

**AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 25, 2009 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

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

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

**ADOPT MINUTES OF PREVIOUS MEETING**

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

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

**RECONVENE**

**WEDNESDAY - AUGUST 26, 2009 - 9:00 A. M.**

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

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 1 through 38**

**MISCELLANEOUS** - NUMBERS 1 through 2A

1. RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for Renovation to the Parks & Recreation Department Campus and Park - Gragg Building - **DISTRICT I - RODRIGUEZ**

**MISCELLANEOUS** - continued

2. ORDINANCE appropriating \$1,715,179.28 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the contract between the City of Houston and **SOUTH COAST CONSTRUCTION** for Cambridge Bridge and Paving (Approved by Ordinance No. 07-0107 **DISTRICT D - ADAMS**)
- a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 3 for Cambridge Bridge and Paving awarded to **SOUTH COAST CONSTRUCTION, INC** - **DISTRICT D - ADAMS**

**ACCEPT WORK** - NUMBERS 3 through 6

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,808,165.05 and acceptance of work on contract (Work Order) with **TOTAL CONTRACTING LIMITED** for On-Call Drainage Construction Contract - 9.59% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - ADAMS; E - SULLIVAN; F - KHAN; G - HOLM; H - GONZALEZ and I - RODRIGUEZ**
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,848,433.85 and acceptance of work on contract with **REPIPE-TEXAS, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method - 1.08% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; F - KHAN; H - GONZALEZ and I - RODRIGUEZ**
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$914,532.06 and acceptance of work on contract with **CHIEF SOLUTIONS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation - 7.91% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; G - HOLM; H - GONZALEZ and I - RODRIGUEZ**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$525,087.20 and acceptance of work on contract with **R & B GROUP, INC** for Roark No. 1 Lift Station Rehabilitation - 9.63% under the original contract amount **DISTRICT C - CLUTTERBUCK**

**PROPERTY** - NUMBERS 7 through 11

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from The Menil Foundation, Inc (Menil), for (A) abandonment and sale of: 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) ±6,146 square feet of excess Mandell Street right-of-way, (B) the City's abandonment of the Camp Logan sanitary sewer line in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of ±18,346 square feet of land for the expansion of Richmond Avenue right-of-way; located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, and (C) approval of the Outline for Agreement which addresses various obligations between Menil and the City, Parcels SY9-048A, SY9-048B, SY9-048C, SY9-048D, VY9-030A, VY9-030B and AY9-460 **DISTRICT D - ADAMS**

**PROPERTY** - continued

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by Joint Referral Committee, on request from William Bickerstaff of W. W. Bickerstaff and Associates, Incorporated, on behalf of Candlelight Development Joint Venture (Alvin L. Freeman, Manager and Tom L. Shepard, Manager), for abandonment and sale of a 14-foot-wide utility easement located within Lots 1, 2, 3, 4 and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544, Parcel SY9-096 - **DISTRICT A - LAWRENCE**
9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Dennis W. Sander, P. E. Sander Engineering Corp. on behalf of Cy-Champ Public Utility District (Ron Walkoviak, President), for sale of a 10-foot-wide water line easement, a 15-foot by 45-foot-wide water meter easement, and a 15-foot-wide temporary construction easement, all located within the Willowbrook Regional Wastewater Treatment Plant Subdivision, out of the W. H. York Survey, A-943, Parcels SY10-003A, SY10-003B and SY10-003C - **DISTRICT A - LAWRENCE**
10. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and pursue the City's objections to the Award in connection with eminent domain proceeding styled City of Houston v. Turnkey, Inc., a Texas Corporation, et al., Cause No. 936,744; for acquisition of Parcel AY7-074; for **PARKER ROAD PAVING IMPROVEMENTS PROJECT (Fulton - Hardy)** - **DISTRICT H - GONZALEZ**
11. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and enter judgment on the amount of the Award in connection with eminent domain proceeding styled City of Houston v. Norberto Orozco and Maria Orozco, et al., Cause No. 939,741; for acquisition of Parcel AY7-176; for **PARKER ROAD PAVING IMPROVEMENTS PROJECT (Fulton - Hardy)** - **DISTRICT H - GONZALEZ**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 12 through 13

12. ORDINANCE appropriating \$885,750.66 out of General Government Consolidated Construction Fund for Emergency City Hall Storm Sewer Repairs and Modification Services for the General Services Department
  - a. **WALTER P. MOORE** - \$62,900.00 for Professional Surveying and **JAMAIL & SMITH CONSTRUCTION** - \$780,672.06 and contingencies for a total amount not to exceed \$822,850.66 for Repair Services in connection with Emergency City Hall Storm Sewer Repairs and Modification Services for the General Services Department - **DISTRICT I - RODRIGUEZ**
13. **MCNEILUS TRUCK & MANUFACTURING** for McNeilus Refuse Body Replacement Parts & Repair Services for Solid Waste Management Department - \$3,240,000.00 - General Fund

**ORDINANCES** - NUMBERS 14 through 38

14. ORDINANCE **AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Solid Waste Management
15. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **ABCO AVIATION, INC** for certain premises at William P. Hobby Airport - Revenue - **DISTRICT I - RODRIGUEZ**

**ORDINANCES** - continued

16. ORDINANCE approving and authorizing Interlocal Agreement between the City and the **HOUSTON-GALVESTON AREA COUNCIL (HGAC)** for National Emergency Grant Public Service Employment Project - \$222,975.00 - Grant Fund
17. ORDINANCE amending Ordinance No. 2003-620, passed on June 25, 2003; Ordinance No. 2004-685, passed on June 30, 2004; Ordinance No. 2005-607, passed on May 11, 2005; Ordinance No. 2006-628, passed on June 14, 2006, and Ordinance No. 2007-648, passed on June 12, 2007, which approved and authorized the submission of the 2003, 2004, 2005, 2006 and 2007 Consolidated Plans, respectively, including grant applications for the Housing Opportunities for Persons With AIDS ("HOPWA") Program, to the United States Department of Housing and Urban Development ("HUD") under the authority of the AIDS Housing Opportunities Act, as amended by the Housing and Community Development Act of 1992
18. ORDINANCE amending City of Houston Ordinance No. 2004-0685, passed on June 30, 2004, which approved and authorized the submission of the 2004 Consolidated Plan to the United States Department of Housing and Urban Development, including grant application for the Home Investment Partnerships ("HOME") Program under the authority of Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended
19. ORDINANCE approving and authorizing contract between the City of Houston and **SISTER'S OF SERENITY MINISTRY** providing up to \$190,017.00 in Housing Opportunities for Persons With AIDS ("HOPWA") Funds for the operation of a Community Residence along with providing supportive services - **DISTRICT D - ADAMS**
20. ORDINANCE approving and authorizing contract between the City and **BAYLOR COLLEGE OF MEDICINE** for Tuberculosis Physician Services; providing a maximum contract amount \$176,800.00 - Grant Fund
21. ORDINANCE approving and authorizing contract for Elderly Services provided through the Harris County Area Agency on Aging between the City and **EYE CARE EXPRESS LAB, INC**; providing a maximum contract amount - \$60,000.00 - Grant Fund
22. ORDINANCE approving and authorizing contract between the City and **GERRY FUSCO CONSULTING** for Professional Services relating to the Bureau of Animal Regulation and Control (BARC); providing a maximum contract amount - \$135,000.00 - General Fund
23. ORDINANCE approving and authorizing first amended and restated agreement among the City of Houston, Texas, Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), and the **MEMORIAL-HEIGHTS REDEVELOPMENT AUTHORITY** to finance certain public infrastructure improvements - **DISTRICTS A - LAWRENCE; D - ADAMS; G - HOLM and H - GONZALEZ**
24. ORDINANCE approving and authorizing first amended and restated agreement among the City of Houston, Texas, Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), and the **OLD SIXTH WARD REDEVELOPMENT AUTHORITY** to finance certain public infrastructure improvements - **DISTRICTS A - LAWRENCE; D - ADAMS; G - HOLM and H - GONZALEZ**
25. ORDINANCE to amend and restate Ordinance No. 2009-633, to authorize an Interest Rate Swap Agreement with respect to certain outstanding City of Houston, Texas, Public Improvement Bonds; authorizing the Mayor and City Controller to enter into such Interest Rate Swap Agreement; making other provisions regarding such Interest Rate Swap Agreement and incident thereto; authorizing a Bond Counsel Agreement; a Swap Advisory Agreement; and declaring an emergency

**ORDINANCES** - continued

26. FIRST AMENDED AND RESTATED CONCURRENT ORDINANCE creating a Freight Rail District pursuant to Chapter 171, Texas Transportation Code
27. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **THE CITY OF HEDWIG VILLAGE, TEXAS** creating Joint Municipal Court Jurisdiction and establishing Joint Law Enforcement efforts and SafeClear Program coverage along the contiguous borders between the City of Houston and the City of Hedwig Village
28. ORDINANCE appropriating \$2,739,000.00 out of Dangerous Building Consolidated Fund for Demolition of Dangerous Buildings
29. ORDINANCE awarding contract to **INFOR GLOBAL SOLUTIONS, INC** for Computer Software Maintenance and Support Services for Public Works & Engineering Department; providing a maximum contract amount - 5 Years - \$533,495.29 - Enterprise Fund
30. ORDINANCE amending Ordinance No. 2005-0620 (passed on May 11, 2005) to increase the maximum contract amount for contract between the City of Houston and **SOUTHWESTERN BELL TELEPHONE COMPANY d/b/a AT&T TEXAS** for Video Arraignment & Teleconference System for the Municipal Courts Department - \$145,000.00 - General Fund
31. ORDINANCE appropriating \$985,230.36 out of Parks Consolidated Construction Fund and approving and authorizing issuance of purchase order to **CONTRACT RESOURCE GROUP, L.L.C.** for Purchase and Installation of Furniture for Renovation of the Parks and Recreation Department Campus-Gragg Building and Wheeler Warehouse Building
32. ORDINANCE appropriating \$801,497.00 out of Reimbursement of Equipment/Projects Fund and approving and authorizing an Energy Savings Performance Contract between the City of Houston and **SIEMENS BUILDING TECHNOLOGIES, INC** for Energy Conservation Measures at two facilities - **DISTRICTS A - LAWRENCE and D - ADAMS**
33. ORDINANCE appropriating \$100,000.00 out of Reimbursement of Equipment/Projects Fund; awarding Construction Management at Risk Contract to **J. E. DUNN SOUTH CENTRAL, INC** for New Fire Station 84 - **DISTRICT B - JOHNSON**
34. ORDINANCE appropriating \$594,216.00 out of Parks Consolidated Construction Fund; awarding construction contract to **D. L. MEACHAM, L.P.** for Sylvester Turner Park; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund, State Grant Fund, and other Government-Grant Fund \$1,200,000.00 - Grant Funds - **DISTRICT A - LAWRENCE**
35. ORDINANCE appropriating \$220,100.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing first amendment to Professional Engineering Services Contract (Approved by Ordinance No. 2008-0086) between the City of Houston and **LBG-GUYTON ASSOCIATES** for services associated with the rehabilitation of water wells at various locations; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; D - ADAMS; F - KHAN; and G - HOLM**

**ORDINANCES** - continued

36. ORDINANCE granting to **A-GAIA AMERICA, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**
37. ORDINANCE No. 2009-759, passed first reading August 19, 2009  
ORDINANCE granting to **RW JAYNES, LLC, d/b/a INTRA-SERVICES WASTE TRANSPORT, A Texas Limited Liability Company**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING**
38. ORDINANCE No. 2009-747, passed second reading August 19, 2009  
ORDINANCE granting to **MINER DEDRICK, LLC, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING**

**END OF CONSENT AGENDA**

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

**NON CONSENT AGENDA** - NUMBERS 39 through 39B

**MISCELLANEOUS**

39. MOTION to suspend Council Rule 19 relating to City Council appointments
- a. MOTION to receive nominations and vote on appointment to Position 10 of the Houston Municipal Employees Pension System Board of Trustees, for the current unexpired term ending June 30, 2011

**NOTE: The following item will be considered only in the event that Items 39 and 39A are not adopted:**

- b. MOTION to set a date not less than seven (7) days from August 26, 2009 to receive nominations for Position 10 of the Houston Municipal Employees Pension System Board of Trustees, for current unexpired term ending June 30, 2011

**MATTERS HELD** - NUMBERS 40 through 43

40. RECOMMENDATION from Purchasing Agent to award to **BOMBARDIER TRANSPORTATION (HOLDINGS) USA, INC** for Purchase of Automated People Mover System Parts for the Houston Airport System - \$2,580,545.91 - Enterprise Fund  
**POSTPONED BY MOTION #2009-609, 8/12/09**  
**This was Item 37 on Agenda of August 12, 2009**

**MATTERS HELD** – continued

41. RESOLUTION approving the creation of the **LELAND WOODS REDEVELOPMENT AUTHORITY II**; approving the Articles of Incorporation and the Bylaws thereof; confirming the appointment of the initial directors and chairperson - **DISTRICT B - JOHNSON**  
**TAGGED BY COUNCIL MEMBER LAWRENCE**
- a. ORDINANCE appropriating \$952,761.00 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund (Fund 2409), approving and authorizing agreement between the City of Houston; **NORTH HOUSTON BANK; BUILDERS COMMUNITY DEVELOPMENT CORPORATION; REINVESTMENT ZONE NUMBER TWENTY-TWO, CITY OF HOUSTON, TEXAS (LELAND WOODS ZONE); LELAND WOODS REDEVELOPMENT AUTHORITY, and LELAND WOODS REDEVELOPMENT AUTHORITY II** relating to the purchase of lots owned by Builders Community Development Corporation for the purpose of developing affordable housing in the Leland Woods Subdivision; providing funding for contingencies related to associated transactional costs and certain authorized expenses of Leland Woods Redevelopment Authority II  
**DISTRICT B - JOHNSON - TAGGED BY COUNCIL MEMBER LAWRENCE**  
These were Items 14 and 14A on Agenda of August 19, 2009
42. RECEIVE nominations for Position 13 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two year term that will end March 1, 2011 - **POSTPONED BY MOTION #2009-619, 8/19/09**  
This was Item 27 on Agenda of August 19, 2009
43. ORDINANCE approving and authorizing agreement by and between the City of Houston and **HARRIS COUNTY, TEXAS**, for Harris County to acquire needed property to be conveyed to the City, and to design, construct and fund the reconstruction of Lorraine Street in connection with the extension of the Hardy Toll Road South from its current terminus to connect with U. S. Highway 59 and the northern approach to the Elysian Viaduct - **DISTRICTS B - JOHNSON and H - GONZALEZ - POSTPONED BY MOTION #2009-620, 8/19/09**  
This was Item 31 on Agenda of August 19, 2009

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Noriega 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 2<sup>nd</sup> FLOOR - TUESDAY  
AUGUST 25, 2009 - 2:00 PM**

**AGENDA**

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3MIN

3MIN

3MIN

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**NON-AGENDA**

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3MIN

3MIN

3MIN

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MR. DELL YORK – 8855 Gulf Freeway – 77017 – 281-995-5995 – Concerns of the City Help City from being sued

MR. MARLAN COPELAND, SR. – 3 Hermann Museum Cir. – 77044 – 713-876-7024 – Wood waste material Hurricane Ike

MR. SAMIRI WILLIAMS – 7947 Grow Ln., No. 260-T – 77040 – 281-772-1541 – Taxicab permit

MS. REAGAN FLOWERS – 3226 Alabama – 77004 – 713-443-4021 – C-Stem Education

MS. PAULA COOPER – 9630 Hearthwood Dr. – 77040 – 713-208-9735 – C-Stem Education

MS. SYLVIA De LaCRUZ – 6612 Ave. Q – 77011 – 713-921-4145 – C-Stem Education

MR. WILLIAM BEAL - 4718 Boicewood - 77016 - 713-633-0126 – The Impeachment of President Obama and Vice President Biden

MR. BRYON JONES – 8607 MLK – 77033 – 713-734-4370 – B.A.R.C.

MR. RONALD SMITH – 6050 Beldart – 77033 – 713-734-7773 – B.A.R.C.

MR. BERNARD JOHNSON – 5300 North Braeswood, Ste. 4429 – 77096 – 281-838-7252 – Global Entrepreneur Week in Houston

MS. VICKI SEPPER – 6915 Shavelson – 77055 – 713-213-7653 – City hired a contractor and damaged property (4716 S. Kirkwood)

**PREVIOUS**

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1MIN

1MIN

1MIN

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<b>SUBJECT:</b> Dedication Plaque Renovation to the Parks and Recreation Department Campus and Park - Gragg Building WBS No. F-0504D1-0002-4	Page 1 of 1	Agenda Item /
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 8/19/09	<b>Agenda Date</b> AUG 26 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Issa Z. Dadoush</i> 8/10/09 Issa Z. Dadoush, P. E.	<b>Council Districts affected:</b> 1
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2007-1278, November 14, 2007 Ordinance No. 2008-102, February 6, 2008
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**RECOMMENDATION:** Approve computer image for dedication plaque.

<b>Amount and Source of Funding:</b> N/A	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council pass a motion to approve a computer image for a dedication plaque (copy attached) for renovations to the Gragg Building for the Parks and Recreation Department.

**PROJECT LOCATION:** 2999 South Wayside Dr. (Key Map 534G)

**PROJECT DESCRIPTION:** The project consists of renovations to the Gragg Building, to include new interior partitions, finishes, lighting, mechanical, electrical, plumbing, HVAC, roof and life safety systems, and site work, which will include parking lots, associated sidewalks and improvements to the main drainage channel.

**REPRESENTATION:** The plaque identifies the City of Houston elected officials and department heads who served when the project commenced as well as the individuals serving in those positions at the completion of the project.

IZD:JLN:HB:LJ:SNL:snl

Attachment

c: Marty Stein, Jacquelyn L. Nisby, James Tillman, Mark Ross, Dan Pederson, Lisa Johnson, File 813

*[Handwritten initials]*

REQUIRED AUTHORIZATION		CUIC ID # 25PARK61
<b>General Services Department:</b> <i>Humberto Bautista</i> Humberto Bautista, P.E. Chief of Design & Construction Division	<b>Parks and Recreation Department:</b> <i>Joe Turner</i> Joe Turner Director	

**HOUSTON PARKS AND RECREATION DEPARTMENT GRAGG CAMPUS RENOVATION  
CITY OF HOUSTON**

2007

**BILL WHITE, MAYOR**

**DISTRICT COUNCIL MEMBERS**

TONI LAWRENCE	DISTRICT	A
JARVIS JOHNSON	DISTRICT	B
ANNE CLUTTERBUCK	DISTRICT	C
ADA EDWARDS	DISTRICT	D
ADDIE WISEMAN	DISTRICT	E
M.J. KHAN, P.E.	DISTRICT	F
PAM HOLM	DISTRICT	G
ADRIAN GARCIA	DISTRICT	H
CAROL ALVARADO	DISTRICT	I

**COUNCIL MEMBERS AT LARGE**

PETER BROWN	POSITION	1
SUE LOVELL	POSITION	2
MELISSA NORIEGA	POSITION	3
RONALD C. GREEN	POSITION	4
MICHAEL BERRY	POSITION	5

**ANNISE D. PARKER**

Joe Turner, Director  
Issa Z. Dadoush, P.E., Director  
Harrison Kornberg Architects, LLC

**CONTROLLER**

Parks and Recreation Department  
General Services Department  
Architect

2009

**BILL WHITE, MAYOR**

**DISTRICT COUNCIL MEMBERS**

TONI LAWRENCE	DISTRICT	A
JARVIS JOHNSON	DISTRICT	B
ANNE CLUTTERBUCK	DISTRICT	C
WANDA ADAMS	DISTRICT	D
MIKE SULLIVAN	DISTRICT	E
M.J. KHAN, P.E.	DISTRICT	F
PAM HOLM	DISTRICT	G
EDWARD GONZALEZ	DISTRICT	H
JAMES G. RODRIGUEZ	DISTRICT	I

**COUNCIL MEMBERS AT LARGE**

PETER BROWN	POSITION	1
SUE LOVELL	POSITION	2
MELISSA NORIEGA	POSITION	3
RONALD C. GREEN	POSITION	4
JOLANDA "JO" JONES	POSITION	5

**ANNISE D. PARKER**

Joe Turner, Director  
Issa Z. Dadoush, P.E., Director  
Gilbane Building Company

**CONTROLLER**

Parks and Recreation Department  
General Services Department  
General Contractor

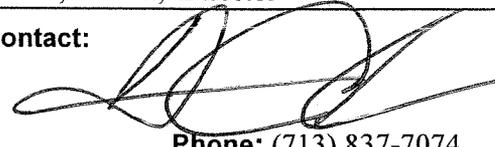


**TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Additional Appropriation and Approval of Change Order No. 3 for Cambridge Bridge and Paving, WBS No. N-000720-0001-4.	<b>Category</b> #1, 7	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 202A
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 8/20/09	<b>Agenda Date</b> AUG 26 2009
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE., Director	<b>Council Districts affected:</b> D
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<b>For additional information contact:</b>  J. Timothy Lincoln, P.E. Senior Assistant Director  Phone: (713) 837-7074	<b>Date and Identification of prior authorizing Council Action:</b> Ord. #2007-765 06/27/2007 Ord. #2007-0107 01/24/2007
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**RECOMMENDATION:** (Summary) Approve an ordinance appropriating an additional \$1,715,179.28, adopt a motion approving Change Order No. 3. *M.P. 8/19/09*

<b>Amount and Source of Funding:</b> \$1,715,179.28 from Street and Bridge Consolidated Construction Fund No.4506. (Previous appropriation; \$6,229,900.00 from Street and Bridge Consolidated Construction Fund No. 4506 and \$2,600,000.00 from Harris County Construction Fund No. 8303.)	<b>Finance Department:</b>
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**PROJECT NOTICE/JUSTIFICATION:** This project is part of the Street and Traffic Control Improvement program and is required to improve traffic flow/circulation and reduce traffic congestion and hazards in the service area.

**DESCRIPTION/SCOPE:** This project consists of construction of an architecturally enhanced, 265-foot long, three span pre-stressed concrete bridge and excavation /regarding approximately four acres of channel bank along Brays Bayou. On January 24, 2007, the City of Houston entered into a Contributing Agreement (Ordinance No.2007-0107) with the Texas Medical Center (TMC) where the City agreed to construct the proposed Cambridge Bridge with enhancements to bridge structure and TMC contributes \$2,200,000.00 towards the design and construction of the bridge enhancements. Scientech Engineers designed the project with 540 calendar days allowed for construction. The project was awarded to South Coast Construction, Inc. with a original Contract Amount of \$7,610,273.03.

**LOCATION:** The project area is generally bounded by MacGregor Drive on the north and Holcombe Blvd. on the south. The project is located in Key Map Grids 533-E.

**PREVIOUS CHANGE ORDERS:** Change Order No.1 in the amount of \$31,101.52 was for temporary relocation of Center Point Energy power lines and poles which were in direct path of the construction of the proposed retaining wall. Change Order No. 2 in the amount of \$14,104.00 was for providing a 480/277 volt, 3 phase power source by Center Point Energy because the Project lighting and electrical fixtures are designed for that particular power supply and Change Order No. 4 in the amount of \$7,192.99 was to furnish and install wrought iron fence because the old fence was demolished to allow new construction.

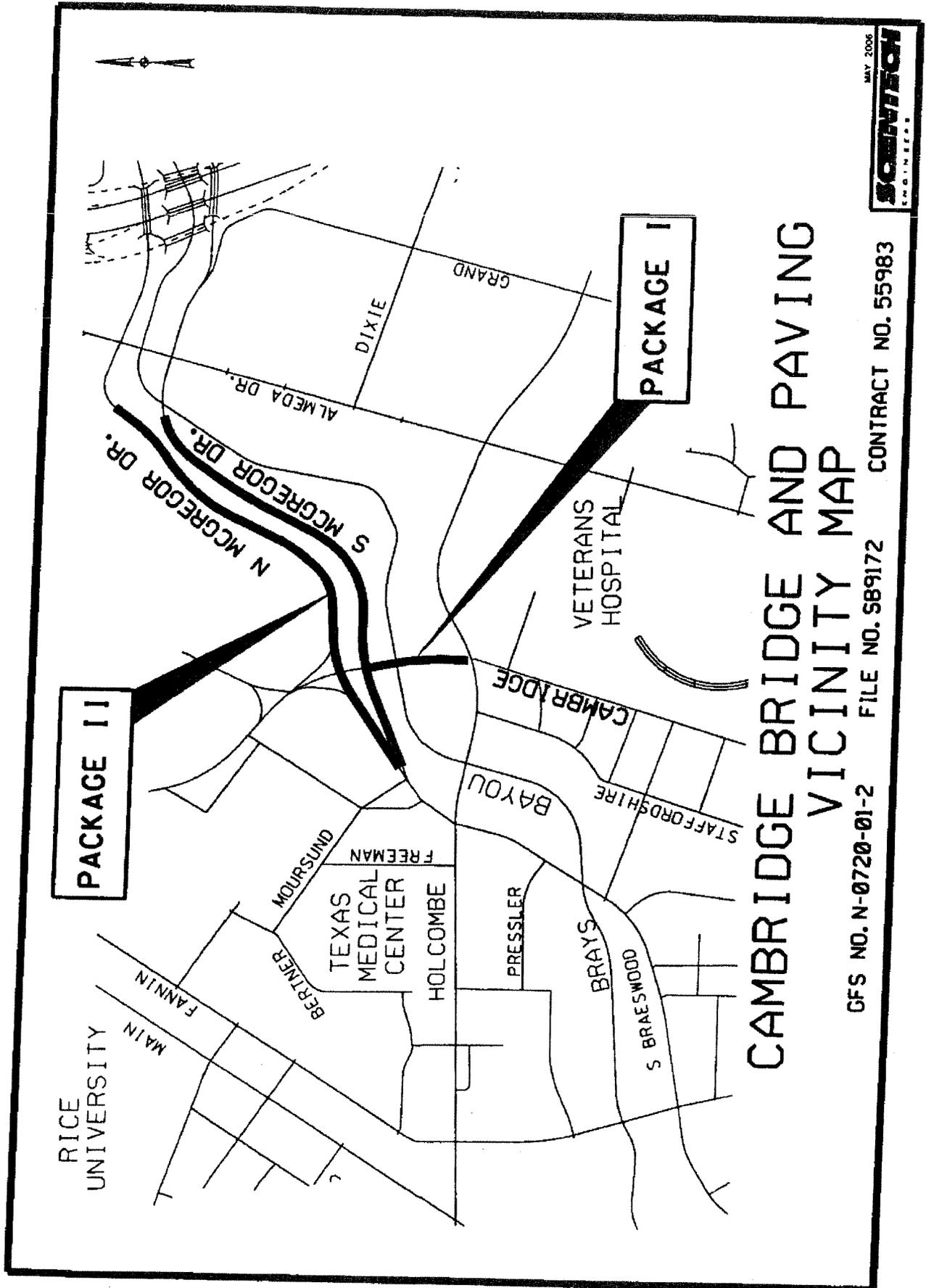
**CHANGE ORDER NO. 3:** Change Order No.3 in the amount of \$1,715,719.28 is required to increase the Contract quantities. During construction it was discovered that the Engineer had underestimated a number of contract bid items, and a future Change Order would be needed to adjust quantities based on actual construction. The revised quantities are detailed in attached Change Order No. 3. The original scope of work for the project has not changed.

The requested amount in Change Order No. 3 will cover the entire cost of overrun and will leave the contingencies balance for future Change Orders should they become necessary.

**M/WBE PARTICIPATION:** The M/WBE goal established for this project is 22%. According to Affirmative Action and Contract Compliance, Contractor's to date M/WBE performance is 23.485%.

MSM:DRM:JTL:JAK:JEC:ha  
Z:\E&C Construction\South Sector\PROJECT FOLDER\N-0720-01 (Cambridge Bridge)\RCA\RCA for C.O. No. 2\RCA for additional appropriation REVISED.doc  
cc: Marty Stein Velma Laws Craig Foster Susan Bandy Waynette Chan File No. SB9172-1/21.0

<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID # 20HA54B</b>
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division



**PACKAGE II**

**PACKAGE I**

# CAMBRIDGE BRIDGE AND PAVING VICINITY MAP

GFS NO. N-0720-01-2

FILE NO. 589172

CONTRACT NO. 55983



Document 00666

CHANGE ORDER No. 3

PROJECT: Cambridge Bridge and Paving

CONTRACT No.: 4600007961 PROJECT No.: N-000720-0001-4 (SB9172-1)

TO: South Coast Construction, Inc  
7840 W. Little York  
Contractor and Houston, TX 77040  
Address for Written Notice

1.01 DESCRIPTION OF CHANGES

CONTRACT CHANGE

ITEM 1 SCOPE: Increase Contract quantity.

Amount	Time
\$1,715,179.28	0 Days

JUSTIFICATION: During construction it was discovered that the Engineer's estimate of below listed Unit Price Work items were underestimated. These additional quantities are required to complete the Contract Work.

Unit Item No	Unit Item Description	Unit	Add/Deduct Qty	Unit Price	Add/Deduct Amount
10	4 1/2 Conc. Sidewalk	SF	4293.00	\$4.90	\$21,035.70
11	Block Sodding	SY	8333.00	\$3.00	\$24,999.00
16	7" Conc. Driveways	SF	1153.00	\$5.50	\$6,341.50
20	Class C Conc.- (Retaining Wall 1&5)	CY	289.00	\$974.00	\$281,486.00
21	Drill Shaft (24-inch)-(Retaining Wall 1&5)	LF	83.50	\$120.00	\$10,020.00
29	Remove and Dispose of Asphalt Pvmt.	SY	782.00	\$6.10	\$4,770.20
35	Drill Shaft (30 IN)	LF	425.00	\$151.00	\$64,175.00
40	CL C Conc. (Bent)	CY	109.54	\$687.00	\$75,253.98
43	CL S Conc (Bridge Sidewalk)	CY	28.38	\$255.00	\$7,236.90
49	Prestressed Conc. Box Beam (4B40)	LF	54.00	\$258.00	\$13,932.00
50	Prestressed Conc. Box Beam (5B40)	LF	108.00	\$258.00	\$27,864.00
52	Cement Stab. Backfill	CY	704.00	\$54.00	\$38,016.00
57	Drill Shaft (72 IN)	LF	136.00	\$590.00	\$80,240.00
58	CL C Conc. - (Retaining Wall)	CY	766.70	\$1,000.00	\$766,700.00
65	Class S Conc. Stepped Retaining Wall at South West Stairs	CY	94.40	\$800.00	\$75,520.00
67	Class S Conc. Stepped Retaining Wall at South East Stairs	CY	94.40	\$800.00	\$75,520.00
72	Class S Conc. Nort West Stairs	CY	9.20	\$500.00	\$4,600.00
73	Class S Conc. Stepped Retaining Wall at Stairs - North west	CY	66.05	\$800.00	\$52,840.00
75	Class S Conc. Stepped retaining Wall at Stairs-North East	CY	42.40	\$800.00	\$33,920.00
82	(4) Bridge Gateway Columns -Cast - in place Conc. Column	CY	13.20	\$510.00	\$6,732.00
92	Pedestrian Guardrail at Bridge	LF	411.00	\$107.00	\$43,977.00

TOTALS: \$1,715,179.28 0 Days

00666-1

EXECUTIVE SUMMARY

1.01 CONTRACT PRICE SUMMARY

	<u>DOLLAR AMOUNT</u>	<u>PERCENT</u>
A. Original Contract Price	\$7,610,273.03	100.00%
B. Previous Change Orders	\$31,101.52	0.41%
C. This Change Order	\$1,715,179.28	22.54%
D. Contract Price	\$9,356,553.83	122.95%

1.02 CONTRACT TIME SUMMARY

	<u>DURATION</u>	<u>COMPLETION DATE</u>
A. Original Contract Time	540 Days	Tuesday, April 14, 2009
B. Previous Change Orders	0 Days	Tuesday, April 14, 2009
C. This Change Order	0 Days	Tuesday, April 14, 2009
D. Contract Time	540 Days	Tuesday, April 14, 2009

1.03 TOTAL VALUE OF INCREASES OUTSIDE OF GENERAL SCOPE OF WORK

- A. Including this Change Order, the following table is provided to track conditions related to Paragraph 7.1.2.3 of Document 00700 - General Conditions.

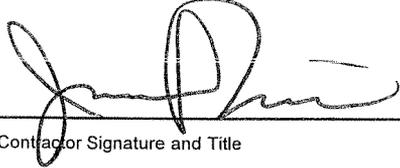
<u>CHANGE ORDER No.</u>	<u>AMOUNT ADDED</u>	<u>PERCENT OF ORIGINAL CONTRACT PRICE</u>
1	\$31,101.52	0.41%
2	\$14,104.00	0.19%
3	\$1,715,179.28	22.54%
4	\$7,192.99	0.09%
<hr/>		
TOTALS	\$1,767,577.79	23.23%

PROJECT No.: N-000720-0001-4 (SB9172-1)

CHANGE ORDER No. 3

1.02 ACCEPTANCE BY CONTRACTOR

Contractor agrees to perform change(s) included in this Change Order for the price and time indicated. The prices for changes include all costs associated with this Change Order.

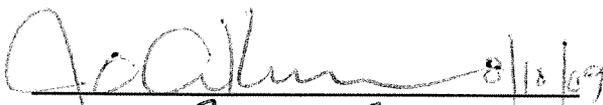
  
Contractor Signature and Title

8/7/09  
Date

1.03 ACCEPTANCE BY THE CITY

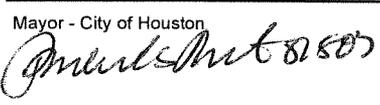
  
Project Manager 8/10/09 Date

  
Deputy Director 8/10/09 Date

  
Chief Engineer 8/18/09 Date

  
City Engineer 8/18/09 Date

  
Assistant Director 8/18/09 Date

  
Mayor - City of Houston 8/18/09 Date

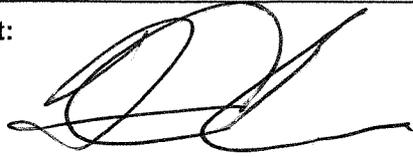
cc:  
File No. (SB9172-1)

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

<b>SUBJECT:</b> Accept Work for On-Call Drainage Construction Contract (Work Order); WBS No. M-000126-00S8-4.	<b>Page</b> 1 of 1	<b>Agenda Item #</b> <span style="font-size: 2em; font-weight: bold;">3</span>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  8/20/09	<b>Agenda Date</b>  AUG 26 2009
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<b>DIRECTOR'S SIGNATURE:</b>   Michael S. Marcotte, P.E., D.WRE, BCEE., Director	<b>Council Districts affected:</b>  A, B, D, E, F, G, H, I <span style="float: right;">A-H</span>
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<b>For additional information contact:</b>  J. Timothy Lincoln, P.E. Senior Assistant Director   <b>Phone:</b> (713) 837-7074	<b>Date and Identification of prior authorizing Council Action:</b>  Ord. #2006-1268 dated 12/20/2006
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**RECOMMENDATION:** (Summary) Pass a motion to approve the final Contract Amount of \$1,808,165.05 or 9.59% under the original Contract Amount, accept the Work, and authorize final payment.

**Amount and Source of Funding:** No additional funding required. Total (original) appropriation of \$2,180,000.00 with \$1,680,000.00 from the Drainage Improvements Commercial Paper Series F, Fund No. 4030, and \$500,000.00 from Storm Water Utility Fund, Fund No. 2303.

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This Contract provided for negotiated work orders to address storm drainage issues citywide. This was an on-call services contract to perform repairs on the City's storm sewer system as generated by citizen requests or by the Right-of-Way and Fleet Maintenance Division.

**DESCRIPTION/SCOPE:** This project consisted of various repairs to the drainage system citywide. City staff designed the project with 365 calendar days allowed for construction. The project was awarded to Total Contracting Limited with an adjustment factor of 1.250 (Total Contract Amount not to exceed \$2,000,000.00).

**LOCATION:** The project is located throughout the city.

**CONTRACT COMPLETION AND COST:** Total Contracting Limited has completed the work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Orders No. 1 and 2 is \$1,808,165.05. This is a decrease of \$191,834.95 or 9.59% under the original Contract Amount.

The decreased cost is due to non-availability of Work Orders and expiration of Contract Time.

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 20%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 23.39%. Contractor's M/WBE performance evaluation was rated Outstanding.

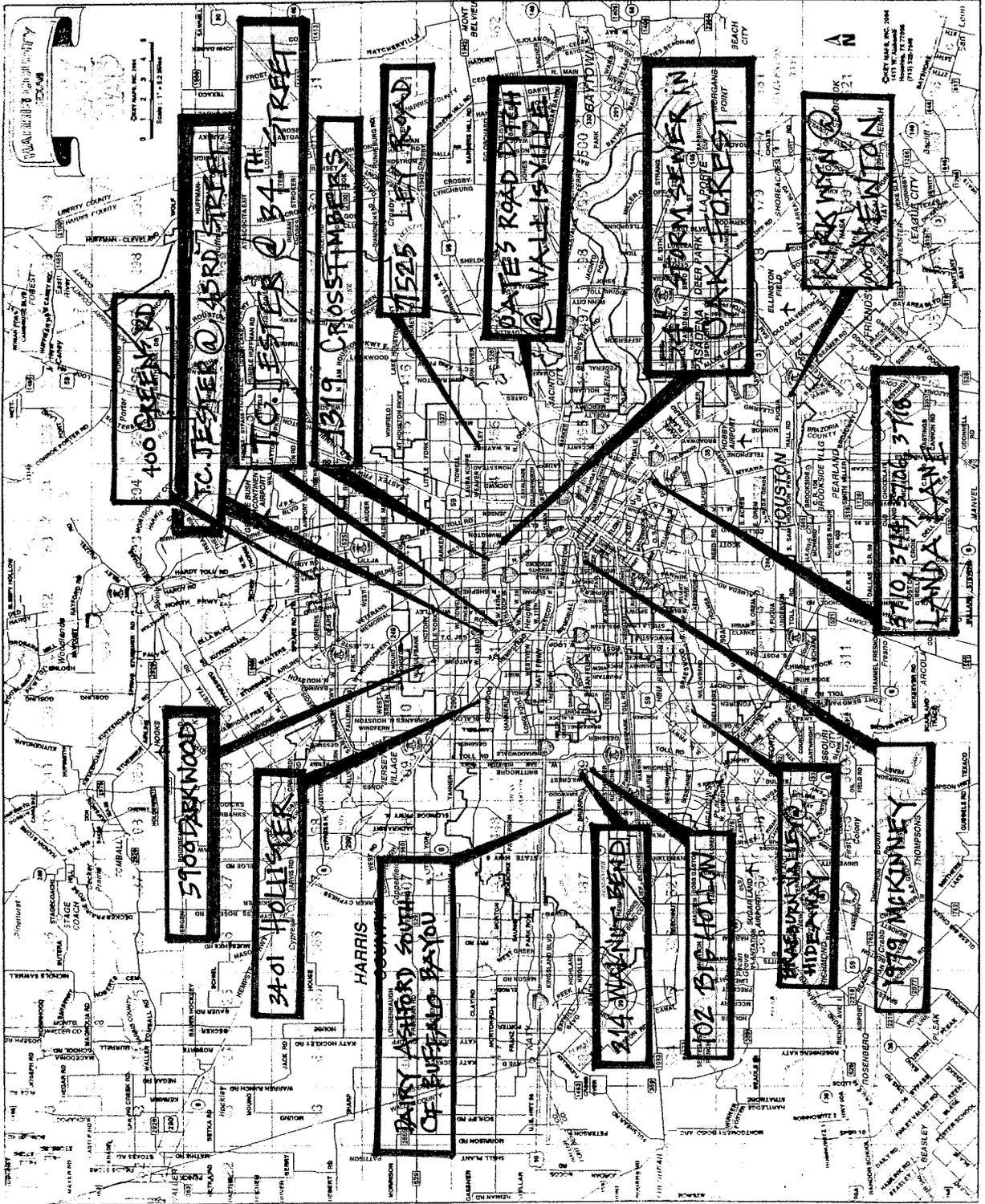
  
MSM:DRM:JTL/AK:AH:ha  
Z:\E&C Construction\South Sector\PROJECT FOLDER\M-0126-S8-3\Closeout\RCA\RCA - Closeout.doc  
cc: Velma Laws Craig Foster Waynette Chan Marty Stein File M-0126-S8/21.0.

**REQUIRED AUTHORIZATION** **CUIC ID # 20HA67**

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>   Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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**PROJECT LOCATIONS LIST**  
 Project: Local Drainage Projects (On-Call)  
 WBS No.: M-000126-00S8-4

Location Description	Key Map No.	Count
Braeburn Valley @ Hideaway	530 U	F
400 Greens Road	372 R	B
5900 Darkwood	411 T	A
Diary Ashford South of Buffalo Bayou	488 M	G
1979 McKimney	493 J	D
3710, 3714, 3706, 3718 Landa Lane	534 G	I
102 Big Hollow	489 K	G
T.C. Jester @ 43rd Street	451 M	A
1319 Crosslimbers	453 K	H
Kirkwyn @ Newton	576 X	E
54-Inch Storm Sewer in Oak Forest	453 K	H
T.C. Jester @ 34 Street	451 R	A, F
214 Walnut Bend	489 L	G
3401 Hollister	450 M	A
Oates Road Ditch @ Wallisville	456 W	I, B
7525 Ley Road	455 J	B



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method WBS# R-000266-00B4-4	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  4
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 8/20/09	<b>Agenda Date</b> AUG 26 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Michael S. Marcotte</i> 8/4/09 Michael S. Marcotte, P.E., D.WRE, BCEE, Director	<b>Council District affected:</b> A, B, C, D, E, F, H and I
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<b>For additional information contact:</b> Dannelle H. Belhateche, P.E. Sr. Assistant Director Phone: (713) 641-9182	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2005-798, dated 06/22/2005
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**RECOMMENDATION: (Summary)**  
Pass a motion to approve the final contract amount of \$3,848,433.85, which is 1.08% under the original contract amount, accept the work, and authorize final payment.

**Amount and Source of Funding:** No additional funding required. *M.P. 8/3/09*  
Original appropriation of \$4,201,631.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 755.

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** Under this project the contractor provided sanitary sewer rehabilitation by cured-in-place pipe method to deteriorated sewer collection systems throughout the City.

**DESCRIPTION/SCOPE:** This project consisted of sanitary sewer rehabilitation by cured-in-place pipe method. The project was awarded to Repipe-Texas, Inc. with an original contract amount of \$3,890,309.38. The Notice to Proceed date was 08/24/2005 and the project had 730 calendar days for completion.

**LOCATION:** The project was located at various locations within Council Districts A, B, C, D, E, F, H and I.

**CONTRACT COMPLETION AND COST:** The contractor, Repipe-Texas, Inc., has completed the work under the contract. The contract was completed within the contract time with an additional 180 days approved by Change Order No. 1 and Change Order No. 2. The final cost of the project is \$3,848,433.85, a decrease of \$41,875.53 or 1.08% under the original contract amount. Fewer point repairs were actually needed than anticipated.

**MWDBE PARTICIPATION:** The MWDBE goal for this project was 16.2%. According to Affirmative Action and Contract Compliance Division, the actual participation was 22.31%. The contractor was awarded an "Outstanding" rating from Affirmative Action.

*MSM:JC*

MSM:JC:DHB:RK:JI:DR:mf  
Attachments

c: Velma Laws Hamlet Hovsepian, P.E. Craig Foster

Project File 4258-19 REQUIRED AUTHORIZATION CUIC ID# 20DHB307

<b>Finance Department</b>	<b>Other Authorization:</b> <i>Dannelle H. Belhateche</i>	<b>Other Authorization:</b> <i>Jun Chang</i> Jun Chang, P.E., Deputy Director Public Utilities Division
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4258-19 R-000266-00B4-3		Sanitary Sewer Rehabilitation by Cured-in-Place Pipe Methods RePipe Texas, Inc.		
Work Order	Key Map	Subdivision	Basin	CD
17	411W	BURLINGTON INDUSTRIAL DIST. 1	NW139	A
36	450Z	SPRING OAKS R/P	IA020	A
42	449Z	WILDWOOD FOREST SECTION 1	WDP13	A
1	372Z, 373W	GREENRIDGE NORTH SECTION 9 R/P	IV118	B
2	372Z, 373W	IMPERIAL VALLEY SECTION 5	IV121	B
3	454D, 454H	TIDWELL TIMBERS	FBP08	B
4	454D, 454H	BARCLAY PLACE SECTION 1	FBP08	B
5	454M	BERTWOOD GARDENS	IB064	B
8	455J	HOUSTON GARDENS	HSP01	B
20	415W	SENIC WOODS	FB004	B
38	372R	NORTH POINT	NG112	B
40	372Q	NORTH BOROUGH	NB106	B
16	570D	SOUTHWOOD PLACE CONDO SEC. 5 R/9	SW054	C
24	532Q	N/A	SW218	C
11	572N	SOUTH GLEN SECTION 1	WEP02	D
12	572J,N	SOUTHMONT ANNEX SEC. 4	WEP02	D
13	570V	SOUTHWEST CROSSING SECTION 1	GR004	D
14	611C	RIDGEMONT SECTION 1	GR002	D
15	570V	WILLOW PARK SECTION 3	GR005	D
30	533Q,533U	BROOKHAVEN	SB172	D
31	533Q,533T,533U	SUNNYSIDE PLACE	SB183	D
41	572L,M	ALMEDA INDUSTRIAL PARK	ASP08	D
19	536T	MEADOWCREEK VILLAGE SEC. 2 R/P	SB016	E
32	338M,338R	LAKEWOOD HEIGHTS	CB001	E
33	338L,338M,338Q,338R	LAKEWOOD HEIGHTS SECTION 3	CB002	E
34	338Q	LAKEWOOD HEIGHTS SECTION 1	CB003	E

35	338C	HIDDEN ECHO	CB008	E
9	531N	WILLOW PARK SECTION 3	SW001	F
27	528V	HUNTINGTON VILLAGE SECTION 3	WJ273	F
29	529E	DAIRY PROPERTY	BW240	F
22	493H	NOBLE	II245	H
18	535X	GLENBROOK VALLEY SEC. 3	SB039	I
21	535Y	MEADOWBROOK FREEWAY	SB037	I
23	535T	PARK PLACE	SBU04	I
25	535R	MEADOWBROOK	SB059	I
26	535S	BROADVIEW	SB043	I
37	535Y	MEADOW BROOK FREEWAY	SB037	I
39	535K	PARK TERRACE	SB024	I
6		NOT ISSUED		
7		NOT ISSUED		
10		NOT ISSUED		
28		VOIDED		

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation WBS# R-000266-00G7-4		<b>Page</b> 1 of 1	<b>Agenda Item #</b>  5
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 8/20/09	<b>Agenda Date</b> AUG 26 2009
<b>DIRECTOR'S SIGNATURE:</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., D.WRE, BCEE, Director		<b>Council District affected:</b> A, B, C, D, E, G, H and I	
<b>For additional information contact:</b> Dannelle H. Belhateche, P.E. Sr. Assistant Director <b>Phone:</b> (713) 641-9182		<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2007-169, dated 02/07/2007	
<b>RECOMMENDATION: (Summary)</b> Pass a motion to approve the final contract amount of \$914,532.06, which is 7.91% under the original contract amount, accept the work, and authorize final payment.			
<b>Amount and Source of Funding:</b> No additional funding required. <i>M.P. 7/27/09</i> Original appropriation of \$1,067,647.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 8500.			
<b>SPECIFIC EXPLANATION:</b>			
<b>PROJECT NOTICE/JUSTIFICATION:</b> Under this project, the contractor provided cleaning and television inspection in support of rehabilitation to deteriorated sewer collection systems throughout the City.			
<b>DESCRIPTION/SCOPE:</b> This project consisted of sanitary sewer cleaning and television inspection in support of rehabilitation. The project was awarded to Chief Solutions, Inc. with an original contract amount of \$993,128.38. The Notice to Proceed date was 03/28/2007 and the project had 540 calendar days for completion.			
<b>LOCATION:</b> The project was located at various locations within Council Districts A, B, C, D, E, G, H and I.			
<b>CONTRACT COMPLETION AND COST:</b> The contractor, Chief Solutions, Inc. has completed the work under the contract. The contract was completed within the required time. The final cost of the project is \$914,532.06, a decrease of \$78,596.32 or 7.91% under the original contract amount. Fewer sewer point repairs were needed than anticipated.			
<b>MWDBE PARTICIPATION:</b> No M/WDBE participation goal was established for this project.			
MSM:JC:DHB:RK:JI:DR:mf Attachments			
cc: Velma Laws      Hamlet Hovsepian, P.E.      Craig Foster			
Project File 4277-33		REQUIRED AUTHORIZATION	
Finance Department		CUIC ID# 20DHB308	
<b>Other Authorization:</b> <i>[Signature]</i>		<b>Other Authorization:</b> <i>[Signature]</i> Jun Chang, P.E., Deputy Director Public Utilities Division	

4277-33	Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation			
WBS No. R-000266-00G7-4		Chief Solutions, Inc.		
WORK ORDER	KEY MAP	Subdivision	BASIN	CD
3	491B-C	AFTON VILLAGE SEC. 2	IA010	A
22	451L	OAK FOREST SEC. 15	IA067	A
17	415W	SCENIC WOODS	FB005	B
4	532D,535S	SOUTH AMPTON PLACE	AS036	C
13	569D	GLEN SHIRE SEC. 1	SW071	C
21	532C,D,H	SOUTH AMPTON PLACE	AS032	C
24	532E,F,K,J	BRADFORD PLACE	SW208	C
25	494A,B,E,F	STAPLES & ME CLELLAND	IIP009	C
28	492U,V, Y,Z	WINLOW PLACE	AS069	C
2	573B,573D	REEDWOODS	AS011	D
12	533Y,Z	SUNNYSIDE COURTS	CH005	D
15	493J	TEMPLE TERRACE	II176	D
23	532M,Q	HEARTSTONE AT BRASEWOOD	AS028	D
27	576T,W,X	KIRKWOOD SEC. 1	II048	E
29	497A,B, F,E	HOME OWNED ESTATES SEC. 1	NE018	E
1	491N	WEST HAVEN ESTATES SEC. 2	SW034	G
5	488Y,488U	GREENGAF	AR004	G
6	488Y,488U	ASHFORD PARK SEC. 6	AR002	G
8	489A	NOTTINGHAM SEC. 4 R/P	WD011	G
9	489A	NOTTINGHAM SEC. 4 R/P	WD010	G
10	489A	NOTTINGHAM SEC. 4 R/P	WD009	G
11	489E	NOTTINGHAM SEC. 4 R/P	WD008	G
7	494Q,494U	NEILS ESPERSON INDUSTRIAL DIS.	II012	H
16	452D	LITTLE YORK ANNEX	II076	H
20	453J,K	PECAN GARDENS	II057	H
14	534V	ANDOVER PLACE SECTION 1	SB093	I
18	496E,F	WOOD SHADOW SEC. 4	NEP06	I
19	535E	PECAN PARK R/P	SB077	I
26	534B,X	BROADMOOR	SB149	I

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

<b>SUBJECT:</b> Accept Work for Roark No. 1 Lift Station Rehabilitation. WBS No. R-000267-00F9-4.	<b>Page 1 of 1</b>	<b>Agenda Item #</b> <span style="font-size: 2em; float: right;">6</span>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 8/20/09	<b>Agenda Date</b> AUG 26 2009
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	<b>Council Districts affected:</b> C
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<b>For additional information contact:</b> J. Timothy Lincoln, P.E. Senior Assistant Director  <b>Phone:</b> (713) 837-7074	<b>Date and Identification of prior authorizing Council Action:</b> Ord. #2007-218 dated 02/14/2007
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**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$525,087.20, which is 9.63% under the original Contract Amount, accept the Work and authorize the final payment.

**Amount and Source of Funding:** No additional appropriation required.  
(Original appropriation of \$636,800.00 from Water and Sewer System Consolidated Construction Fund No. 8500.)

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's lift station rehabilitation/replacement program.

**DESCRIPTION/SCOPE:** The project consisted of rehabilitation of existing lift station, including but not limited to removal and replacement of pumps, mechanical pipes and valves, electrical equipments and concrete structures. Infrastructure Associates, Inc. designed the project with 300 calendar days allowed for construction. The project was awarded to R & B Group, Inc. with an original Contract Amount of \$581,056.00.

**LOCATION:** The project is located at 11435 Roark Rd. The project is located in Key Map Grid 569-C

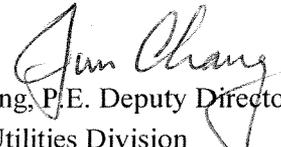
**CONTRACT COMPLETION AND COST:** The Contractor, R & B Group, Inc. has completed the Work under subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities is \$525,087.20, a decrease of \$55,968.80 or 9.63% under the original Contract Amount.

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

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

  
MSM:DRM:JTL:CWS:RC:mq  
Z:\E&C Construction\Facilities\Projects\R-000267-00F9-4 Roark #1 LS Rehab\Closeout\RCA\RCA.DOC

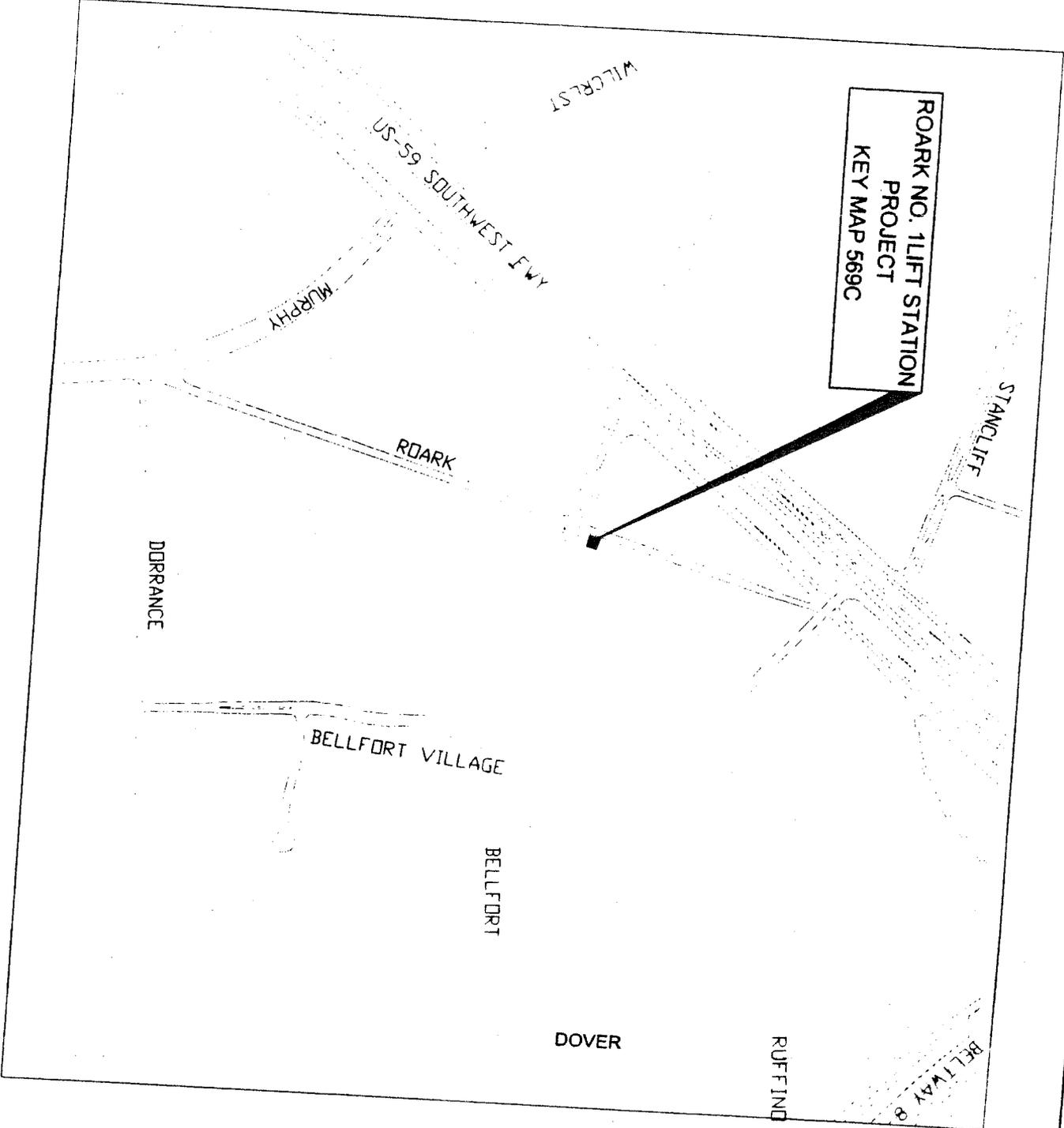
File No. R-000267-00F9-4 – Closeout

<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID# 20MZQ112</b>
<b>Finance Department:</b>	<b>Other Authorization:</b>  Jun Chang, P.E. Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

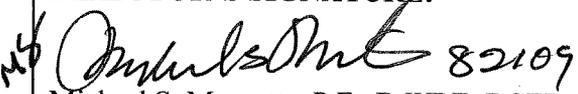
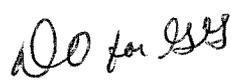
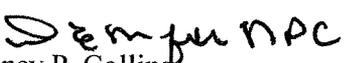
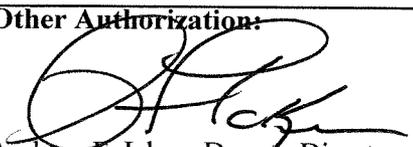
MDT

6

ROARK NO. 1 LIFT STATION  
PROJECT  
KEY MAP 569C



	CITY OF HOUSTON
	ROARK NO. 1 LIFT STATION REHABILITATION
PROJECT VICINITY MAP	
INFRASTRUCTURE ASSOCIATES, INC. 6117 RICHMOND AVENUE, SUITE 100 HOUSTON, TEXAS 77057 (713) 822-0120 PH (713) 822-0357 FAX	
WBS R-000267-00F9-4	

<b>SUBJECT:</b> Request for (A) the City's abandonment and sale of: 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) ±6,146 square feet of excess Mandell Street right-of-way, (B) the City's abandonment of the Camp Logan sanitary sewer line in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of ±18,346 square feet of land for the expansion of Richmond Avenue right-of-way; located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, and (C) approval of the Outline for Agreement which addresses various obligations between Menil and the City. <b>Parcels SY9-048A, SY9-048B, SY9-048C, SY9-048D, VY9-030A, VY9-030B, and AY9-460</b>		<b>Page</b> <u>1</u> of <u>3</u>	<b>Agenda Item #</b>  <div style="text-align: right; font-size: 2em;">7</div>
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b>	<b>Agenda Date</b>  AUG 26 2009
<b>DIRECTOR'S SIGNATURE:</b>  82109 Michael S. Marcotte, P.E., D.WRE, BCEE, Director		<b>Council District affected: D</b>  Key Map 492V and 492Z 	
<b>For additional information contact:</b>  Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director-Real Estate		<b>Date and identification of prior authorizing Council Action:</b>	
<b>RECOMMENDATION: (Summary)</b> It is recommended City Council approve a council motion authorizing (A) the City's abandonment and sale of: 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) ±6,146 square feet of excess Mandell Street right-of-way, (B) the City's abandonment of the Camp Logan sanitary sewer line in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of ±18,346 square feet of land for the expansion of Richmond Avenue right-of-way; located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, and (C) approval of the Outline for Agreement which addresses various obligations between Menil and the City. <b>Parcels SY9-048A, SY9-048B, SY9-048C, SY9-048D, VY9-030A, VY9-030B, and AY9-460</b>			
<b>Amount and Source of Funding:</b> Not Applicable			
<b>SPECIFIC EXPLANATION:</b> The Menil Foundation, Inc. (Menil), 1519 Branard Street, Houston, Texas, 77006, requested (A) the City's abandonment and sale of: 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) ±6,146 square feet of excess Mandell Street right-of-way, (B) the City's abandonment of the Camp Logan sanitary sewer line in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of ±18,346 square feet of land for the expansion of Richmond Avenue right-of-way; located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, and (C) approval of the Outline for Agreement which addresses various obligations between Menil and the City. In addition to this being beneficial to Menil, if a future agreement is entered into between Metro and Menil for a transit stops along Richmond Avenue it would serve a dual purpose of providing pedestrian and transit access to Menil.  Menil, the abutting property owner (together with its subsidiary), plans to combine the property being abandoned and sold with its abutting property for the future master re-development of its entire property bordered by Mandell Street to the west, West Alabama Street to the north, Graustark Street to the east, and Richmond Avenue to the south. This re-development may include construction of such facilities as the Menil Drawing Institute and Study Center, an auditorium, a café, additional space for Menil archives, buildings devoted to the work of individual artists, and possibly the development of income-producing properties along Richmond Avenue and in other areas.			
s:\gg\sy9-048.rcl.doc		CUIC #20GG9044 A	
<b>REQUIRED AUTHORIZATION</b>			
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division	

<b>Date:</b>	<b>Subject:</b> Request for (A) the City's abandonment and sale of: 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) ±6,146 square feet of excess Mandell Street right-of-way, (B) the City's abandonment of the Camp Logan sanitary sewer line in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of ±18,346 square feet of land for the expansion of Richmond Avenue right-of-way; located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, and (C) approval of the Outline for Agreement which addresses various obligations between Menil and the City. <b>Parcels SY9-048A, SY9-048B, SY9-048C, SY9-048D, VY9-030A, VY9-030B, and AY9-460</b>	<b>Originator's Initials</b>  <i>DD for GB</i>	<b>Page</b> <u>2</u> of <u>3</u>
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In addition, Menil will use any money owed to the City as a result of this transaction in excess of the value of the real property it (and its subsidiary) conveys to the City, for public improvements within the area of this abandonment and sale. The attached Outline for Agreement addresses this and other requirements. It is recommended City Council approve the Outline for Agreement subject to a final agreement between the City and Menil as an attachment to a final abandonment ordinance.

Signs notifying the public of the pending street abandonment application were posted for at least 30 days.

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 authorizing the abandonment and sale and approving the final agreement. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:

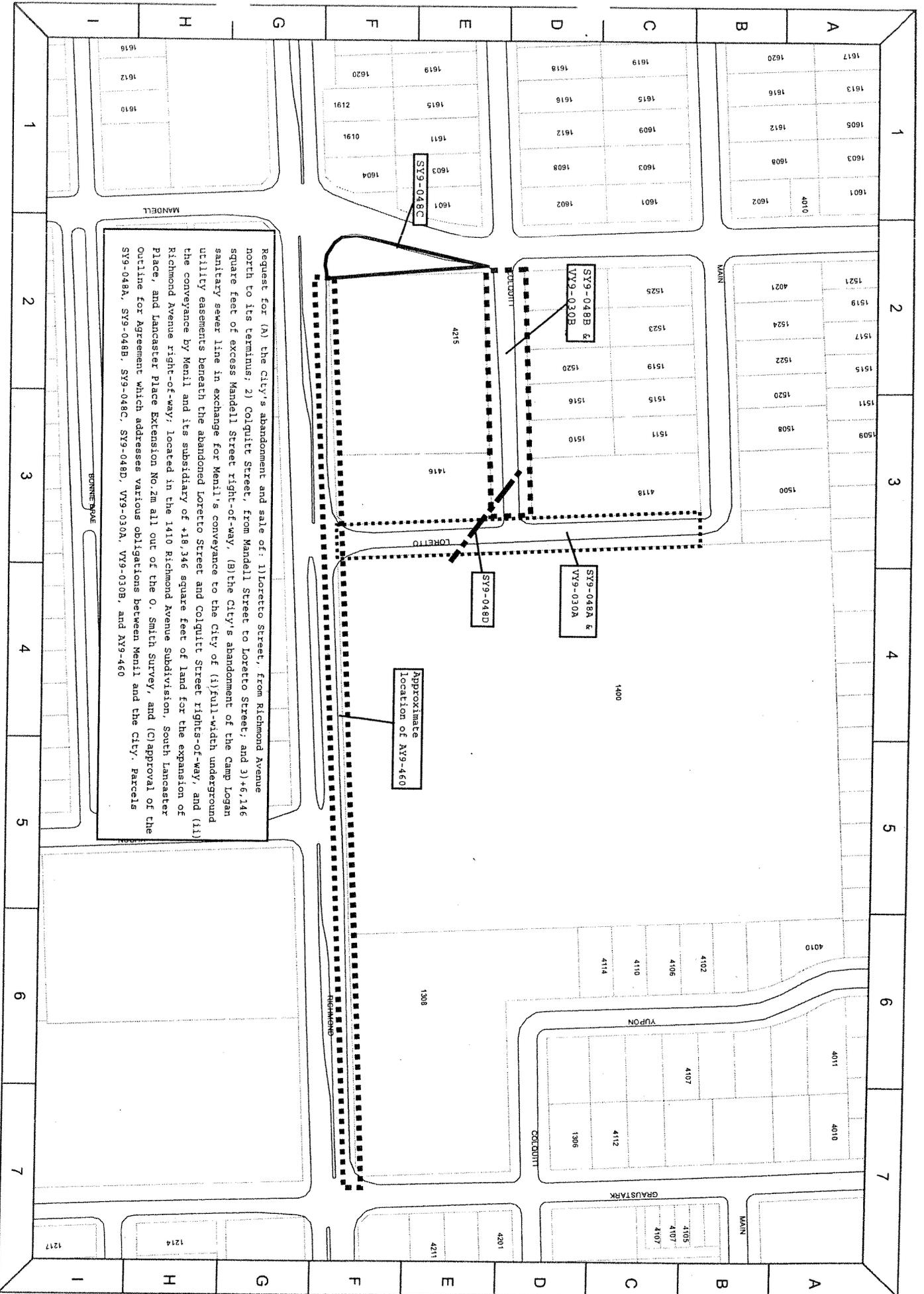
1. The City abandon and sell 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) ±6,146 square feet of excess Mandell Street right-of-way, in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of ±18,346 square feet of land for the expansion of Richmond Avenue right-of-way; located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey;
2. The City abandon the Camp Logan sanitary sewer line that crosses the Menil campus and is no longer used for sanitary sewer purposes;
3. The City approve the Outline for Agreement which addresses the requirements in item 1 above in addition to the obligations between Menil and the City;
4. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
5. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the excess Mandell Street right-of-way being sold;
6. The applicant be required to: (a) cut, plug, and abandon, the 8-inch water line and the 8-inch sanitary sewer line within the excess Mandell Street right-of-way and relocate these lines into the remaining Mandell Street right-of-way and (b) cut, plug and abandon or convert to private service the active 6-inch sanitary sewer line located within the block between Colquitt Street and Richmond Avenue. All of the foregoing requirements must be completed under the proper permits and at no cost to the City;
7. The applicant be required to: (a) eliminate the public street appearance of Loretto Street at Richmond Avenue and Colquitt Street at Mandell Street; (b) If Metro constructs the University Line, request Metro to remove the left turn storage lane and median opening on Richmond Avenue that currently serves Loretto Street and restore raised center esplanade including curbing, and replace dirt and grass to match adjacent sections of Richmond Avenue; (c) either (i) dedicate sufficient right-of-way for and construct a cul-de-sac per City standards at the new dead end of West Main Street at a location to be determined prior to the Loretto Street abandonment and sale; or (ii) dedicate sufficient right-of-way for and construct new pavement, curbs and sidewalk to extend West Main Street between Loretto Street and Graustark Street; neither the construction of a cul-de-sac nor the extension of West Main Street will result in a credit against the cost of the abandonment and sale; and (d) install a dead end warning sign for eastbound traffic on West Main Street at Mandell Street, if option (i) is selected. All of the foregoing requirements must be completed under the proper permits and at no cost to the City;
8. The applicant be required to prepare drawings that show all public utilities (sanitary sewer and water) and right-of-way (cul-de-sac or street extension) that are to be abandoned, relocated, and/or constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval;

<b>Date:</b>	<b>Subject:</b> Request for the (A) the City's abandonment and sale of: 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) ±6,146 square feet of excess Mandell Street right-of-way, (B) the City's abandonment of the Camp Logan sanitary sewer line in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of ±18,346 square feet of land for the expansion of Richmond Avenue right-of-way; located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, and (C) approval of the Outline for Agreement which addresses various obligations between Menil and the City. <b>Parcels SY9-048A, SY9-048B, SY9-048C, SY9-048D, VY9-030A, VY9-030B, and AY9-460</b>	<b>Originator's Initials</b>  	<b>Page</b> <u>3</u> of <u>3</u>
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9. In the interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost for work required in Item 6 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide a LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the closing date of the real estate transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC; subject to further extensions listed in the final agreement.
10. The Legal Department be authorized to prepare the necessary transaction documents; and,
11. 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 Ronald P. Little and Joseph R. Stanfield, independent appraisers appointed by the Director of Public Works and Engineering.

NPC:WSB:gg

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



Request for (A) the City's abandonment and sale of: 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) \*6,146 square feet of excess Mandell Street right-of-way, (B) the City's abandonment of the Camp Logan sanitary sewer line in exchange for Menil's conveyance to the City of (1) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (11) the conveyance by Menil and its subsidiary of +18,346 square feet of land for the expansion of Richmond Avenue right-of-way, located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No.2m all out of the O. Smith Survey, and (C) approval of the Outline for Agreement which addresses various obligations between Menil and the City. Parcels SY9-048A, SY9-048B, SY9-048C, SY9-048D, VY9-030A, VY9-030B, and AY9-460

1 inch equals 190 feet



# CITY OF HOUSTON

Department of Public Works & Engineering  
 Geographic Information & Management System (GIMS)

DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY. THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS. FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.

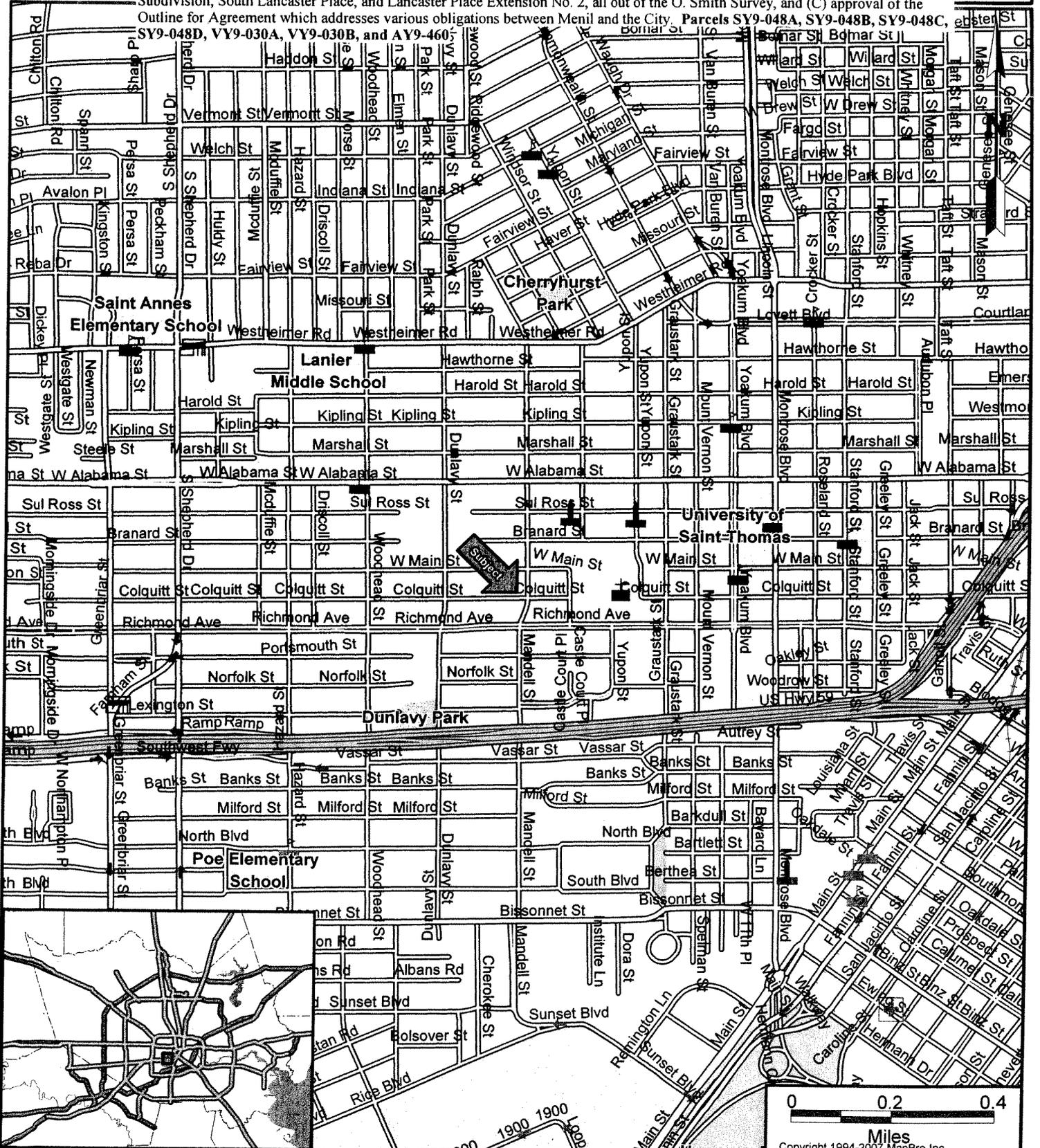


# LOCATION MAP

**Description:** Request for (A) the City's abandonment and sale of: 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) ±6,146 square feet of excess Mandell Street right-of-way, (B) the City's abandonment of the Camp Logan sanitary sewer line in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of ±18,346 square feet of land for the expansion of Richmond Avenue right-of-way; located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, and (C) approval of the Outline for Agreement which addresses various obligations between Menil and the City. **Parcels SY9-048A, SY9-048B, SY9-048C, SY9-048D, VY9-030A, VY9-030B, and AY9-460;**

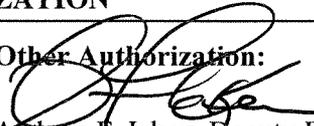
**Subject Address:**

**Prepared by:**



**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.

<b>SUBJECT:</b> Request for the abandonment and sale of a 14-foot-wide utility easement located within Lots 1, 2, 3, 4, and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544. <b>Parcel SY9-096</b>		<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b> 8
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b> 8/20/09	<b>Agenda Date</b> AUG 26 2009
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE, Director		<b>Council District affected:</b> A  <b>Key Map:</b> 452E 	
<b>For additional information contact:</b>   Nancy P. Collins <b>Phone:</b> (713) 837-0881 Senior Assistant Director-Real Estate		<b>Date and identification of prior authorizing Council Action:</b>	
<b>RECOMMENDATION: (Summary)</b> It is recommended City Council approve a motion authorizing the abandonment and sale of a 14-foot-wide utility easement located within Lots 1, 2, 3, 4, and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544. <b>Parcel SY9-096</b>			
<b>Amount and Source of Funding:</b> Not Applicable			
<b>SPECIFIC EXPLANATION:</b>  William Bickerstaff of W. W. Bickerstaff and Associates, Incorporated, 3100 Edloe Street, Suite 290, Houston, Texas 77027, on behalf of Candlelight Development Joint Venture (Alvin L. Freeman, Manager and Tom L. Shepard, Manager), requested the abandonment and sale a 14-foot-wide utility easement located within Lots 1, 2, 3, 4, and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544. Candlelight Development Joint Venture, the property owner, plans to build single family homes on the site.  This transaction is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an Ordinance effecting the abandonment and sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:  <ol style="list-style-type: none"> <li>1. The City abandon and sell a 14-foot-wide utility easement located within Lots 1, 2, 3, 4, and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544;</li> <li>2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;</li> <li>3. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the subject property being abandoned and sold;</li> <li>4. The Legal Department be authorized to prepare the necessary transaction documents; and</li> </ol>			
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<b>REQUIRED AUTHORIZATION</b>			
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division	

<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of a 14-foot-wide utility easement located within Lots 1, 2, 3, 4, and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544. <b>Parcel SY9-096</b>	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
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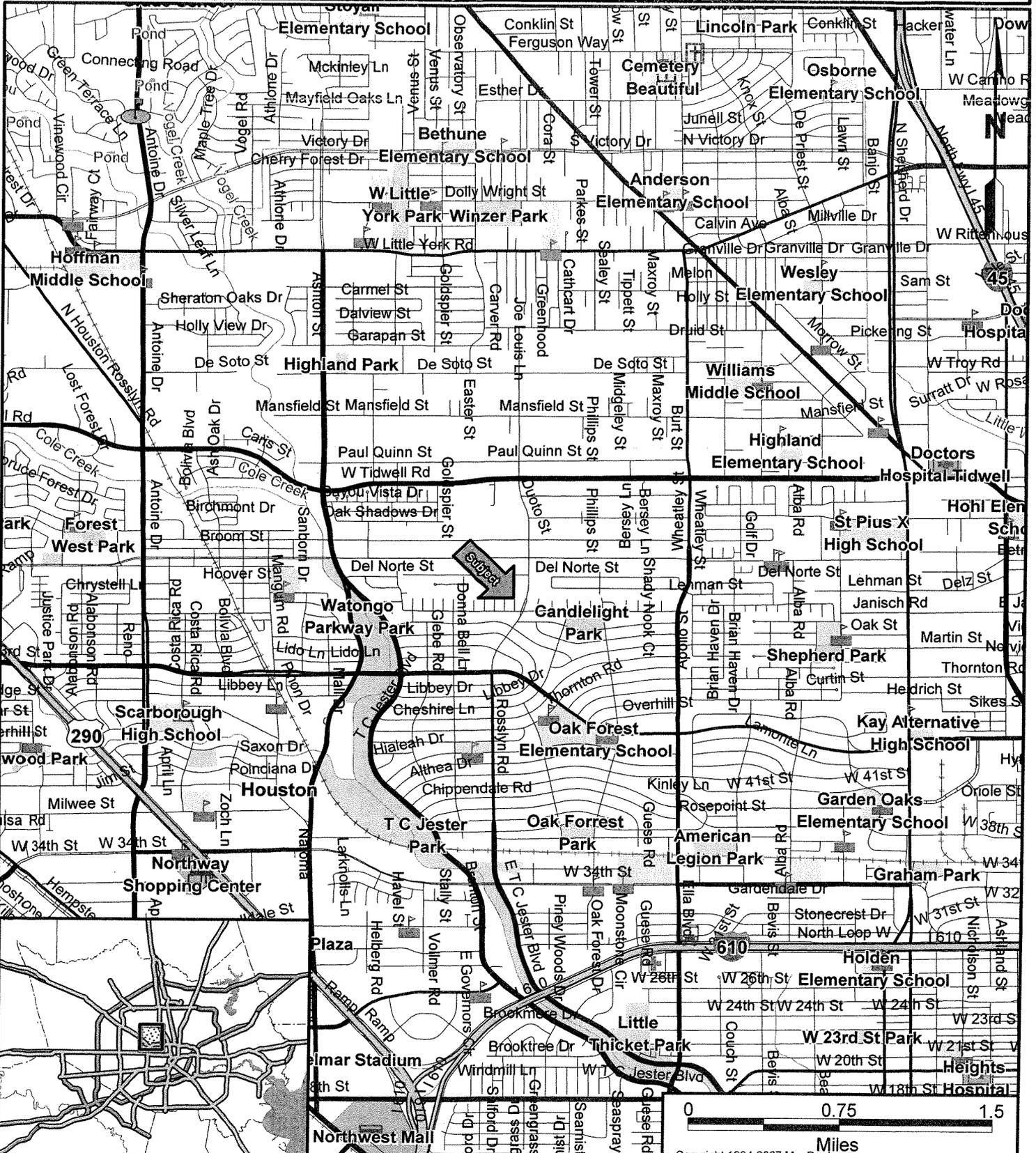
5. In as much as the value of the City's property interest is not expected to exceed \$50,000.00, that the value be established by a City staff appraiser or an independent appraiser appointed by the Director of Public Works and Engineering.

MSM:NPC:tj

c: Phil Boriskie  
Jun Chang, P.E.  
Marlene Gafrick  
Daniel Menendez, P.E.  
Arturo G. Michel  
Marty Stein

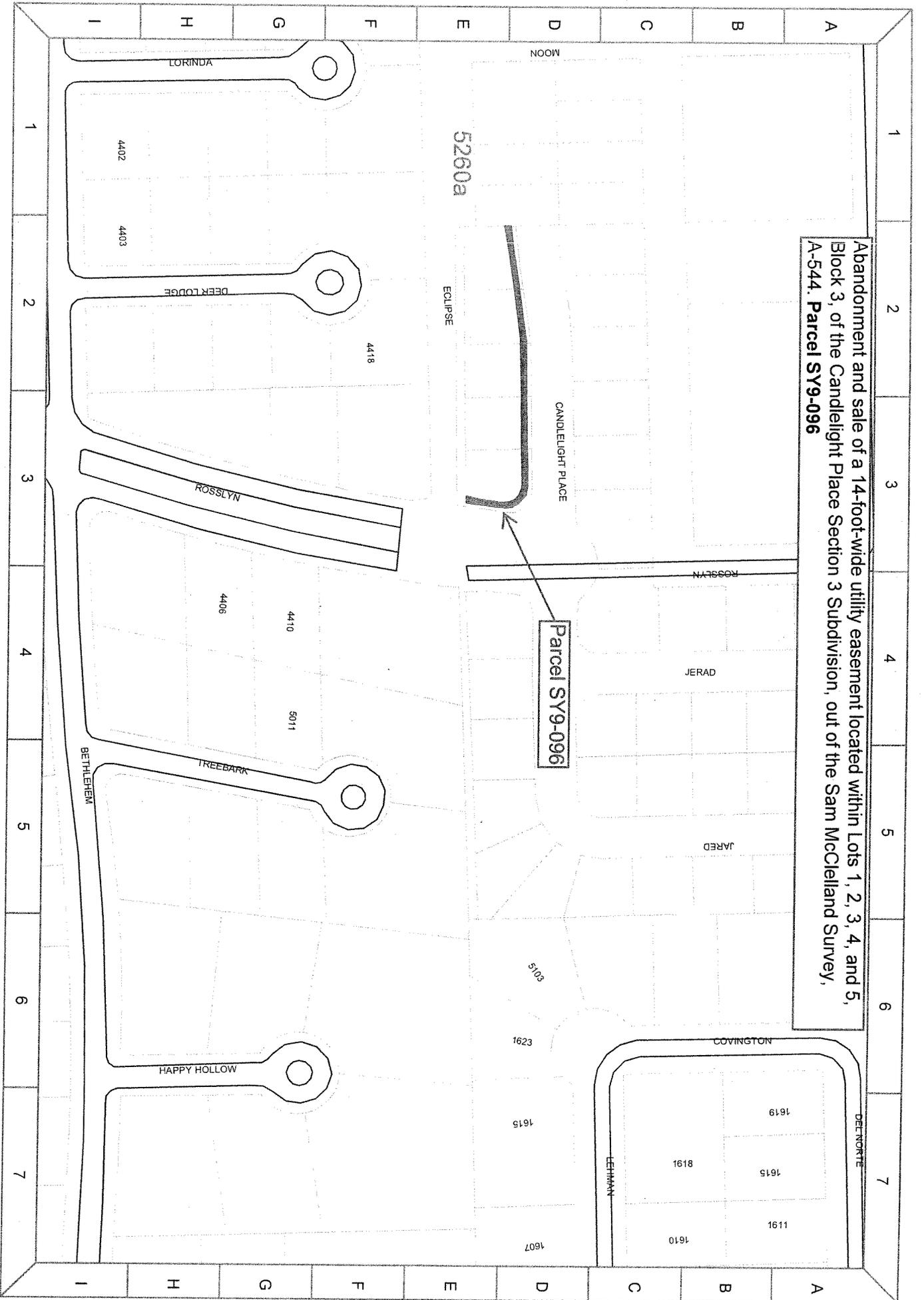
# LOCATION MAP

**Description:** Abandonment and sale of a 14-foot-wide utility easement located within Lots 1, 2, 3, 4, and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544. **Parcel SY9-096**

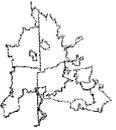


**CAUTION:** The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

Abandonment and sale of a 14-foot-wide utility easement located within Lots 1, 2, 3, 4, and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544. Parcel SY9-096



1 inch equals 150 feet



# CITY OF HOUSTON

Department of Public Works & Engineering  
 Geographic Information & Management System (GIMS)

DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY. THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS. FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.



<b>SUBJECT:</b> Sale of a 10-foot-wide water line easement, a 15-foot by 45-foot-wide water meter easement, and a 15-foot-wide temporary construction easement, all located within the Willowbrook Regional Wastewater Treatment Plant Subdivision, out of the W. H. York Survey, A-943. <b>Parcels SY10-003A, SY10-003B, and SY10-003C</b>	Page <u>1</u> of <u>1</u>	Agenda Item # <div style="text-align: right; font-size: 2em;">9</div>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 8/20/09	<b>Agenda Date</b> AUG 26 2009
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	<b>Council District affected:</b> A  Key Map 370K
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<b>For additional information contact:</b> Nancy P. Collins <b>Phone:</b> (713) 837-0881  Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve a Motion authorizing the sale of a 10-foot-wide water line easement, a 15-foot by 45-foot-wide water meter easement, and a 15-foot-wide temporary construction easement, all located within the Willowbrook Regional Wastewater Treatment Plant Subdivision, out of the W. H. York Survey, A-943. **Parcels SY10-003A, SY10-003B, and SY10-003C**

**Amount and Source of Funding:** Not Applicable

**SPECIFIC EXPLANATION:**  
 Dennis W. Sander, P.E., Sander Engineering Corp., 10555 Richmond Avenue, Suite 100, Houston, Texas, 77042, on behalf of Cy-Champ Public Utility District (Ron Walkoviak, President) requested the sale of a 10-foot-wide water line easement, a 15-foot by 45-foot-wide water meter easement, and a 15-foot-wide temporary construction easement, all located within the Willowbrook Regional Wastewater Treatment Plant Subdivision, out of the W. H. York Survey, A-943. Cy-Champ Public Utility District plans to extend its fresh water service for development within its district, and needs to cross fee-owned City property located within the Willowbrook Regional Wastewater Treatment Plant site. Clearance was obtained from the Wastewater Operations Branch, Department of Public Works and Engineering.

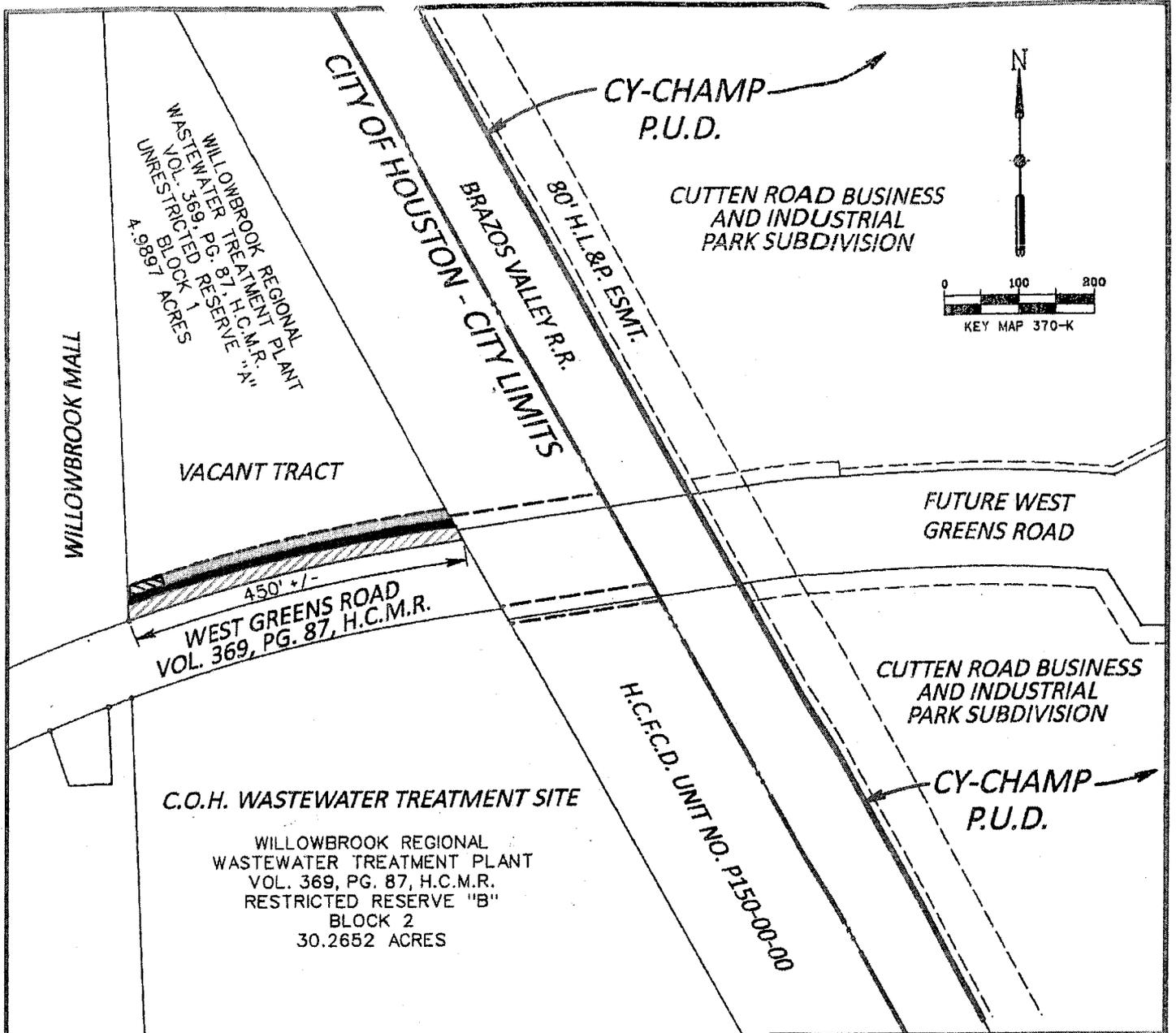
This is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an Ordinance effecting the sale. The Joint Referral Committee reviewed and approved this request; therefore, it is recommended:

1. The City sell a 10-foot-wide water line easement, a 15-foot by 45-foot-wide water meter easement, and a 15-foot-wide temporary construction easement, all located within the Willowbrook Regional Wastewater Treatment Plant Subdivision, out of the W. H. York Survey, A-943;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The Legal Department be authorized to prepare the necessary transaction documents; and,
4. Inasmuch as the value of the property interests is not expected to exceed \$1,000,000.00, that the value be established by Robert L. Stanley, an independent appraiser appointed by the Director of Public Works and Engineering.

MSM: NPC: dob  
  
 c: Phil Boriskie  
 Jun Chang, P.E.  
 Marlene Gafrick  
 Arturo G. Michel  
 Marty Stein

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REQUIRED AUTHORIZATION		
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division



**LEGEND**

-  EXISTING 20' UTILITY EASEMENT
-  PROPOSED 10' WATER LINE EASEMENT SY10-003A
-  PROPOSED 15' X 45' WATER METER EASEMENT SY10-003B
-  PROPOSED 15' TEMPORARY CONSTRUCTION EASEMENT SY10-003C

**SANDER ENGINEERING CORPORATION**

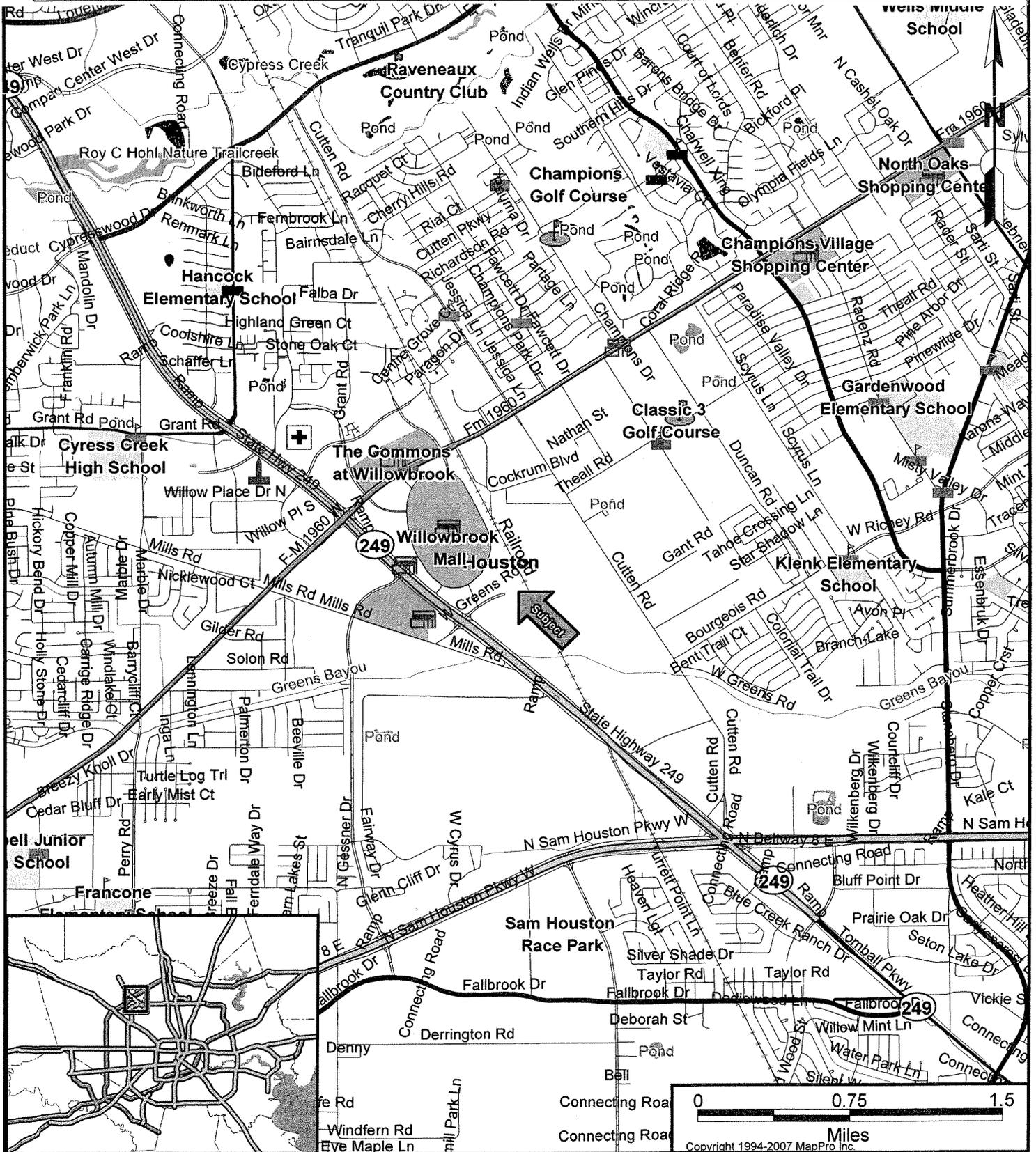
10666 RICHMOND, SUITE 100  
HOUSTON TEXAS, 77042  
(713) 784-4830

TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM NO. F-517

**SUBJECT:** Sale of a 10-foot-wide water line easement, a 15-foot by 45-foot-wide water meter easement, and a 15-foot-wide temporary construction easement, all located within the Willowbrook Regional Wastewater Treatment Plant Subdivision, out of the W. H. York Survey, A-943. **Parcels SY10-003A, SY10-003B, and SY10-003C**

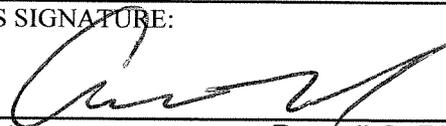
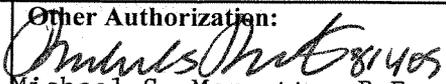
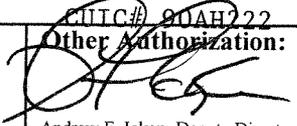
# LOCATION MAP

**SUBJECT:** Sale of a 10-foot-wide water line easement, a 15-foot by 45-foot-wide water meter easement, and a 15-foot-wide temporary construction easement, all located within the Willowbrook Regional Wastewater Treatment Plant Subdivision, out of the W. H. York Survey, A-943. **Parcels SY10-003A, SY10-003B, and SY10-003C**



**CAUTION:**

The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

SUBJECT: Parcel AY7-074; City of Houston v. Turnkey, Inc., a Texas corporation, et al., Cause No. 936,744; Parker Road Paving Improvements Project (Fulton - Hardy); WBS/CIP No. N-000620-0001-2-01; L.D. File No. 052-0800050-010		Page 1 of 2	Agenda Item #  <b>10</b>
FROM (Department or other point of origin): Legal Department - Real Estate Division Arturo Michel, City Attorney		Origination Date 07/14/09	Agenda Date  AUG 26 2009
DIRECTOR'S SIGNATURE: 		Council District affected:  "H" Edward Gonzalez; Key Map 413X	
For additional information contact: Russell G. Richardson <i>rel</i> Phone: 832.393.6285 (alternatively Joseph N. Quintal 832.393.6286)		Date and identification of prior authorizing Council action: Authorizing Ord.# 2008-1075, psd. 12/03/08; BAO# 2007-1067, psd. 9/19/07	
<b>RECOMMENDATION:</b> (Summary) That the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay all costs of court and pursue the City's objections to the Award of Special Commissioners. Funding will be provided by a previously approved blanket Appropriation Ordinance.			
Amount and Source of Funding: \$53,747.00; No appropriation needed as funding will be provided by previously approved Appropriation Ordinance No. 2007-1067, psd. 9/19/07. Street & Bridge Consolidated Construction Fund (4506)			
<b>SPECIFIC EXPLANATION:</b>  The project will provide for right-of-way acquisition, engineering and construction of two 24 foot-wide concrete roadways with curbs, sidewalks, street lighting and the necessary underground utilities. The project will improve traffic circulation and drainage in the service area.  This eminent domain proceeding involves the acquisition of a permanent easement in and to a parcel of land containing 916 square feet (0.0210 acre) of land located at 58 Parker Road. The property is improved with a one story, single family residential structure that has been converted into a home base of a commercial business (i.e general construction contractor). The property is owned by Turnkey Inc., a Texas corporation. The landowners' representative rejected the City's final offer of \$20,861.00 to purchase the property, but did not submit a formal counter-offer. Efforts by Public Works & Engineering to purchase the property were unsuccessful, and the matter was referred to the Legal Department to initiate eminent domain proceedings. The Legal Department retained the same appraiser utilized by Public Works & Engineering in making the final offer to update the appraisal report and testify at the Special Commissioners' Hearing.  <b>Property:</b> 916 square feet (0.0210 acre) permanent easement  <b>City's Testimony for the Special Commissioners:</b> \$20,861.00 (i.e. \$3.90 psf for the land being acquired, \$1,724.00 for the concrete improvements within the taking and \$15,565.00 as damages to the remainder and in the form of costs to cure)  <b>Landowner's Testimony for the Special Commissioners:</b> \$76,516.45 (i.e. \$5.79 psf for the land being acquired; and \$71,220.00 for various forms of damages to the remainder)			
h:\mark\turnkeyrca.wpd		<b>REQUIRED AUTHORIZATION</b>	
Other Authorization:		Other Authorization:	
 Michael S. Marcotte, P.E., D.WRE, BCEE, Director		CUTC# 80AH222  Andrew F. Icken, Deputy Director Planning and Development Services Division	

Date 07/14/09	SUBJECT: Parcel AY7-074; Parker Road Paving Improvements Project (WBS#N-000620-0001-2); LD File#052-0800050-010	Originator's Initials RGR/JNQ	Page _ 2 _ of _ 2 _
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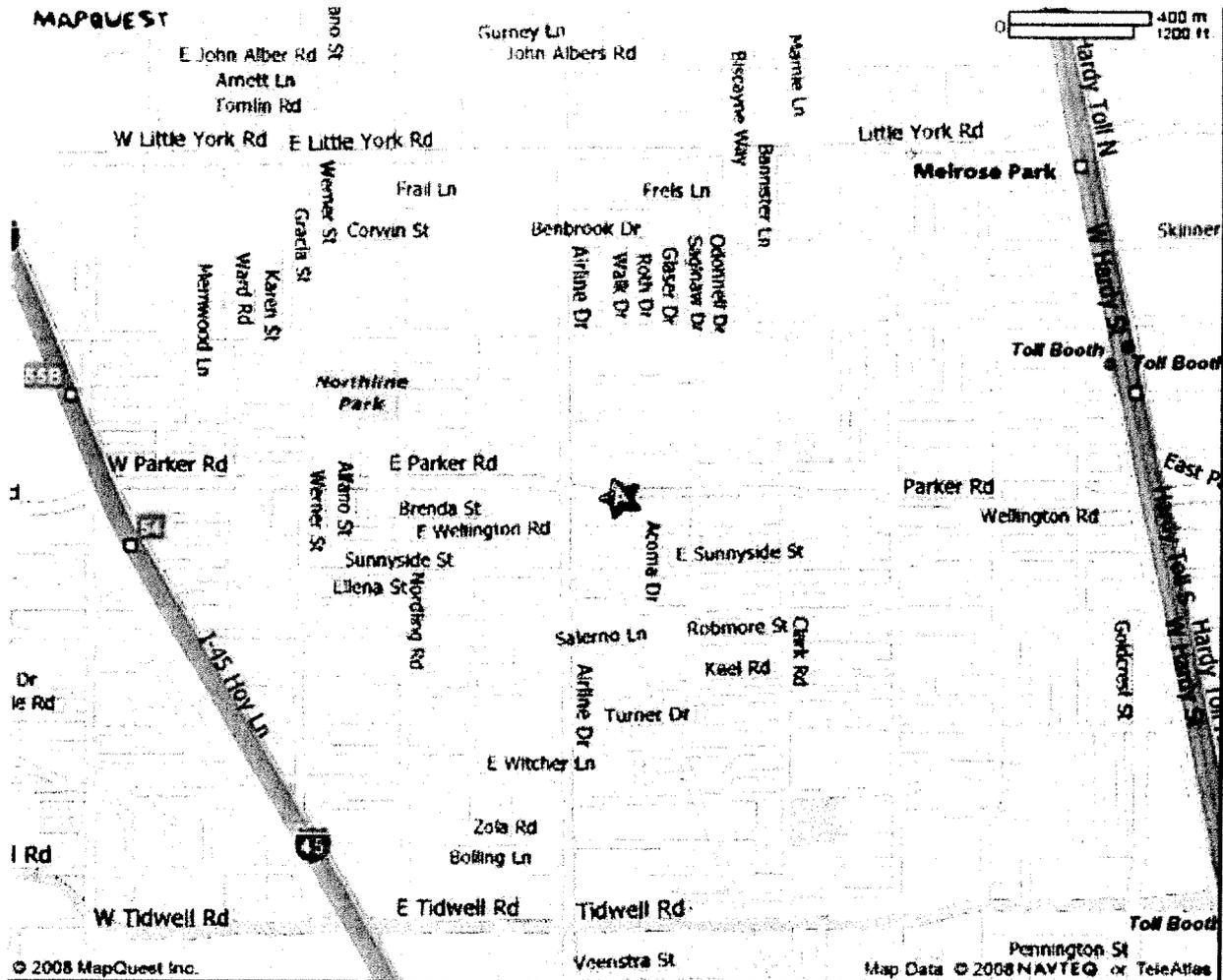
Prior to the commencement of the Special Commissioners' Hearing, the Legal Department's attorney and the landowner's representative arrived at a tentative resolution of some matters and issues in controversy and asked the Special Commissioners to return an Award of \$49,900.00.

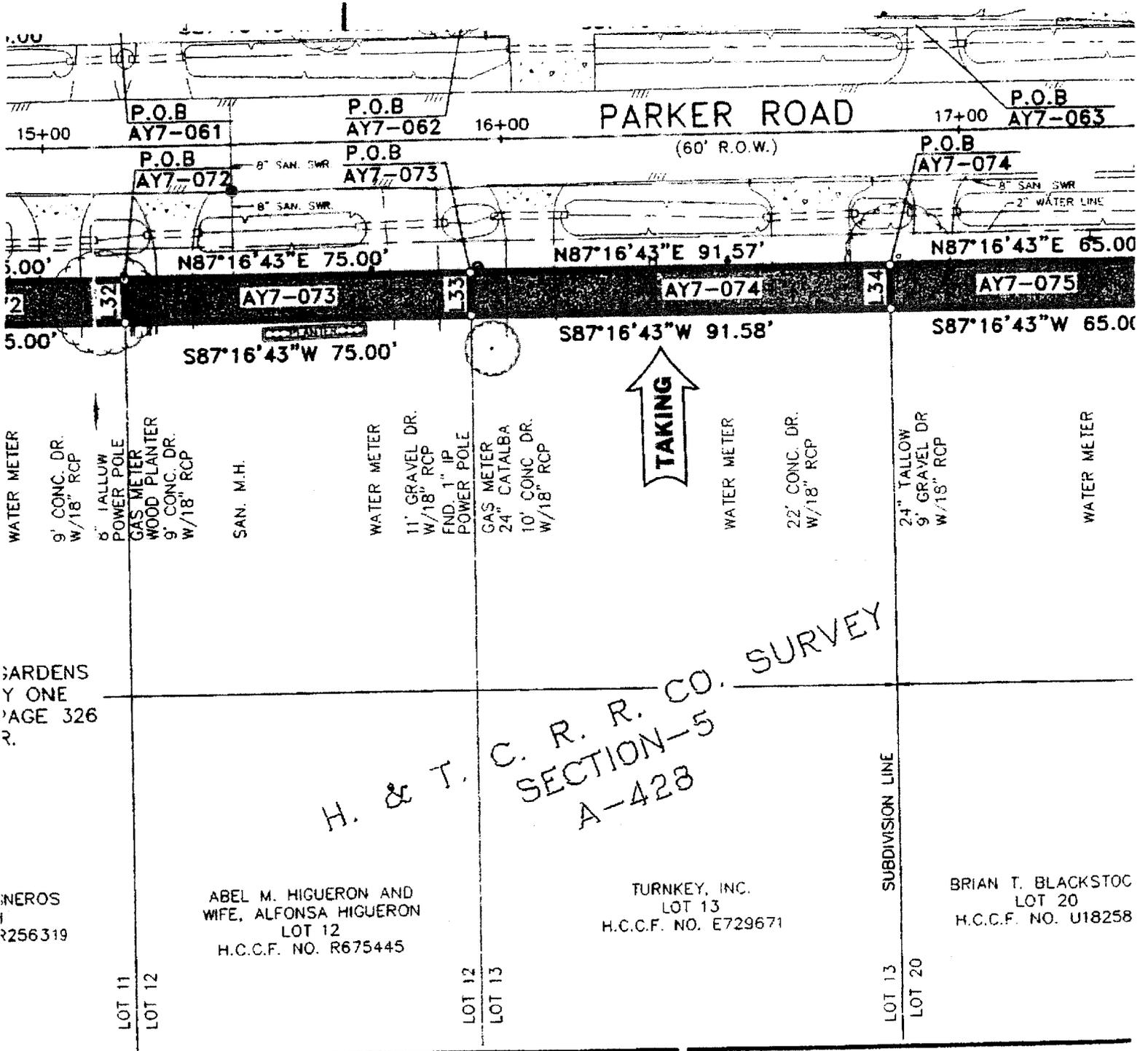
**Award of Special Commissioners:** \$49,900.00. The Legal Department filed Objections to the Award of Special Commissioners to preserve the City's legal and procedural options and the matter has been placed on the Court's trial docket.

The "**Costs of Court**" are as follows, to wit: \$172.00 filing fee; \$1,350.00 Special Commissioners' fees (i.e. \$450.00 x 3); \$75.00 Service of process; \$2,250.00 Appraiser's fee; **Total:** \$3,847.00. These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed herein.

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

LOCATION MAP



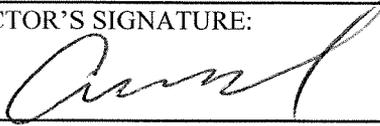
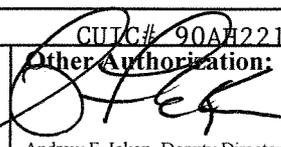


**80 FOOT R.O.W. WIDENING TABLE**

TAKING	OWNER	DEED
750 SQ. FT.	MAURICE C. FINKE	VOL. 3224, PG 478
750 SQ. FT.	ELIDA DE LA FUENTE	M392243
750 SQ. FT.	GABRIEL ROMERO ALVAREZ AND WIFE, GUADALUPE ALVAREZ	N444611
750 SQ. FT.	V. A. BOYSEN	J216365
915 SQ. FT.	GUADALUPE ALVAREZ	Y539886
650 SQ. FT.	FREDDY J. MEDRANO AND WIFE, RAMONA DELGADO MEDRANO	S139553
650 SQ. FT.	ESCALANTE CONSTRUCTION, INC.	T309780
750 SQ. FT.	ROBERT C. LANE	913055

**POINT OF BE**

PARCEL NO.	NORTH (Y)	EAST (X)
AY7-059	13,879,076.01	3,115,570.
AY7-060	13,879,079.57	3,115,645.
AY7-061	13,879,083.14	3,115,720.
AY7-062	13,879,086.70	3,115,795.
AY7-063	13,879,091.04	3,115,886.
AY7-064	13,879,094.13	3,115,951.
AY7-065	13,879,097.21	3,116,016.
AY7-066	13,879,100.25	3,116,080
AY7-067	13,879,103.10	3,116,140
AY7-068	13,879,106.19	3,116,205

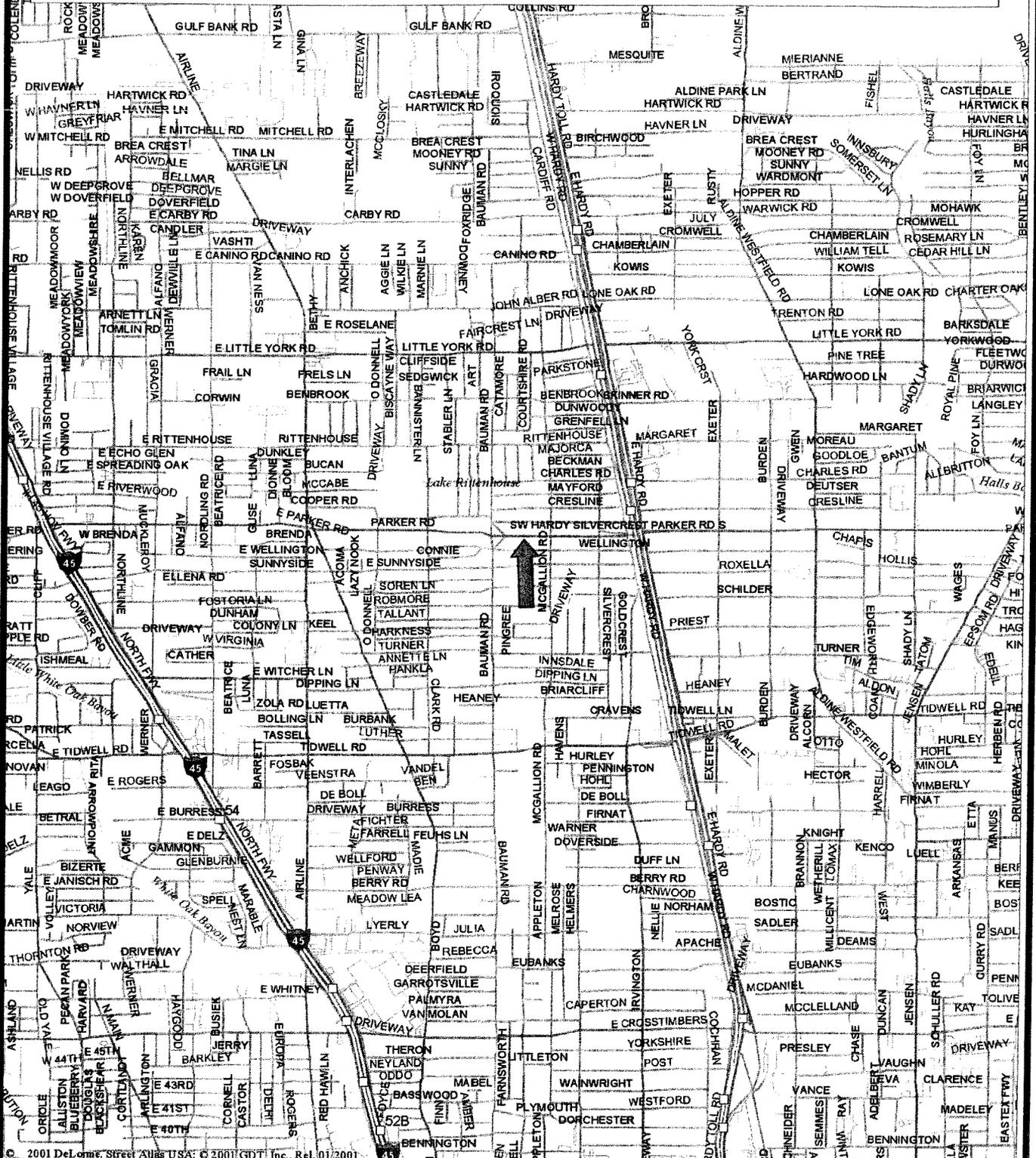
SUBJECT: Parcel AY7-176; City of Houston v. Norberto Orozco and Maria Orozco, et al., Cause No. 939,741; Parker Road Paving Improvements Project (Fulton - Hardy); WBS/CIP No. N-000620-0001-2-01; L.D. File No. 052-0800050-010		Page 1 of 2	Agenda Item #  11
FROM (Department or other point of origin): Legal Department - Real Estate Division Arturo Michel, City Attorney		Origination Date 07/14/09	Agenda Date  AUG 26 2009
DIRECTOR'S SIGNATURE: 		Council District affected:  "H" Edward Gonzalez; Key Map 413Y	
For additional information contact: Joseph N. Quintal Phone: 832.393.6286 (alternatively Russell G. Richardson 832.393.6285)		Date and identification of prior authorizing Council action: Authorizing Ord.# 2008-1075, psd. 12/03/08; BAO# 2007-1067, psd. 9/19/07	
<p><u>RECOMMENDATION:</u> (Summary)</p> <p>That the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay all costs of court and enter Judgment on the amount of the Award of Special Commissioners. Funding will be provided by a previously approved blanket Appropriation Ordinance.</p>			
<p>Amount and Source of Funding: \$53,522.00; No appropriation needed as funding will be provided by previously approved Appropriation Ordinance No. 2007-1067, psd. 9/19/07. Street &amp; Bridge Consolidated Construction Fund (4506)</p>			
<p><u>SPECIFIC EXPLANATION:</u></p> <p>The project will provide for right-of-way acquisition, engineering and construction of two 24 foot-wide concrete roadways with curbs, sidewalks, street lighting and the necessary underground utilities. The project will improve traffic circulation and drainage in the service area.</p> <p>This eminent domain proceeding involves the acquisition of a permanent easement in and to a parcel of land containing 600 square feet (0.0138 acre) of land located at 606 Parker Road. The property is improved with a 1,713 square foot, two story, single family residence. The property is owned by Norberto and Maria Orozco. The landowners' accepted the City's final offer of \$44,742.00 to purchase the property, but their lienholder failed to provide Public Works &amp; Engineering with a executed Lienholder's Acknowledgment and Subordination Agreement in a timely manner and the matter was referred to the Legal Department to initiate eminent domain proceedings. The Legal Department retained the same appraiser utilized by Public Works &amp; Engineering in making the final offer to update the appraisal report and testify at the Special Commissioners' Hearing.</p> <p><b>Property:</b> 600 square feet (0.0138 acre) permanent easement</p> <p><b>City's Testimony for the Special Commissioners:</b> \$48,935.00 (i.e. \$4.50 psf for the land being acquired, \$15,371.00 for the depreciated value of the improvements within the taking, \$25,574.00 as damages to the remainder and \$5,290.00 as damages in the form of costs to cure)</p> <p><b>Award of Special Commissioners:</b> \$48,935.00 or the same as the City testimony.</p>			
h:\marklorozcorca.wpd		<b>REQUIRED AUTHORIZATION</b>	
Other Authorization:		<p style="text-align: right;">CUTG# 90A#221</p> <p>Other Authorization:</p> <p> Michael S. Marcotte, P.E., D.WRE, BCEE, Director</p> <p> Andrew F. Icken, Deputy Director Planning and Development Services Division</p>	

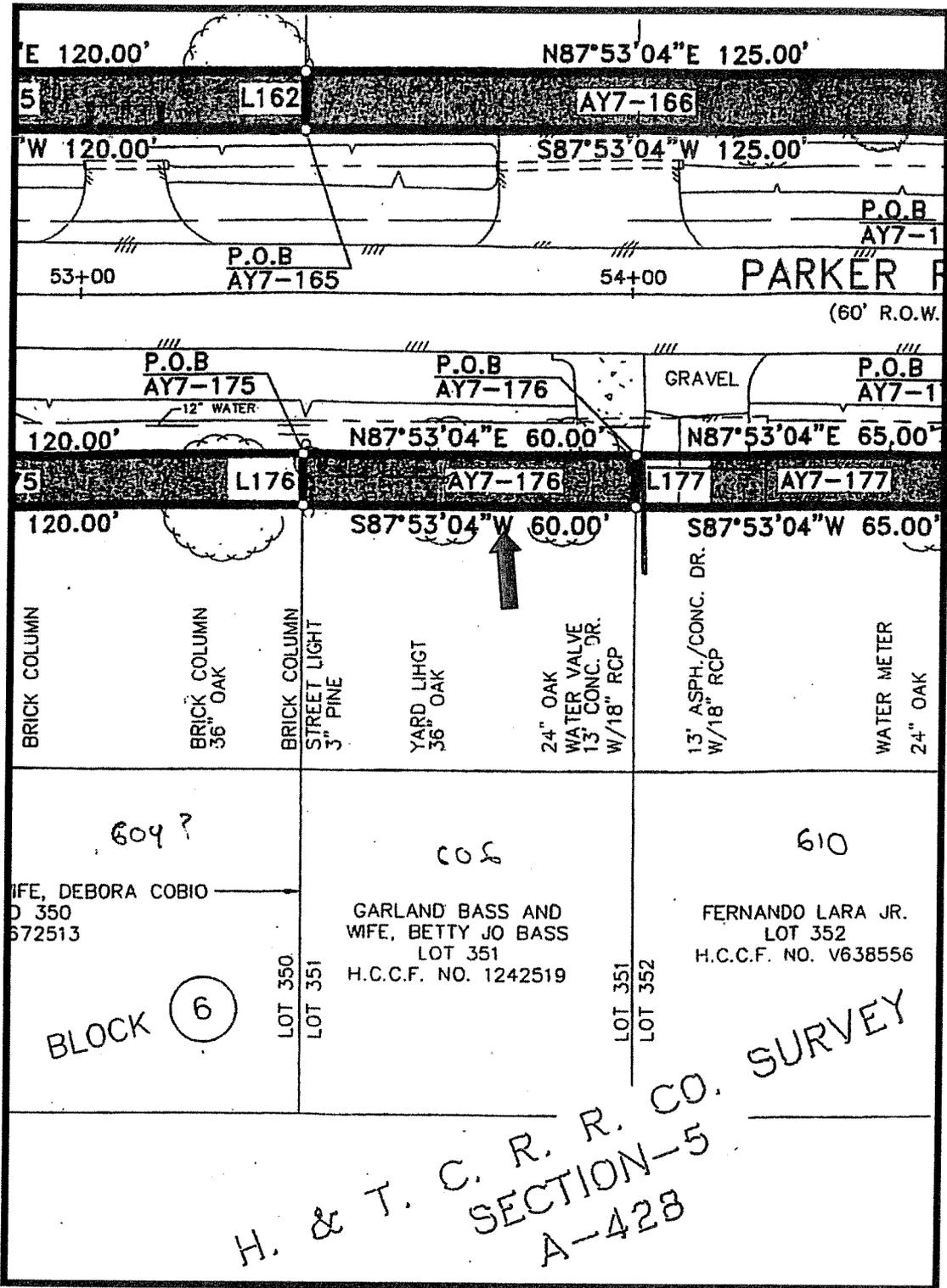
Date 07/14/09	SUBJECT: Parcel AY7-176; City v. Orozco; Parker Road Paving Improvements Project (WBS#N- 000620-0001-2); LD File#052-0800050-010	Originator's Initials JNQ/RGR	Page _ 2 _ of _ 2 _
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The "**Costs of Court**" are as follows, to wit: \$172.00 filing fee; \$1,500.00 Special Commissioners' fees (i.e. \$500.00 x 3); \$415.00 Service of process; \$2,500.00 Appraiser's fee; **Total: \$4,587.00**. These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed herein.

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

# NEIGHBORHOOD MAP





**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8449**

**Subject:** Emergency City Hall Storm Sewer Repairs and Modification Services for the General Services Department  
S12-E23380

Category #  
1 & 4

Page 1 of 2

Agenda Item

*12/12A*

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

**Origination Date**  
August 19, 2009

**Agenda Date**  
AUG 26 2009

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

**Council District(s) affected**  
1

**For additional information contact:**  
Jacquelyn L. Nisby Phone: (832) 393-8023  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the appropriation of \$885,750.66 from the General Government Consolidated Construction Fund (Fund 4509) and approve payment to Walter P. Moore, in the total amount of \$62,900.00 for professional surveyor, civil, traffic, structural and electrical engineering inspection and design services, and Jamail & Smith Construction in the total amount of \$780,672.06 and contingencies (5.40% for unforeseen changes in the scope of work) in the amount of \$42,178.60 for a total amount not to exceed \$822,850.66 for storm sewer and moat repair and modifications, and storm water lift station installation services for the General Services Department.

**Finance Budget**

\$885,750.66 - General Government Consolidated Construction Fund 4509 (WBS D-000113-0008-4-01)

**SPECIFIC EXPLANATION:**

The City Purchasing agent recommends that City Council approve an ordinance authorizing the appropriation of \$885,750.66 from the General Government Consolidated Construction Fund (Fund 4509). It is further recommended that City Council approve payment to Walter P. Moore in the total amount of \$62,900.00 for professional surveying, civil, traffic, structural and electrical engineering inspection and design services, and Jamail & Smith Construction in the total amount of \$780,672.06 and contingencies (5.40% for unforeseen changes in the scope of work) in the amount of \$42,178.60 for a total amount not to exceed \$822,850.66 for storm sewer and moat repair and modifications, and storm sewer lift station installation for the General Services Department.

On April 17, 2009, the City Hall building's emergency storm water pumping system failed and the surrounding storm sewer moat was quickly overwhelmed by rain water which flooded the basement area and posed an immediate safety threat to City Hall personnel and the visiting public. Upon inspection by City engineers, it was determined that the City Hall storm drain and the emergency storm water pumping system was woefully inadequate and would continue to fail during major rain events, resulting in costly water extraction, mold remediation, biocide, steam cleaning and removal of carpets, replacement of cove base, sheetrock and paint as well as deterioration of the building's foundation, surrounding pavement and nearby roadway sub-base materials. The Strategic Purchasing Division issued a purchase order to address the emergency.

The scope of work required Walter P. Moore to provide professional structural and topographic surveying, civil, traffic, structural and electrical inspection and engineering, and storm drain and moat modification design services necessary to repair and modify the City Hall storm sewer moat and emergency pumping system. The engineering, building and storm sewer moat and storm water lift station design plans that were prepared by Walter P. Moore were given to Jamail & Smith Construction, which enabled this contractor to provide all necessary labor, materials, equipment, City permits, insurance, bonds, supervision and transportation necessary to perform emergency storm sewer pipe removal and installation, moat repairs and modifications, and install the required storm water lift station.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*NOT*

*MS*

*mgf*

*MS*

Date: 8/19/2009	Subject: Emergency City Hall Storm Sewer Repairs and Modification Services for the General Services Department S12-E23380	Originator's Initials MK	Page 2 of 2
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The work included immediately securing the work site area with 350 linear feet of chain link fencing, barricades and signage, digging exploratory holes, removing concrete and dirt in order to expose and replace damaged 6" pipe, and install 12" piping, 18" gravity flow lines and 8" force feed lines. Additionally, the contractor was required to repair and modify the existing storm sewer moat surrounding the City Hall building, reinforce the modified moat with concrete and steel plating, and install the electrical conduit, wires and phase-breakers necessary to connect and operate the storm water lift station in accordance with the engineering plans and design specifications.

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (2) of the Texas Local Government Code for exempted procurements.

Buyer: Martin L. King

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8336**

**Subject:** Sole Bid received for McNeilus Refuse Body Replacement Parts & Repair Services for the Solid Waste Management Department S40-S23290

Category #  
4

Page 1 of 1

Agenda Item

**13**

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

**Origination Date**  
August 17, 2009

**Agenda Date**  
AUG 26 2009

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

**Council District(s) affected**  
All

**For additional information contact:**  
Vic Ayres Phone: (713) 837-9131  
Desiree Heath Phone: (832) 393-8742

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

**RECOMMENDATION: (Summary)**  
Approve an award to McNeilus Truck & Manufacturing on its sole bid in an amount not to exceed \$3,240,000.00 for McNeilus refuse body replacement parts and repair services for the Solid Waste Management Department.

Estimated Spending Authority: \$3,240,000.00

**Finance Budget**

\$3,240,000.00 - General Fund - (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to McNeilus Truck & Manufacturing on its sole bid in an amount not to exceed \$3,240,000.00 for McNeilus refuse body replacement parts and repair services for the Solid Waste Management Department. 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 special refuse truck and body replacement parts, which include; but are not limited to cylinders, valves, filters, bumpers, door rails, door panel protectors, seat axles, retrofit kits, idler arms, switches, joystick handles and coils. These materials will be used by the Department to repair and maintain their special McNeilus refuse truck bodies citywide. This award also includes a \$500,000.00 labor component for the repair of equipment that cannot be repaired by City personnel.

The 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 one bid was received. McNeilus Truck & Manufacturing is the sole distributor for McNeilus Parts and Service for the Houston area.

**M/WBE Subcontracting:**

This bid was issued with a 3% goal for M/WBE participation. **McNeilus Truck & Manufacturing** has designated the below-named company as its certified subcontractor.

<u>Company</u>	<u>Type of Service</u>	<u>Amount</u>
5M Rope & Supply, LLC	Provide Miscellaneous Hardware	\$97,200.00

The Affirmative Action Division will monitor this award.

Buyer: Jeff D. Meekins

**ESTIMATED SPENDING AUTHORITY**

<b>DEPARTMENT</b>	<b>FY 2010</b>	<b>OUT YEARS</b>	<b>TOTAL</b>
Solid Waste Management	\$486,000.00	\$2,754,000.00	\$3,240,000.00

**REQUIRED AUTHORIZATION**

Finance Department: \_\_\_\_\_ Other Authorization: \_\_\_\_\_ Other Authorization: \_\_\_\_\_

*MS*

*MS*

*NOT*

**McNeilus**

PO BOX 70  
524 COUNTY ROAD 34 E  
DODGE CENTER, MINNESOTA 55927  
507-374-6321

MCNEILUS TRUCK AND MANUFACTURING CO.

**Douglas Howell**  
Director of Aftermarket Parts Sales  
And Product Development  
19 Airport Drive North, Suite 2  
Dodge Center, MN 55927  
Telephone: (507) 374-8206  
Mobile: (507) 421-0601  
dhowell@mcneilusco.com

Date: 8/1/09

To: Jeff Meekins , Mark Carlin, Jose Garza

From: Douglas Howell

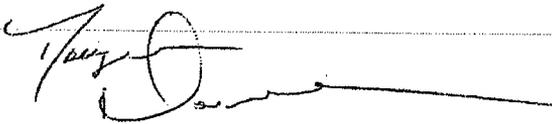
Subject: Sole Source Letter City of Houston

Jeff,

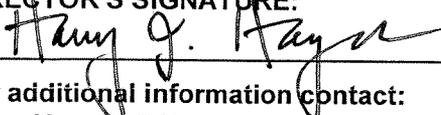
This letter is to confirm that McNeilus Truck, located at 1812 McCarty in Houston, Texas is the sole distributor for McNeilus Parts and Service for the Houston area. The contact person for Parts is Barry Barnett and for Service is Bruce Nix. The Parts and Service Departments can be reached at phone number 713-672-9799 and fax number 713-672-0904. McNeilus Truck carries OEM and after market parts. This letter is good for one year from the above date. If the McNeilus Truck distributorship should change we will notify the City of Houston immediately. If you should need additional information please give me a call.

Sincerely Yours,

Douglas Howell



RECEIVED  
8-4-09  
JMM

<b>SUBJECT:</b> Ordinance amending the Solid Waste and Litter Control Code (Chapter 39 of the Houston Code of Ordinances) to provide for updated definitions, establish updated fee structure for various solid waste services, and provide for language related to the use of bio-degradable bags in yard waste collection.		<b>Category</b>	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item</b> # <b>14</b>
<b>FROM (Department or other point of origin):</b> Solid Waste Management Department		<b>Origination Date:</b>	<b>Agenda Date</b> AUG 26 2009	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District Affected:</b> All		
<b>For additional information contact:</b> Harry Hayes: 713 837 9013		<b>Date and identification of prior authorizing Council Action:</b>		

**RECOMMENDATION: (Summary)** Adopt an Ordinance revising the Solid Waste and Litter Control Code (Chapter 39 of the Houston Code of Ordinances), including updates to definitions, service fees and the addition of bio-degradable bag related language.

**Amount and Source of Funding:** N/A **Finance Budget:** N/A

**SPECIFIC EXPLANATION:**

Several provisions of the Solid Waste and Litter Control Code (Chapter 39 of the Houston Code of Ordinances) have not been comprehensively updated for up to twenty five plus years. There is a need to bring definitions and other language "up-to-date" and in conformance with current city solid waste collection activities and practices, thereby providing more clarity to the code.

In 2006 Mayor White appointed a Solid Waste Task Force to examine the city's Solid Waste Management system's long term financing needs. After several months of meeting, the Task Force's final report was presented to the Mayor and City Council in March of 2007. The Task Force indicated that waste reduction was critical to the future financial health of the city as it relates to competition for general fund dollars. The report stated "every city general fund dollar spent on excessive or inefficient waste removal and disposal is a dollar that could be used to fund police and fire services, libraries and parks." In addition, the Task Force noted that the City of Houston is unique in that it does not have a solid waste system which is user supported, particularly for services beyond basic garbage collection.

To address the Task Force's recommendation, the Solid Waste Management and Legal Departments have completed a thorough review of Chapter 39 for the following: service descriptions, legal terms, service changes and costs to provide certain extra services based on current market data. Data have revealed that the fees for many extra services have been woefully short of the department's actual costs. An example of this is dead horse collection for private animal owners. The department will currently provide dead horse collection for a private animal owner for a 1970's era rate of \$25.00, even though market data reveal the cost to be \$250.00 minimum, and the department's own cost to provide the service is in the \$90.00 range.

In accord with the Task Force recommendations, the Solid Waste Management Department has studied the use of compostable bags and with the current recommendation of the Sustainability Committee, proposes that only compostable bags be used for the collection of yard waste. Chapter 39 has been updated to include a definition of "biodegradable bags" and Section 39-67 has been revised to reflect this required use of biodegradable bags for the collection of yard waste.

The Solid Waste Task Force also specified the following, "... SWD should be put on a course of gradual change with the ultimate goal of providing services at levels similar to Houston's peer cities with the cost borne by those who receive the services." The Task Force report also states that it would like to see "... increased conservation to preserve landfill air space and adequate funding for responsible and efficient solid waste services." In light of these comments, current solid waste fees for "extra", special-type services were reviewed to determine whether rates are suitable. It was determined that rates, in some cases, have not been adjusted for thirty (30) years. New rates, based on CPI increases, have been proposed for "non-residential collection", "extra container collection", "dead animal", and "tags for bags" services.

**CHAPTER 39 OF THE HOUSTON CODE OF ORDINANCES**  
**SOLID WASTE AND LITTER CONTROL**

<u>Program</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
<p><b>1.) Non-Residential:</b> This covers small businesses that do not generate enough garbage to warrant a large dumpster. They can request up to a maximum of three (3) – 95 gallon garbage carts. Fee is charged for each cart requested.</p>	\$13.50/month	\$22.22/month
<p><b>2.) Extra Capacity Container:</b> This covers residential customers that generate more garbage than can fit in one (1) – 95 gallon garbage cart. Maximum of two (2) additional 95 gallon garbage carts can be requested. Fee is charged for each cart above the one (1) initial cart provided.</p>	\$7.50/month	\$15.15/month
<p><b>3.) Tags For Bags:</b> This covers residential and non-residential customers that occasionally generate extra garbage but not enough to warrant paying for an additional garbage cart. Tags can be purchased at local retailers that can be placed on a garbage bag to identify acceptability for collection.</p>	\$1.00/tag	\$2.00/tag
<p><b>4. Large Dead Animal Collection:</b> This covers collection of privately owned large dead animals such as horses and cows whereby the owner is willing to pay the City as a contractor to remove their private animal.</p>	\$25.00	\$90.00

## Chapter 39

### SOLID WASTE AND LITTER CONTROL

#### ARTICLE I. IN GENERAL

##### Sec. 39-1. Definitions.

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

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

*Automated collection service* means the collection of garbage or trash with the use of a standard automated side-loader truck. The term also includes semi-automated collection service authorized by the director pursuant to section 39-62(d) of this Code.

*Automated service container* means a city-issued rolling, molded plastic container, equipped with a lid, capable of holding not more than 906 gallons, and designed ~~and intended to be collected~~ by means of a garbage collection vehicle designed to be operated by a single individual person without the necessity of leaving the cab of the truck.

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

*Basic garbage collection service* means automated collection service and other basic collection services.

*Biodegradable bag* means a transparent disposable bag made of bio-polymers, compostable plastics, or any other synthetic or natural organic material that has sufficient strength and quality to securely contain a capacity of not more than 35 gallons and meets the American Society for Testing & Materials (ASTM) D6400-04 Standard Test Method for Compostable Plastics. The bags must be approved in writing by the director and be marked with a logo or other identifier approved in writing by the director.

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

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

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

furnished and used by private collection contractors to residents where basic in the course of their collection service equipment is utilized business.

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

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

*City collectors* means employees of the department or private contractors of the city actively engaged in the collection of solid waste.

*Curblin*e means an imaginary line drawn along the edge of the pavement on either side of a public street; the curblin

e shall include the area three feet beyond said imaginary line on the residence side of the line.

*Department* means the department of solid waste management.

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

*Extra capacity service* means the collection of garbage or trash in automated service containers or one-way containers pursuant to section 39-62(a) of this Code.

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

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

*Junk* means any rubbish or trash generated upon the premises of a residential unit and of such size or weight that it cannot be containerized pursuant to this chapter, including, but not limited to, major appliances.

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

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

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

Other basic collection services means yard waste collection, junk collection, tree waste collection, and dead animal collection.

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

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

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

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

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

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

Standard automated side-loader truck means a truck manufactured or configured to permit the driver to collect the garbage and rubbish from automated service containers, placed at the curblines, by means of a mechanical device operated by the driver without the necessity of leaving the cab of the truck.

*Trash.* See *rubbish or trash*.

Tree waste means tree limbs, branches, and trunks greater than three inches in diameter.

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

**Sec. 39-2. Disturbing or removing contents of containers.**

(a) It is unlawful for any person to intentionally, knowingly or recklessly handle, scavenge from, disturb, or remove any contents of any bin, bag, or other container that has been placed for collection of garbage, trash or recyclable materials at the designated location for pickup by the department, or for pickup by any other public or private collection service.

(b) It is a defense to prosecution under this section that the accused is the person who placed or caused the bin, bag or container to be placed for collection or that the accused is an agent or employee of the city.

**Sec. 39-3. Littering generally.**

With the exception of containers and items placed for pickup in conformity with the conditions for pick up and the times authorized pursuant to this chapter, no provision contained in this chapter shall be construed as constituting the permission of the city for the deposit of solid waste upon sidewalks, public streets, curbs or other public places of the city. Any deposit which does not conform in all respects with the provisions set forth in this chapter shall constitute an unlawful deposit of litter which shall be punishable as provided by law.

**Sec. 39-4. Penalties; enforcement.**

(a) When in this chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this chapter the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefor, the violation of any such provision shall be punishable upon first conviction by a fine of not less than \$50.00 nor more than \$2,000.00 and upon each subsequent conviction by a fine of not less than \$250.00 nor more than \$2,000.00. Each day that any violation continues shall be punishable as a separate offense. To the extent that any conduct in violation of this chapter also constitutes a violation of state penal laws, then it shall be punishable as provided in the applicable state law.

(b) The remedies in this chapter are not exclusive. The city attorney is authorized to file and prosecute any other action authorized at law or in equity to abate any unsanitary condition or unlawful disposal of waste.

**Sec. 39-5. Remedies cumulative.**

This chapter is cumulative of other laws. To the extent of inconsistency between the provisions of this chapter and any other ordinance of the city, the more restrictive shall apply.

**Secs. 39-6--39-15. Reserved.**

**ARTICLE II. DEPARTMENT OF SOLID WASTE MANAGEMENT**

**Sec. 39-16. Created.**

There is hereby created a department of the city to be designated the department of solid waste management.

**Sec. 39-17. Director.**

There is hereby created the office of the director of solid waste management. The director shall be the head of the department and shall be appointed by the mayor and confirmed by the city council.

**Sec. 39-18. Duties.**

The department and the employees assigned to the department shall:

- (1) Supervise and be responsible for the collection, transportation and disposal of solid waste.
- (2) Carry out the policies of the mayor and city council in the overall planning effort to develop a reliable and efficient method for solid waste disposal.
- (3) Have such other duties and responsibilities as may be assigned by the mayor and city council.

**Secs. 39-19--39-29. Reserved.**

**ARTICLE III. HOUSTON CLEAN CITY COMMISSION**

**Sec. 39-30. Created; purpose.**

There is hereby established the Houston Clean City Commission to direct and oversee a comprehensive litter control program for the purpose of reducing and controlling to an acceptable level the concentration of litter in the city and to bring about a long-term improvement in the attitudes and trash handling habits of citizens.

**Sec. 39-31. Litter defined.**

As used ~~herein~~ in this article, the term "litter" shall mean uncontrolled and improperly containerized refuse garbage or trash on public or private property.

**Sec. 39-32. Composition; appointment of members.**

The Houston Clean City Commission shall consist of not more than 50 members to be appointed by the mayor and confirmed by city council. Members shall be community leaders representing the civic, business, and governmental segments of the city. Nine members shall be designated as district members for positions lettered A through I and shall be residents of the city single-member council district which bears the letter corresponding to the position to which the district member is appointed. In the event a district member's place of residence is redistricted from one council district to another during the term of the member's office, that member shall not be disqualified but shall serve the remainder of the term and until a successor is appointed and confirmed. Up to 41 members may be designated as members-at-large for positions numbered 1 through 41, as required. One at-large-member shall be the director of the solid waste management department or his designee; one shall be the director of the health and human services department or his designee; and one shall be the director of the public works and engineering department or his designee. Among the remaining members-at-large, the mayor may appoint and city council may confirm up to 11 persons who do not reside within the city to serve as nonresident members-at-large.

**Sec. 39-33. Terms of members.**

The members of the Houston Clean City Commission shall serve the following terms:

- (1) The terms of office for members-at-large who hold even-numbered positions shall expire on February first of even-numbered years.
- (2) The terms of office for members-at-large who hold odd-numbered positions shall expire on February first of odd-numbered years.
- (3) The terms of office for district members shall expire on February first of the second year following the year of their appointment.
- (4) Members whose terms have expired shall continue to serve until their successors are appointed and confirmed or their positions are eliminated due to a reduction in the size of the Commission.
- (5) The terms of office for the three department directors shall coincide with the tenure of their appointments as director of the solid waste management department, as director of the health and human services department and as director of the public works and engineering department, respectively.

**Sec. 39-34. Compensation.**

Members of the Houston Clean City Commission shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city; provided, however, that a member of the commission, or the firm, company or corporation with whom the commissioner is associated, shall not be precluded from receiving compensation from the city under any contract for services rendered which have no relation to the commissioner's duties as a commissioner of the Houston Clean City Commission and, provided further the commission may hire or secure the services of a full-time program director to administer the clean city program.

**Sec. 39-35. Chairman.**

The Houston Clean City Commission shall organize by electing one of its members as chairman; such chairman shall hold office for one year or until his successor has been elected and qualified.

**Sec. 39-36. Adoption of administrative procedures.**

The Houston Clean City Commission may adopt such administrative procedures as are necessary to accomplish the purposes set out in this article.

**Sec. 39-37. Reports.**

The Houston Clean City Commission shall, each quarter, during the months of January, April, July and October submit a written report to the mayor and city council summarizing the status of the clean city program.

**Sec. 39-38. Consultation with city officers and departments.**

The director and other city officers and staffs of city departments may consult with and advise the Houston Clean City Commission from time to time on matters coming within the scope of this article and the commission may consult with and advise such city officers and personnel of such departments.

**Sec. 39-39. Solicitation of funds.**

The Houston Clean City Commission shall have the authority to solicit funds and donations to carry out the purposes for which it is established.

**Secs. 39-40--39-47. Reserved.**

**ARTICLE IV. COLLECTION SERVICES**

**DIVISION 1. GENERALLY**

**Sec. 39-48. Limited to residential units within city.**

Except as otherwise provided in this article, the city shall provide garbage and rubbish collection service only to eligible residential units. This section shall not prohibit separate contracts approved by the city council for additional service outside the terms of this article. The city shall provide garbage and rubbish collection service only within the city limits.

**Sec. 39-49. Collection from nonresidential units.**

(a) ~~Garbage or rubbish shall be collected by the city from nonresidential units only if such~~ Nonresidential units are eligible for automated collection service and extra capacity service only, and only if qualified for such service under the terms of this section ~~and comply with the provisions hereof.~~

(b) Any nonresidential unit seeking city ~~garbage and rubbish~~ automated collection service; or extra capacity ~~collection services as defined in section 39-62 of this Code,~~ service shall apply for same in writing to the director on forms provided by the director. The director shall then grant such service, provided that the director finds in writing that such nonresidential unit meets all of the following requirements:

- (1) The cost to the city of providing service to such nonresidential unit is not unduly prohibitive.
- (2) The nonresidential unit is located immediately adjacent to existing established residential routes which may be easily extended to provide the nonresidential unit with service.
- (3) The city has the capability in terms of personnel and equipment to provide the nonresidential unit with service.
- (4) Providing the nonresidential unit with the service will best serve the public convenience and necessity of the city.
- (5) The director shall be given written permission by the owner, lessee or authorized agent of any publicly or privately owned property to enter the premises and make inspections to determine whether or not refuse garbage and rubbish is being properly stored, collected, removed and disposed of as required by the provisions of this chapter. If it is found that this chapter is being violated, appropriate and timely action shall be taken to ensure full compliance with same.

- (6) The nonresidential unit is not a medically-related facility, such as, but not limited to, hospitals, medical centers, health clinics, dental labs, medical labs, mortuaries and veterinary hospitals.

(c) Any nonresidential unit approved for city ~~garbage and trash~~ automated collection service; or the extra capacity collection services described in section 39-62 of this Code, service shall comply with all other appropriate terms and provisions of this chapter and, where appropriate, pay extra capacity collection service fees, as if the nonresidential unit were a residential unit.

(d) ~~If the route on which the approved nonresidential unit is situated has conventional collection service, then the city collectors will pick up the contents of no more than three disposable (one-way) containers each having a capacity not exceeding 35 gallons of garbage and rubbish complying with this chapter from the nonresidential unit.~~ On each day that automated collection service is provided on the route: ~~If for the route on which the approved nonresidential unit is situated has automated collection service, then the city collectors will pick up the contents of not more than three rolling automated collection containers, each having a capacity of 90 gallons, on each day that service is provided on the route, and any disposable (one-way) automated service containers and any occasional one-way containers to which an occasional-extra capacity collection-service tag has been affixed.~~

(e) Any nonresidential unit denied ~~garbage and rubbish-automated~~ collection; service or extra capacity collection-service; by the director under this section may appeal the director's decision to city council pursuant to Rule 12 of the Council Rules of Procedure by filing notice of appeal with the city secretary, with a copy to the director, within 30 days of receipt of the director's written notice of denial of service.

(f) There is hereby imposed a monthly fee of ~~\$13.50~~ \$22.22 per calendar month or any portion thereof for ~~garbage and rubbish-automated~~ collection service under this section. The fees for each additional ~~rolling automated collection-service~~ container or occasional extra collection-capacity service tag requested shall be those set forth in section 39-62(e a) of this Code and shall be paid annually in advance in accordance with billing procedures established by the director; provided that upon presentation of a city water account number and advance payment of the first monthly extra capacity service fee for each additional automated service container requested, a water customer of the city desiring extra capacity collection-service may be billed monthly pursuant to section 39-668 of this Code. City collectors ~~Field collection personnel~~ are not authorized to receive payment of any fee. No extra capacity ~~collection~~ service shall be rendered to any person who has failed to make payment in advance.

#### **Sec. 39-50. Materials to be picked up by department.**

(a) The director shall promulgate rules that establish the ~~content of items that will be picked up by department personnel.~~ For regular collection services, city collectors. The items will be limited to those that may be accepted at a type I municipal solid waste site in accordance with applicable state and federal laws and regulations and the terms of the city's contracts with the site operators. ~~For heavy or oversize trash-junk collection services,~~ items will be limited to those that may be accepted at a type IV municipal solid waste site in accordance with applicable state and federal laws and regulations and the terms of the city's contracts with the site operators. For recyclables tree waste, yard waste, and recyclable material, the items will be accepted based upon applicable laws and regulations and the city's contracts with purchasers of items to be recycled. The director may impose further restrictions upon items or quantities of items to be collected based upon the safety of ~~department personnel~~ city collectors and the capability and capacity of departmental collection equipment. The director shall similarly establish rules for neighborhood depository and adopt-a-container services.

(b) Copies of the rules shall be maintained in the director's office and the city secretary's office. Additionally, copies shall be posted at neighborhood depository sites and adopt-a-container sites and made available to residents upon request.

(c) ~~Department personnel~~ City collectors shall not accept any materials that are not authorized for collection under the rules. To the extent that any items placed for collection are mixed so as to include both authorized and unauthorized items, ~~department personnel~~ city collectors shall not be obliged to sort the materials and may refuse the entire lot.

(d) Except as provided in section 39-49 of this Code, the collection services shall be limited to the collection and acceptance of ~~waste-garbage or rubbish~~ generated by residential users in connection with activities that are incidental to their use of their property for residential purposes and waste generated upon a vacant residential lot that is generated in connection with the maintenance of that vacant residential lot. The department shall not collect or accept any other waste. It shall be unlawful for any person to place items for collection by ~~the department~~ city collectors at the curblin of any property except as authorized herein.

(e) The department shall not collect or accept bulky items, such as construction debris or debris from the trimming or removal of trees, unless generated by work performed by the residents of the property upon which the waste was generated, rather than by contractors retained to do the work. It is the duty of contractors who are performing work at residential units to which the department renders service to remove and lawfully dispose of construction debris, tree waste and similar bulky items or to cause the materials to be removed by private collectors, rather than to leave the materials upon the property for collection by ~~department personnel~~ city collectors.

**Secs. 39-51--39-60. Reserved.**

#### DIVISION 2. CONTAINERS, ETC.

**Sec. 39-61. ~~Defective or,~~ overloaded, or nonconforming containers.**

(a) No person shall use or cause to be used or place or cause to be placed for collection by city or private collectors any garbage or rubbish container ~~which that~~ that:

- (1) Is not of such construction as to have a lid or other closure means ~~which that~~ that will effectively prevent the spillage or airborne loss of its contents and the entry of vectors or elements of nature; or
- (2) ~~It is~~ is overloaded so that the lid will not fit securely thereon; ~~or if not equipped with a lid is not securely bound or fastened at the open end; or; or~~
- (3) Is deteriorated to the extent of endangering collectors or to the extent that the lid will not fit securely or the contents are otherwise not effectively contained therein; or
- (4) For yard waste bags, are not securely bound on the open end; or
- (5) The combined weight of the garbage, rubbish and container exceeds 50 pounds; or
- (6) Contains pet feces, unless such feces are wrapped separately and securely to avoid spillage, and placed so that its odor is not offensive to collection crews or the general public.

(b) City collectors shall not be obligated to service any garbage or rubbish container that does not contain garbage or rubbish as herein defined or that is not placed or prepared as set forth in this chapter.

**Sec. 39-62. General specifications.**

~~(a) Based upon the availability of service equipment and the economies of its use, the director shall establish service routes and designate which areas of the city shall receive conventional collection service and which shall receive automated collection service.~~

~~(b) The following specifications and service conditions shall apply on routes receiving conventional collection to residential units serviced by city collectors:~~

- ~~(1) The combined weight of the garbage, rubbish and container shall not exceed 50 pounds.~~
- ~~(2) Except as provided in item (4) of this subsection, garbage and rubbish shall be placed in containers of not more than 35 gallons capacity. Pet feces must be wrapped separately and securely to avoid spillage, and placed so that its odor is not offensive to collection crews or the general public.~~
- ~~(3) Disposable (one-way) containers made of plastic film or of any other synthetic or natural organic material which has sufficient strength and quality to securely contain a capacity of not more than 35 gallons of garbage or rubbish shall be required for residential service.~~
- ~~(4) An unlimited number of containers will be serviced by the city on a schedule designated by the director and based upon the capability and capacity of available equipment, the safety of the city's collectors and the capabilities of the disposal sites used by the city.~~
- ~~(5) Yard waste need not be separated and may be combined with other materials placed for collection in the same disposable container.~~

~~(c) The following specifications and service conditions shall apply on routes receiving automated collection service by city collectors:~~

- ~~(1) Each residential unit shall be required to separate yard waste from other items to be placed for collection.~~
- ~~(2) The department shall loan, without charge, one rolling automated collection service container having a capacity of 90 gallons to the resident(s) of each residential unit serviced by city collectors. Upon request, the resident(s) of a residential unit shall be provided up to two additional 90-gallon rolling automated collection service containers upon advance payment by money order or cashiers check of an annual extra capacity service fee of ~~\$90.00~~ \$15.15 per automated service container. A city water customer who desires to contract for billing of the extra capacity collection service fee through the customer's city water account may provide the director the customer's city water account number and advance payment of the first monthly extra capacity service fee for each additional collection-automated service container requested. Thereafter, a monthly charge for each additional container will be billed through the customer's water account. ~~Additional automated collection containers shall be provided to residents of a residential unit of eight or fewer individual units upon advance payment by the resident(s) or owner(s) of the unit(s) of the annual extra capacity service fee by cashiers check or money order or by providing the director the owner(s) or resident(s) city water account number(s) and advance payment of the first monthly extra capacity service fee for each additional container requested. A \$7.50 monthly charge, payable in advance, shall be paid for each additional automated collection container requested. Each additional automated collection~~ service container shall bear an extra capacity sticker containing serial~~

or other identification numbers and shall be issued by the department for a minimum service period of 12 months.

(32) The residents of a residential unit serviced by city collectors may purchase tags for occasional extra capacity collection service upon request. Such tags shall be placed on disposable (one-way) containers meeting the requirements of section 39-62(b)(1)-(3) for collection. A fee of ~~\$1.00~~ \$2.00 per tag, with a minimum purchase of five tags ~~per year for each residential unit~~, shall be paid to the department or its agent in advance by money order or cashiers check. The director is authorized to impose an additional service fee not to exceed ~~\$3.00~~ \$5.00 per purchase for occasional extra capacity service tags processed by the department.

~~(4) Collection without charge of materials other than yard waste shall be limited to one rolling automated collection container per residential unit per collection day and any additional rolling automated collection or other disposable (one-way) containers for which the extra capacity service fees set forth in items (2) and (3) of this subsection have been paid.~~

~~(5) The rolling automated collection container(s) provided by the city and any disposable (one-way) containers bearing extra capacity tags shall be placed for collection in a location along the curb that is accessible to the mechanized service vehicle's lift equipment. Containers bearing extra capacity tags shall be placed so that the tags are clearly visible from the street.~~

~~(6) Yard waste shall be separately collected and must be prepared for collection in one-way containers or bundles as described in section 39-64 of this Code.~~

(db) Operators of private collection services may establish different specifications as to the size, weight and construction of containers which they will pick up, provided that the specifications conform to section 39-61 of this Code.

(ec) For purposes of conducting pilot programs to evaluate new solid waste disposal and recycling technologies, the director may establish different specifications as to the size, weight, and construction of containers that the city will pick up in certain areas of the city, provided that the specifications conform to section 39-61 of this Code.

~~(fd) In connection with automated~~ The director may establish service routes and/or designated areas of the city which receive semi-automated collection service and such as on one-way streets which have residential units on the left hand side of the street and therefore cannot be served by the city's standard automated sideloader trucks.

(e) In connection with pilot programs, the department may loan rolling-automated collection service containers, recycling bins containers or related equipment to residents for their use in placing rubbish garbage, trash and recyclables recyclable material for collection by the department.

(f) ~~The~~ All collection equipment provided by the city shall remain the property of the city, and it shall be the responsibility of each person who receives that equipment to exercise reasonable care with respect to the maintenance and use of the equipment. Broken, damaged, lost or stolen rolling automated collection containers shall be repaired or replaced by the department in accordance with rules established by the director, which shall be established and promulgated in the same manner provided by section 39-50 of this Code.

(gf) It shall also be the duty of each person who receives automated collection service containers and other equipment to store the equipment in a secure place where it will not be visible to a person standing in

the right-of-way of any public street adjacent to the property where the equipment is used, except while placed for collection in accordance with this chapter. It is a defense to prosecution under this subsection that the person's property is so configured that no location exists for storage of the equipment in a place where it is not visible to a person standing in the right-of-way of a public street adjacent to the property.

**Sec. 39-63. ~~Nonconforming containers.~~**

~~City collectors shall not be obligated to service any garbage or rubbish container which does not contain garbage or rubbish as hereinabove defined or which is not in conformity with the requirements for placement as set forth in sections 39-61 and 39-62 of this Code.~~

**Sec. 39-64. ~~Preparation of yard waste for collection.~~**

~~City collectors will pick up yard waste in conjunction with collection service if the waste is prepared and placed pursuant to this section. Any person desiring to place yard waste for collection by the city shall cause the same to be placed in one-way disposable containers not exceeding 35 gallon capacity or 50 pounds total weight, provided that tree trimmings having a diameter of less than three inches and related materials may be securely tied in bundles not heavier than 50 pounds and not more than four feet in length nor 18 inches in diameter. No person shall place more than four bundles of tree trimmings for removal on any one day of collection. Yard waste must be separated from other waste placed for collection on routes where automated collection service is provided by the city.~~

**Sec. 39-653. Eligibility for basic garbage collection service.**

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

(1) Except as provided in item (2) of this section, residential units abutting a public street; ~~and~~

(2) ~~⊕~~All residential units within a development or subdivision containing private streets, permanent access easements or shared driveways shall be eligible to receive automated garbage collection service only, if provided at least one residential unit located within such development or subdivision is adjacent to or abuts at least one public street and the has direct access to that public street, and:

a. ~~The development or subdivision contains no more than 2525 residential units or less; and provided further:~~

ab. ~~Each automated service container or one-way container is placed at the curblin~~ or edge of paving on the public street adjacent to the development or subdivision or, if the development or subdivision is adjacent to more than one public street, on the street specified by the director; and

bc. ~~The adjacent public street(s) contains sufficient non-driveway frontage to permit the placement of automated service containers for all residential units within the development or subdivision when spaced on five foot centers; and~~

~~c.~~ All units in the development or subdivision fully comply with each requirement of this item:

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

**Sec. 39-664. Sponsorship agreements.**

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

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

(c) A sponsorship agreement shall be administered on an all or none basis and shall apply to all units in the development or community. A residential development or ~~community subdivision~~ that is ~~not eligible~~ ineligible for basic automated collection service pursuant to ~~section 39-65 of this Code~~ chapter shall ~~not be eligible~~ ineligible for a sponsorship agreement. No residential units in any development or subdivision covered by a sponsorship agreement shall be eligible for any city collection services, and all garbage collection services shall be the responsibility of the entity that entered into the sponsorship agreement with the city. The sponsorship payment per unit is the same whether the unit is eligible for basic garbage collection service or other collection services.

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

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

**Sec. 39-675. Placement for basic garbage collection service.**

(a) Except as otherwise specifically permitted in subsection (b), (c) or (f) of this section or section 39-653(2) of this Code chapter, basic garbage collection service shall be limited to ~~automated service containers or one-way containers~~ garbage and trash prepared pursuant to this chapter placed at the curblin of a public street in front of the property upon which the garbage or trash was generated. The automated service containers shall be placed for collection in a location along the curblin that is accessible to the city's standard automated side-loader trucks, except as provided in section 39-62(d) of this Code.

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

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

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

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

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

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

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

**Sec. 39-686. Billing.**

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

**Sec. 39-697. Accounting.**

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

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

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

**Secs. 39-70--39-7639-68--39-75. Reserved.**

DIVISION 3. SPECIAL CITY OTHER BASIC COLLECTION SERVICES

**Sec. 39-76. Yard waste collection**

City collectors will pick up yard waste in conjunction with automated collection service if the waste is prepared and placed pursuant to this section. Any person desiring to place yard waste for collection by the city shall cause the same to be placed in biodegradable bags not exceeding 50 pounds total weight, provided that tree trimmings having a diameter of less than three inches and related materials may be securely tied in bundles not heavier than 50 pounds and not more than four feet in length nor 18 inches in diameter. No person shall place more than four bundles of tree trimmings for removal on any one day of collection. Yard waste not placed for collection in biodegradable bags or bundled properly will not be collected. Yard waste placed for collection must be a sufficient distance from automated service containers so as not to interfere with standard automated side-loader trucks. Yard waste shall not be placed in automated service containers. Automated service containers containing yard waste will not be collected.

**Sec. 39-77. Heavy/oversize trash-Junk and tree waste collection.**

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

(b) Service shall be limited to materials authorized under rules established by the director as provided in section 39-50 of this Code, and no more than eight cubic yards (216 cubic feet) of material shall be collected from any one residential unit on any scheduled collection day.

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

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

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

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

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

**Sec. 39-78. Collection of dead animals.**

(a) Small dead animals, such as dogs, cats, or other of similar size, will be picked up by the city as a special service at no charge; provided, that such special pickup must be requested by contacting the department between 8:00 a.m. and 5:00 p.m.

(b) Large dead animals, such as horses and cattle, or others of similar size, will be picked up by the city as a special service for a fee of ~~\$25.00~~ \$90.00; provided that such special pickup must be requested by contacting the department between 8:00 a.m. and 5:00 p.m. The owner of the animal shall pay the aforesaid fee to the department in such manner as the director shall specify; provided, that the director shall not impose such fee in the case of animals of unknown ownership. In case of animals of unknown ownership, the director may require an affidavit or a signed statement to that effect from the land owner or resident.

(c) It shall be unlawful for any person to place dead animals in any garbage, ~~rubbish~~ or trash container or receptacle. Disposal thereof may require special equipment, routing and handling which cannot be provided ~~as a part of regular~~ in conjunction with other collection services.

(d) The city shall not pick up dead animals from those locations engaged in the business of treating, handling, or disposing of animals.

(e) The city shall be responsible for the pickup of dead animals from city property and rights-of-way only.

**Sec. 39-79. Collection of decomposed organic products.**

In cooperation with the director of the health and human services department or his designee, the city shall assist where appropriate in situations involving decomposed organic products on private property deemed detrimental to the health and safety of the general public.

**Sec. 39-80. Pickup for ~~handicapped persons with disabilities~~.**

The department shall provide ~~solid waste basic garbage collection services to handicapped citizens~~ persons with disabilities by entering onto the private property of such ~~citizens persons~~ persons to collect ~~solid waste garbage and trash~~ generated by such ~~citizens persons~~ persons under the following conditions:

- (1) A person with ~~The handicapped citizen shall~~ a disability shall request such service, in writing;
- (2) The ~~handicap~~ disability which is the basis of such request must be a ~~physical handicap~~ disability which prevents the citizen from placing ~~solid waste garbage and trash~~ at the curbside for collection;

- (3) The ~~handicapped citizen~~ person with a disability shall present with the request for service, documentation from an attending physician confirming the ~~handicap~~ disability;
- (4) The ~~handicapped citizen~~ person with a disability shall be the sole resident at the service address at which service is requested, unless all other residents at the service address qualify for service under the provisions of this section; and
- (5) No more than two automated service containers meeting the specifications of this article shall be collected on any collection day.

**Sec. 39-81. Adopt-a-container program.**

~~In addition to heavy or oversized trash services,~~ The city may provide bulk containers for use by residents of the city. This service is intended to assist non-profit community organizations with weekend neighborhood cleanup campaigns. The bulk containers will be provided on a first-come-first-served basis, depending upon the availability of equipment. The containers will be delivered on Friday and collected on Monday. Only non-profit and civic organizations are eligible to sponsor bulk containers. Requests to the director for bulk containers must comply with the following conditions:

- (1) The request must be received in writing not less than 21 days prior to the anticipated cleanup date; requests must include a reschedule date in the case of inclement weather;
- (2) The request must indicate a specific location for the container to be placed by the city;
- (3) The request must specifically indicate which community group is requesting the container; and
- (4) The request must specifically name a person to be responsible for monitoring the container, and that person must sign the written request.

**Sec. 39-82. Neighborhood depositories.**

In addition to the ~~residential heavy or oversize trash~~ junk and tree waste collection service, the department may operate solid waste depository sites at which ~~heavy or oversize trash, junk, tree waste, and~~ recyclable material may be deposited. No person may utilize depository sites more than four times per month. The following rules and conditions shall apply to neighborhood depositories:

- (1) Each user must provide proof of residency in a form acceptable to the director, or must show a current city property tax receipt for use of a facility as a nonresident;
- (2) Only ~~heavy trash, junk, tree waste, and rubbish~~ city approved recyclables will be accepted in accordance with rules established by the director under section 39-50 of this Code;
- (3) Salvaging or scavenging items deposited at a site or from vehicles that are waiting to make deposits at a site is unlawful; and
- (4) Trespassing on a site is prohibited, and the director shall cause each site to be posted with appropriate no trespassing signage. Only persons who are depositing waste or recyclable material at the site and department employees may be present at a site.

**Secs. 39-83--39-94. Reserved.**

## ARTICLE V. LITTER CONTROL

### **Sec. 39-95. Enforcement of state solid waste laws and regulations.**

(a) In cooperation with the legal department, the neighborhood protection official and any other city departments having code enforcement responsibilities relating to solid waste, sanitation or litter control, the director shall conduct an effective program of the enforcement of state and local laws relating to solid waste, sanitation and litter control including, but not limited to, enforcement of the Texas Litter Abatement Act (Texas Health and Safety Code, ch. 365).

(b) The health officer may report the failure of any person to comply with the said act or regulations in writing to the legal department for the institution by the city of suits for the civil penalties and injunction remedies provided in the solid waste disposal act; provided, that the health officer may, but shall not be obligated to, attempt to secure voluntary compliance prior to referral of the complaint to the legal department. Prior to the institution of suit, the legal department shall refer the health officer's request to the city council for authorization to file suit. Such authorization may be granted by motion of the city council. Further authorization shall not be required for taking of any action which the city attorney deems necessary or desirable in connection with the prosecution of the suit or the enforcement of any judgment obtained therefrom.

(c) Upon completion of appropriate training, employees designated by the fire department, health and human services department, mayor's citizens' assistance office, police department, public works and engineering department, and solid waste management department are authorized to issue citations charging the violation of any of the provisions of this chapter. Duly trained and designated employees of the solid waste management department are also authorized to issue citations charging the violation of any provisions in this Code relating to solid waste, including but not limited to garbage, refuse, and dumpsters.

### **Sec. 39-96. Information required on solid waste transport vehicles.**

(a) It shall be unlawful for any person to operate or cause to be operated any vehicle whose major use (as defined by the director) is the transporting of solid waste upon any public street within the city unless the name and telephone number of the hauler is posted and maintained thereupon in the manner provided in this section. The word "hauler" as used in this section shall mean the owner of the vehicle, provided that if the vehicle is operated pursuant to a lease or other arrangement whereby the owner is not entitled to the use of the vehicle, then "hauler" shall mean the person entitled to the use of the vehicle.

(b) It is an affirmation defense to prosecution under this section that the cargo transported by such person:

- (1) Contains two cubic yards of solid waste or less; or
- (2) Originated outside the city and is destined for transport outside the city, provided that no solid waste is loaded or unloaded within the city.

(c) It is also an affirmative defense to prosecution under this section that:

- (1) The vehicle is owned by a political subdivision and is marked in compliance with the law applicable to vehicles owned by such subdivision; or
- (2) The vehicle is required to be marked or posted in a manner inconsistent herewith by applicable state or federal laws, rules or regulations and is marked or posted in compliance therewith.

(d) The name and telephone number required to be posted by this section shall be printed on a vertical or nearly vertical surface upon both sides, and when the configuration of the vehicle allows, in the rear, in proportional and proportionally spaced block letters and numbers not less than three inches in height having a brush stroke not less than three-eighths inch in width, shall be of a solid color which contrasts with the background color upon which they are printed and shall be maintained in a clean and unobstructed manner at all times. Abbreviated names may be used, provided that the hauler notifies the health and human services and the solid waste management department directors of the abbreviation. In the event that the vehicle is designed in such a manner that the solid waste is transported within a trailer or off-site service type of receptacle which is towed or carried by the vehicle, then the letters and numbers required on the rear of the vehicle may be printed upon such trailer or receptacle in lieu of the vehicle itself. The requirement may be met through the use of decals.

**Sec. 39-97. Information required on bulk containers.**

(a) It shall be unlawful for any bulk container service provider to use or to provide any bulk container for the use of any other person within the city unless the name and telephone number of the bulk container service provider is posted and maintained thereon in the manner provided in this section.

(b) The name and telephone number required to be posted by this section shall be printed on a vertical or nearly vertical surface upon the bulk container in proportional and proportionally spaced block letters and numbers not less than two and one-fourth inches in height having a brush stroke of not less than three-eighths inch in width, shall be of a solid color which contrasts with the background color upon which they are printed and shall be maintained in a clean condition at all times. Abbreviated names may be used, provided that the bulk container service provider notifies the health and human services and the solid waste management department directors of the abbreviation. If the bulk container is designed for on-premise emptying, then the name and telephone number shall be printed on the side thereof which is intended for access by the truck or other mechanical device which empties the bulk container.

**Sec. 39-98. Duty of property owners for collection.**

Property owners shall ensure that solid waste collection services are provided on a regularly scheduled basis to collect all solid waste generated or accumulated on their property. Such schedule will be established to ensure that solid waste is collected at least one time per week or more frequently if required to prevent the creation of any hazard to public health or public nuisance.

**Sec. 39-99. Placement for collection in the central business district.**

It shall be unlawful for any owner, manager, tenant, or occupant of any business establishment or building in the central business district, or the agent or employee of such person, to fail to comply with the following minimum standards relating to the placement and collection of garbage ~~or~~ rubbish, or recyclable material:

- (1) *Types of receptacles.* Suitable containers must be used for private service commercial collection of municipal solid waste. Solid waste generated or accumulated in any business establishment or building shall be contained in a bulk container or one of the following trash receptacles:
  - a. *A garbage or rubbish container.* A garbage or rubbish container shall meet the requirements of section 39-61 of this Code.
  - b. *Plastic bags.* Plastic bags shall have a minimum film thickness of two mils.

- (2) *Cardboard boxes.* When cardboard boxes alone are placed for collection, they shall be broken down, flattened, and tied in bundles not exceeding four feet.
- (3) *Collection.* Collection of garbage, recyclable material, or rubbish is permitted at all hours except between 7:00 a.m. and 2:00 p.m.
- (4) Placement.
  - a. Garbage, trash, and recyclable material receptacles and cardboard boxes shall not be placed out for collection earlier than 2:00p.m. on the day of collection, and the receptacles shall be removed immediately after collection of the contents.
  - b. No garbage, trash, or recyclable material receptacle or cardboard box may be placed out for collection for more than four hours, and the receptacles shall be removed from an improved public street right-of-way, including the street, sidewalk, or other public right-of-way property adjacent thereto, no later than 7:00a.m.
  - c. Garbage, trash, and recyclable material receptacles and cardboard boxes shall be placed out for collection at the curbline of a public street in front of or adjacent to the premises and in such a manner as to leave a five foot minimum width corridor for pedestrian passage.
  - d. Garbage, trash, and recyclable material receptacles may not be placed adjacent to or in a parking meter zone or a commercial vehicle loading zone; or within five feet of any crosswalk.
- (5) *City-owned trash receptacles.* Solid waste generated or accumulated in any business establishment or building shall not be placed in city-owned trash receptacles used to collect litter.
- (6) *Exception.* This section does not apply to sidewalk litter collected by the city or the Houston Downtown Management District.

**Sec. 39-100. Reserved.**

## **ARTICLE VI. SCREENING OF BULK CONTAINERS**

**Sec. 39-101. Screening required.**

(a) An owner or lessee of property shall place or maintain a bulk container so that it is not visible from the street right-of-way on the address side of the property. A bulk container located on a service drive behind a building on said property shall not be deemed visible from the street right-of-way.

(b) A bulk container shall be deemed to be visible only if it can be seen by any person who is standing at grade level on any part of the right-of-way of a public street having a right-of-way width of 40 feet or more that adjoins the address side of the property on which the bulk container is located.

(c) An owner or lessee of property may utilize a berm, building, fence, wall, gate, shrubbery, or a combination thereof, to accomplish the screening of a bulk container from view.

**Sec. 39-102. Offenses.**

- (a) *Offenses.* It shall be unlawful for any person to:
- (1) Fail to comply with section 39-101 of this Code.
  - (2) Place or cause to be placed a bulk container on private property without first obtaining the permission of the owner or person in charge of the property.
  - (3) Fail to maintain screening as required under this article.
- (b) *Defenses.* It is a defense to prosecution under subsection (a) above that:
- (1) The bulk container is in daily actual use, exclusive of weekends, holidays, and inclement weather days, for the purpose of disposing of waste generated by the demolition or construction, or both, of improvements on the property upon which the bulk container is situated and that all building permits required for the work have been obtained.
  - (2) The bulk container was placed by or upon written authority of the director on a temporary basis for a neighborhood clean-up campaign or similar temporary purpose.
  - (3) The bulk container is used exclusively for the collection of recyclable materials.
  - (4) There is inadequate space to locate the bulk container upon the property in a manner that complies with section 39-101 of this Code.
  - (5) Placement of the bulk container on the property in a manner that complies with section 39-101 of this Code would violate any provision of:
    - a. Chapter 26 of this Code relating to off-street parking requirements;
    - b. Chapter 42 of this Code relating to planning standards;
    - c. Chapter 10 of the Building Code relating to means of egress; or
    - d. The Fire Code relating to dumpsters or fire apparatus access roads.

**Sec. 39-103. Scope.**

This article shall not apply to a bulk container situated upon property that is owned and maintained by a public school district or a private school.

**Sec. 39-104--39-110. Reserved.**

**ARTICLE VII. COMMERCIAL SOLID WASTE OPERATORS**

**Sec. 39-111. Definitions.**

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

*Commercial properties* means land used for commercial and industrial purposes, excluding apartment and condominium complexes and land used for single-family residential dwelling purposes as defined in section 42-1 of this Code.

*Commercial solid waste operator* means any person who collects, hauls, or transports solid waste or industrial waste for a fee by use of any means, including, but not limited to, front-load dumpster trucks, roll-off trucks, or rear-load garbage trucks.

*Director* means the director or the director's designee of the city's department of administration and regulatory affairs.

*Industrial waste* has the meaning ascribed to the term "industrial solid waste" by Chapter 361 of the Texas Health and Safety Code, as may be amended from time to time.

**Sec. 39-112. Scope.**

The provisions of this article shall not apply to any municipally-owned commercial solid waste operator or to any commercial solid waste operator for services performed under a contract between the operator and the city.

**Sec. 39-113. Franchise required.**

It shall be unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the city without first having obtained a franchise for that purpose upon the consent of the city council.

**Sec. 39-114. Franchise administration.**

Any franchise granted pursuant to this article shall be administered by the director, upon such application and rules as the director may establish, including standards for performance.

**Sec. 39-115. Granting of franchise.**

(a) After receiving a complete application, the director may make such investigation as he considers necessary to determine whether the applicant meets the requirements of law and of this article.

(b) The director may require the applicant to furnish additional information to assist the director in his determination.

(c) After the director determines whether the applicant meets the requirements of the law and this article the director or his duly authorized representative shall recommend either (1) that the city council deny the franchise agreement or (2) that the city council approve the franchise agreement.

(d) Each franchise proposed by the director pursuant to this article shall incorporate the terms of this article and shall address at a minimum the following terms and conditions, which shall be as consistent as practicable between franchises:

- (1) Definition of gross revenues;
- (2) Statement that the franchise is not exclusive;

- (3) Amount and time of payment to the city, including right of the city to inspect the franchisee's records to determine compliance and provision for a late penalty;
- (4) Requirements for record keeping;
- (5) Requirements for release, indemnification and insurance;
- (6) Provisions for default and termination, including the opportunity to cure;
- (7) Payment of liquidated damages to the city;
- (8) Prohibition against assignment of franchise without consent of the city; and
- (9) Such other miscellaneous terms and conditions that the director determines to be necessary, appropriate and consistent with terms and conditions in other city franchises.

**Sec. 39-116. Franchise fee.**

Any franchise granted pursuant to this article shall provide that the commercial solid waste operator shall be liable for an annual franchise fee equal to four percent of the operator's gross revenues from the collection, hauling, or transporting of solid waste or industrial waste within the scope of this article, payable quarterly, within 45 days of the close of the calendar quarter for which the quarterly payment is calculated. The initial quarterly payment shall cover the period beginning as of the effective date of the franchise. Any necessary prorations shall be allowed. The operator shall reflect the franchise fee as a separate line item on the invoice from the operator to the customer.

**Sec. 39-117. Identification required.**

(a) It shall be unlawful for any person to operate, or to cause or allow to be operated, any vehicle while engaged in any activity for which a franchise is required under this article unless there is conspicuously displayed upon both sides of the vehicle a decal at least five inches by six inches in size issued by the director.

(b) In any prosecution under this article it shall be presumed that any vehicle not in display of the decals required in this section is not in compliance with the requirements of this article.

**Sec. 39-118. Penalty.**

(a) Without limitation of other remedies available to the city, persons operating in violation of the terms of this article, shall be liable to the city for all fees authorized by this article dating to the inception of such violation.

(b) Any person who violates any provision of this article shall be guilty of an offense and upon conviction thereof, shall be punished by a fine of not less than \$150.00 nor more than \$500.00 for each violation.

(c) A citation issued under section 39-117(a) shall be dismissed upon proof that the required decals were affixed to the cited vehicle within five business days of the issuance of the citation.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Lease Agreement between the City of Houston and ABCO Aviation, Inc. – William P. Hobby Airport (HOU).	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  15
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<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> August 7, 2009	<b>Agenda Date</b> AUG 26 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Am. Kae</i> <i>Eric R. Potter</i>	<b>Council District affected:</b> I
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<b>For additional information contact:</b> Janet Schafer <i>JS</i> Phone: 281/233-1796	<b>Date and identification of prior authorizing Council action:</b>
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> INW <b>REVENUE:</b> \$77,513.00 per year (\$6,459.42* monthly)	<b>Prior appropriations:</b> N/A
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**RECOMMENDATION: (Summary)**  
Enact an ordinance approving and authorizing the execution of a Lease Agreement between the City of Houston and ABCO Aviation, Inc. for premises located at William P. Hobby Airport (HOU).

**SPECIFIC EXPLANATION:**  
On March 29, 2006, the City approved Lease Agreement 61954 with ABCO Aviation, Inc. (ABCO) for premises located at 8421 Nelms, William P. Hobby Airport (HOU). The lease expired on April 16, 2009, and is on a month to month holdover pending approval of a new lease agreement. In accordance with departmental leasing practices, ABCO Aviation, Inc. (Lessee) and the department are requesting to enter into a new lease at HOU.

The pertinent terms and condition of the Lease Agreement are as follows:

1. Leased Premises: Approximately 56,776 square feet (approximately 1.303 acres) of improved land, including approximately 14,843 square feet of hangar area.
2. Term: Effective on countersignature date, the term will expire three years from April 17, 2009, unless otherwise terminated in accordance with the terms of the Lease Agreement.
3. Use: Corporate Aviation
4. Rent: Based on appraisal, rent will be \$77,513.00 annually (\$6,459.42\* monthly, which shall be adjusted at year end to reconcile with the annual rate).
5. Performance Security: Lessee will provide a performance bond or an irrevocable letter of credit in the amount of \$59,378.26 (\$19,378.26 represents three month's rent, plus an additional \$40,000.00, which

REQUIRED AUTHORIZATION		
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

<b>Date</b> August 7, 2009	<b>Subject:</b> Lease Agreement between the City of Houston and ABCO Aviation, Inc. – William P. Hobby Airport (HOU).	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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represents the estimated costs to remove Lessee's underground storage tanks and remediate the leased premises).

- 6. Maintenance and Utilities: Lessee shall assume the entire responsibility, cost and expense for all repair and maintenance of the leased premises and shall be responsible for all utilities furnished to the leased premises.
- 7. Indemnification and Insurance: Lessee shall indemnify and hold the City harmless and shall provide the required insurance in the limits as stated in the Lease Agreement.
- 8. Environmental Matters and Airport Rules: Lessee shall comply with all federal, state and local environmental laws and all airport policies and procedures.
- 9. Other: Lessee agrees to comply with all rules and regulations adopted by the airport and/or TSA and/or the FAA, and to comply with all federal, state and local statutes, ordinances, regulations and policies.

<b>SUBJECT:</b> Intergovernmental Agreement with Houston-Galveston Area Council for National Emergency Grant related to Hurricane Ike Assistance.	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 16
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<b>FROM (Department or other point of origin):</b> Mayor's Office of Government Affairs & Policy Planning	<b>Origination Date</b> July 22, 2009	<b>Agenda Date</b> AUG 26 2009
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<b>DIRECTOR'S SIGNATURE:</b>  Ann Travis, Director	<b>Council District affected:</b> All
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<b>For additional information contact:</b> Maureen Crocker <b>Phone:</b> 832-393-0949	<b>Date and identification of prior authorizing Council action:</b> 11/5/08 Ord 2008-0988 4/9/09 Ord 2009-0330
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**RECOMMENDATION: (Summary)**  
 Adopt ordinance approving an Intergovernmental Agreement with Houston Galveston Area Council (HGAC) to continue National Emergency Grant (NEG) program activities related to Hurricane Ike recovery.

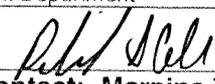
**Amount and Source of Funding:**  
 \$222,975 – US Dept. of Labor Grant

**SPECIFIC EXPLANATION:**  
 November 5, 2008, City Council approved an Interlocal Agreement with HGAC for acceptance of a National Emergency Grant (NEG) in the amount of \$1,186,397 to create temporary public service jobs for debris removal, repair and recovery after Hurricane Ike. Following one extension period, the contract expired on June 30, 2009. With grant funding in the amount of \$222,975 remaining, the proposed ordinance will continue the program instituted under the prior contract until December 31, 2009. This extension will enable the Health Department to continue recovery outreach, assistance for citizens awaiting housing repairs and social services. Case Managers and Housing Inspectors have been able to assist more than 265 households in locating resources they still need as they continue to recover from the effects of the storm. 238 clients remain on their caseload in need of assistance.

The proposed extension will permit temporary workers (Case Managers, Inspectors and an Administrative Assistant) to continue working 40 hours per week within existing funds. In addition, mileage reimbursement up to 55 miles traveled per week will be provided under the contract for each Case Manager and each Inspector.

Funding under the grant has been distributed through the state's network of Texas Workforces Commission offices. The Houston-Galveston Area Council (H-GAC) oversees the Workforce offices in the region. These funds have been used to pay wages, benefits and limited associated costs for temporary employees engaged in clean up and recovery. The grant provides up to \$12,000 in wages (excluding benefits) over a six-month period for each individual in a temporary job. Eligibility for the temporary positions is limited to persons who were dislocated from jobs because of the storm or those who are unemployed.

REQUIRED AUTHORIZATION		
<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

<b>SUBJECT:</b> An Ordinance approving an amendment to the 2003, 2004, 2005, 2006, and 2007 Consolidated Plans under the Housing Opportunities for Persons with AIDS (HOPWA) Grant Application to reprogram funds from the Acquisition/Rehab/Conversion/Repairs/ Lease Activity to New Construction.		<b>Category #</b> 1.2	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 17
<b>FROM (Department or other point of origin):</b> Richard S. Celli, Housing and Community Development Department		<b>Origination Date</b> July 25, 2009	<b>Agenda Date</b> AUG 26 2009	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b>		
<b>For additional information contact:</b> Marnine Thomas Phone: 713-865-9314 Or Brenda Scott 713-868-8484		<b>Date and identification of prior authorizing council action:</b> Ordinance No. 2007-648, June 6, 2007; Ordinance No. 2006-628, June 14, 2006; Ordinance No. 2005-607, May 11, 2005; Ordinance No. 2004-685, June 30, 2004; Ordinance No. 2003-620, June 25, 2003		

**RECOMMENDATION: (Summary)**

The Housing and Community Development Department recommends City Council's approval of an Ordinance amending the HOPWA Grant funds under the 2003, 2004, 2005, 2006, and 2007 Consolidated Action Plans to reprogram funds in the amount of \$1,358,393 from Acquisition/Rehab/Conversion/Repairs/Lease Activity to New Construction.

**Amount of Funding:**

N/A

**FIN 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 HOPWA Grants funds under the 2003, 2004, 2005, 2006 and 2007 Consolidated Action Plans. The details of the amendment are included in the attached Public Notice (Notice). Following is a recap of the Notice:

- Decrease 2003 HOPWA funds allocated to the Acquisition/Rehab/Conversion/Repairs/Lease Activity in the amount of \$328,393
- Add to New Construction in the amount of \$328,393
- Delete 2004 HOPWA funds allocated to the Acquisition/Rehab/Conversion/Repairs/Lease Activity in the amount of \$150,000
- Increase New Construction in the amount of \$150,000
- Delete 2005 HOPWA funds allocated to the Acquisition/Rehab/Conversion/Repairs/Lease Activity in the amount of \$480,000
- Increase New Construction in the amount of \$480,000
- Delete 2006 HOPWA funds allocated to the Acquisition/Rehab/Conversion/Repairs/Lease Activity in the amount of \$50,000
- Increase New Construction in the amount of \$50,000
- Delete 2007 HOPWA funds allocated to the Acquisition/Rehab/Conversion/Repairs/Lease Activity in the amount of \$350,000
- Add to New Construction in the amount of \$350,000

The total amount of the reprogramming is \$1,358,393.

In accordance with HUD regulations, the City is required to amend funding components (Annual Plan) of the Consolidated Plan (CDBG, ESG, HOME, ADDI, HOPWA) whenever (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, a project activity is decreased and a new project activity is added in the 2003 program year and New Construction is increased by more than 25% of the original allocation in program years 2004-2007. Through a Notice published in the Houston Chronicle on Friday, March 21, 2008 the public was notified of these proposed changes. The public had thirty days to comment on these proposed changes. The comment period extended from Friday, March 21, 2008 through Monday, April 21, 2008. A public hearing was held and the Department affirmed its reason for reprogramming the funds. All comments have been made a part of the ordinance. This amendment and any selected projects are being presented to City Council for approval.

Therefore, approval of an ordinance is recommended.

RC: GV/BS

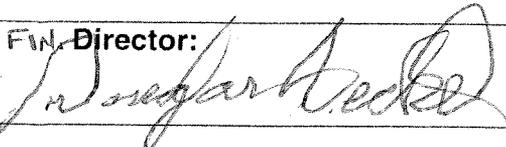
cc: City Secretary  
Legal Department  
Mayor's Office  
Finance and Administration

**REQUIRED AUTHORIZATION**

**FIN Director:**

**Other Authorization:**

**Other Authorization:**



## PUBLIC NOTICE

In order to facilitate spending and make the best use of its federal Housing Opportunities for Persons with AIDS (HOPWA) funds, the City of Houston (City) is proposing to amend Consolidated Plan Years 2003, 2004, 2005, 2006 and 2007 under the HOPWA Grant Application to reprogram funds allocated to the Acquisition/ Rehab/ Conversion /Repairs/Lease Activity under each of these years, to New Construction as follows:

- 2003 HOPWA funds in the amount of \$328,393 allocated to Acquisition/Rehab/Conversion/Repairs/Lease are decreased
- 2003 HOPWA funds in the amount of \$328,393 decreased from Acquisition/Rehab/Conversion/Repairs/Lease are added to a new activity, New Construction
- 2004 HOPWA funds in the amount of \$150,000 allocated to Acquisition/Rehab/Conversion/Repairs/Lease are deleted
- 2004 HOPWA funds in the amount of \$150,000 deleted from Acquisition/Rehab/Conversion/Repairs/Lease are added to increase the funding allocated to New Construction
- 2005 HOPWA funds in the amount of \$480,000 allocated to Acquisition/Rehab/Conversion/Repairs/Lease are deleted
- 2005 HOPWA funds in the amount of \$480,000 deleted from Acquisition/Rehab/Conversion/Repairs/Lease are added to increase the funding allocated to New Construction
- 2006 HOPWA funds in the amount of \$50,000 allocated to Acquisition/Rehab/Conversion/Repairs/Lease are deleted
- 2006 HOPWA funds in the amount of \$50,000 deleted from Acquisition/Rehab/Conversion/Repairs/Lease are added to increase the funding allocated to New Construction
- 2007 HOPWA funds in the amount of \$350,000 allocated to Acquisition/Rehab/Conversion/Repairs/Lease are deleted
- 2007 HOPWA funds in the amount of \$350,000 deleted from Acquisition/Rehab/Conversion/Repairs/Lease are added to increase the funding allocated to New Construction

The total amount of this reprogramming is \$ 1,358,393

The public has thirty days (30 days) to comment on these proposed changes. **The thirty-day period extends from Friday, March 21, 2008 through Monday, April 21, 2008.** Following the citizen review period, any selected project must be presented to City Council for approval. For additional information on the reprogramming, please contact Brenda Scott at (713) 868-8484. You may also access the department's Website at [www.houstonhousing.org](http://www.houstonhousing.org) for information.

Also, the City is proposing to provide \$2.5 million dollars to A Caring Safe Place, Inc. for the construction of a 15-unit permanent housing residence. The proposed location of the facility is 2417 Glasgow Street, Houston, Texas 77026, in District B. This project will provide 15 additional units of affordable housing to the HIV/AIDS community. Following the citizen review period, this project must be presented to City Council for approval. For additional information on this project, please contact Keith Bynam at (713) 868-8396.

**SUBJECT:**

The Housing and Community Development Department recommends City Council's approval of an Ordinance amending the HOME Investment Partnerships Act (HOME Grant) under the 2004 Consolidated Action Plan to reallocate funds in the amount of \$1,266,075.58 from Program Administration/CHDO Operating Costs to Multi-Family Acquisition/Rehabilitation/Construction/Single Family Development.

**Category # 1,2**

**Page 1 of 1**

**Agenda Item #**

**18**

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

Richard S. Celli,  
Housing and Community Development Department

**Origination Date**  
August 5, 2009

**Agenda Date**

**AUG 26 2009**

**DIRECTOR'S SIGNATURE:**

*[Handwritten Signature]*

**Council District affected:**

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

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

- Ordinance No. 2007-1285, November 14, 2007
- Ordinance No. 2007-859, August 1, 2007
- Ordinance No. 2007-422, March 28, 2007
- Ordinance No. 2005-1240, November 16, 2005
- Ordinance No. 2004-0685, June 30, 2004

**RECOMMENDATION: (Summary)**

The Housing and Community Development Department recommends City Council's approval of an Ordinance amending the HOME Grant funds under the 2004 Consolidated Action Plan to reallocate funds in the amount of \$1,266,075.58 from Program Administration/CHDO Operating Costs to Multi-Family Acquisition/Rehabilitation/Construction/Single Family Development.

**Amount of Funding:**

**N/A**

**Finance Budget:**

*[Handwritten Signature]*

**SOURCE OF FUNDING**

General Fund

Grant Fund

Enterprise Fund

Other (Specify)

**SPECIFIC EXPLANATION:**

The City of Houston (City), through its Housing and Community Development Department (HCDD) is proposing to reallocate recognized, unscheduled Program Income (PI) that was previously allocated to Program Administration/CHDO Operating Costs by Ordinance No. 2007-1285. In order to facilitate spending, HCDD is proposing to amend the HOME Investment Partnerships Act (HOME Grant) in the 2004 Consolidated Annual Plan to reallocate the following unscheduled, unspent funds as follows:

- Decrease Program Administration/CHDO Operating Costs in the amount of \$1,266,075.58
- Increase Multi-Family Acquisition/Rehabilitation/Construction/Single Family Development in the amount of \$1,266,075.58

In accordance with HUD regulations, the City is required to amend funding components (Annual Plan) of the Consolidated Plan (CDBG, ESG, HOME, ADDI, HOPWA) 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. Through a Notice published in the Houston Chronicle on Saturday, June 12, 2009 the public was notified of these proposed changes. There were no public comments on these proposed changes during the comment period which extended from Saturday, June 12, 2009 through Monday, July 13, 2009.

**Therefore, approval of an ordinance is recommended.**

RC: GV/BS

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

**REQUIRED AUTHORIZATION**

**Finance Department:**

**Other Authorization:**

**Other Authorization:**

*[Handwritten Signature]*

**PUBLIC NOTICE**

The City of Houston (City), through its Housing and Community Development Department (HCDD) is proposing to reallocate recognized, unscheduled Program Income (PI) that was previously allocated to Program Administration/CHDO Operating Costs by Ordinance No. 2007-1285. In order to facilitate spending, HCDD is proposing to amend the HOME Investment Partnerships Act (HOME Grant) in the 2004 Consolidated Annual Plan to reallocate these unscheduled, unspent funds as follows:

- Decrease Program Administration/  
CHDO Operating Costs (\$1,266,075.58)
- Increase Multi-Family Acquisition/  
Rehabilitation/Construction/  
Single Family Development \$1,266,075.58

The City, through its HCDD, is proposing to award Local Initiatives Support Corporation (LISC) \$50,000 in Community Development Block Grant (CDBG) funds as a match with funds received from the Ford Foundation for the Lower Fifth Ward Strategy Plan (Plan). The purpose of the Plan is to build consensus among various parties for a coherent growth/revitalization strategy. LISC is located at 2640 Fountainview, Ste. 220, Houston, Texas 77057. The project is located in District I.

The City, through its HCDD, is proposing to award HOME Investment Partnerships Program (HOME) funds in the amount of \$1,050,000 to Costa Vizcaya II (Golden Bamboo II) located at 12000 N. Gessner Road, Houston, Texas 77072 in District A to finance the construction of affordable multi-family residences for Houston's low and moderate-income citizens.

The public has thirty-days (30) to comment on the proposed activities. The thirty-day period extends from Saturday, June 12, 2009 through Monday, July 13, 2009. For additional information regarding the 2004 Home Program Amendment, contact Brenda Scott. For information on the HOME Project, contact Donald Sampley. For information on the Plan, contact David Goodwin. The contact number is (713) 868-8300. You may also access the HCDD's Web site at [www.houstonhousing.org](http://www.houstonhousing.org) for more information.

*Handwritten:*  
LISC



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT: An ordinance approving a contract with Baylor College of Medicine for Tuberculosis Physician Services</b>	<b>Category # 9</b>	<b>Page 1 of 1</b>	<b>Agenda Item # 20</b>
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<b>FROM (Department or other point of origin):</b> Houston Department of Health and Human Services	<b>Origination Date</b> 8/3/2009	<b>Agenda Date</b> AUG 26 2009
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> ALL
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<b>For additional information contact: Kathy Barton</b> Telephone: 713-794-9998 ; 713-826-5801	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
An ordinance approving a contract with Baylor College of Medicine for Tuberculosis Physician Services

<b>Amount of Funding: Maximum Contract Amount: \$176,800.00</b> Initial Allocation: \$44,200.00 Federal State Local – 5030 – Tuberculosis State Grant	<b>Finance Department:</b>
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**SOURCE OF FUNDING:** [ ] General Fund [X] Grant Fund [ ] Enterprise Fund [ ] Other ( Specify)

**SPECIFIC EXPLANATION:**

The Houston Department of Health and Human Services (HDHHS) requests City Council approval of an ordinance approving a contract for tuberculosis physician services with Baylor College of Medicine. The contract term is from the date of countersignature for one year, with three successive one-year renewal terms.

The HDHHS, Bureau of Tuberculosis Control provides basic services for tuberculosis prevention and control and expanded outreach services to high-risk sub-groups who have TB or who are at high risk for developing tuberculosis in the City of Houston jurisdictional area. Services are provided in compliance with the Texas Department of State Health Services' Standards of Performance, the American Thoracic Society, Center for Disease Control and Prevention and Infectious Diseases Society of America joint statement on diagnosis, treatment and control of tuberculosis.

The contractor will provide consultation services on patients with symptoms of TB and those with latent TB infection. The contractor will be responsible for the following services: a) history of contact of tuberculosis; b) physical examination; c) initial and follow-up X-rays; d) laboratory services; e) treatment regimens and g) follow-up therapy.

There were 264 cases (provisional data) of tuberculosis in Houston in 2008. Ninety nine percent of TB cases are placed on directly observed therapy (DOT) to ensure the completion of their treatment and reduce the risk of developing a drug resistant form of TB.

**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 benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.**

cc: Finance Department  
Legal Department  
Agenda Director

<b>REQUIRED AUTHORIZATION</b>			NDT
<b>Finance Department</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance approving a new contract for elderly services with Eyecare Express Lab, Inc. through the Harris County Area Agency on Aging	Category #	Page 1 of 2	Agenda Item # <b>21</b>
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FROM (Department or other point of origin): Department of Health and Human Services	Origination Date 7/13/09	Agenda Date AUG 26 2009
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DIRECTOR'S SIGNATURE: <i>Stephen J. Williams</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 a contract for elderly services with Eyecare Express Lab, Inc. through the Harris County Area Agency on Aging

Amount of Funding: Maximum Contract Amount: \$60,000.00 - Aging Title III Grant (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 a new contract with Eyecare Express Lab, Inc. a provider of elderly services. This provider was solicited as a professional service provider through the Harris County Area Agency on Aging. The ordinance sets a maximum contract amount for the 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 Older Americans Act 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 the Department's Harris County Area Agency on Aging.

Services provided by these contractors include:

- **Support Services** include the provision of vision services including screening and devices for seniors.

The Contractor and their respective total contract value is:

Provider	Maximum Contract Amount	Service
Eyecare Express Lab, Inc.	\$60,000.00	Vision Screening, Procedures and Appliances

The proposed contracts require compliance with the City's Pay or Play ordinance regarding health benefits for employees of City contractors. In this case:

- Eyecare Express Lab, Inc. is a contractor that will receive less than the mandated limit to participate in Pay or Play Program.

**REQUIRED AUTHORIZATION** NOT

Finance Department	Other Authorization:	Other Authorization:
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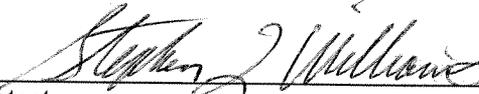
**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA #

<b>SUBJECT: An ordinance authorizing a professional services agreement with Gerry Fusco Consulting for turnaround services at the Bureau of Animal Regulation and Care</b>	Category #	Page 1 of <u>1</u>	Agenda Item# <b>22</b>
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<b>FROM: (Department or other point of origin):</b>	Origination Date 8/12/09	Agenda Date AUG 26 2009
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<b>DIRECTOR'S SIGNATURE:</b> 	Council Districts affected: ALL
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For additional information contact: Elena Marks – 832-393-1081 Kathy Barton – 713-794-9998 or 179-286-5801	Date and identification of prior authorizing Council Action: N/A
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**RECOMMENDATION: (Summary)**

**Approval of an ordinance authorizing a professional services agreement with Gerry Fusco Consulting for turnaround services at the Bureau of Animal Regulation and Care (BARC)**

Amount of Funding:	Total Maximum Contract Amount: \$135,000.00 General Fund - General Government (1000)	Finance Budget:
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**SOURCE OF FUNDING:**       General Fund       Grant Fund  Enterprise Fund       Other (Specify)

**SPECIFIC EXPLANATION:**

City Council is requested to approve an ordinance authorizing a professional services agreement with Gerry Fusco Consulting for turnaround services at BARC in an amount not to exceed \$135,000.00. The agreement will be effective on September 5, 2009 and end on January 25, 2010 with an optional extension of 30 days at the Director's discretion. The consultant has been working on this engagement under a purchase order with spending authority up to \$49,500.00.

Under the proposed contract, Mr. Fusco will continue to focus on the comprehensive analysis and redesign of all aspects of the organization. Some of the objectives the consultant will be responsible for assisting the BARC staff to achieve include: 1) improving quality of veterinary services; 2) reducing the euthanasia rate; 3) increasing the adoption rate; 4) increasing the number of active foster homes; 5) enhancing and improving the volunteer program; and 6) developing communication mechanisms for marketing and community outreach. The priorities are to achieve process and personnel improvements, infrastructure that facilitates compliance and communication, and to develop field and marketing strategies to increase the live release rate.

The Administration and Regulatory Affairs Department assisted in identifying potential candidates to perform these services. Four finalists were interviewed by an advisory panel, each of whom were highly qualified and experienced in turnaround and process re-engineering. Gerald A. Fusco was chosen as the optimal candidate as his specific experience best fits the City's needs. He is making progress. He has made a presentation to all BARC employees to convey the philosophy and expectation that animals will be treated as the City's customers. He has been conducting leadership assessments of supervisors and is in the process of identifying personnel for key supervisory positions as well as mid-level managers. Mr. Fusco is also assisting with the development of a recruitment strategy for the Bureau Chief position and continues to meet with volunteers and representatives of the media to ensure transparency in his activities.

Mr. Fusco has agreed to decrease his fee by \$25,000 to defray the City's cost for leadership development training that will be provided to help improve BARC operations.

The Council Committee on Human Services and Technology Access considered Mr. Fusco's engagement at BARC on August 3, 2009.

**REQUIRED AUTHORIZATION**

Date	<b>Subject: An ordinance authorizing a professional services agreement with Gerry Fusco Consulting for turnaround services at the Bureau of Animal Regulation and Care</b>	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
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Pay or Play:

The proposed award requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor is a sole proprietor and does not have any employees, thus, the Pay or Play Program does not apply to this contract.

cc: Agenda Director  
Finance Department  
Legal Department

SCOPE OF SERVICES  
Gerry Fusco Consulting

Contractor shall be responsible for all aspects of the day to day operations at BARC as allowed by law and will be supported in his efforts by the Director and staff identified below.

Contractor's Responsibilities	City Responsibilities	August	September	October	November	December	January
<b>Organizational Structure: Reorganization</b>							
<b>Goal: Reorganize BARC to get the right people with the right skill sets</b>	Provide staff support from HR to handle HR processing (posting, referrals, interview assistance, processing for hire, etc.) Assist with recruitment activities as mutually agreed upon and within budget						
Make recommendations to the Director to hire Chief Vet	Noel Pinnock, Tony Harris, Valda						
Make recommendations to the Director to hire New Animal Care Technicians	"						
Make recommendations to the Director to hire Shelter Supervisor	"						
Make recommendations to the Director to hire Rescue Coordinator	"						
Make recommendations to the Director to hire Bureau Chief	"						
Make recommendations to the Director to hire Staff Veterinarian	"						
<b>Organizational Structure: Organizational &amp; Staff Development</b>	The Brooks Group						
<b>Goal: Develop managers and supervisors to increase skills and abilities to effectively lead staff to meet performance standards and achieve unit objectives</b>							
Develop and implement a Leadership Development plan for Division Manager	Assistance from Noel Pinnock						
Implement development plan for 1st Line Supervisors	Assistance from Noel Pinnock						
Assist managers/supervisors in setting short-term priorities							
Facilitate development of a shared vision, values, goals and objectives for the BARC work unit	Director						
Implement activities to transform culture to demonstrate values in action through performance of daily duties	Chief Vet, Lajeane Thompson, Bureau Chief						

SCOPE OF SERVICES  
Gerry Fusco Consulting

Programs & Services: Veterinary Services	City Responsibilities	August	September	October	November	December	January
<b>Goal: Improve quality of veterinary services</b> Develop/revise protocols and for new practice standards for veterinary services including the following							
Assessments	Dr. Groemminger, Chief Vet, Vet Techs						
Euthanasia	"						
Adoptability	"						
Veterinary service documentation in Chameleon	Chief Vet, IT support, contract Inventory Manager, IT support						
Treatment guidelines	Dr. Groemminger						
Surgery	"						
Isolation	"						
Do projection for costs associated with new standard of practice	"						
<b>Programs &amp; Services: Placement Services</b>	Support from Danielle Joseph-White and Jamie Moody						
<b>Goal: Reduce the euthanasia rate</b>							
<b>Objective: INCREASE LIVE RELEASES</b>							
<b>A. Increase Adoptions</b>							
Develop a marketing plan to promote the adoption program	Chatauqua Allen						
Implement short term plan to advertise adoptions	"						
Set weekly targets for number of adoptions							
Set target for off site adoption events							
Produce weekly progress reports for adoption activities	Chatauqua Allen						
Negotiate and finalize adoption agreements with humane organizations for Director's signature							
<b>B. Increase Fosters</b>							
Increase the number of active foster homes	Chatauqua Allen, other Marketing resources to be determined						
Assess level of support (treatment, supplies, etc.) needed by foster homes	"						
Do projection on costs associated with foster support	"						
Secure resource for fundraising for foster support							
Set weekly targets for number of fosters							
Produce weekly progress reports for adoption activities	Chatauqua Allen						



SCOPE OF SERVICES  
Gerry Fusco Consulting

	City Responsibilities	August	September	October	November	December	January
III. Objective: 95% of animals are vaccinated within 24 hours of intake	Chief Vet, Dr. Groemminger						
Develop system to monitor compliance with establish protocol	"						
Improve processes that support vaccination compliance	"						
IV. Objective: Reduce the number of puppies who die within 30 days of adoption	"						
Establish puppy ward in South Kennel	Vernon Hunt						
Install mobile building	"						
Establish system to monitor compliance with puppy housing and care protocols	Barbara McGill						
V. Objective: Establish minimum standards of care for shelter operations	Dr. Groemminger						
Develop standards with input from stakeholders	"						
Create documents with standards and criteria	Karen Roman						
Develop quality improvement process for monitoring quality	Karen Roman						
<b>Programs and Services: Volunteer Program</b>							
Goal: Enhance and improve BARC services through the effective use of volunteers	Danielle Joseph-White						
Develop a clear set of on site roles and responsibilities for volunteers and establish a clear defined supervisory reporting structure							
Increase the number of active BARC volunteers	Danielle Joseph-White						
<b>Public Relations: Marketing &amp; Community Outreach</b>							
Goal: Improve the public image of BARC	Chatauqua Allen						
Develop promotional materials to increase public awareness about BARC services	Chatauqua Allen						
Develop effective communication mechanisms and media to mitigate the effects of negative comments and reports about BARC	Chatauqua Allen						
Promote community efforts via mass media channels	Press Corp; Kathy Barton, Frank Michel, etc						

SCOPE OF SERVICES  
Gerry Fusco Consulting

	City Responsibilities	August	September	October	November	December	January
Develop an educational campaign to promote responsible pet ownership	Earl Travis, Volunteers, Vets						
<b>Infrastructure</b>							
Generate monthly reports that are useful for evaluation and planning	Vernon Hunt						
Assist department leadership in development of a long term strategic plan to drive design of new facilities	"						

**REQUEST FOR COUNCIL ACTION**

**TO: Mayor via City Secretary**

**RCA #**

**SUBJECT:** Approve a First Amended and Restated Agreement for Financing Public Infrastructure Improvements by and among the City of Houston, City of Houston Tax Increment Reinvestment Zone Number Five and the Memorial Heights Redevelopment Authority

**Category #**

**Page**  
1 of 1

**Agenda Item#**

23

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

Michelle Mitchell, Director  
Finance Department

**Origination Date**  
August 14, 2009

**Agenda Date**

AUG 26 2009

**DIRECTOR'S SIGNATURE:**

*Michelle Mitchell*

Finance Department

**Council Districts affected:**

A, D, G, H

**For additional information contact:**

Ralph De Leon

(713) 837-9573

**Date and identification of prior authorizing**

**Council Action:** Ord. 2008-939, 10/22/08, Ord. 2009-634, 6/30/09

**RECOMMENDATION: (Summary)** An Ordinance approving a First Amended and Restated Agreement for Financing Public Infrastructure Improvements by and among the City of Houston, City of Houston Tax Increment Reinvestment Zone Number Five and the Memorial Heights Redevelopment Authority.

**Amount of Funding:**

N/A

**Finance Budget:**

**SOURCE OF FUNDING:**

General Fund     Grant Fund     Enterprise Fund  
 Other (Specify)

**SPECIFIC EXPLANATION:**

On June 30, 2009, the City Council approved an Operating Budget and Fiscal Year 2010-2014 Capital Improvement Plan (CIP) for Tax Increment Reinvestment Zone Number Five and the Memorial Heights Redevelopment Authority that included a debt issuance of \$3,525,000. These funds are to be utilized to design and construct the capital projects detailed in the Zone's approved CIP. On October 22, 2008, City Council approved an agreement with the Zone and the Authority to provide timely and cost effective financing for such Public Works projects by issuing certificates of obligation. The Parties now desire to amend and restate the 2008 Agreement to modify certain provisions related to the financing by the City of the Public Works.

In consideration of the Zone and the Authority's agreeing to design and construct a portion of the Public Works, the City hereby agrees to provide timely and cost effective financing of Public Works from the proceeds of certificates of obligation, commercial paper, public improvement bonds, or other available funds (collectively, the "Funds"). Upon receipt from the City of the proceeds of the Funds, the Zone and the Authority shall commence and cause to be completed, the design and construction of the Public Works. The Parties intend that the design and construction of the Public Works financed by the Funds should begin on or about October 31, 2009 (or upon payment by the City) and shall be substantially completed within two years of the City's payment of the Funds to the Authority.

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:** Approve a First Amended and Restated Agreement for Financing Public Infrastructure Improvements by and among the City of Houston, City of Houston Tax Increment Reinvestment Zone Number Thirteen and the Old Sixth Ward Redevelopment Authority

**Category #**

**Page**  
1 of 1

**Agenda Item#**

24

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

Michelle Mitchell, Director  
Finance Department

**Origination Date**  
August 14, 2009

**Agenda Date**

AUG 26 2009

**DIRECTOR'S SIGNATURE:**

*Michelle Mitchell*

Finance Department

**Council Districts affected:**

A, D, G, H

**For additional information contact:**

Ralph De Leon

(713) 837-9573

**Date and identification of prior authorizing Council Action:** Ord. 2009-638, 6/30/09, Ord. 2008-941, 10/22/08

**RECOMMENDATION: (Summary)** An Ordinance approving a First Amended and Restated Agreement for Financing Public Infrastructure Improvements by and among the City of Houston, City of Houston Tax Increment Reinvestment Zone Number Thirteen and the Old Sixth Ward Redevelopment Authority.

**Amount of Funding:**

N/A

**Finance Budget:**

**SOURCE OF FUNDING:**

General Fund     Grant Fund     Enterprise Fund  
 Other (Specify)

**SPECIFIC EXPLANATION:**

On June 30, 2009, by Ordinance 2009-638, the City Council approved an Operating Budget and Fiscal Year 2010-2014 Capital Improvement Plan (CIP) for Tax Increment Reinvestment Zone Number Thirteen and the Old Sixth Ward Redevelopment Authority that included a debt issuance of \$3,050,000. These funds are to be utilized to design and construct the capital projects detailed in the Zone's approved CIP. On October 22, 2008, by Ordinance 2008-941, City Council approved an agreement with the Zone and the Authority to provide timely and cost effective financing for such Public Works projects by issuing certificates of obligation. The Parties now desire to amend and restate the 2008 Agreement to modify certain provisions related to the financing by the City of the Public Works.

In consideration of the Zone and the Authority's agreeing to design and construct a portion of the Public Works, the City hereby agrees to provide timely and cost effective financing of Public Works from the proceeds of certificates of obligation, commercial paper, public improvement bonds, or other available funds (collectively, the "Funds"). Upon receipt from the City of the proceeds of the Funds, the Zone and the Authority shall commence and cause to be completed, the design and construction of the Public Works. The Parties intend that the design and construction of the Public Works financed by the Funds should begin on or about October 31, 2009 (or upon payment by the City) and shall be substantially completed within two years of the City's payment of the Funds to the Authority.

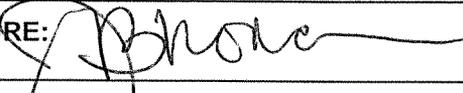
cc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
Arturo Michel, City Attorney  
Deborah McAbee, Senior Assistant City Attorney

**REQUIRED AUTHORIZATION**

**Finance Director:**

**Other Authorization:**

**Other Authorization:**

<b>SUBJECT:</b> An Ordinance to amend and restate Ordinance No. 2009-633, which authorized an interest rate swap agreement with respect to certain outstanding City of Houston, Texas, Public Improvement Bonds	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> <b>25</b>
<b>FROM (Department or other point of origin):</b> Controller's Office	<b>Origination Date</b> 08/20/2009	<b>Agenda Date</b> AUG 26 2009	
<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District Affected: All</b>		
<b>For Additional Information Contact:</b> Jim Moncur Phone: 832.393.3525 Michelle Mitchell Phone: 713.221.0935	<b>Date and Identification of Prior Authorizing Council Action</b> Ordinance No. 2009-633, June 30, 2009		

**RECOMMENDATION:**

Council to approve an ordinance amending and restating Ordinance No. 2009-633 which granted authority to the Mayor and City Controller to enter into a replacement swap agreement.

Source of Funding: N/A

**SPECIFIC EXPLANATION:**

On June 30, 2009 City Council passed an ordinance granting the Mayor and City Controller authority to replace RFPC/Ambac as counterparty on the City's 2004 General Obligation swap agreement. As previously noted, though the swap continues to be profitable having earned the City a total of \$5.2 million to date, Ambac's current credit rating of CC by Standard & Poor's and Caa2 by Moody's is significantly lower than the rating level required by the agreement.

RFPC was given 60 days to address Ambac's downgrade by either replacing Ambac with a suitable credit enhancement or offering an acceptable level of collateral. One proposed resolution of this issue is to have Bank of New York Mellon (BONY), an AA rated entity, replace RFPC/Ambac as the counterparty. This replacement would be at no expense to the City and would not require any material changes to the current swap agreement.

While the Finance Working Group (FWG) continues to evaluate various options regarding the swap, including termination of the swap and/or replacement of the current counterparty through a market quotation bidding process, the FWG recommends Council also grant the Mayor and Controller the authority to replace RFPC/Ambac with Bank of New York Mellon as the counterparty to the swap.

Bond counsel recommended for this transaction is Fulbright & Jaworski L.L.P. and Swap Financial Group is the recommended swap advisor.

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>SUBJECT:</b> A First Amended and Restated Concurrent Ordinance creating a Freight Rail District pursuant to Chapter 171 of the Texas Transportation Code	<b>Category #</b>	<b>Page 1 of</b>	<b>Agenda Item #</b> 26
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<b>FROM (Department or other point of origin):</b> Legal Department	<b>Origination Date</b>	<b>Agenda Date</b> AUG 26 2009
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<b>DIRECTOR'S SIGNATURE:</b>  Arturo G. Michel, City Attorney	<b>Council District affected:</b> All
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<b>For additional information contact:</b> Maureen Crocker Phone: 832-393-0949	<b>Date and identification of prior authorizing Council action:</b> Ord. No. 2006-1154 (November 15, 2006) Ord. No. 2007-53 (January 10, 2007)
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**RECOMMENDATION: (Summary)**  
Approve a First Amended and Restated Concurrent Ordinance creating a Freight Rail District.

<b>Amount of Funding:</b> None	<b>F &amp; A Budget:</b>
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Enterprise Fund

**SPECIFIC EXPLANATION:**

The City approved Ordinance No. 2006-1154 on November 15, 2006, authorizing the joint creation of the Gulf Coast Freight Rail District with Ft. Bend and Harris Counties. On January 10, 2007, the City approved Ordinance No. 2007-53, which authorized the Mayor to execute a revised concurrent ordinance in lieu of Ordinance No. 2006-1154. The joint creation of a Freight Rail District is authorized pursuant to Section 171 of the Texas Transportation Code.

This proposed ordinance will supersede both Ordinance Nos. No. 2006-1154 and 2007-53. Following is a summary of the changes in the First Amended and Restated Concurrent Ordinance. The Transportation, Infrastructure and Aviation Committee reviewed these proposed revisions on August 11, 2009. No action was taken for lack of a quorum.

This First Amended and Restated Concurrent Ordinance:

- changes the name of the District from "Gulf Coast Freight Rail District" to "Gulf Coast Rail District";
- defines the territory of the District as Harris County, City of Houston, Fort Bend County and all adjacent counties that have adopted a concurrent order authorizing their inclusion;
- changes the District's Board of Directors from 11 to 13 members, adding Waller and Galveston Counties; and
- adds commuter rail and passenger rail powers to the District's powers as authorized by Section 171, Texas Transportation Code.

cc: Marty Stein  
Anna Russell  
Maureen Crocker  
Arturo G. Michel  
Martin Buzak

**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**GULF COAST FREIGHT RAIL DISTRICT**  
**FIRST AMENDED AND RESTATED CONCURRENT ORDER**  
*Summary of Changes*

**Section 2**

Change name to Gulf Coast Rail District

**Section 3**

Define territory of the District as Harris County, City of Houston, Fort Bend County and all adjacent counties that have adopted a concurrent order authorizing their inclusion.

**Section 4**

Change Board of Directors from 11 to 13 members.

- Define Position 12 for Waller County.
- Define Position 13 for Galveston County.

**Section 5**

Add commuter rail and passenger rail powers as authorized by Sec. 171 Texas Transportation Code.

**Section 6C**

Require appointee approval for all rail projects (not limited to freight rail) within area representing.

**Section 6G**

Add authorization to study funding sources for commuter projects as well as freight projects.

**Section 13A**

Require approval of Harris County, City of Houston, and Fort Bend County before October 1, 2009.

**Section 13 B**

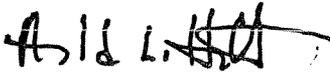
Require approval of Waller County and Galveston County by December 31, 2009.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Interlocal Agreement with Hedwig Village Creating Joint Municipal Court Jurisdiction and Establishing Joint Law Enforcement Efforts and SafeClear Program Coverage Along the Contiguous Borders between the City of Houston and Hedwig Village	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  27
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<b>FROM: (Department or other point of origin):</b> Houston Police Department	<b>Origination Date:</b> 8/21/09	<b>Agenda Date:</b> AUG 26 2009
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<b>DIRECTOR'S SIGNATURE:</b> Harold L. Hurtt, Chief of Police 	<b>Council District affected:</b> Districts A and G
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<b>For additional information contact:</b> Craig E. Ferrell, Jr. Phone: (713) 308-1667 Deputy Director	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Approve an Interlocal Agreement with Hedwig Village which would create joint Municipal Court jurisdiction and define joint law enforcement efforts and SafeClear Program coverage along the contiguous borders between the City of Houston and City of Hedwig Village.

**Amount and Source of Funding:** N/A

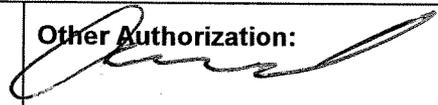
**Specific Explanation:**

The Chief of the Houston Police Department recommends Council approval of an Interlocal Agreement between the City of Houston and the City of Hedwig Village defining joint Municipal Court jurisdiction and joint law enforcement efforts along the contiguous borders of the two cities and authorizing the City of Houston's SafeClear Program to operate on those areas of IH-10 within the city limits of Hedwig Village.

Under the agreement, enforcement of offenses punishable by fines only, primarily traffic violations, would be shared by the respective police departments along eastbound IH-10 and along Bunker Hill Road from north feeder road of IH-10 south to Taylorcrest. Further, citations issued by Hedwig Village police officers would be processed entirely through the Hedwig Village Municipal Court. Under the Agreement fines from tickets issued by Hedwig Village Officers for offenses occurring within the City of Houston will be shared with 30% paid to the City of Houston and 70% being retained by the City of Hedwig Village. It is not envisioned that Houston Police officers will be issuing citations within Hedwig Village city limits. The Houston Police Department will continue to have its own jurisdiction for fine only offenses and will continue to serve as the primary agency for investigating more serious crimes involving Class B Misdemeanors and higher. The agreement also permits Hedwig Village police to respond to Calls for Service and initiate traffic stops on the designated roadways and allows for an equitable sharing of contraband seizures that occur within Houston City limits. Finally, the City of Houston's SafeClear program will be authorized to operate on Hedwig Village's portion of the main lanes of IH-10, including the shoulders and emergency lanes, but excluding the associated feeder roads.

The agreement allows for an increased police presence along the contiguous borders of the two cities resulting in enhanced traffic control, faster response times and an overall safer municipal environment. Expanding the SafeClear Program's access to this portion of IH-10 works to close a coverage gap and thereby enhances mobility along one of Houston's busiest freeways.

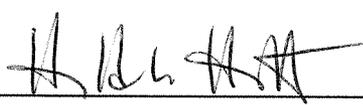
**REQUIRED AUTHORIZATION** 10CEF001

<b>Finance:</b>	<b>Other Authorization:</b>  Arturo G. Michel City Attorney	<b>Other Authorization:</b>
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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of an Ordinance appropriating \$2,739,000 from Fund 1801 - Dangerous Building Consolidated Fund	Page 1 of 1	Agenda Item #  28
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FROM: (Department or other point of origin): Houston Police Department	Origination Date: August 10, 2009	Agenda Date: AUG 26 2009
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DIRECTOR'S SIGNATURE:  Harold L. Hurtt, Chief of Police 	Council District affected: All
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For additional information contact:  Joseph A. Fenninger Phone: (713) 308-1708 CFO & Deputy Director	Date and identification of prior authorizing Council action:
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**RECOMMENDATION: (Summary)**  
Approval of an ordinance appropriating \$2,739,000 from the Dangerous Building Consolidated Fund (Fund 1801) to be used to demolish buildings determined dangerous.

**Amount and Source of Funding:** \$2,739,000 Dangerous Building Consolidated Fund - Fund No. 1801

The Neighborhood Protection Corps of the Houston Police Department is requesting City Council approval of an ordinance authorizing the appropriation of \$2,739,000 from the Dangerous Building Consolidated Fund.

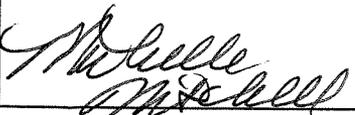
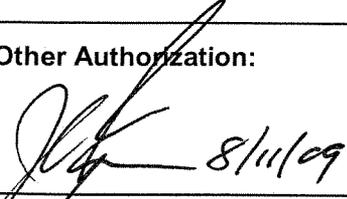
These funds will be used for the demolition of buildings determined to be dangerous by the Buildings and Standard Commission, an Administrative Hearing Official, a Neighborhood Protection Corps official or a registered structural engineer. In addition to demolition services, these funds will be used for demolition support services, emergency demolition services, asbestos/lead testing and removal and appraisal services as permitted by law.

Neighborhood Protection Corps' goal is to demolish (city/owner) 600 dangerous buildings during Fiscal Year 2010.

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

10MLC001

**REQUIRED AUTHORIZATION**

Finance: 	Other Authorization:  8/11/09	Other Authorization:
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**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7955**

**Subject:** Approve an Ordinance Awarding a Sole Source Contract for Computer Software Maintenance and Support Services for the Public Works & Engineering Department  
S33-H22896

Category #  
4

Page 1 of 2

Agenda Item

**29**

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

**Origination Date**  
  
July 22, 2009

**Agenda Date**  
  
AUG 26 2009

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

**Council District(s) affected**  
All

**For additional information contact:**  
David Guernsey                      Phone: (713) 238-5241  
Douglas Moore                      Phone: (832) 393-8724

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a sole source contract to Infor Global Solutions, Inc. in an amount not to exceed \$533,495.29 for computer software maintenance and support services for the Public Works & Engineering Department.

Maximum Contract Amount: \$533,495.29

**Finance Budget**

\$533,495.29 - Water & Sewer System Operating Fund (8300)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a sole source contract to Infor Global Solutions, Inc. for a five-year term in an amount not to exceed \$533,495.29 for computer software maintenance and support services for the Public Works & Engineering Department (PWE). The PWE Director may terminate this contract upon 90-days written notice to the contractor prior to the commencement of the renewal period.

The Infor Global Solutions, Inc. computerized maintenance management software system provides a database for preventative and remedial maintenance, repair and equipment inventory for approximately 440 wastewater facilities.

Infor Global Solutions, Inc. is the proprietary owner, developer, supplier and distributor of the Infor Enterprise Asset Maintenance Management software and is the sole provider of the associated technical support licenses and services used to manage the PWE computer systems and there are no authorized third-party service or maintenance providers.

The scope of work requires the contractor to furnish proprietary software support for up to 75 concurrent users. This technical support license offers 24/7 toll-free telephone support, software updates, Internet access to the contractor's technical support team, web analyst, remote support via telephone modem, and four levels of response times that range from one hour or less to twenty-four hours according to the service-related priority.

**Pay or Play Program**

Infor Global Solutions, Inc. will comply with the City's 'Pay or Play' ordinance by providing health benefits to eligible employees in compliance with City policy.

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

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

**NO**

*45*

*4/28*

*3*

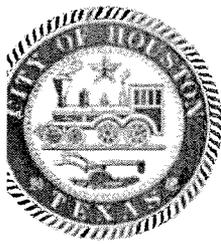
*28*

Date: 7/22/2009	Subject: Approve an Ordinance Awarding a Sole Source Contract for Computer Software Maintenance and Support Services for the Public Works & Engineering Department S33-H22896	Originator's Initials CJ	Page 2 of 2
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Buyer: Conley Jackson

**ESTIMATED SPENDING AUTHORITY**

<b>Department</b>	<b>FY 2010</b>	<b>Out Years</b>	<b>Total</b>
Public Works & Engineering	\$102,515.10	\$430,980.19	\$533,495.29



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

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

From: Conley Jackson

Date: 03-16-09

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: 0% New Goal: \_\_\_\_\_

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

Solicitation Number: S33-H22896 Estimated Dollar Amount: \$1,723,033.46

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

Goal On Last Contract: \_\_\_\_\_ Was Goal met: Yes  No

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

Name and Intent of this Solicitation:  
Computer Software Maintenance and Support Services Sole Source Contract

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

The Public Works & Engineering personnel requires continued maintenance and support services for an existing proprietary software system that was previously developed and supported by Datastream Systems, Inc. All proprietary software rights and technical supports services are now owned and operated by Infor Global Solutions, Inc. In addition, Infor Global Solutions continues the tradition of not selling the software and/or services to a third party; which eliminates the opportunity for any potential for M/WBE participation. After reviewing the M/WBE Directory that there is no divisible work that can be perform by any certified M/WBE in the Directory. It is for the aforementioned reasons that a zero goal for this contract is being requested.

Concurrence:

Conley Jackson  
SPD Initiator

Douglas Moore  
Division Manager

Robert Gallegos  
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.

## SOLE SOURCE CERTIFICATION

PART NUMBER See the quotation	COMMODITY CODE	DESCRIPTION Infor Enterprise Asset Management (DataStream 7i) Software Licenses for PWE Work Management Sysytem
MFG. NUMBER	VENDOR NAME (ADD MANUFACTURER'S NAME ALSO, IF DIFFERENT) Infor Global Solutions	
VENDOR NUMBER	VENDOR ADDRESS 13560 Morris Road, Suite 4100; Alpharetta, GA 30004	<input type="checkbox"/> Certified M/WBE <input type="checkbox"/> No M/WBE
VENDOR TELEPHONE 512-689-3496	VENDOR CONTACT Jerry Lewallen	

**SOLE SOURCE** - Procurements where the functional needs of the City can be satisfied by only one source.  
(Ref. - Texas Local Government Code Section 252.022; City of Houston, Executive Order 1-8).

**Check mark the appropriate reason the above item, material or service has no substitute and can be obtained only from the indicated vendor. Attach letter from the manufacturer, on their letterhead, as backup.**

- Item is Patented. Vendor has exclusive supplier rights
- Item is Copyrighted. Vendor has exclusive supplier rights.  
Item is a \_\_\_ Book, \_\_\_ Manuscript, or \_\_\_ Film and is available only from the above Vendor.
- Item is a Product/Service provided by a Legal Monopoly.  
Item is a Captive Replacement Part and must be ordered because of one of the following reasons.  
(Check One)
  - Use of a generic substitute will void warranty. Vendor is the only local supplier of acceptable parts.
  - Captive Replacement parts are available only from the above Vendor who is the original manufacturer of the item being replaced.
  - Use of generic substitute parts will require extensive modification of equipment. Modification would not be cost effective. (attach cost analysis). Above Vendor is the only supplier of the acceptable part.
  - Captive replacement parts are available only from the above Vendor who is the sole authorized distributor for the manufacturer and no other Vendor is authorized to sell these items to the City of Houston.
- Other \_\_\_\_\_

**ORIGINATOR'S STATEMENT**

**I CERTIFY THAT THE ABOVE ITEM, MATERIALS OR SERVICE IS A SOLE SOURCE ITEM FOR THE REASON INDICATED ABOVE.**

ORIGINATING DEPT: PUBLIC WORKS & ENGINEERING

DIVISION: PUD/Wastewater Ops

Originator's Signature:

Date: 16-Apr-08

F&A MATERIALS MANAGEMENT BRANCH  Buyer:	AUTHORIZED APPROVAL  DATE
---	---------------------------------



50 Datastream Plaza  
Greenville, SC 29605

864 422 5001 | Phone  
864 422 5000 | Fax

[www.infor.com](http://www.infor.com)

April 22, 2008

Mike Porasef  
City of Houston  
Wastewater Operations Branch  
Public Utilities Division  
P.O. Box 1562  
Houston, TX 77251

Dear Mr. Porasef:

This letter shall serve as verification that Infor is the sole source for Infor Enterprise Asset Management software licenses and the associated support services.

These registered, trademarked and copyrighted customized programs are licensed by Infor directly to the respective user. There are no authorized distributors or 3<sup>rd</sup> party providers of this software, service or products.

Should you have any questions regarding this matter, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry Lewallen".

Jerry Lewallen  
Account Executive  
Infor Public Sector  
512-689-3496

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8294**

**Subject:** Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract No. C56942 for Video Arraignment & Teleconference System for the Municipal Courts Department  
TC-4-5820-10-20303-A1

Category #  
4

Page 1 of 1

Agenda Item

**30**

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

**Origination Date**  
August 18, 2009

**Agenda Date**  
AUG 26 2009

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

**Council District(s) affected**  
All

**For additional information contact:**  
Berta Mejia Phone: (713) 247-4241  
Douglas Moore Phone: (832) 393-8724

**Date and Identification of prior authorizing Council Action:**  
Ord. No. 2005-0620, Passed May 11, 2005

**RECOMMENDATION: (Summary)**  
Approve an amending ordinance to increase the maximum contract amount from \$415,000.00 to \$560,000.00 for the contract between the City of Houston and Southwestern Bell Telephone Company d/b/a AT&T Texas for Video Arraignment and Teleconference System for the Municipal Courts Department.

Maximum Contract Amount Increase: \$145,000.00

**Finance Budget**

\$145,000.00 - General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount from \$415,000.00 to \$560,000.00 for the contract between the City of Houston and Southwestern Bell Telephone Company d/b/a AT&T Texas for Video Arraignment & Teleconference system for the Municipal Courts Department. The City Purchasing Agent may terminate this contract at any time upon thirty (30) days written notice.

This contract was awarded on May 11, 2005, by Ordinance No. 2005-0620 for a sixty-six month term, in the original amount of \$415,000.00. Expenditures as of August 18, 2009 totaled \$328,449.48. As part of this contract, the Department is expanding the teleconferencing system to include two new sites: Westside Command Station and North Command Station. Also in process is an upgrade to the existing system currently in place at the Central Lubbock facility. This expansion and upgrade of the system has increased expenditures on the contract. The additional funds requested will allow for completion of the expansion and upgrade and sustain the Department through the end of the contract term.

The scope of work requires the contractor to provide real-time, two-way, full-motion color video transmission capability, and facilitate remote arraignment and statutory warning of prisoners in the same manner as it is currently provided at the Southeast Command and Central detention facilities. In addition, the expansion will provide secure audio-video recording with transcription capability to the expansion sites. The original system provides real-time, two-way, full-motion color video transmission to facilitate remote arraignment and statutory warning of prisoners at the Central detention facility and the Southeast Command detention facility. This system also provides secure audio-video recording with transcription services.

This contract was issued as a goal-oriented contract with a 10% M/WBE participation level and the contractor is currently achieving 9.2%.

Buyer: Greg Hubbard

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Appropriate Funds and Authorize Issuance of a Purchase Order to Contract Resource Group through the State of Texas Building and Procurement Commission Contract (TXMAS) for furniture for the Renovation to the Parks and Recreation Department Campus. WBS No. F-0504D1-0004-5	<b>Page</b> 1 of 1	<b>Agenda Item</b>  31
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 8/19/09	<b>Agenda Date</b> AUG 26 2009
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush 8/19/09</i>	<b>Council District(s) affected:</b> 1
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Appropriate funds and authorize issuance of a purchase order in the amount of ~~\$985,230.36~~ to the TXMAS vendor, Contract Resource Group, for the purchase and installation of furnishings for the Renovation of the Parks and Recreation Department Campus – Gragg Building and Wheeler Warehouse Building.

<b>Amount and Source of Funding:</b> <del>\$985,230.36</del> Parks Consolidated Construction Fund (4502)	<b>Finance Budget:</b> <i>Michelle Mitchell</i>
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council appropriate ~~\$985,230.36~~ and authorize issuance of a purchase order to the TXMAS vendor, Contract Resource Group, for the purchase and installation of furniture for the Parks and Recreation Department Campus, which includes the Gragg Building and Wheeler Warehouse Building.

**PROJECT LOCATIONS:** Gragg Building – 2999 S. Wayside Drive (Key Map 534G)  
Wheeler Warehouse – 6200 Wheeler Drive (Key Map 534G)

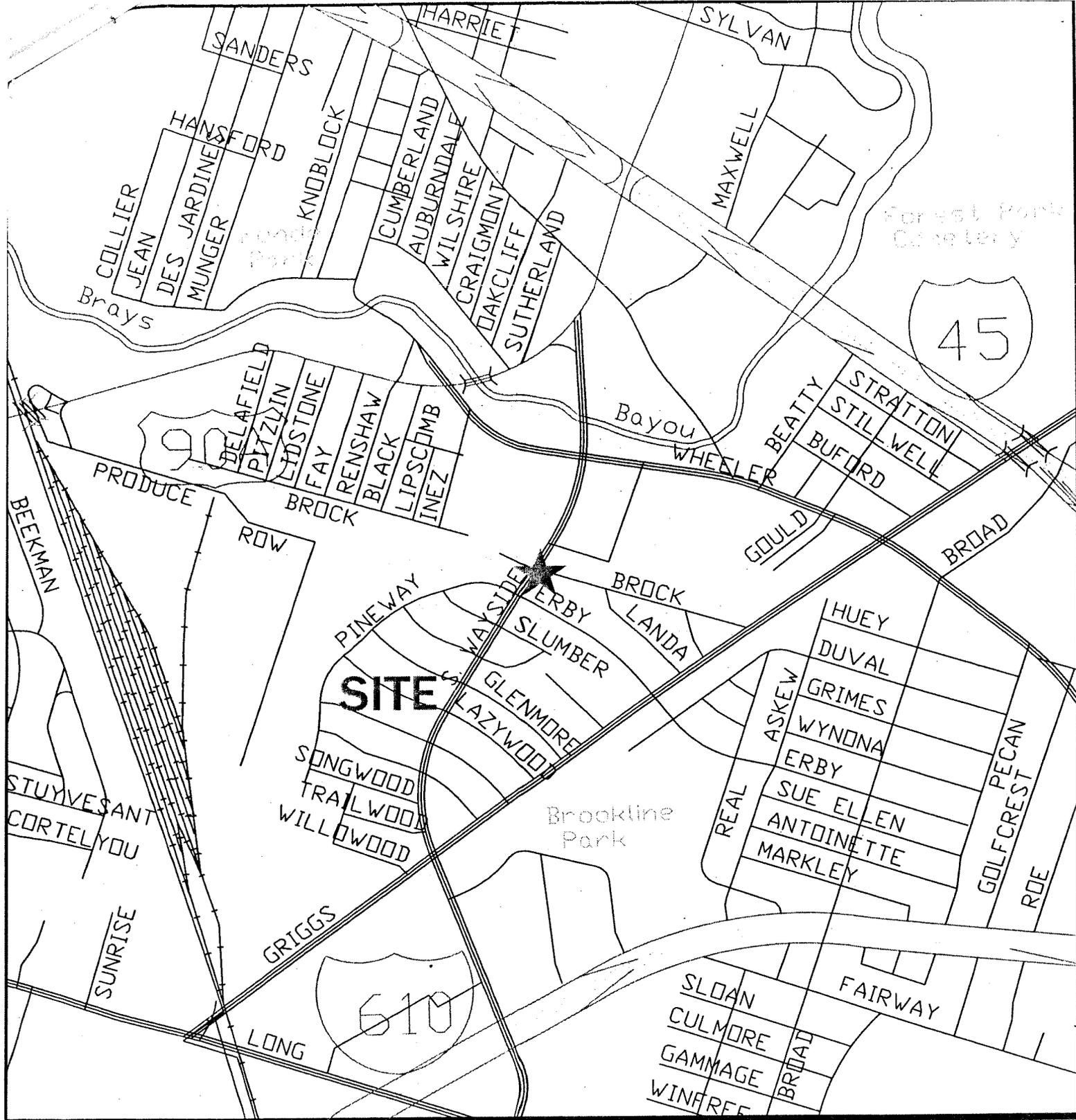
**PROJECT DESCRIPTION:** The furniture will be used to furnish administrative offices and open plan modular workstations for approximately 170 employees, eight conference rooms, two dining areas, waiting areas, lobbies and file rooms at the Parks and Recreation Department's Gragg and Wheeler Warehouse Buildings. The furniture will be covered under manufacturers' warranties.

The Gragg Building will house approximately 110 Parks and Recreation Department employees, including the Director's Office, Communications, Greenspace Management, Facilities Management, Management and Finance, Grants, Legislation and Development, Urban Park Rangers and Permitting Divisions. The Wheeler Warehouse Building will house approximately 60 personnel of the Recreation and Wellness Division.

IZD:HB:JLN:LJ:SNL:snl  
c: Marty Stein, Jacquelyn L. Nisby, Calvin Curtis, Yvette Burton, Mark Ross, Ray Durosseau, Angela Jackson, Daniel Pederson, James Tillman, File

**REQUIRED AUTHORIZATION** CUIC# 25PARK79 *NO*

<b>General Services Department:</b>  <i>H. Bautista</i> Humberto Bautista, P.E. Chief of Design & Construction Division	<b>Parks and Recreation Department:</b>  <i>Joe Turner</i> Joe Turner Director
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PARD CAMPUS AND PARK  
 2999 SOUTH WAYSIDE DR.  
 HOUSTON, TX 77023



<b>SUBJECT:</b> Energy Savings Performance Contract for Energy Conservation Measures Siemens Building Technologies, Inc. Phase 1-B Implementation of Energy Conservation Measures WBS #: D-000138-0001-1	<b>Page</b> 1 of 2	<b>Agenda Item</b>  <span style="font-size: 2em; font-family: cursive;">32</span>
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 8/20/09	<b>Agenda Date</b> AUG 26 2009
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<b>DIRECTOR'S SIGNATURE</b> Issa Z. Dadoush, P.E. <span style="font-family: cursive; font-size: 1.5em;">[Signature]</span>	<b>Council District(s) affected:</b> A, D
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<b>For additional information contact:</b> Jacquelyn L. Nisby <span style="font-family: cursive; font-size: 1.5em;">[Signature]</span> Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2008-439; 05/14/2008 Ordinance No. 2009-533; 06/17/2009
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**RECOMMENDATION:** Approve an energy savings performance contract for energy conservation measures with Siemens Building Technologies, Inc., and appropriate funds for the project.

<b>Amount and Source Of Funding:</b> \$801,497.00 – Reimbursement of Equipment/Projects Fund (1850)	<b>Finance Budget:</b> <span style="font-family: cursive; font-size: 1.5em;">[Signature]</span>
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**SPECIFIC EXPLANATION:** On May 14, 2008, Ordinance No. 2008-439, City Council approved an energy audit services contract with Siemens Building Technologies, Inc. (Siemens) to provide the City a detailed energy analysis and plans for the implementation of energy conservation measures for various City facilities. Siemens concluded its analysis in February 2009 and has identified and recommended innovative energy efficient and sustainable development solutions, which the City desires to implement.

Therefore, the General Services Department recommends that City Council approve an Energy Savings Performance Contract for Energy Conservation Measures with Siemens to implement energy conservation measures designed to improve the system infrastructure and operational efficiencies of the specified City facilities below. It is expected that the Reimbursement of Equipment/Projects Fund will be completely reimbursed from the guaranteed energy savings. The consultant guarantees the City of Houston will save a total of \$1,224,939 within a 13-year payback timeframe. The savings include energy savings of \$895,883 and an operational and avoided capital costs savings of \$349,057. The average annual savings of this project is \$95,764. The life cycle of the equipment and systems installed and implemented during this project are between 20 and 25 years. If the energy costs savings are less than the guaranteed annual savings, Siemens will pay the City the difference.

**PROJECT DESCRIPTION:** Many of the City's buildings use older, inefficient lighting, mechanical systems and control systems. Many of the mechanical and control systems recommended for replacement have reached or exceeded their life cycle of 20-25 years. This project will upgrade these systems through the installation and implementation of measures to reduce energy, water consumption and/or operating costs of City facilities. Work is to begin within ten days of the effective date.

NDT

<b>REQUIRED AUTHORIZATION</b>		CUIC ID #25MSCL35

Date:	<b>SUBJECT:</b> Energy Savings Performance Contract for Energy Conservation Measures Siemens Building Technologies, Inc. Phase 1-B Implementation of Energy Conservation Measures WBS #: D-000138-0001-1	<b>Originator's Initials</b> GD	<b>Page</b> 2 of 2
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**FUNDING SUMMARY:**

\$763,330.00 Construction Contract Services  
\$ 38,167.00 5% Contingency  
**\$801,497.00 Total Contract Services**

**PROJECT LOCATIONS:** The following facilities total approximately 37,499 square feet.

<u>Facility</u>	<u>Location</u>	<u>Key Map</u>	<u>Council District</u>
Fire Station #50	4420 Bingle Road	451E	A
Metropolitan Multi-Service Center	1475 West Gray	492R	D

**M/SBE PARTICIPATION:** An MBE goal of 14%, and SBE goal of 10% have been established for this contract. The consultant has submitted the following certified firms to achieve the goals:

<u>MBE Firm</u>	<u>Scope of Work</u>	<u>Amount</u>	<u>% of Contract</u>
Ursin's Energy Efficient Lighting, LLC	Lighting Installation	\$90,000	11.79%
DC Services, LLC	Electrical Contractor	\$30,850	4.04%
	<b>TOTAL</b>	<b>\$120,850</b>	<b>15.83%</b>

<u>SBE Firm</u>	<u>Scope of Work</u>	<u>Amount</u>	<u>% of Contract</u>
Bocci Engineering, LLC	Engineering	\$28,500	3.70%
Alternative Power Solutions Corp.	Solar Hot Water Installation	\$48,000	6.30%
Globe Electric Supply Company, Inc.	Electric Supplies & Lighting	\$10,000	1.31%
	<b>TOTAL</b>	<b>\$86,500</b>	<b>11.31%</b>

**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 consultant provides health benefits to eligible employees in compliance with City policy.

IZD:JLN:GMD:mlg

c: Issa Dadoush, P.E., Marty Stein, Jacquelyn L. Nisby, File

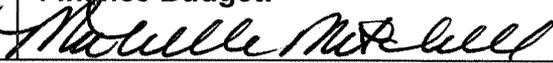
<b>SUBJECT:</b> Award Construction Management at Risk Contract J.E. Dunn South Central, Inc. New Fire Station 84 WBS No: C-000056-0001-4	<b>Page</b> 1 of 2	<b>Agenda Item</b> <span style="font-size: 2em; font-weight: bold;">33</span>
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 8/20/09	<b>Agenda Date</b> AUG 26 2009
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P. E. 	<b>Council District affected:</b> B
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<b>For additional information contact:</b> Jacquelyn L. Nisby  Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b> Motion 2007-0297; Dated 03/21/2007
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**RECOMMENDATION:** Award Construction Management at Risk contract and appropriate funds for the project.

<b>Amount and Source of Funding:</b> \$100,000.00 Reimbursement of Equipment/Projects Fund (1850)	<b>Finance Budget:</b> 
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council award a Construction Management at Risk Contract to J.E. Dunn South Central, Inc. to provide pre-construction and construction phase services for the New Fire Station 84. It is expected that the Reimbursement of Equipment/Projects Fund will be reimbursed by TIRZ # 11-Greenspoint. City Council will be requested to appropriate funds for construction phase services under a separate Council action.

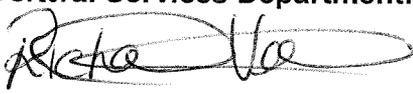
On March 21, 2007, City Council approved a Motion delegating authority to the director of the General Services Department (GSD) to determine which alternative project delivery method provides the best value for the City for the construction of Police, Fire, Parks, Solid Waste Management, Convention and Entertainment, Library, and Health Facilities. The director determined that the Construction Management at Risk method provides the best value for the City for this project due to its necessity for expedited design and construction and budgetary limitations.

On April 10, 2009 and April 17, 2009, GSD advertised a Request for Qualifications containing selection criteria that ranked the respondents on experience, technical approach and quality assurance program. The Statements of Qualifications were due on April 30, 2009, and 13 firms responded. GSD evaluated the respondents and interviewed seven of the 13 firms. Three firms were requested to submit proposals. J.E. Dunn South Central, Inc. presented the lowest pre-construction and construction phase fees and offers the best value for the City based on the advertised criteria.

**PROJECT LOCATION:** 300 Blk. of Gears Road (372Q)

**PROJECT DESCRIPTION:** The construction manager will provide pre-construction services during the design phase, which include budgetary estimating, constructability and material selection. The project provides for construction of a new approximately 14,000 sf fire station with five drive-thru bays, maintenance and EMT areas, fueling island, living quarters, kitchen and lounge, exercise area, locker rooms and bathrooms in accordance with the Houston Fire Department Design Manual and current HFD design standards. The project will utilize the LEED™ (Leadership in Energy and Environmental Design) Green Building rating system to achieve LEED Silver Certification.

**REQUIRED AUTHORIZATION** CUIC ID # 25CONS105

<b>General Services Department:</b>  Humberto Bautista, P.E. Chief of Design & Construction Division	<b>Houston Fire Department</b>  Phil Boriskie Chief
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<b>Date</b>	<b>SUBJECT:</b> Award Construction Management at Risk Contract J.E. Dunn South Central, Inc. New Fire Station 84 WBS No: C-000056-0001-4	<b>Originator's Initials</b> JW	<b>Page</b> 2 of 2
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**AWARD:** It is recommended that City Council award a Construction Management at Risk Contract to J.E. Dunn South Central, Inc. and appropriate funds for pre-construction services.

**FUNDING SUMMARY:**

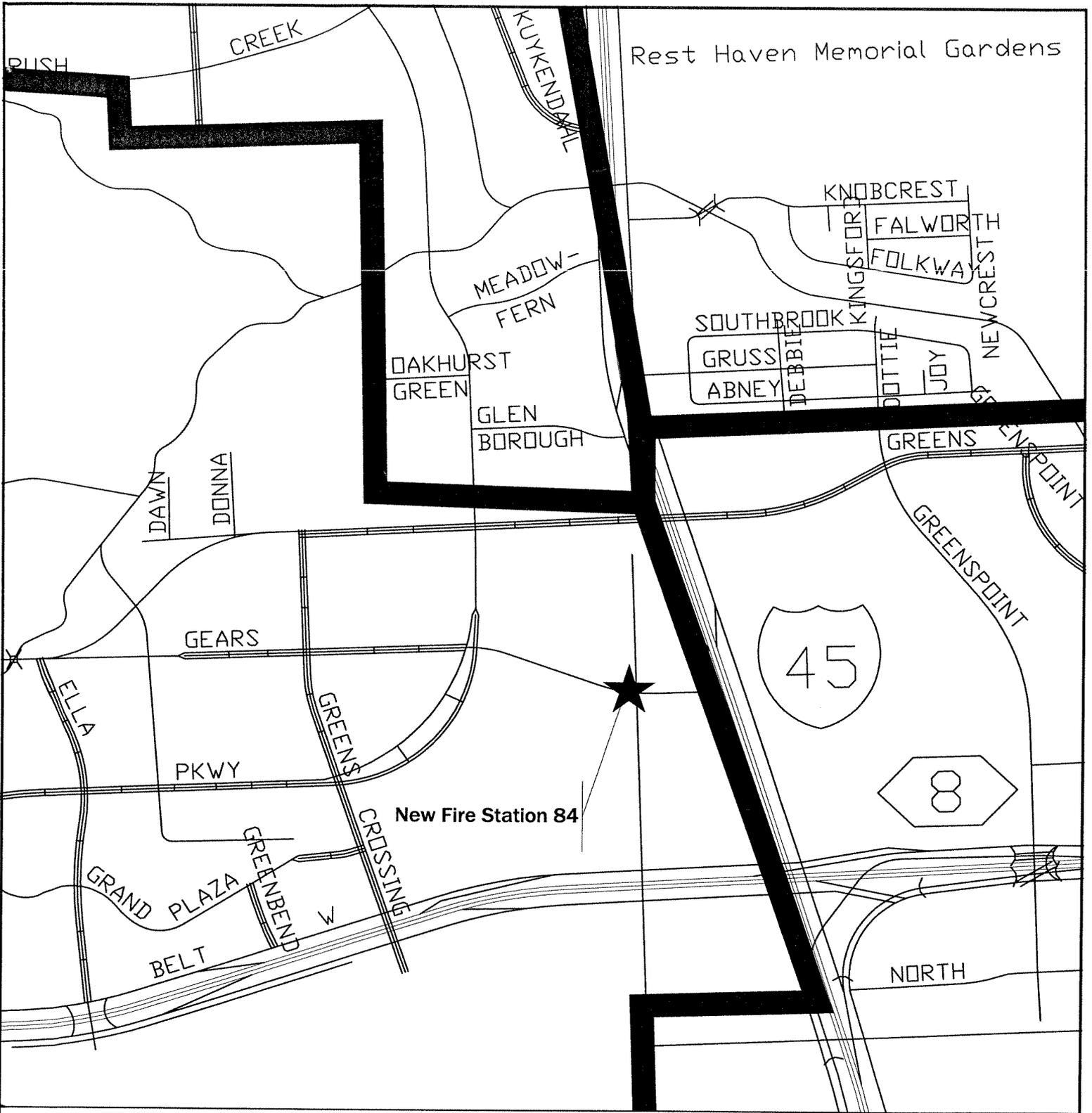
\$ 50,000.00	Pre-Construction Services
\$ 10,000.00	Pre-Construction Phase Additional Services and Reimbursable Expenses
\$ 40,000.00	* Termination Fee
<b>\$ 100,000.00</b>	<b>Total Contract Services</b>

\* The contract provides for a termination fee to be paid to the construction manager if the City elects not to proceed with construction.

**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.

IZD:HB:JLN:MCP:JW:ps

- c: Marty Stein
- Jacquelyn L. Nisby
- James Tillman IV
- Calvin Curtis
- Yvette Burton
- Assistant Chief Jack Williams
- File



**New Fire Station 84**  
**300 Gears Rd**  
**Houston, TX 77067**

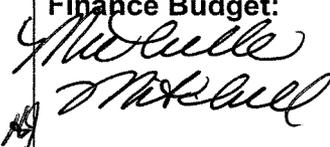
<b>SUBJECT:</b> Award Construction Contract D.L. Meacham, L.P. Sylvester Turner Park WBS No. F-000702-0002-4	<b>Page</b> 1 of 2	<b>Agenda Item</b> 34
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 08-14-09	<b>Agenda Date</b> AUG 26 2009
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. 	<b>Council District affected:</b> A
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<b>For additional information contact:</b> Jacquelyn L. Nisby  Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Award construction contract and appropriate/allocate funds for the project.

<b>Amount and Source of Funding:</b> \$ 594,216.00 Parks Consolidated Construction Fund (4502) \$ 600,000.00 State – Grant Funded (5010) Texas Parks and Wildlife Department \$ 600,000.00 Other Government – Grant Funded (5040) <b>\$1,794,216.00 Total Funding</b>	<b>Finance Budget:</b> 
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**SPECIFIC EXPLANATION:** The General Services Department (GSD) recommends that City Council award a construction contract to D.L. Meacham, L.P. on the proposal amount of ~~\$1,510,050.00~~ provide construction services for Sylvester Turner Park for the Parks and Recreation Department (PARD). PARD has secured a grant in the amount of \$600,000.00 from the Texas Parks and Wildlife Department, and Major League Baseball and the Houston Astros have also contributed \$600,000.00 in private funds to this project.

**PROJECT LOCATION:** 2800 W. Little York (411Z)

**PROJECT DESCRIPTION:** The scope of work consists of constructing an additional NCAA baseball field with foul pole netting, field lighting, field irrigation, benches, bleachers, as well as a multi-purpose building (i.e. office, restroom, and special event room), detention and drainage improvements. The site will serve both the community and the Urban Youth Academy operated through Major League Baseball and the Houston Astros.

The contract duration for this project is 110 calendar days. Clark Condon Associates, Inc. is the design consultant and construction manager for this project.

**PROPOSALS:** On July 3 and July 10, 2009, GSD advertised a Request for Competitive Sealed Proposals containing selection criteria that ranked the respondents on price, experience, references, sub-contractors and schedule. The proposals were due on July 23, 2009, and seven firms responded. GSD evaluated the respondents and D.L. Meacham, L.P. received the most points and offers the best value for the City based on the advertised criteria.

**REQUIRED AUTHORIZATION** CUIC ID # 25PARK80 *NO*

<b>General Services Department:</b>   Humberto Bautista, P.E. Chief of Design & Construction Division	<b>Parks and Recreation Department:</b>   Joe Turner Director
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<b>Date:</b>	<b>Subject:</b> Award Construction Contract D.L. Meacham, L.P. Sylvester Turner Park WBS No. F-000702-0002-4	<b>Originator's Initials</b> MS	<b>Page</b> 2 of 2
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**PROPOSAL CONT:** The seven proposals are ranked as follows:

**PROPOSER**

1. D.L. Meacham, L.P.
2. Meridan Commercial, L.P.
3. Times Construction, Inc.
4. Millis Development & Construction, Inc.
5. Carrera Construction, Inc.
6. The Gonzales Group, L.P.
7. Resicom, Inc.

**AWARD:** It is recommended that City Council award the construction contract to D.L. Meacham, L.P. and appropriate/allocate funds for the project, including an additional \$75,933.12 for construction management services under the existing contract with Clark Condon Associates, Inc., and \$30,802.00 for engineering and materials testing services under the existing contract with Professional Services Industries, Inc.

**FUNDING SUMMARY:**

\$ 1,510,050.00	Construction Contract
\$ 151,005.00	10% Contingency
<b>\$ 1,661,055.00</b>	<b>Total Contract Services</b>
\$ 30,802.00	Engineering Testing
\$ 26,425.88	Civic Art (1.75%)
\$ 75,933.12	Construction Management Services
<b>\$ 1,794,216.00</b>	<b>Total Funding</b>

**PAY OR PLAY PROGRAM:** The proposed contract requires compliance with the City's "Play or Pay" Ordinance regarding health benefits for employees of City contractors. In this case, the contractor will provide benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.

**CONSTRUCTION GOALS:** An MBE goal of 5% and SBE goal of 5% have been established for this contract. The contractor has submitted the following certified firms to achieve the goals:

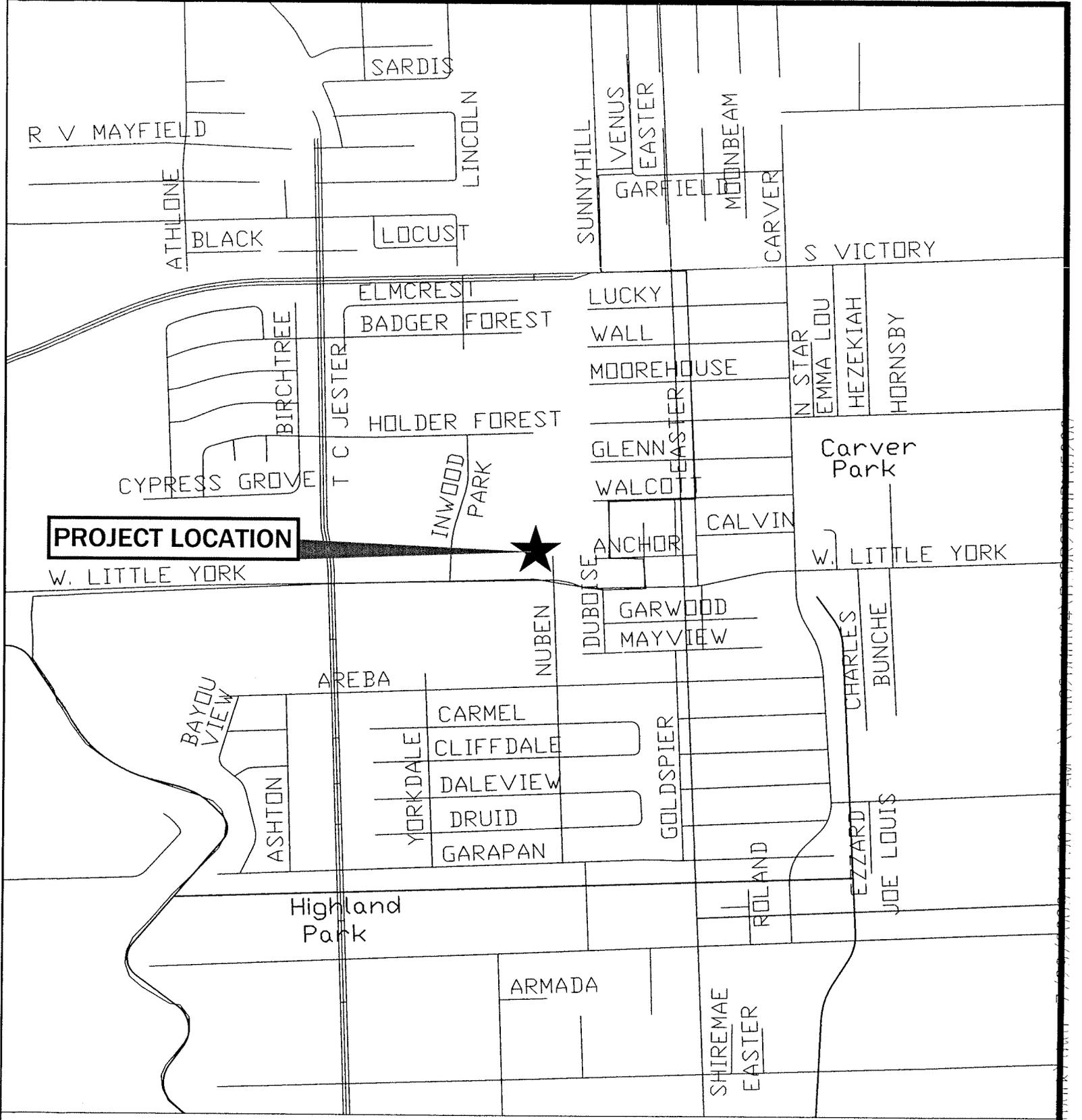
<u>FIRM (MBE)</u>	<u>SCOPE</u>	<u>AMOUNT</u>	<u>% of CONTRACT</u>
Webbco Fabrication, Inc.	Steel	\$ 109,378.00	7.24%

<u>FIRM (SBE)</u>	<u>SCOPE</u>	<u>AMOUNT</u>	<u>% of CONTRACT</u>
Heights Electric Services, Inc.	Electrical	\$ 399,500.00	26.45%

IZD:HB:JLN:LJ:MS:ms

c: Marty Stein, Velma Laws, Jacquelyn L. Nisby, Calvin Curtis, Mark Ross, Daniel Pederson, Humberto Bautista, P.E., Lisa Johnson, Gabriel Mussio, James Tillman IV., Marcus Sheppard, Kim Nguyen, Farooq Kirmani, Yvette Burton, File 712



**PROJECT LOCATION**

**SYLVESTER TURNER PARK**  
**2800 West Little York**

**SUBJECT:** First amendment to Professional Engineering Services Contract between the City and LBG-Guyton Associates for Engineering Services associated with the Rehabilitation of Water Wells at various locations; WBS No. S-000200-0018-3

Page 1 of 2

Agenda Item #

35

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

Department of Public Works and Engineering

**Origination Date**

8/20/09

**Agenda Date**

AUG 26 2009

**DIRECTOR'S SIGNATURE:**

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

**Council District affected:** A, C, D, F & G

*P2*

**For additional information contact:**

*Hamlet Hovsepian*  
Hamlet Hovsepian, P.E. Phone: (713) 837-7033  
Interim Senior Assistant Director

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

Ordinance Number 2008-86, January 30, 2008

**RECOMMENDATION: (Summary)**

Approve first amendment to Professional Engineering Services Contract with LBG-Guyton Associates and appropriate additional funds.

*W.P. 8/10/09*  
**Amount and Source of Funding:** \$220,100.00 from the Water and Sewer System Consolidated Construction Fund No. 8500. Original (previous) appropriation of \$245,000.00 from the Water and Sewer System Consolidated Construction Fund No. 8500

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's program to upgrade and rehabilitate Groundwater Production Facilities. It will meet the area's water demands and also ensure compliance with the Texas Commission on Environmental Quality (TCEQ) regulations.

**DESCRIPTION/SCOPE:** This project consists of rehabilitation of Water Wells at various locations.

**LOCATION:** This project is located as follows:

<u>FACILITY</u>	<u>ADDRESS</u>	<u>KEY MAP GRID</u>	<u>COUNCIL DISTRICT</u>
Spring Branch Well No. 1	9400 Kempwood	450L	A
Whiteoak Well No.1	9702 Deanwood Trail	410R	A
Spring Branch Well No.2	9420 Emnora	450P	A
Southwest Well No. 1	5210 Westpark	491Y	C
Southwest Well No. 5	6302 Westpark	491W	C
Ridgemont Well No. 2	5230 Castle Creek	571Y	D
District 123 Well No.1	10003 Kirkwood	529S	F
Sharpstown Well No.3	6910 Bintliff	530H	F
Park Glen Well No.1	10923 Stancliff	529X	F
West Houston Well No.1	15306 Westheimer	487Z	G

CUIC ID # 20RS81

**Finance Department:**

**Other Authorization:**

*Jun Chang*  
Jun Chang P.E.  
Deputy Director  
Public Utilities Division

**Other Authorization:**

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

**PREVIOUS HISTORY AND SCOPE:** The City Council approved the original contract by Ordinance No. 2008-86 on January 30, 2008. The scope of services under the original contract consisted of professional engineering services associated with the Rehabilitation of Water Wells. The following water wells were included in the contract: Acres Homes Well No. 4, Sims Bayou Well No. 4, Eisenhower Park, District 159 Well No.2 and District 73 Well No.1. Under the terms of the contract, the scope of services included: Phase II-Final Design, Phase III- Construction Phase Services and Additional Services. The stated project is currently in Phase II Design.

**SCOPE OF AMENDMENT AND FEE:** This amendment provides for the assignment of ten (10) additional water wells for rehabilitation within the City to meet the area's water demands. Under the terms of this amendment, the consultant will perform Phase II - Final Design and Phase III - Construction Phase Services and Additional Services for the additional projects with this additional appropriation. The Basic Services fees for Phase II and Phase III are negotiated on a lump sum basis. The total Basic Services appropriation is \$81,206.00.

The contract also includes certain Additional Services to be paid either as lump sum or on a reimbursable basis. The total Additional Services appropriation is \$118,829.00.

The total cost of this project is \$220,100.00 to be appropriated as follows: \$200,035.00 for contract services and \$20,065.00 for project management.

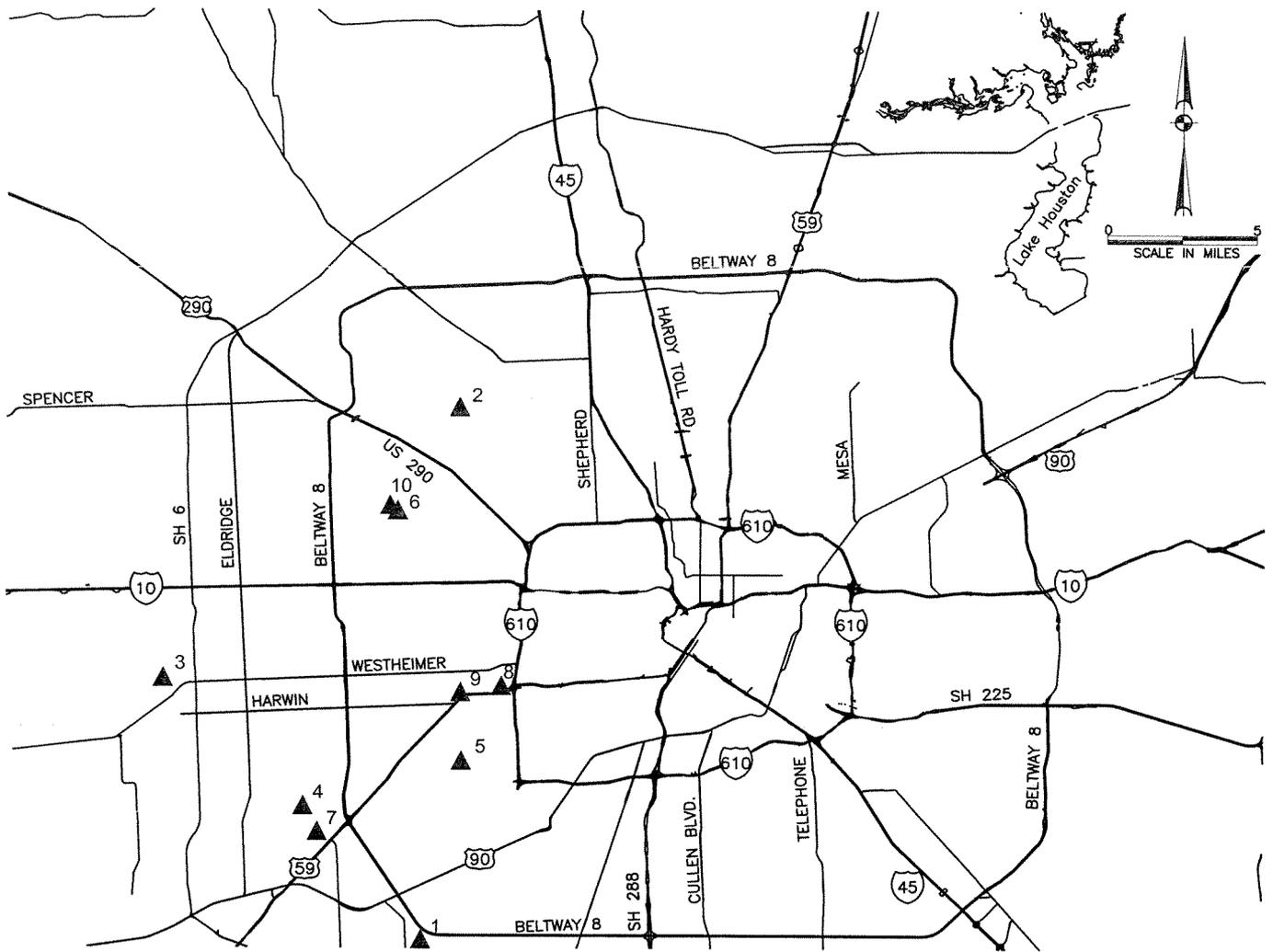
**PAY OR PLAY PROGRAM:** The proposed contract requires compliance with City's 'Pay or Play' ordinance regarding health benefits for employees of city contractors. In this case, the contractor provides health benefits to eligible employees in compliance with city policy.

**M/WBE INFORMATION:** The M/WBE goal established for this project is 24%. The original contract as approved by Ordinance Number 2008-86, January 30, 2008 totals \$220,885.00. The engineer has been paid \$152,180.17 (68.89%) to date. Of this amount, \$37,449.62 (24.61%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will be increased to \$420,920.00. The engineer has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
MWBE Work		\$55,770.00	13.25%
1. Ambiee Engineers, Inc.	Design Support Services	\$43,500.00	10.33%
2. B & E Reprographics, Inc.	Reproduction	\$4,464.00	1.06%
	<b>TOTAL</b>	<b>\$103,734.00</b>	<b>24.64%</b>

  
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- c: Marty Stein  
 Velma Laws  
 Susan Bandy  
 Mike Pezeshki, P.E  
 Craig Foster  
 File S-000200-0018-3



▲ PROJECT SITE

INDEX OF WELLS					
W#	WELL NAME	ADDRESS	KEY MAP	COUNCIL DISTRICT	COUNCIL MEMBER
1	RIDGEMONT WELL 2	5230 CASTLE CREEK	571Y	D	WANDA ADAMS
2	WHITE OAK WELL 1	9702 DEANWOOD TRAIL	410R	A	TONI LAWRENCE
3	WEST HOUSTON WELL 1	15306 WESTHEIMER	487Z	G	PAM HOLM
4	DISTRICT 123 WELL 1	10003 S. KIRKWOOD	529S	F	M. J. KHAN
5	SHARPSTOWN WELL 3	6910 BINTLIFF	530H	F	M. J. KHAN
6	SPRING BRANCH WELL 2	9420 EMNORA	450Q	A	TONI LAWRENCE
7	PARK GLEN WELL 1	10923 STANCLIFF	529X	F	M. J. KHAN
8	SOUTHWEST WELL 1	5210 WESTPARK	491Y	C	ANNE CLUTTERBUCK
9	SOUTHWEST WELL 5	6302 WESTPARK	491W	C	ANNE CLUTTERBUCK
10	SPRING BRANCH WELL 1	9400 KEMPWOOD	450L	A	TONI LAWRENCE

LOCATION MAP  
 REHABILITATION OF EXISTING WATER WELLS FY 2011  
 WBS NO. S-000200-0018-3

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:**  
Ordinance granting a Commercial Solid Waste Operator Franchise

**Category #**

**Page 1 of 1**

**Agenda Item#**

*1st reading*

*36*

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

Alfred J. Moran, Director  
Administration & Regulatory Affairs

**Origination Date**  
August 19, 2009

**Agenda Date**  
AUG 26 2009

**DIRECTOR'S SIGNATURE:**



**Council Districts affected:**

ALL

**For additional information contact:**

Juan Olguin *JFO* Phone: (713) 837- 9623  
Nikki Cooper *N* Phone: (713) 837- 9889

**Date and identification of prior authorizing Council Action:** Ord. # 2002-526 – June 19, 2002; Ord. # 2002-1166-December 18, 2002.

**RECOMMENDATION: (Summary)**

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

**Amount of Funding:**  
REVENUE

**FIN Budget:**

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

**SPECIFIC EXPLANATION:**

It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:

1. A-GAIA America

The proposed ordinance grants the Franchisee the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, the Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise terms expire on December 31, 2013.

The Pay or Play Program does not apply to the Commercial Solid Waste Operator Franchise.

**REQUIRED AUTHORIZATION**

**Finance Director:**

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:**  
Ordinance granting a Commercial Solid Waste Operator Franchise

**Category #**

**Page 1 of 1**

**Agenda Item#**

*2 pending* **37 24**

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

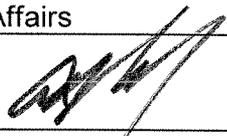
Alfred J. Moran, Director  
Administration & Regulatory Affairs

**Origination Date**  
August 12, 2009

**Agenda Date**

~~AUG 19 2009~~

**DIRECTOR'S SIGNATURE:**



**Council Districts affected:**

ALL

**For additional information contact:**

Juan Olguin Phone: (713) 837- 9623  
Nikki Cooper Phone: (713) 837- 9889

**Date and identification of prior authorizing Council Action:** Ord. # 2002-526 – June 19, 2002; Ord. # 2002-1166-December 18, 2002.

**RECOMMENDATION: (Summary)**

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

**Amount of Funding:**  
REVENUE

**FIN Budget:**

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

**SPECIFIC EXPLANATION:**

It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:

1. RW Jaynes LLC DBA Intra-Services Waste Transport

The proposed ordinance grants the Franchisee the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, the Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise terms expire on December 31, 2013.

The Pay or Play Program does not apply to the Commercial Solid Waste Operator Franchise.

**REQUIRED AUTHORIZATION**

**Finance Director:**

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:**  
Ordinance granting a Commercial Solid Waste Operator Franchise

**Category #**

**Page 1 of 1**

**Agenda Item#**

*3rd reading final*

*38 25*

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

Alfred J. Moran, Director  
Administration & Regulatory Affairs

**Origination Date**

7/28/09

**Agenda Date**

~~AUG 12 2009~~

**DIRECTOR'S SIGNATURE:**



**Council Districts affected:**

ALL

**For additional information contact:**

Juan Olguin *SFO* Phone: (713) 837- 9623  
Nikki Cooper *N* Phone: (713) 837- 9889

**Date and identification of prior authorizing**

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

**RECOMMENDATION: (Summary)**

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

**Amount of Funding:**  
REVENUE

**FIN Budget:**

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

**SPECIFIC EXPLANATION:**

It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:

1. Miner Dedrick, LLC

The proposed ordinance grants the Franchisee the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, the Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise terms expire on December 31, 2013.

The Pay or Play Program does not apply to the Commercial Solid Waste Operator Franchise.

**REQUIRED AUTHORIZATION**

**Finance Director:**

40  
AUG 26 2009

MOTION NO. 2009 0609

MOTION by Council Member Lovell that the recommendation of the Purchasing Agent, for sole source purchase of Automated People Mover System Parts for the Houston Airport System, S44-S22627, be adopted, and authority is hereby given to make purchases, as needed, for an 18-month period from Bombardier Transportation (Holdings) USA, Inc., in an amount not to exceed \$2,580,545.91.

Seconded by Council Member Sullivan

Council Member Green moved to postpone the above matter for two weeks.

Seconded by Council Member Jones and carried.

VOTE ON MOTION TO POSTPONE  
Mayor White, Council Members Lawrence, Johnson,  
Sullivan, Gonzalez, Rodriguez, Brown, Lovell, Noriega,  
Green and Jones voting aye  
Nays none  
Council Member Adams absent  
MOTION TO POSTPONE CARRIED

Council Member Clutterbuck absent

Council Member Khan out of the City on personal business

Council Member Holm absent on personal business

PASSED AND ADOPTED this 12th day of August, 2009.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is August 18, 2009.

  
City Secretary

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 8390

**Subject:** Approve the Sole Source Purchase of Automated People Mover System Parts for the Houston Airport System S44-S22627

Category #	Page 1 of 1	Agenda Item
4	40	37 #

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

**Origination Date**  
 July 21, 2009

**Agenda Date**  
~~AUG 13 2009~~  
~~AUG 13 2009~~  
 AUG 26 2009

**DIRECTOR'S SIGNATURE**  


**Council District(s) affected**  
 B-Johnson

**For additional information contact:**  
 Dallas Evans Phone: (281) 230-8001  
 Desiree Heath Phone: (832) 393-8742

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

**RECOMMENDATION: (Summary)**

Approve the sole source purchase from Bombardier Transportation (Holdings) USA, Inc. in an amount not to exceed \$2,580,545.91 for automated people mover system parts for the Houston Airport System.

Estimated Spending Authority: \$2,580,545.91

FIN Budget

\$2,580,545.91 HAS-Revenue Fund (8001)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the sole source purchase from Bombardier Transportation (Holdings) USA, Inc. in an amount not to exceed \$2,580,545.91 for automated people mover system parts for the Houston Airport System. It is further requested that authorization be given to make purchases, as needed for an 18-month period. This award consists of console assemblies, motor box heat sinks, power terminal covers, and various specialty parts to be used for the repair and maintenance of the Automated People Mover (train) at George Bush Intercontinental Airport.

Bombardier Transportation (Holdings) USA, Inc. is the sole proprietor, designer, manufacturer, supplier and distributor of the specialty parts for the automated people mover system. No other manufacturer can provide these specialty parts nor does any other firm have rights to the programmable software and computer cards.

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

Buyer: John Tatman

Attachment: M/WBE Zero-Percentage goal document approved by the Affirmative Action Division.

**Estimated Spending Authority**

DEPARTMENT	FY 2010	OUT YEARS	TOTAL
Houston Airport System	\$1,577,000.00	\$1,003,545.91	\$2,580,545.91

**REQUIRED AUTHORIZATION**

FIN Director:

Other Authorization:

Other Authorization:

*Handwritten initials*

*Handwritten initials*

*Handwritten number 13*



# CITY OF HOUSTON

Administration & Regulatory Affairs Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

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

From: John G. Tatman

Date: July 21, 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  N/A

I am requesting a **revision** of the MWBE Goal: Yes  No  Original Goal: N/A New Goal: N/A

If requesting a revision, how many solicitations were received: 0

Solicitation Number: S44-S22627 Estimated Dollar Amount: \$2,580,545.91

Anticipated Advertisement Date: 10/10/2008 Solicitation Due Date: 10/24/2008

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

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

Name and Intent of this Solicitation:  
Automated People Mover System Parts for the Houston Airport System

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

This solicitation is for automated people mover system parts for the the Houston Airport System. Bombardier Transportation designed and built the equipment for the automated people mover (train) at the George Bush International Airport. Bombardier designed the affiliated parts, and has proprietary rights to their designs. No other manufacturer can provide these specialty parts nor does any other firm have rights to the programmable software and computer cards. The parts will be direct shipped. There is no potential for M/WBE participation.

Concurrence:

SPD Initiator

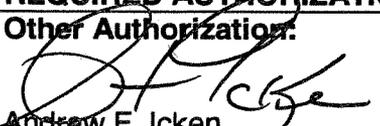
Division Manager

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.

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

<b>SUBJECT:</b> Approval of a resolution authorizing the creation of the Leland Woods Redevelopment Authority II		<b>Page</b> 1 of 1	<b>Agenda Item</b> # <u>141</u> #
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 8-13-09	<b>Agenda Date</b> <del>AUG 19 2009</del> AUG 26 2009
<b>DIRECTOR'S SIGNATURE</b> <i>MS</i>  Michael S. Marcotte, P.E., D.WRE, BCEE		<b>Council District affected:</b> B	
<b>For additional information contact:</b> Ann Marie Stone Sheridan, P.E. 713-837-9142 <i>AMS</i>		<b>Date and identification of prior authorizing Council action:</b> 12/23/2003 R2003-1330; 04/18/2007 R2007-19; 04/18/2007 O2007-499	
<b>RECOMMENDATION: (Summary)</b> City Council Approve resolution authorizing the creation of the Leland Woods Redevelopment Authority II			
<b>Amount and Source of Funding:</b> No funding required.			
<b>SPECIFIC EXPLANATION:</b> By Ordinance 03-1330 passed on December 23, 2003, City Council created the Tax Increment Reinvestment Zone Number Twenty-Two, the Leland Woods Zone. The Principle objective of this Zone is to support the construction of affordable housing in northeast Houston.  To assist in the implementation of the Project and Financing Plan for the Leland Woods Zone approved on 4/18/2007 by ordinance 2007-499, the City authorized the creation of the Leland Woods Redevelopment Authority, a local government corporation by resolution 207-19. In connection with the proposed refinancing of a loan from North Houston Bank to Builder's Community Development Corporation, it is proposed to create a second local government corporation, the Leland Woods Redevelopment Authority II to assume the obligations of the Builder's Community Development Corporation with respect to the second phase of the Leland Woods development. This local government corporation, authorized under Chapter 431 of the Transportation Code, will enter into an agreement with the City of Houston, the Builder's Community Development Corporation, the North Houston Bank, the Tax Increment Reinvestment Zone No. 22, and the Leland Woods Redevelopment Authority, which will be submitted to council for approval. The Board of Directors of the Leland Woods Zone will serve as the Board of Directors of the Leland Woods Redevelopment Authority II.			
<b>Attachments</b>			
cc:      Marlene Gafrick Michelle Mitchell Deborah McAbee, Senior Assistant City Attorney Augustus Campbell			
		<b>REQUIRED AUTHORIZATION</b>	20UPA9
<b>Finance Department</b>	<b>Other Authorization:</b>  Andrew F. Icken Deputy Director, Planning & Development Services Div.	<b>Other Authorization:</b>	



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Agreement Between the City of Houston, Texas; North Houston Bank; Builder's Community Development Corporation; Reinvestment Zone No. 22, City of Houston, Texas; the Leland Woods Redevelopment Authority, the Leland Woods Redevelopment Authority II for the continued development of Leland Woods WBS P-001002-0004	Page <b>1 of 2</b>	Agenda Item # <div style="border: 1px solid black; padding: 5px; display: inline-block;">41A</div> #4A
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b>	<b>Agenda Date</b> <del>AUG 19 2009</del>
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<b>DIRECTOR'S SIGNATURE</b>  Michael S. Marcotte, P.E., D.WRE, BCEE	<b>Council District affected:</b> AUG 26 2009 B
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<b>For additional information contact:</b> Ann Marie Stone Sheridan, P.E. 713-837-9142	<b>Date and identification of prior authorizing Council action:</b> 12/23/2003 O2003-1330; 10/20/2004 O2004-1073; 11/9/2004 O2004-1148; 04/4/2007 O2007-444; R04/18/2007 2007-19; 04/18/2007 O2007-499; 7/11/2007 O2007-0830; 11/14/2007 O2007-1293
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**RECOMMENDATION: (Summary)**  
 Adopt an ordinance approving an agreement between the City of Houston; North Houston Bank; Builder's Community Development Corporation; Reinvestment Zone No. 22; Leland Woods Redevelopment Authority; and the Leland Woods Redevelopment Authority II for the continued development of Leland Woods

**Amount and Source of Funding:**  
 \$952,761 from the TIRZ Affordable Housing Fund (2409)

**SPECIFIC EXPLANATION:**  
 The Leland Woods development was established as a Tax Increment Reinvestment Zone ("TIRZ") on 12/23/2003. TIRZ No. 22 was created to initiate a partnership with the Greater Houston Builders Association to develop much-needed single family homes in District B. Council subsequently approved an agreement between the City and the Builder's Community Development Corporation ("BCDC"), a non-profit 501(c)3, to develop 375 single family lots, of which 300 would meet affordability criteria. The agreement provided for a \$1,500,000 grant from the City for land purchase, with the benefit passed on to qualified purchasers in the form of \$5,000 per lot to be applied to closing costs. Council later approved two amendments relating to payment schedule and revising the affordability criteria. The BCDC construction provided sufficient tax increment to allow for the creation of the Leland Woods Redevelopment Authority ("Authority"). Council approved a Project and Financing Plan on 4/18/07, and authorized a Developer Participation Contract ("DPC") with the BCDC on 7/11/2007. Most recently, on 11/14/07, Council approved an agreement with the Authority and TIRZ to manage the construction of public infrastructure from the tax increment and future DPCs.

Due to current economic conditions, slowed development, and tight restrictions on loans, the BCDC was unable to find enough buyers in the allotted time in order to meet its commitments to continue development and meet its obligations on the note with North <sup>Houston</sup> Bank. Rather than allow the development to fall into foreclosure, the City proposes by separate council action to create the Leland Woods Redevelopment Authority II ("Authority II") and, if so created, enter into a six-way agreement with North Houston Bank, the BCDC, TIRZ No. 22, the original Authority, and the Authority II.

<b>REQUIRED AUTHORIZATION</b>		<b>20UPA10</b>
<b>Finance Department</b>	<b>Other Authorization:</b>  Andrew F. Icken Deputy Director, Planning & Development Services Div	<b>Other Authorization:</b>

4A

Date:	<b>Subject:</b> Agreement Between the City of Houston, Texas; North Houston Bank; Builder's Community Development Corporation; Reinvestment Zone No. 22, City of Houston, Texas; the Leland Woods II Redevelopment Authority II	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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This six-way agreement sets out conditions for the redevelopment authorities to accept the responsibilities of the Leland Woods development and to release the Builder's Community Development Corporation ("BCDC") from a former agreement. Under this new agreement, the COH will assist with a grant of \$902,761.00 to the Leland Woods Redevelopment Authority ("Authority") and \$50,000 to the Leland Woods Redevelopment Authority II ("Authority II"). The Authority will pay the \$902,761 to the BCDC to purchase the remaining lots and land in Tract 1. The BCDC will pay the entire amount to the North Bank; assign the title to Tract 1 to the Authority and title to Tract 2 to the Authority II, excepting the note held by the North Bank. The North Bank will apply \$750,000 to the principal balance on the Note; which on Jun 30, 2009 stands at 1,623,331.81 from an original amount of \$2,188,646.00; use the remaining \$80,000 in the name of the Authority II to set up an interest bearing escrow account to pay interest on the outstanding loan; and pay \$72,461 in taxes. The Authority II will assume the loan and accept title to Tract 2. The \$50,000 paid to the Authority II is for startup costs.

The Authority will enter into new agreements with the City under the Economic Development Program to develop the remaining Tract 1 land with home builders to continue to construct affordable housing on the remaining lots in Tract 1. The Authority II will continue to work with the City, TIRZ No. 22 and the Authority to develop Tract 2.

PWE&E requests council approval of the ordinance allowing the City to enter into the six-way agreement.

Attachments

cc: Michelle Mitchell  
Marlene Gafrick  
Deborah McAbee  
Augustus Campbell

42

AUG 26 2009

MOTION NO. 2009 0619

MOTION by Council Member Lovell that the following item be postponed for one week:

Item 27 - Receive nominations for Position 13 of the Houston Archaeological and Historical Commission Board of Directors, for a two year term that will end March 1, 2011

Seconded by Council Member Khan and carried.

Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Gonzalez, Lovell, Noriega, Green and Jones voting aye  
Nays none

Council Member Clutterbuck absent due to being ill

Council Member Rodriguez absent on personal business

Council Member Brown out of the City on personal business

PASSED AND ADOPTED this 19th day of August 2009.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is August 25, 2009.

City Secretary

43

AUG 26 2009

MOTION NO. 2009 0620

MOTION by Council Member Gonzalez that the following item be postponed for one week:

Item 31 - Ordinance approving and authorizing agreement by and between the City of Houston and Harris County, Texas, for Harris County to acquire needed property to be conveyed to the City, and to design, construct and fund the reconstruction of Lorraine Street in connection with the extension of the Hardy Toll Road South from its current terminus to connect with U. S. Highway 59 and the northern approach to the Elysian Viaduct

Seconded by Council Member Khan and carried.

Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Gonzalez, Lovell, Noriega, Green and Jones voting aye  
Nays none

Council Member Clutterbuck absent due to being ill

Council Member Rodriguez absent on personal business

Council Member Brown out of the City on personal business

PASSED AND ADOPTED this 19th day of August, 2009.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is August 25, 2009.

City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Agreement between the City of Houston and Harris County for the Reconstruction of Lorraine Street from Hardy Street to Jensen Drive; WBS No. N-000396-0015-4.

Page  
1 of 1

Agenda Item #

43 31 31

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

Department of Public Works and Engineering

**Origination Date**

7-30-09

**Agenda Date**

~~AUG 12 2009~~

**DIRECTOR'S SIGNATURE:**

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

**Council District affected:**

B, H *see*

~~AUG 10 2009~~  
AUG 26 2009

**For additional information contact:**

  
Hamlet Hovsepian, PE. Phone: (713) 837-7033  
Interim Senior Assistant Director

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

N/A

**RECOMMENDATION: (Summary)**

Adopt an ordinance approving and authorizing an Agreement between the City of Houston and Harris County.

**Amount and Source of Funding:** N/A

**PROJECT NOTICE/JUSTIFICATION:** Harris County (County) desires to reconstruct Lorraine Street in connection with the extension of the Hardy Toll Road south from its current terminus to connect with U.S. Highway 59 and the northern approach to the Elysian Viaduct. This extension will provide access between Hardy Toll Road and the downtown area, improving mobility and air quality due the resultant traffic congestion mitigation.

**DESCRIPTION/SCOPE:** This project provides for the construction of a four-lane concrete roadway across the Hardy Corridor with all appurtenances, including signalization and necessary underground utilities.

**LOCATION:** The project is located on Lorraine Street from Hardy Street to Jensen Drive. This project is located in Key Map Grid Nos. 493 H and 494 E.

**SCOPE OF THIS AGREEMENT:** Harris County seeks to enter into an Agreement with the City for the construction of Lorraine Street from Hardy Street to Jensen Drive. Under the terms of the Agreement, the County at its expense shall acquire all necessary right-of-way for the project. The County shall design, construct, and fund one hundred percent (100%) toward the design and construction costs of the project. The County shall be responsible for administering the construction contract. Upon acceptance by the City of the completed project, the City shall assume full ownership of and responsibility for the maintenance and preparation of the project.

**ACTION RECOMMENDED:** It is recommended that the City Council adopt an ordinance approving and authorizing an Agreement between the City of Houston and Harris County.

*MSM:DRM:HH:TAA:PKC:kd*  
Z:\constr\A-SB-DIV\Design\County\LORRAINE\RCA 20TAA37.doc

c: Marty Stein  
Velma Laws

Susan Bandy  
Craig Foster

**REQUIRED AUTHORIZATION**

**CUIC ID #20TAA37**

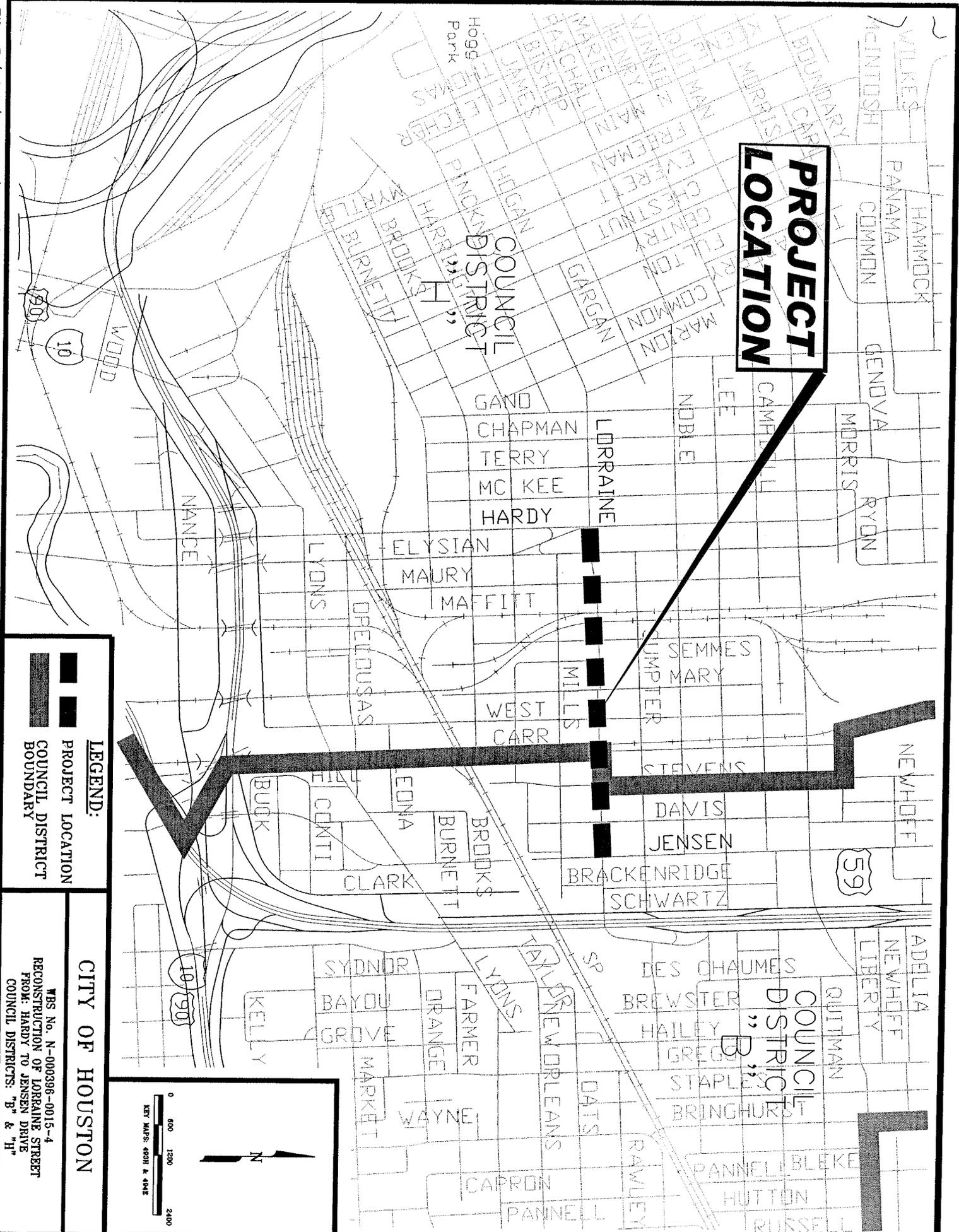
**Finance Department:**

**Other Authorization:**

**Other Authorization:**

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

# PROJECT LOCATION



**LEGEND:**

- PROJECT LOCATION
- COUNCIL DISTRICT BOUNDARY

**CITY OF HOUSTON**

MS No. N-000396-0015-4  
 RECONSTRUCTION OF LORRAINE STREET  
 FROM HARDY TO JENSEN DRIVE  
 COUNCIL DISTRICTS: "B" & "H"

