not talking about Mr. Gonzales.
18 I'm talking about any applicant is going to have to come
19 back and face violation after violation when really if
20 he is going to go through the expense of coming here and
21 presenting -- you know, having a court reporter and
22 having counsel that he shouldn't be made to come back
23 over and over again and that if you want to present
24 violations, it would seem to me and for the Board to
25 receive better use of our time to say, Instead of

1 presenting the 300-foot violation or this violation now
2 and then presenting the other violations in two to three
3 months when we're ready --

4 OFFICER GRIFFIN: That's not what we're
5 doing.

6 MR. SANCHEZ: Okay. But I'm just --

7 MR. ULMER: Mr. Sanchez, I understood him
8 to say they wouldn't be presented to this --

9 OFFICER GRIFFIN: Yes. They are not
10 applicable --

11 MR. ULMER: -- to this Board.

12 OFFICER GRIFFIN: -- to this particular
13 Board. That's right.

14 MR. SANCHEZ: They have another Board?

15 OFFICER GRIFFIN: Right.

16 MR. SANCHEZ: That's what I was asking.

17 OFFICER GRIFFIN: Yeah, that's why I said
18 both because I have an issue of the revocation we had
19 before which --

20 MR. SANCHEZ: Okay. But I was asking for
21 this Board.

22 OFFICER GRIFFIN: Yes.

23 MR. SANCHEZ: Are there any issues other
24 violations? That's what I was trying to get at.

25 OFFICER GRIFFIN: Well, technically, yes

1 because on the revocation side, he operated during the
2 time of revocation. So that is relevant to this Board.

3 MR. SANCHEZ: Okay. But for the
4 application -- for the specific application that we're
5 dealing with, are there any other violations?

6 OFFICER GRIFFIN: No. No.

7 MR. SANCHEZ: Okay. So this is the only
8 violation?

9 OFFICER GRIFFIN: That's the only
10 violation which, like I told him, we reduced from other
11 violations to specifically one. So when he makes a
12 statement of, Well, I've been in compliance --

13 MR. SANCHEZ: Well, now, I understand that
14 if he has multiple licenses, we can have different
15 hearings on different licenses.

16 OFFICER GRIFFIN: Right.

17 MR. SANCHEZ: But for this particular
18 application all we're doing is the 300-foot rule.

19 OFFICER GRIFFIN: We've presented what we
20 have, yes, sir.

21 MR. SANCHEZ: You know, I would just like
22 to take the liberty of making a comment and, of course,
23 each Board Member is entitled to do this, but my
24 particular comment is that, you know, I personally don't
25 believe that the interpretation about the straight line

1 that's given to us by the Applicant is correct; however,
2 at the same time, I think that, you know, the city
3 ordinance is pretty clear that it has to be used as a
4 dwelling. And it's easy for any government to say -- to
5 establish some property rules like this to then say,
6 Well, by HCAD we're going to designate this as a
7 residential property when it may or may not be and then
8 to say because we designated it as a residential we're
9 now going to use that against you for your shop.

10 So I just think as a government body we
11 have to be a little more concerned about what the
12 government uses as its proof because it's easy for the
13 government to say we don't -- and I'm not saying this
14 happened in this situation, but it's easy for a
15 government to say we don't like this particular use of
16 the property. Through HCAD we're going to designate the
17 property next to it as residential, and then we're going
18 to use the fact that we designated it as residential to
19 then say you are in violation of the 300-foot rule.

20 So it would be -- I would feel more
21 comfortable with it -- I still think the straight line
22 rule is -- I think the straight line rule is very easy
23 to interpret. So I don't have a problem with that.
24 What I do have an issue with is I do not know whether or
25 not the buildings that are within the 300-foot line as

1 we would measure it as opposed to the applicant -- or as
2 I would measure it as opposed to the applicant is
3 actually being used as a dwelling. I'm not sure that I
4 can take just HCAD at its face value.

5 So, you know, I'm not going to make a
6 motion at this particular time because I want everyone
7 to have their say, but at the end of the day, I would
8 probably continue -- ask for a continuance of this to
9 allow the City to verify if those two structures are
10 actually being used as a dwelling. That's my comment.

11 MR. ULMER: I completely respect your
12 opinion and your position on that, but at the same
13 time -- and you weren't at the last meeting --

14 MR. SANCHEZ: No, I wasn't.

15 MR. ULMER: -- if I recall correctly --
16 this same issue came up at the last meeting.

17 MR. SANCHEZ: It did?

18 MR. ULMER: Oh, yeah. We had this
19 discussion. This was passed out to us by the person
20 standing here before us today that depicted all of these
21 numbers, and we went over these numbers at that actual
22 meeting. So this was very well-understood at the last
23 meeting. This new measurement technique or geographical
24 measurement situation was obviously devised after that
25 point because we were actually talking about the houses

1 across the street, and that measurement still doesn't
2 make the 300 feet.

3 MR. SANCHEZ: But with regard to the
4 measurement last month, was it discussed as to whether
5 or not those structures were used as dwellings?

6 MR. ULMER: They were treated as dwellings
7 and spoke of as dwellings in the last meeting as well.

8 MR. RINCON: Commissioner Ulmer and
9 Mr. Sanchez, if I may, that is incorrect. The dwellings
10 that we were referring to were the dwellings on the
11 right side of the property, which Officer Horton has
12 provided and his testimony concedes that those are the
13 commercial dwellings, and then there was issue made to
14 the reference of the dwellings across the street, but
15 primarily --

16 MR. ULMER: And the ones across the street
17 are the ones that we spoke of at the last meeting.

18 MR. RINCON: We spoke of property across
19 the street. We didn't identify what property across the
20 street. So there is a clarity and then respectfully
21 that was on a totally different application at the time
22 of which y'all --

23 MR. ULMER: Absolutely, and I 100 percent
24 agree. But I also want to make the point, and I want
25 Mr. Sanchez to see where I'm coming from, the Police

1 Department has based their information on what would be
2 relevant, a Harris County Appraisal District report.
3 And I have asked the question twice, maybe three or four
4 times, what do you have to present to this Board to say
5 these aren't residences, these are businesses. There is
6 not one thing that has been brought to this Board today.
7 There was a document passed around here that were
8 pictures of an actual body shop. There is no
9 measurement. There is no depiction of a measurement.
10 There is not one single measurement that has been
11 presented here to say this is 325 feet or 350 feet or
12 1,000 feet.

13 MR. RINCON: I agree.

14 MR. ULMER: There is not one shred of
15 information that has been brought here to say this is,
16 indeed, a business, it's not a house.

17 MR. RINCON: I agree that there is not
18 evidence.

19 MR. ULMER: This is, indeed, 1,000 feet
20 away. It's not within the 300-foot rule. Not one thing
21 has been brought here.

22 MR. RINCON: Commissioner, I agree with
23 you, and if I may respond, likewise, the Department has
24 not provided one shred of measurement evidence to show
25 that there is a violation. Their basis is on property

1 line from HCAD, which I think all parties will agree and
2 contend that it is reasonable to assume and believe that
3 that HCAD report may, in fact, not be accurate because
4 HCAD reports have been delayed in their reporting.

5 MR. ULMER: Absolutely. I agree

6 MR. RINCON: If I may, Applicant/Licensee
7 was prepared to introduce the document that shows that
8 the property in question that we discussed last month
9 was, in fact, a commercial dwelling, in which you
10 specifically had asked that question. Do we have proof
11 that the property in question on the right side which
12 Officer Horton now contends is a commercial structure
13 was, in fact, a commercial structure. We are prepared
14 to present this evidence to show that an occupancy
15 permit is for the property on the ride side. There was
16 no issue made as to the property on the left side last
17 month when we were before you esteemed Members of this
18 Board.

19 So we haven't presented this. You haven't
20 seen it because it was unnecessary because the
21 Department has contended that that property is, in fact,
22 a commercial property.

23 MR. ULMER: Last month there was no issue
24 on right or left.

25 MR. RINCON: Last month --

1 MR. ULMER: The issue was across the
2 street.

3 MR. RINCON: No, sir. Specifically we
4 could go back into the record if there was a record
5 specifically word for word. The property in question
6 respectfully was -- and we have photos and I presented
7 those photos to y'all -- and I believe they are part of
8 the record -- which indicated the signage in front of
9 the property on the right. And that was the only
10 property in contention at the time that violated the
11 300-foot rule respectfully. That was the only property.
12 There was no other property as mentioned in Photos 158
13 and 159 on the left side.

14 MR. ULMER: When you say you presented us
15 photos, are you talking about this document right here
16 that you presented last month?

17 MR. RINCON: I don't believe the photos
18 were inside that document.

19 MR. ULMER: No, there are no photos in
20 that document.

21 MR. RINCON: I believe they were
22 attached --

23 MR. ULMER: And that is when we had the
24 discussion about the property across the street. If you
25 remember correctly, you and I had the discussion on

1 measurement, and I actually took the 804.90 feet,
2 subtracted out the section of the front property, and
3 then we actually came up with 30 feet that the people's
4 front yard would have to be to, if you remember that
5 discussion.

6 MR. RINCON: And you were using -- I do
7 recall the discussion, and you were using the rear of
8 the body shop --

9 OFFICER HORTON: Mr. Chairman, we are
10 talking a lot about issues that occurred prior to this
11 meeting. I would point out that the City would take no
12 official measurements or official interest in or making
13 a determination of 300-foot until an application had
14 been received from Mr. Gonzales and Ms. Gonzales. We
15 have, in fact, received that investigation. Our
16 official investigation has been conducted. You have our
17 findings. Any previous comments really -- we base our
18 investigation on events since the application has been
19 made.

20 MR. SANCHEZ: Do you say that you have a
21 straight-line measurement? I haven't seen one.

22 OFFICER HORTON: If you look at the HCAD
23 drawing, it has measurements. It is a scaled drawing.

24 MR. SANCHEZ: Right, but, I mean, I think
25 you just said that y'all conducted an investigation --

1 OFFICER HORTON: Correct. We do not begin
2 an investigation as to whether there are residences,
3 whether there is a 300-foot violation until application
4 has been made. Subsequent to the last meeting,
5 application has been made, and as required by ordinance,
6 we have conducted our investigation and bring to you the
7 results.

8 MR. SANCHEZ: Do you have a straight-line
9 measurement?

10 OFFICER HORTON: You have -- I believe
11 Officer Griffin made comment 135 feet.

12 MR. SANCHEZ: Well, I mean, I guess what
13 I'm saying --

14 OFFICER HORTON: It is measured -- again,
15 where I'm going with this is previous issues, what was
16 looked at, what was not looked at, our actions are based
17 upon our official findings after receipt of an
18 application for a consensual storage lot license.

19 MR. SANCHEZ: Okay. And I understand
20 that, and I appreciate my fellow Commissioners trying to
21 enlighten me on what happened because that may be
22 enlightening as to, you know, what goes on today. But I
23 guess, again, my question was whether or not, regardless
24 of the determination of the straight line that you used,
25 is was there discussion last month about whether or not

1 there is verification that the residence to the left was
2 actually a dwelling or a residence, whether the
3 structure was a residence.

4 MR. ULMER: There was no denial whether it
5 was or wasn't.

6 MR. RINCON: There was no discussion,
7 Mr. Sanchez.

8 OFFICER PROVOST: Because I think that
9 license was revoked.

10 MR. ULMER: It was.

11 OFFICER PROVOST: That's why there is no
12 reference to it because last time when he came before
13 the Board that license was revoked. This is a new one.
14 So it's a new investigation.

15 MR. SANCHEZ: So really last month doesn't
16 matter --

17 OFFICER PROVOST: It doesn't matter. This
18 is new.

19 MR. SANCHEZ: So quite simply -- okay.
20 That's fine. Go ahead.

21 MR. ULMER: I'm done.

22 MR. SANCHEZ: Okay. I mean, I don't -- I
23 still -- if the City is going to take the position that,
24 you know, last month was last month, another license in
25 this month is a new deal with a new application, then my

1 concern as I previously stated still stands.

2 MR. RINCON: If I may respond to that,
3 Mr. Sanchez, Mr. Chairman, esteemed Members, I would
4 concur with Mr. Sanchez so that that way there can be
5 clarification for this Board's benefit as well to, in
6 fact, know in the interest of public -- for the best of
7 the public's interest that if, in fact, that
8 residence -- the property that Officer Horton is
9 referring to is, in fact, a dwelling as legally defined
10 at the time that the application was made, in fact, a
11 residence. There hasn't been any testimony before
12 you -- we've gone full round in circles now for about
13 two hours in regards to that specific property.

14 The property on the right that appears to
15 be a residence, and it does, you drive by, other than
16 the fact that there is a commercial sign out in front of
17 it, and now Officer Horton identifies and admits that
18 that, in fact, is a commercial property. There is an
19 occupancy permit for the structures on that property.

20 MR. SANCHEZ: Counselor, you know, I just
21 want to clarify that I'm not stating that your client
22 has the ability -- I'm not agreeing at this point or
23 conceding that your client has the ability to modify his
24 application. For the purposes of my wanting a
25 continuance is simply so that we can ask the Police

1 Department to verify whether or not -- in addition to
2 HCAD whether or not, you know, if they choose to -- to
3 allow them the additional time if they choose to, they
4 don't have to, but they can come back and say we're
5 going to stand on HCAD.

6 But it would be my -- I guess I would move
7 for a continuance then to allow them time to decide
8 whether or not they want to stand on their HCAD evidence
9 or whether they would like to go back and do
10 additional -- present additional evidence next time that
11 this is -- you know, these structures are residences
12 without comment as to whether or not you actually have
13 the ability to amend or modify your application because
14 you understand that even if they come back and do
15 whatever they do in the next month, if this Board was to
16 grant you a continuance -- and I'm not so sure that it
17 will, but if they would do that, you know, we can come
18 back next month and say, fine, that issue is resolved,
19 but to the extent that you have now modified your
20 application, it is the City's position that you can't do
21 that and you need to -- we're going to go up or down on
22 your application as it existed, or you have to do a new
23 application.

24 So I'm going to leave that issue aside in
25 terms of, you know, my issues for a continuance, and

1 that may be something that if we decide to continue that
2 the City Legal will have to also research as well.

3 MR. RINCON: The only thing that I would
4 add, if I may, respectfully to this esteemed body is I
5 would ask if that we're going to continue and you are
6 going to allow HPD to provide additional evidence
7 whether they choose to do so or not that you allow the
8 Applicant, my client, to provide additional evidence as
9 well.

10 MR. SANCHEZ: That's a given.

11 MR. RINCON: Okay. Well, because you had
12 indicated --

13 MR. SANCHEZ: I mean, and --

14 MR. RINCON: Excuse me, Mr. Sanchez.
15 Respectfully, you indicated that we can't modify the
16 application; however, we can provide evidence of a
17 corrected survey. That's evidence. It's not modifying
18 the application. The application itself is a one-page
19 application.

20 OFFICER HORTON: No, sir. The application
21 is inclusive of other required documents, "Certificate
22 of Occupancy," a deed, and in the case of a salvage
23 yard, an automotive repair facility storage license.
24 There are certain other licenses that additional
25 documents are required. In this case, since your client

1 is asserting a boundary line established in lieu of
2 property line, it requires an engineered drawing.

3 MR. RINCON: Okay.

4 OFFICER HORTON: As part of the
5 application.

6 MR. RINCON: Okay. And I would, again,
7 allow or request respectfully this Board to allow the
8 applicant to introduce evidence that would support
9 either the existing survey from our contention or a
10 corrected survey.

11 MR. SANCHEZ: Well, I mean, Counselor,
12 just so you will know, this Board in the past has denied
13 applications and then those applicants have turned right
14 back around, done a corrected application within a day
15 or week or whatever once they got their act together
16 and did it again. So, you know, there has been
17 precedence that we have denied and allowed people to
18 reapply.

19 MR. RINCON: Okay.

20 MR. SANCHEZ: I don't know -- that's why I
21 was asking about whether or not there was an ability to
22 modify an application once it's submitted. There could
23 be testimony and that can be evidence or pictures or
24 whatever, but if there is an incorrect survey drawing or
25 something that goes along with the application and you

1 submit a new one, to me that would be modifying the
2 application, and that's what I do not know, and I'm
3 not -- I don't presume to know whether or not the
4 applicant has a right to do that or whether we have to
5 consider it as a Board --

6 MR. RINCON: Well, I think --

7 MR. SANCHEZ: -- and consider the
8 application as it exists without modification. And
9 that's something -- if we go beyond today that would be
10 something I would ask the City Legal to obviously come
11 back and have an opinion on.

12 MR. RINCON: And I would concur.
13 Obviously if this esteemed body decides to allow us to
14 come back next month, then I will have my interpretation
15 and reference a particular section that I believe
16 supports our contention that allows this esteemed body
17 to allow my client to amend his application or modify
18 the application and if, in fact, it's just simply
19 correcting the survey that is before you and then this
20 esteemed body can make its decision whether it wants
21 to -- it concurs with me or through any city attorney's
22 legal interpretation whether it does not.

23 MR. SANCHEZ: I don't see Chairman Jones
24 here. Can we go ahead and proceed with --

25 OFFICER HORTON: There still exists a

1 quorum.

2 MR. SANCHEZ: Well, I'm officially making
3 a motion to continue this hearing for one more month to
4 allow the presentation of any additional evidence should
5 the parties, City or the Applicant, choose to do so.
6 That's my motion. Is there anybody that wants to second
7 the motion?

8 Hearing no second, that motion fails. So
9 I would say at this time unless there is further --

10 MR. ULMER: I have a motion.

11 MR. SANCHEZ: Okay.

12 MR. ULMER: I make a motion that we deny
13 the application before us today.

14 MR. SANCHEZ: Is there a second to the
15 motion?

16 MR. STRANEY: Second.

17 MR. SANCHEZ: Any discussion? All those
18 in favor say, "I."

19 OFFICER HORTON: I.

20 MS. RICHARDSON: I.

21 MR. ALLAHAM: I.

22 MR. SANCHEZ: All those oppose, no? That
23 should be me. The "I's" have it. So the application as
24 it currently exists has been denied, and we are
25 concluded with that portion of our hearing.

1 MR. RINCON: Mr. Chairman, I'd like it to
2 be noted that the Applicant will be filing an appeal
3 before the City Council as we are allowed by the
4 ordinance and request that the Applicant be allowed to
5 continue in his operation until that final determination
6 is made by the City of Houston.

7 MR. SANCHEZ: The HPD has a standard
8 operation as to once the applicant -- once the
9 application is denied -- I don't know if you want to go
10 into it right now, but you certainly can't do any -- as
11 far as I understand it, you can't do any new business,
12 and the question is whether or not you can finish up old
13 business.

14 OFFICER HORTON: As a matter of practice,
15 Counsel, typically when the Board has denied, then we do
16 not even permit an applicant to start operation when
17 they reapply. In other words, they leave our office
18 with nothing other than a receipt for the funds;
19 however, if you file the appeal, it is also our practice
20 to not take any adverse actions until after the matter
21 has been addressed by Council. So as to minimize you're
22 up, you're down, you're up, you're down, we wait until
23 the final ruling.

24 So it would not be untypical that if you
25 file the appeal, we would not take action pending the

1 City Council coming and making a final determination.

2 MR. RINCON: Okay. Mr. Chairman, excuse
3 me. As allowed --

4 OFFICER HORTON: To be perfectly clear,
5 one second, we can't say legally that you can continue
6 operation, but historically we take no action if the
7 matter is pending before Council.

8 MR. RINCON: Well, as allowed by the city
9 ordinance and by the notice you provided with your
10 attachments to appear, you indicate that the
11 applicant -- if the application is denied that you have
12 the -- the applicant has 30 days to appeal, I believe.

13 MR. SANCHEZ: Yeah. And I'm thinking -- I
14 don't think the City is denying you that opportunity.

15 MR. RINCON: No. The denial is the
16 permit. And since that appeal is effective, then we
17 will take your comments to mean as they have been set,
18 and we'll go from there.

19 Mr. Chairman, Members of the Board, thank
20 you very much for your time. I appreciate it.

21 (The hearing concluded at 11:52 a.m.)

22

23

24

25

1 STATE OF TEXAS)
)
2 COUNTY OF HARRIS)

3

4 I, Monica Fischer, a Certified Shorthand
5 Reporter and Notary Public in and for the State of
6 Texas, certify that the Administrative Hearing Before
7 City of Houston Automotive Board was correctly reported
8 in shorthand by me at the time and place set forth and
9 has been trasncribed from machine shorthand into
10 typewriting under my supervision in the foregoing
11 transcript and that said transcript contains a correct
12 record of the proceedings had at said time and place and
13 that I am not attorney for or relative of any of said
14 parties or otherwise interested in the event of said
15 action.

16

17 Certified to by me this 19th day of May ,
18 2008.



Monica Fischer

19

20

Monica Fischer, CSR
CSR Certification Number: 3076
Expiration: December 31, 2008
Firm Registration Number: 169
Ross Reporting Services, Inc.
11706 Playa Court
Houston, Texas 77034
(281) 484-0770

21

22

23

24

25

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance approving a new contract for elderly services with YWCA of Houston through the Harris County Area Agency on Aging	Category #	Page 1 of 2	Agenda Item # 40 34
--	-------------------	-----------------------	---------------------------------

FROM (Department or other point of origin): Department of Health and Human Services	Origination Date 3/11/09	Agenda Date MAR 21 2009 APR 01 2009
---	------------------------------------	---

DIRECTOR'S SIGNATURE: <i>Celina Garza Ridge for SLW</i>	Council District affected: All
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For additional information contact: Kathy Barton Telephone: 713-794-9998; pgr 713-826-5801	Date and identification of prior authorizing Council action:
---	---

RECOMMENDATION: (Summary)
Adopt an ordinance approving a contract for elderly services with the YWCA of Houston through the Harris County Area Agency on Aging

Amount of Funding: Maximum Contract Amount: \$1,765,686.04 Federal State Local – Pass Through Fund (5030)	Finance Department:
---	----------------------------

SOURCE OF FUNDING: [] General Fund [X] Grant Fund [] Enterprise Fund []
Other (Specify): Aging Title III Grant (Fund 5030)

The Houston Department of Health and Human Services (HDHHS) requests City Council approval of an ordinance authorizing a new contract with the YWCA of Houston for elderly services. This provider was selected through a Request for Proposal process conducted by the Harris County Area Agency on Aging. The ordinance sets a maximum contract amount for this provider and authorizes the HDHHS Director to allocate supplemental funding as it becomes available, up to the maximum amount. The contract term extends through September 30, 2009, with three one-year renewals. The Director may extend the contract for an additional 90 days if funds remain. The City of Houston, as designated by the Texas Department of Aging and Disability Services, has full authority and responsibility for funds authorized under the Title of the Older Americans Action of 1965, as amended. These funds are disbursed by the U.S. Department of Health and Human Services through the Texas Department of Aging and Disability Services and administered by HDHHS' Harris County Area Agency on Aging.

- Services provided by YWCA of Houston include:
- **Congregate meal** services include a hot or appropriate meal that meets the recommended dietary allowance and is served to an eligible person at a congregate meal site.
 - **Home delivered meal** services include a hot or appropriate meal that meets the recommended dietary allowance and is served to an eligible person at his/her residence.

REQUIRED AUTHORIZATION		
Finance Department	Other Authorization:	Other Authorization:

Date 3/11/09	Subject: An Ordinance approving new contracts for elderly services with various Contractors through the Harris County Area Agency on Aging	Originator's Initials	Page 2 of 2
------------------------	---	------------------------------	-----------------------

The Contractor and respective total contract value is:

Contractor	Maximum Contract Amount	Services
YWCA of Houston	\$1,765,686.04	Congregate and Home Delivered meals

cc: Finance Director
 Legal Department
 Agenda Director

empowering women

2040195



February 7, 2008

Certified Mail: 4607 0220 0002
4395 8933

Linebarger, Goggan, Blair & Sampson, LLP
Attorneys at Law
1301 Travis Street, Suite 145
Houston, TX 77002

RE: Acct. No. 2091757400000
YWCA Small Business

Dear Sirs:

For reference we have enclosed a copy of the correspondence we received from you. We do not have any ownership in the above-referenced entity. Harris County researched this matter two years ago and determined that entity was incorporated by a San Antonio firm and was not in anyway connected to us.

We do not understand how you assumed that this entity was our responsibility and why our address has been attached to this bill. Please note that as a non-profit organization that receives grants and contracts this error could keep us from being able to secure contracts with the taxing authorities who have assessed these taxes.

We anticipate that this matter will be corrected expeditiously and our any association with our organization will be removed. We await your quick response.

Regards,

Diana Morales Taylor, CPA MBA
Executive Director

Copy to: Paul Bettencourt, Tax Assessor-Collector
Harris County Tax Assessor-Collector
POB 4576
Houston, TX 77210-4576

COURTESY OF
HARRIS COUNTY APPRAISAL DISTRICT
INFORMATION AND ASSISTANCE
PO BOX 822004
HOUSTON, TX 77282-2004
TELEPHONE NO (713) 812-5800
RECEIVED
FEB 15 2008
INFORMATION & ASSISTANCE

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW
1301 Travis, Suite 145
HOUSTON, TX 77002
(713) 844-3561

January 15, 2008



13,180

#BWNGWXX
#10130469150#
YWCA SMALL BUSINESS
3220 BROADWAY ST
HOUSTON TX 77017-2321



DELINQUENT TAXES: \$ 841.90
PENALTY/INTEREST: \$ 1,036.18

TOTAL DUE : \$ 1,878.08

RE: 2091757400000 - F&F M&E SUP COMPUTERS OMITTED PROPERTY (see attached DELINQUENT ACCOUNT STATEMENT)

Pre-seizure Inspections Underway

Our records indicate that you are seriously delinquent on your business personal property taxes. Prior to seizure, law firm personnel investigate a delinquent business' ownership, liens, and assets. As part of this investigation, an inspection of the property subject to seizure is conducted. We make every attempt to reach the business owner by phone. Field Investigators may soon visit your business to inspect your assets and take photographs. This is the first step before filing an application with the Court for a warrant to seize your property. If no payment is received at the time of inspection, seizure proceedings may be initiated without additional warning or notice.

Please contact us immediately to avoid the inconvenience of an on-site inspection.

For questions contact:

Linebarger Goggan Blair & Sampson, LLP*
Attorneys at Law
1301 Travis Street, Suite 145
Houston, Texas 77002
713-422-7152 - fax 713-576-7286
Email: houstonfielddivision@publicans.com

To make payment:

1. Make check payable to: Paul Bettencourt, Tax Assessor-Collector
2. Mail check and coupon to:
Harris County Tax Assessor-Collector
P.O. Box 4576
Houston, TX 77210-4576

* For City of Pasadena delinquent property tax accounts, Roy D. Mease & Associates in association with Linebarger Goggan Blair & Sampson, LLP.

There may be other taxing entities for which we do not collect. You may contact the Harris County Tax Office for information regarding those entities.

Sincerely,

Norman J. Nelson
Attorney at Law

RECEIVED

FEB 15 2008

INFORMATION & ASSISTANCE

If you are current in paying your taxes under an installment agreement or are a debtor in a pending bankruptcy, please contact us so we can close your account to avoid further mailings to you. If you are in bankruptcy, we will need your cause number. If you are represented by a lawyer, please forward this letter to him/her. If you think these taxes are paid, please contact the Harris County Tax Office at 713-368-2000.

Mailing Address:
 Information & Assistance Division
 P.O. BOX 922004
 Houston, TX 77292-2004



HARRIS COUNTY APPRAISAL DISTRICT

**NOTICE OF APPRAISED VALUE
 FOR PROPERTY TAX PURPOSES**

This is NOT a tax bill. Do NOT pay from this notice

Tax Year: 2008

iFile Number: 38723550

www.hcad.org/iFile

PROPERTY DESCRIPTION:
 Business Personal Property
 CMP F&F M&E SUP

12/01/2008

Please use this ACCOUNT NUMBER → 2040195
 when inquiring about your property.



PROPERTY LOCATION:
 3220 BROADWAY ST
 HOUSTON, TX 77017-

*****AUTO**3-DIGIT 770
 2008 2040195 12/01/2008 A PP L1 HBF
 YOUNG WOMEN'S CHRISTIAN ASSOC. (HOUSTON)
 3220 BROADWAY ST
 HOUSTON TX 77017-2321

COURTESY OF
 HARRIS COUNTY APPRAISAL DISTRICT
 INFORMATION AND ASSISTANCE
 PO BOX 922004
 HOUSTON, TX 77292-2004
 TELEPHONE NO (713) 812-5000

Dear Property Owner

The Harris County Appraisal District appraises the business personal property described above for property tax purposes. The table below provides a breakdown of your appraisal for the tax year indicated above. The table also gives an estimate of the taxes you will pay if the taxing units adopt the same tax rates as last year. This is only an estimate. The jurisdictions listed below will determine whether your taxes increase or decrease when they set their tax rates later this year. The appraisal district only determines the value of your property. *The Texas Legislature does not set the amount of your local taxes. Your property tax burden is decided by your locally elected officials, and all inquiries concerning your taxes should be directed to those officials.*

Business Personal Property Value Proposed This Year	
Last Year's Appraised Value	This Year's Appraised Value
0	10,706

Jurisdiction and Exemption Information						
	Taxing Jurisdiction	Last Year's Value (after exemptions)	Exemptions Granted (see explanation of codes below)	This Year's Value after exemptions	Last Year's Tax Rate	Estimated Taxes
001	HOUSTON ISD	0	0	10,706	1.156700	123.00
040	HARRIS COUNTY	0	0	10,706	0.392390	42.00
041	HARRIS CO FLOOD CNTRL	0	0	10,706	0.031060	3.00
042	PORT OF HOUSTON AUTHY	0	0	10,706	0.014370	1.00
043	HARRIS CO HOSP DIST	0	0	10,706	0.192160	20.00
044	HARRIS CO EDUC DEPT	0	0	10,706	0.005853	0.00
048	HOU COMMUNITY COLLEGE	0	0	10,706	0.092433	9.00
061	CITY OF HOUSTON	0	0	10,706	0.643750	68.00

Exemption Codes: ABT = Abatement; CBD = Customs Bond; FPT = Freeport; FTZ = Foreign Trade Zone; GCC = Green Coffee or Cocoa; GI=Goods in Transit; IFC Interstate or Foreign Commerce; POL = Pollution Control; PUV = Personal Use Leased Vehicles; SOL = Solar; SPC = Special; SPV=Sole Proprietorship Vehicle; TOT = Total; UND = Under \$500 Exemption; VT = Disabled Veteran

Your protest deadline is January 02, 2009. If you wish to protest the value or other issues you must do so online or in writing on or before this date. A protest form is included with this notice for your convenience. Please use this form or go to www.hcad.org/iFile if you choose to file a protest.

(letter continues on back)

200810191 000047

SUBJECT: Appropriate Funds for Construction Services Spring Equipment Company, Inc. Houston Fire Department WBS No: C-000089-0003-4	Page 1 of 1 41	Agenda Item 47
	Agenda Date MAR 25 2009 APR 01 2009	

FROM (Department or other point of origin): General Services Department	Origination Date 3-6-09
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DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. <i>Issa Dadoush</i> 3/3/09	Council District(s) affected: B, D, I
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For additional information contact: Jacquelyn L. Nisby <i>Jacquelyn Nisby</i> Phone: 832 393-8023	Date and identification of prior authorizing Council action: Ordinance No. 2007-1052; dated 9/12/2007
---	---

RECOMMENDATION: Appropriate funds for the project.

Amount and Source of Funding: \$239,000.00—Fire Consolidated Construction Fund (4500)	Finance Budget: <i>Michael Mitchell</i>
---	---

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$239,000.00 to the existing citywide contract with Spring Equipment Company, Inc. for construction services for various Houston Fire Department facilities.

- PROJECT LOCATIONS:**
- | | |
|---|--|
| Fire Station No. 16
1700 Richmond (492Z) | Fire Station No. 20
6902 Navigation (494V) |
| Fire Station No. 56
5820 E. Little York (414V) | Fire Station No. 63
5626 Will Clayton Pkwy (374D) |

PROJECT DESCRIPTION: The project will replace main driveways and parking lots, which have deteriorated due to heavy vehicle traffic.

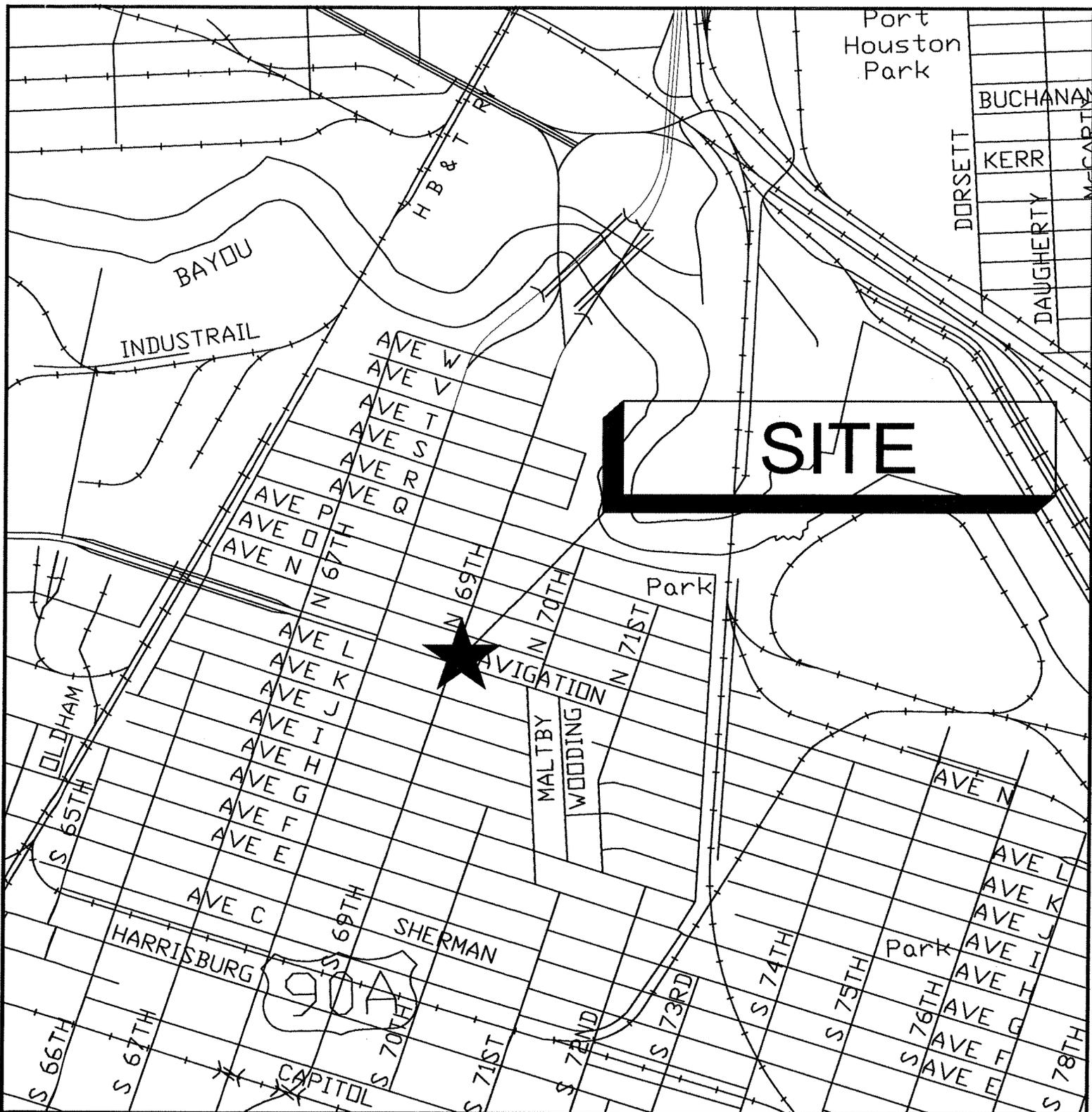
PREVIOUS HISTORY AND PROJECT SCOPE: On September 12, 2007, City Council awarded a one-year contract with two one-year renewal options to Spring Equipment Company, Inc. for concrete repair services for various departments. The contract is funded through various appropriations for concrete repair services. To date, \$1,205,315.81 has been expended on the contract.

M/WBE and SBE INFORMATION: The contract contains a 15% M/WBE goal and 5% SBE goal. To date, Spring Equipment Company, Inc. has achieved 0.49% M/WBE participation and 2.88% SBE participation.

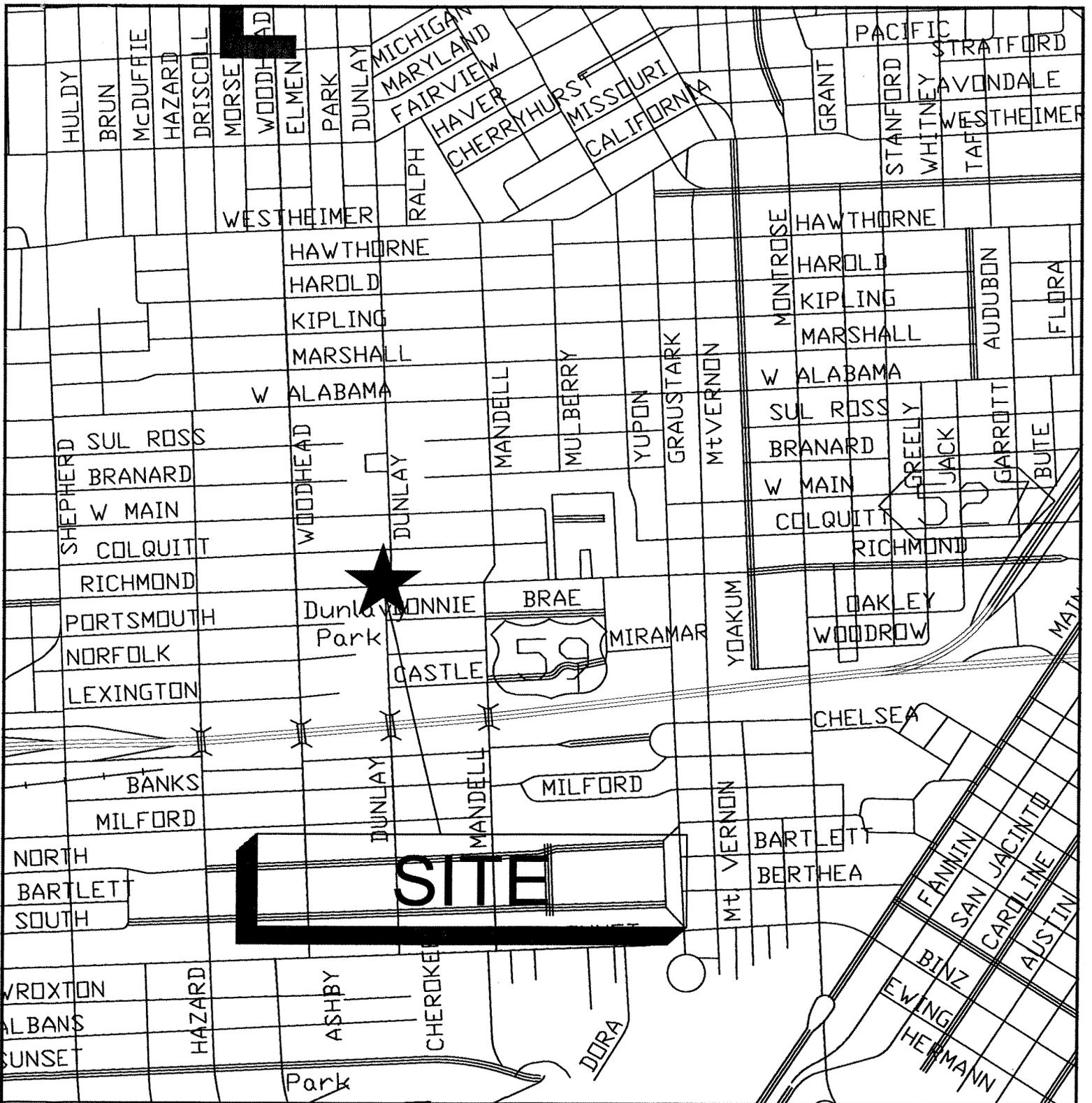
IZD:JLN:HB:MCP:RV:ps
 c: Marty Stein; Jacquelyn L. Nisby; Siria Harbour; Kim Nguyen; Web Mitchell;File

REQUIRED AUTHORIZATION CUIC# 25CONS88

General Services Department:  Humberto Bautista, P.E. Chief of Design & Construction Division	Houston Fire Department:  Phil Boriskie Fire Chief
---	---



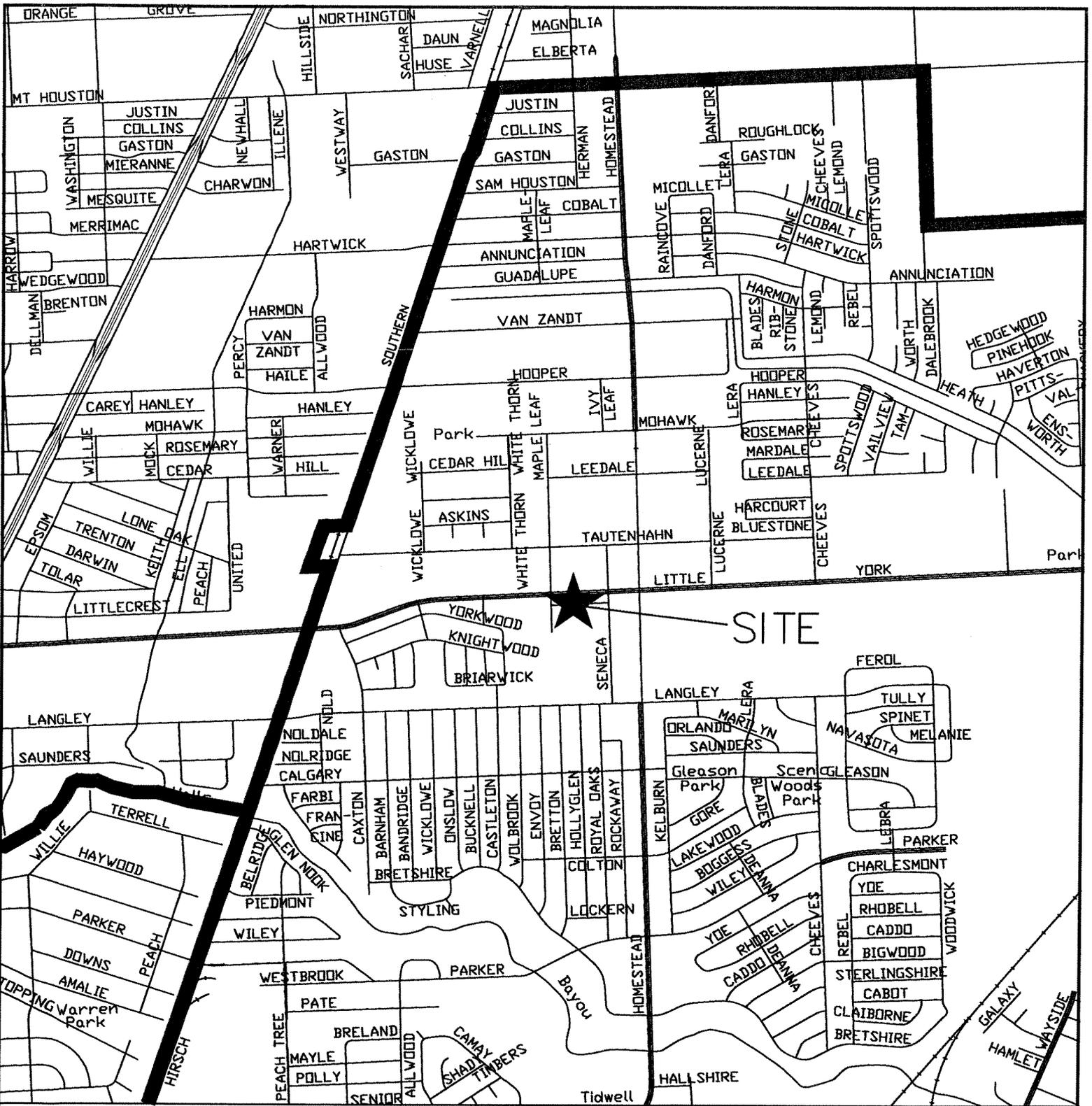
**FIRE STATION NO. 20
 6902 NAVIGATION
 HOUSTON , TX 77011**



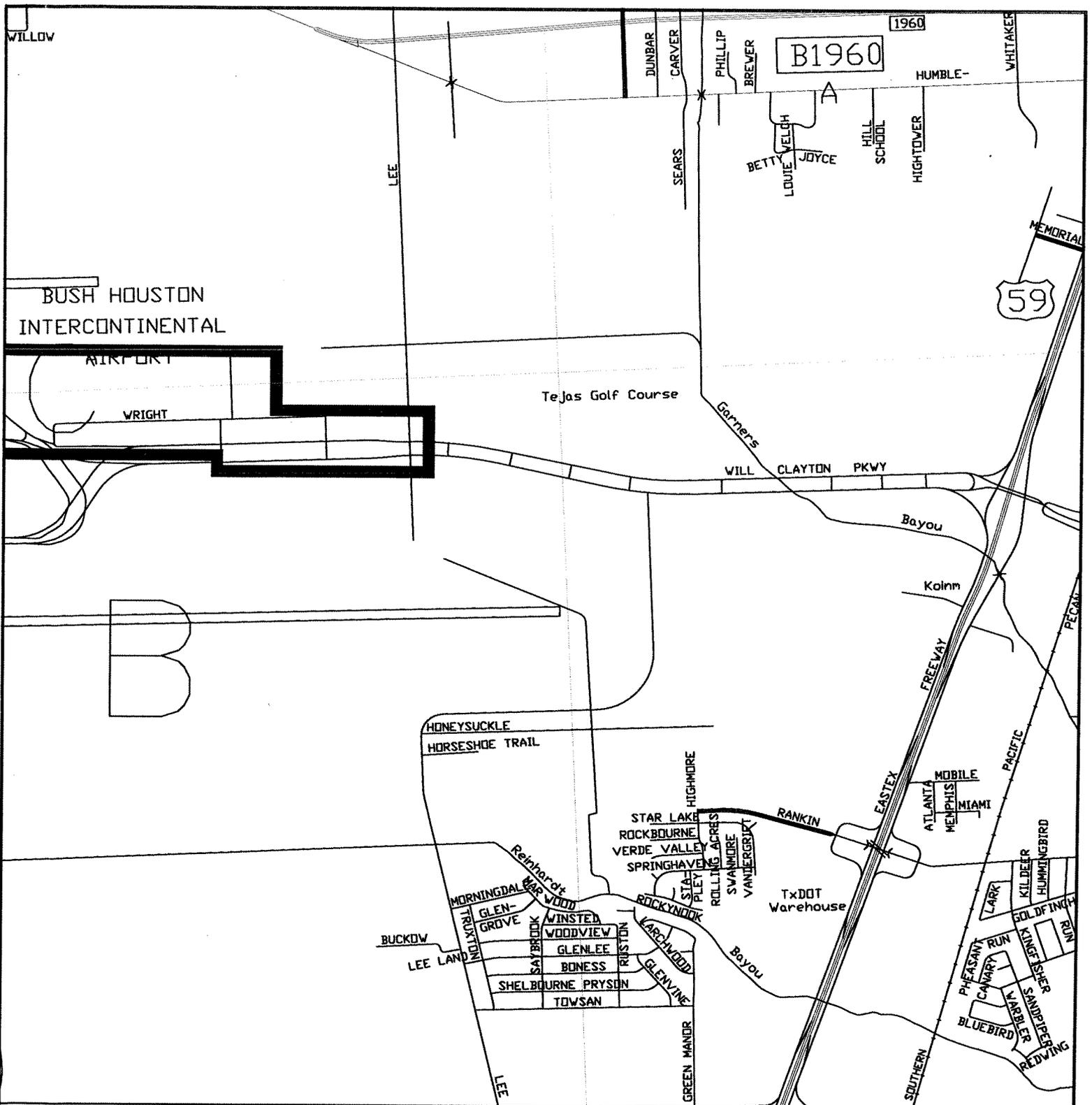
FIRE STATION NO. 16
1700 RICHMOND
HOUSTON, TX 77098

COUNCIL DISTRICT "D"

KEY MAP NO. 492Z



**FIRE STATION NO. 56
5820 E. LITTLE YORK
HOUSTON , TX 77013**



**FIRE STATION NO. 63
 5626 WILL CLAYTON PKWY
 HOUSTON , TX 77032**

[42] 38
APR 01 2009 ~~MAR 25 2009~~

MOTION NO. 2009 0132

MOTION by Council Member Khan that an item be placed on the Agenda of March 25, 2009, to receive nominations for appointment to Position 4 of the Board of Directors of Reinvestment Zone Number One (St. George Place), City of Houston, Texas, for term to expire December 31, 2010.

Seconded by Council Member Lovell and carried.

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

Council Member Lawrence absent on City business

PASSED AND ADOPTED this 11th day of March, 2009.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is March 17, 2009.


City Secretary



CITY OF HOUSTON

Office of the Mayor

39
~~39~~

Interoffice

Correspondence

To: Anna Russell
City Secretary

From: Christina Cabral *C. Cabral*
Boards and Commissions

Date: March 3, 2009

Subject: **REINVESTMENT ZONE NUMBER
ONE (ST GEORGE PLACE)**

NON-CONSENT AGENDA MISCELLANEOUS

Motion to set a date not less than seven (7) days from March 11, 2009, to receive nominations for appointment to Position 4 of the Board of Directors of Reinvestment Zone Number One (St. George Place), City of Houston, Texas for term to expire December 31, 2010.

Position 4

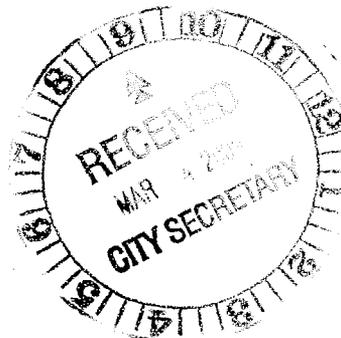
Victoria Rockwell

Nominated by Council Member Clutterbuck

CC/jsk

cc:

Ms. Marty Stein



42A
APR 01 2009

MATTERS HELD - continued

- 42
42. RECEIVE nominations for appointment to Position 4 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS** for term to expire December 31, 2010
POSTPONED BY MOTION #2009-164, 3/25/09
This was Item 58 on Agenda of March 25, 2009
- a. MOTION to suspend the rules to confirm the appointment of an individual to Position 4 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS** for term to expire December 31, 2010
POSTPONED BY MOTION #2009-165, 3/25/09
This was Item 58A on Agenda of March 25, 2009
- b. APPOINTMENT of an individual to Position 4 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS** for term to expire December 31, 2010
POSTPONED BY MOTION #2009-165, 3/25/09
This was Item 58B on Agenda of March 25, 2009
43. REQUEST from Mayor for confirmation of the reappointment of **MS. VICTORIA A. ROCKWELL**, to Position Four of the **ST. GEORGE PLACE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS** for a term to expire December 31, 2010
POSTPONED BY MOTION #2009-165, 3/25/09
This was Item 59 on Agenda of March 25, 2009
44. REVIEW on the record and make determination relative to the appeal from the decision of the Electrical Board, filed by Scott A. Lisman on behalf of **VALCO INSTRUMENTS COMPANY, L.P.** regarding modification of the City of Houston Electrical Code as it pertains to Project No. 07065538 - **TAGGED BY COUNCIL MEMBERS LAWRENCE and KHAN**
This was Item 60 on Agenda of March 25, 2009

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

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

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

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

42B
APR 01 2009

MATTERS HELD - continued

42. RECEIVE nominations for appointment to Position 4 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS** for term to expire December 31, 2010
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BILL WHITE
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

43 59

~~MAR 25 2009~~
APR 01 2009

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 3-4-09
date

COUNCIL MEMBER: _____

March 4, 2009

The Honorable City Council
Houston, Texas

Dear Council Members:

Pursuant to City of Houston Resolution No. 98-3, Subchapter D of Chapter 431 of the Texas Transportation Code and Chapter 394 of the Texas Local Government Code, I am nominating the following individual for reappointment to the St. George Place Redevelopment Authority Board of Directors, subject to Council confirmation:

Ms. Victoria A. Rockwell, reappointment to Position Four, for a term to expire December 31, 2010.

The résumé of the nominee is attached for your review.

Sincerely,

Bill White
Mayor

BW:CC:jsk

Attachment





CITY OF HOUSTON
Legal Department

60

MAR 25 2009

Interoffice
Correspondence

44

To: Barbara Guzman
Acting Assistant City Secretary

From: YuShan Chang
Assistant City Attorney

FOR TRANSCRIPT
SEE BACKUP ON
NET - ITEM 60
3-25-09

Date: February 16, 2009

Subject: Electrical Board Appeal - Valco
Instruments Company, L.P.

By the attached correspondence, you have requested the Legal Department to advise whether the appeal of the Electrical Board's ("Board") denial of Valco Instruments Company's request for a modification of the City of Houston Electrical Code as it pertains to Project No. 07065538, is timely filed and may be granted.

Pursuant to § 203.7 of the City of Houston Electrical Code, "any interested person aggrieved and affected by a decision of the Board may appeal to the City Council by delivering a written notice of appeal to the City Secretary within 10 calendar days from the date of deposit of the decision of the Board in the mail." The Board made its decision on January 27, 2009. The written request for an appeal to the City Secretary was received February 4, 2009, which is within the 10 day deadline. Furthermore, appeals brought under § 203.7 of the Electrical Code are subject to Rule 12 of section 2-2 of the Code of Ordinance, which requires an appeal before City Council to be based solely on certified court reporter's transcript of the Board hearing. A certified court reporter's record of the Electrical Board hearing has been provided. Therefore, the appeal is timely and may be granted.

If you have any questions concerning this memorandum, please advise.

cc: N.A. Weiman
Code Enforcement

Scott A. Lisman
Attorney at Law
1502 Augusta, #390
Houston, Texas 77057

RECEIVED
FEB 16 2009
CITY SECRETARY