

**AGENDA - COUNCIL MEETING - TUESDAY - NOVEMBER 30, 2010 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

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

**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 - DECEMBER 1, 2010 - 9:00 A. M.**

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

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

1. **PUBLIC HEARING** regarding fourth amendment to the Project Plan and Reinvestment Zone Financing Plan for the **TAX INCREMENT REINVESTMENT ZONE NUMBER FIVE (MEMORIAL HEIGHTS ZONE) - DISTRICTS A - STARDIG; D - ADAMS; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ**

**MAYOR'S REPORT** - Houston Police Department Budget Initiatives

**CONSENT AGENDA NUMBERS 2 through 66A**

**MISCELLANEOUS** - NUMBERS 2 and 3

2. REQUEST from Mayor for confirmation of the appointment of **MR. SCOTT MINNIX** as Director of the General Services Department

**MISCELLANEOUS** - continued

3. RECOMMENDATION from the Mayor's Office of Public Safety and Homeland Security for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** Budget for Fiscal Year 2011 (January 1, 2011 through December 31, 2011)

**ACCEPT WORK** - NUMBERS 4 and 5

4. RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$1,293,397.00 and acceptance of work on contract with **THE GONZALEZ GROUP, LP** for Miller Outdoor Theatre Improvements - 9.61% over the original contract amount **DISTRICT D - ADAMS**
5. RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$354,172.00 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Bethel Missionary Baptist Church - Temporary Exterior Building Stabilization - 10% over the original contract amount - **DISTRICT I - RODRIGUEZ**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 6 through 11

6. **AMERICAN RESTORATION, INC** for Theater Parking Garage Repairs for General Services Department - \$700,929.50 and contingencies for a total amount not to exceed \$735,975.98 Enterprise Fund
7. **MOTOROLA, INC** for Motorola Software Maintenance and Support Services for the Information Technology Department - \$97,296.00 - Central Service Revolving Fund
8. **MD HELICOPTERS, INC** for Professional Training Services for the Houston Police Department \$64,260.00 - Police Special Services Fund
9. **ALSTOM POWER, INC** for Raymond Operations® Cage Mill Flash Dryer and Core Pak Heat Exchanger Replacement Parts for Department of Public Works & Engineering - \$425,250.00 Enterprise Fund
10. **HACH COMPANY** for Chemicals and Water Testing Materials for the Department of Public Works & Engineering - \$2,298,857.00 - Enterprise Fund
11. **CITIBANK (SOUTH DAKOTA), N. A.** to utilize the Texas Procurement and Support Services charge card services contract through the State of Texas Cooperative Purchasing Program for a purchasing card (Pcard) program for Various Departments

**ORDINANCES** - NUMBERS 12 through 66A

12. **NOTE: This is a revised ordinance that replaces Item 69 on this agenda:**  
ORDINANCE **AMENDING VARIOUS SECTIONS OF THE CITY OF HOUSTON CODE OF ORDINANCES**, the **CITY OF HOUSTON CONSTRUCTION CODE** and the **CITY OF HOUSTON FIRE CODE** relating to service and permit fees; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing an effective date; providing for severability
13. ORDINANCE **ADDING CHAPTER 25 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the regulation of special events; incorporating various provisions of **CHAPTERS 40 AND 45 OF THE CODE OF ORDINANCES** relating to street functions and parades; declaring certain conduct to be unlawful; containing a repealer; containing a savings clause; providing for severability

**ORDINANCES** - continued

14. ORDINANCE authorizing the issuance of City of Houston, Texas Airport System Senior Lien Commercial Paper Notes, Series A and Series B as may be further designated herein and providing for the payment thereof; authorizing certain designated City Officials to approve certain terms including interest rate, price and terms relating to selling and delivery of the Notes; authorizing a Credit Agreement relating to the Sale and Security of the Notes; authorizing the execution and delivery of one or more Dealer Agreements and an Issuing and Paying Agent Agreement; approving the form of an Offering Memorandum; authorizing a Co-Bond Counsel Agreement; making certain findings and other declarations necessary and incidental to the issuance of notes; and declaring an emergency
15. ORDINANCE approving and authorizing License Agreement between the City of Houston and **TAXFREE SHOPPING, LTD.**, for Counter Space at George Bush Intercontinental Airport/Houston Revenue - **DISTRICT B - JOHNSON**
16. ORDINANCE approving and authorizing contract between the City of Houston and **BERING OMEGA COMMUNITY SERVICES** providing up to \$1,136,500.00 in Housing Opportunities for Persons With AIDS Funds for the administration and operation of a Tenant-based Rental Assistance Program, Short-Term Rent, Mortgage, and Utility Assistance Program and the provision of other supportive services - **DISTRICT D - ADAMS**
17. ORDINANCE approving and authorizing contract between the City of Houston and **SERVICE of the EMERGENCY AID RESOURCE CENTER for the HOMELESS, INC.**, to provide up to \$56,410.00 for the administration and operation of a Supportive Services Program under the Housing Opportunities for Persons With AIDS Grant Program - **DISTRICT I - RODRIGUEZ**
18. ORDINANCE approving and authorizing contract between the City of Houston and **EDUCATIONAL PROGRAMS INSPIRING COMMUNITIES, INC.**, to provide \$300,000.00 in Community Development Block Grant Funds for the administration and operation of the H.E.A.R.T. Program, a program that will provide job training and placement for developmentally disabled low and moderate income adult individuals
19. ORDINANCE approving and authorizing first amendment to the **TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS ("TDHCA")** Community Development Program Contract No. 70090001 between the City of Houston and TDHCA, an Agency of the State of Texas, for Hurricane Ike/Dolly funding under the Consolidated Security Disaster Assistance and Continuing Appropriations Act of 2009
20. ORDINANCE approving and authorizing submission of an application for and acceptance of a U.S. Department of Transportation FY11 Motor Carrier Safety Assistance Program High Priority Grant; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process; to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program
21. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2112 Brentwood Drive** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - PENNINGTON**
22. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **433 West 24th Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ**

**ORDINANCES** - continued

23. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1405 South Boulevard** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - CLUTTERBUCK**
24. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1145 Columbia Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ**
25. ORDINANCE appropriating \$941,901.00 out of Tax Increment Fund for Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), for payment to the **GREATER GREENSPPOINT REDEVELOPMENT AUTHORITY** as provided herein - **DISTRICT B - JOHNSON**
26. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston, **TATUM GIRDY, and his Attorney Paul A. Higdon of Stern, Miller & Higdon**; to settle a lawsuit - \$70,000.00 - Property and Casualty Fund
27. ORDINANCE awarding contract to **MCLEMORE BUILDING MAINTENANCE, INC** for Janitorial, Porter, Window-Washing, Recycling and Associated Services; providing a maximum contract amount - 3 Years with two one-year options - \$21,192,625.54 - General, Enterprise, Park Special Revenue, Building Inspection and Houston Transtar Funds
28. ORDINANCE appropriating \$79,628.00 out of General Improvement Consolidated Construction Fund as a replacement for General Fund monies allocated under Motion No. 2010-0176 for purchase of furniture incidental to a Capital Project
29. ORDINANCE appropriating \$2,150,998.00 out of Airports Improvement Fund as an additional appropriation for construction contract between the City of Houston and **MANHATTAN CONSTRUCTION COMPANY** approved by Ordinance No. 2008-32 for Terminal "C" Garages Exterior and Interior Renovations at George Bush Intercontinental Airport/Houston (Project 490H); providing funding for the Civic Art Program - **DISTRICT B - JOHNSON**
30. ORDINANCE appropriating \$3,000,000.00 out of Fire Consolidated Construction Fund to the In-House Renovation Revolving Fund for Renovation/Reconstruction of Various City Facilities for the Houston Fire Department
31. ORDINANCE appropriating \$35,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Beechnut Street Rehabilitation from Wilcrest Drive to Kirkwood Road - **DISTRICT F - HOANG**
32. ORDINANCE approving and authorizing execution of a Sanitary Sewer Service Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 406** and **HARRIS COUNTY MUNICIPAL DISTRICT NO. 321**
33. ORDINANCE approving and authorizing Utility Service Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 153** - **DISTRICT E - SULLIVAN**



**ORDINANCES** - continued

34. ORDINANCE appropriating \$2,088,000.00 out of Drainage Improvement Commercial Paper Series F Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **AECOM USA GROUP, INC** for Services associated with the Storm Water Management Program (Approved by Ordinance No. 03-1195); approving and authorizing fourth amendment to the contract; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund
35. ORDINANCE appropriating \$1,259,780.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **CAMP DRESSER & MCKEE, INC** (Approved by Ordinances Nos. 1999-0001 and 2001-0417) for the Southeast Water Purification Plant Expansion  
**DISTRICT E - SULLIVAN**
36. ORDINANCE granting to **ANTONIO VALVERDE, JR. DBA SOUTHERN DISCOUNT VACUUM SERVICE, A TEXAS SOLE PROPRIETORSHIP**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING**
37. ORDINANCE No. 2010-0875 passed second reading November 16, 2010  
ORDINANCE granting to **TEXAS WATER MANAGEMENT, L.L.C., A Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions  
**THIRD AND FINAL READING**
38. ORDINANCE approving and authorizing first amended and restated Strategic Partnership Agreement between the City of Houston and **CHIMNEY HILL MUNICIPAL UTILITY DISTRICT**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **CHIMNEY HILL MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Chimney Hill Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Chimney Hill Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Chimney Hill Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
39. ORDINANCE approving and authorizing amended and restated Strategic Partnership Agreement between the City of Houston and **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 2**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 2** and certain territory located in the vicinity of Cinco Southwest Municipal Utility District No. 2, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Cinco Southwest Municipal Utility District No. 2; imposing the sales and use tax of the City of Houston in the area within Cinco Southwest Municipal Utility District No. 2 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

**ORDINANCES** - continued

40. ORDINANCE approving and authorizing an amended and restated Strategic Partnership Agreement between the City of Houston and **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 4**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 4**, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Cinco Southwest Municipal Utility District No. 4 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
41. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **EL DORADO UTILITY DISTRICT**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **EL DORADO UTILITY DISTRICT** and certain territory located in the vicinity of El Dorado Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of El Dorado Utility District; imposing the sales and use tax of the City of Houston in the area within El Dorado Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
42. ORDINANCE approving and authorizing first amendment and restated Strategic Partnership Agreement between the City of Houston and **FAULKEY GULLY MUNICIPAL UTILITY DISTRICT**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FAULKEY GULLY MUNICIPAL UTILITY DISTRICT**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Faulkey Gully Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
43. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 142**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 142**, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Fort Bend County Municipal Utility District No. 142 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

**ORDINANCES** - continued

44. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1**
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1** and certain territory located in the vicinity of Harris County Municipal Utility District No. 1, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 1; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 1 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
45. ORDINANCE approving and authorizing first amendment and restated Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11**
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11** and certain territory located in the vicinity of Harris County Municipal Utility District No. 11, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 11; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 11 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
46. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 44**
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 44**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 44 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
47. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 82**
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 82** and certain territory located in the vicinity of Harris County Municipal Utility District No. 82, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 82; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 82 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

**ORDINANCES** - continued

48. ORDINANCE approving and authorizing first amendment and restated Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 248**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 248** and certain territory located in the vicinity of Harris County Municipal Utility District No. 248, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 248; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 248 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
49. ORDINANCE approving and authorizing first amended and restated Strategic Partnership Agreement between the City of Houston and **PONDEROSA FOREST UTILITY DISTRICT**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **PONDEROSA FOREST UTILITY DISTRICT** and certain territory located in the vicinity of Ponderosa Forest Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Ponderosa Forest Utility District; imposing the sales and use tax of the City of Houston in the area within Ponderosa Forest Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
50. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 132**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 132** and certain territory in the vicinity of Harris County Water Control And Improvement District No. 132, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Water Control And Improvement District No. 132; imposing the sales and use tax of the City of Houston in the area within Harris County Water Control And Improvement District No. 132 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
51. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **KLEINWOOD MUNICIPAL UTILITY DISTRICT**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **KLEINWOOD MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Kleinwood Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Kleinwood Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Kleinwood Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

**ORDINANCES** - continued

52. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **LOUETTA NORTH PUBLIC UTILITY DISTRICT**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **LOUETTA NORTH PUBLIC UTILITY DISTRICT** and certain territory located in the vicinity of Louetta North Public Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Louetta North Public Utility District; imposing the sales and use tax of the City of Houston in the area within Louetta North Public Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
53. ORDINANCE approving and authorizing first amended and restated Strategic Partnership Agreement between the City of Houston and **MILLS ROAD MUNICIPAL UTILITY DISTRICT**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **MILLS ROAD MUNICIPAL UTILITY DISTRICT**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Mills Road Municipal Utility District annexed for limited purposes; assigning annexed areas to the adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
54. ORDINANCE approving and authorizing second amendment and restated Strategic Partnership Agreement between the City of Houston and **MISSION BEND MUNICIPAL UTILITY DISTRICT NO. 1**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **MISSION BEND MUNICIPAL UTILITY DISTRICT NO. 1**, in Harris and Fort Bend Counties, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Mission Bend Municipal Utility District No. 1 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
55. ORDINANCE approving and authorizing second amendment and restated Strategic Partnership Agreement between the City Of Houston and **NORTH BELT UTILITY DISTRICT**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTH BELT UTILITY DISTRICT** and certain territory located in the vicinity of North Belt Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of the North Belt Utility District; imposing the sales and use tax of the City of Houston in the area within North Belt Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

**ORDINANCES** - continued

56. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **NORTH GREEN MUNICIPAL UTILITY DISTRICT**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTH GREEN MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of North Green Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of the North Green Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within North Green Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
57. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **NORTHGATE CROSSING MUNICIPAL UTILITY DISTRICT NO. 1**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTHGATE CROSSING MUNICIPAL UTILITY DISTRICT NO. 1** and certain territory located in the vicinity of Northgate Crossing Municipal Utility District No. 1, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of the Northgate Crossing Municipal Utility District No. 1; imposing the sales and use tax of the City of Houston in the area within Northgate Crossing Municipal Utility District No. 1 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
58. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9** and certain territory located in the vicinity of West Harris County Municipal Utility District No. 9, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of the West Harris County Municipal Utility District No. 9; imposing the sales and use tax of the City of Houston in the area within West Harris County Municipal Utility District No. 9 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
59. ORDINANCE approving and authorizing first amendment and restated Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Harris County Water Control And Improvement District No. 109 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

**ORDINANCES** - continued

60. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **WOODCREEK MUNICIPAL UTILITY DISTRICT**
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **WOODCREEK MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Woodcreek Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of the Woodcreek Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Woodcreek Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
61. ORDINANCE approving and authorizing third amended and restated Strategic Partnership Agreement between the City of Houston and **CY-CHAMP PUBLIC UTILITY DISTRICT**
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **CY-CHAMP PUBLIC UTILITY DISTRICT** and certain territory located in the vicinity of the Cy-Champ Public Utility District , in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of the Cy-Champ Public Utility District; imposing the sales and use tax of the City of Houston in the area within Cy-Champ Public Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
62. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 91**
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 91**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Harris County Water Control And Improvement District No. 91 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
63. ORDINANCE approving and authorizing first amendment and restated Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY FRESHWATER SUPPLY DISTRICT NO. 61**
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY FRESHWATER SUPPLY DISTRICT NO. 61** and certain territory located in the vicinity of the **HARRIS COUNTY FRESHWATER SUPPLY DISTRICT NO. 61**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of the Harris County Freshwater Supply District No. 61; imposing the sales and use tax of the City of Houston in the area within Harris County Freshwater Supply District No. 61 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

**ORDINANCES** - continued

64. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 64**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 64** and certain territory located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 64**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of the Harris County Municipal Utility District No. 64; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 64 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
65. ORDINANCE approving and authorizing a second amended and restated Strategic Partnership Agreement between the City of Houston and **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **BRIDGESTONE MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Bridgestone Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Bridgestone Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Bridgestone Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
66. ORDINANCE approving and authorizing second amendment and restated Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 285**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 285** and certain territory located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 285**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 285; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 285 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

**END OF CONSENT AGENDA**

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



**NON CONSENT AGENDA** - NUMBERS 67 and 68

**MISCELLANEOUS**

67. **SET HEARING DATE** regarding amendments to the Project Plan and Reinvestment Zone Financing Plan for the **TAX INCREMENT REINVESTMENT ZONE NUMBER 15 (EAST DOWNTOWN ZONE)** - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ**  
**SUGGESTED HEARING DATE - 9:00 A. M. - WEDNESDAY - DECEMBER 15, 2010**
68. **SET HEARING DATE** regarding the designation of a Tax Abatement Reinvestment Zone for **EMERSON PROCESS MANAGEMENT LLLP (EMERSON REINVESTMENT ZONE)** - **DISTRICT F - HOANG**  
**SUGGESTED HEARING DATE - 9:00 A. M. - WEDNESDAY - DECEMBER 15, 2010**

**MATTERS HELD** - NUMBERS 69 through 73

69. **NOTE: See Item 12 on this Agenda, which replaces Item 69 below:**  
ORDINANCE **AMENDING VARIOUS SECTIONS THE CITY OF HOUSTON CODE**, relating to service and permit fees; containing finding and other provision relating to the foregoing subject; containing a savings clause; providing an effective date; providing for severability  
**TAGGED BY COUNCIL MEMBERS STARDIG, JOHNSON, ADAMS, SULLIVAN, HOANG, PENNINGTON, GONZALEZ, RODRIGUEZ, COSTELLO, NORIEGA, BRADFORD and JONES**  
This was Item 11 on Agenda of November 17, 2010
70. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 90-1292 (as amended by City of Houston Ordinance No. 2010-512), to amend the Master Classification Ordinance to add five new job classifications and to delete two job classifications; providing a repealer; providing for severability - **TAGGED BY COUNCIL MEMBERS ADAMS and JONES**  
This was Item 14 on Agenda of November 17, 2010
71. ORDINANCE approving and authorizing contract between the City and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS**, for Purchase of Employee Transit Fare Media; providing a maximum contract amount - 1 Year - \$1,120,000.00 - General, Enterprise and Other Funds - **TAGGED BY COUNCIL MEMBERS SULLIVAN, BRADFORD and JONES**  
This was Item 29 on Agenda of November 17, 2010
72. ORDINANCE amending Ordinance No. 2009-570 (passed by City Council on June 17, 2009) to increase the maximum contract amount for contract between the City of Houston and **ROGERS, MORRIS & GROVER, L.L.P.** (successor in interest to Feldman & Rogers, L.L.P.) for Legal Services including appeal of Civil Action No. H-06-2650; George Rodriguez v. City of Houston, et al.; in the United States District Court for the Southern District of Texas, Houston Division \$40,000.00 - Property and Casualty Fund  
**TAGGED BY COUNCIL MEMBERS ADAMS, JONES, JOHNSON and HOANG**  
This was Item 38 on Agenda of November 17, 2010

**MATTERS HELD** – continued

73. ORDINANCE approving and authorizing contracts between the City of Houston and **A-1 PERSONNEL OF HOUSTON INC, ALSO TEMPS, INC, BERGAILA & ASSOCIATES, INC, EXECUTEAM STAFFING, L.P., LANE STAFFING, INC, SILVER & ASSOCIATES CONSULTING, INC, TOPP KNOTCH PERSONNEL, INC, LOGAN / BRITTON, INC, OBJECTWIN TECHNOLOGY, INC, PRECISION TASK GROUP, INC** and **S&R PROFESSIONALS, L.P.** for Temporary Employee Staffing Services and Information Technology Staffing Resources; providing a maximum contract amount - 1 Year with two one-year options - \$38,000,000.00 - Central Services Revolving Fund  
**TAGGED BY COUNCIL MEMBER SULLIVAN**  
This was Item 28 on Agenda of November 17, 2010

**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

**NOTICE OF MEETING  
OF THE  
CITY COUNCIL OF THE CITY OF HOUSTON**

**NOTICE** is hereby given that a Regular Meeting of the City Council of the City of Houston will be held **TUESDAY, NOVEMBER 30, 2010 at 1:30 p.m. and WEDNESDAY, DECEMBER 1, 2010 at 9:00 a.m.** with the reading of the descriptions, captions or titles of the agenda items by the City Secretary to begin not earlier than 60 minutes before the scheduled commencement, in the Council Chamber, Second Floor, City Hall, 901 Bagby, for the purpose of conducting the regular business and affairs of the City of Houston listed on the attached Agenda.

WITNESS my official signature this the 24th day of NOVEMBER, 2010.

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City Secretary

**CERTIFICATE**

I certify that the attached notice of meeting was posted on the Bulletin Board of the City Hall  
of the City of Houston, Texas, on NOVEMBER 24, 2010 at       :       p.m.

by \_\_\_\_\_

for Anna Russell  
City Secretary

***CITY COUNCIL CHAMBER - CITY HALL 2<sup>nd</sup> FLOOR - TUESDAY  
NOVEMBER 30, 2010 – 2:00 PM***

***AGENDA***

3MIN	3MIN	3MIN
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MR. TOM BAZAN – Post Office Box 2786 – 77252 – 713-466-4477 – Metro passes – Item

***NON-AGENDA***

3MIN	3MIN	3MIN
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MS. OZELL TAYLOR JOHNSON – 3337 Parkwood Dr. 713-748-6594 – 712 E. 39<sup>TH</sup> – Lot 5 Block 65  
Independence Heights

MR. JOE RABAGO – 6526 Alder – 77081 – 832-371-0553 – Houston Boxing Enterprise Benefit

MR.DAVID JOHNSON – 3933 King St. – 77026 - 832-305-2182 – 1.8 Billion Project will bring jobs to  
Community

MS. DOROTHY OLMOS – 6678 Sylvan – 77023 – 281-636-1058 – Civic Art

MR. JOHN CIESLEWICZ – 1250 DuBarry Ln. – 77018 – 713-683-0703 – Follow up

***PREVIOUS***

1MIN	1MIN	1MIN
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PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – ER-Action vs. Mafia–KKK  
Terrorists Mayor ADParker w/A-Clutterbuck Assassination Attempts – ER-Protection

MS. PATRICIA MARTIN – 5900 Selinsky – 77051 – 832-244-7856 – Retaliation against tenant at Crystal  
Springs Apartment – Fair Housing

MS. MARY TAYLOR - 1403 Fashion Hill Dr. - 77088 - 281-445-0682 – We have been discriminated by Joe  
Turner - Director

1  
DEC 01 2010

MOTION NO. 2010 0814

MOTION by Council Member Lovell that the recommendation of the Director of Planning and Development Department, to set a hearing date to consider the fourth amendment to the Project Plan and Reinvestment Zone Financing Plan for the Tax Increment Reinvestment Zone Number Five (Memorial Heights Zone), be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, December 1, 2010, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Gonzalez and carried.

Mayor Pro Tem Clutterbuck, Council Members Stardig,  
Adams, Sullivan, Gonzalez, Rodriguez, Costello, Lovell,  
Noriega, Bradford and Jones voting aye  
Nays none  
Council Members Johnson, Hoang and Pennington absent

Mayor Parker absent on City business

Mayor Pro Tem Clutterbuck presiding

PASSED AND ADOPTED this 9th day of November, 2010.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is November 15, 2010.



City Secretary

## **Fourth Amended Project Plan and Reinvestment Zone Financing Plan**

### **Memorial Heights Zone/TIRZ No. 5**

**Public Hearing December 1, 2010**

#### **City Statement**

On April 13, 2010, the Board of Directors of TIRZ No. 5 and the Memorial-Heights Redevelopment Authority approved a proposed Fourth Amended Project Plan and Reinvestment Zone Financing Plan ("Amended Plan") and forwarded the proposed amendments to the City for consideration. A public hearing on the proposed Amended Plan is required pursuant to Chapter 311 of the Texas Tax Code. Notice of this public hearing was published in the *Houston Chronicle* on November 15, 2010. As required in its agreement with the City to participate in the Zone, the proposed Amended Plan was forwarded to the Houston Independent School District for review and comment.

The proposed Amended Plan restates the goals and objectives included in the original plan and subsequent amendments. Those goals include addressing problems related to the reconstruction of key streets and utility systems, landscaping, pedestrian mobility improvements to parks and Buffalo Bayou parklands including the development of on and off road hike and bike trails, sidewalks and pedestrian bridges, the rehabilitation of cultural and public facilities, and affordable housing.

In total, project costs will increase in the Amended Plan by \$47 million from the last plan amendment that was approved in 2009 (see Part D, Exhibit 1). Projected tax increment revenues are sufficient to support the projects in the Amended Plan (see Part D, Exhibits 2 thru 8).

When originally created by the City Council on December 18, 1996, the duration of the Memorial Heights Zone was 20 years, terminating on December 31, 2016. Due to the magnitude of mixed use development within and adjacent to TIRZ No. 5, a greater demand continues to be placed on already distressed infrastructure than was originally projected. This condition requires extending the duration of the Memorial Heights Zone 13 more years. As part of the Amended Plan, it is recommended that the duration of TIRZ No. 5 be extended to December 31, 2029.

In summary, the City has determined the benefits of the proposed Amended Plan and of utilizing tax increment financing as follows:

#### **BENEFITS OF THE AMENDED PLAN**

- The objectives defined in the Amended Plan will create a new urban neighborhood while respecting the character of the area, and create gateways between the bayou parklands and adjacent developing high density neighborhoods and districts through the development of connections between neighborhoods and activity centers; produce a

product unique to the Buffalo Bayou and White Oak Bayou corridors; and enhance the sense of civic pride for area residents.

- TIRZ No. 5 will provide the financing and management tools to remedy recent and historic negative trends within the Memorial Heights area, which is currently characterized by blighted, deteriorating, unsanitary, defective and unsafe conditions.

#### **BENEFITS TO TIRZ NO. 5 AND TO THE CITY**

- The public right-of-way improvement projects defined in the Amended Plan will encourage sound growth of residential, commercial, and complementary retail development in and around the Memorial Heights Zone.

#### **BENEFITS OF TAX INCREMENT FINANCING**

- The use of tax increment financing to finance the proposed improvements in the Amended Plan allows for a dedicated source of revenue and an efficient means of raising capital to fund the improvements.

Section 311.005 of the Texas Tax Code requires that certain criteria be met for the inclusion of territory into a reinvestment zone. TIRZ No. 5 meets the following criteria:

- 311.005(1)(B) – The predominance of defective or inadequate sidewalk or street layout;
- 311.005(1)(C) – Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- 311.005(1)(D) – Unsanitary or unsafe conditions;
- 311.005(1)(E) – The deterioration of site or other improvements; and
- 311.005(1)(H) – conditions that endanger life or property by fire or other cause.



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

**MEMORIAL HEIGHTS ZONE**

Fourth Amended  
Project Plan and Reinvestment Zone Financing Plan

April 13, 2010

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

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## **Introduction**

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

The Zone was created by Ordinance No. 96-1337, on December 18, 1996, to facilitate the master-planned, mixed-use, residential redevelopment of approximately 112 acres bounded generally by Washington Avenue, Washington Cemetery, Memorial Drive, and Heights Boulevard. The Plans were adopted by City Council on May 21, 1997 by Ordinance No. 97-594 (the “Part A Plan”). Subsequently, City Council approved the First Amendment of the Plan by Ordinance 99-823 on August 11, 1999. In the Part A Plan two alternatives were identified that were predicated on the relocation/abandonment of an existing rail spur. The rail spur was not abandoned within timelines that would allow the development contemplated by alternative A and development proceeded according to alternative B. By 2006, most of the projects defined in the Part A Plan were complete, while the costs for such projects continue to be financed.

On October 10, 2007, City Council approved the annexation of approximately 881 acres into the Zone by Ordinance 2007-1142, and subsequently approved the Second Amended Project Plan and Reinvestment Zone Financing Plan by Ordinance 2008-784, adopted on September 3, 2008 (the “Part B Plan”). A second annexation, consisting of 38.4 acres, centered on a proposed mixed-used development was added to the Zone by Ordinance 2008-1204, on December 17, 2008. An additional .10 acres consisting of sidewalk/public trail access easements was subsequently added into the Zone by Ordinance 2009-235, adopted on March 25, 2009. On April 8, 2009, a Third Amended Project Plan and Reinvestment Zone Financing Plan was approved by Ordinance 2009-299, (the “Part C Plan”).

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

### **Section One:**

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

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

Much of what was formerly vacant land previously occupied by industrial uses has been converted into high-density residential and commercial development. This development, which occurred within the original boundaries of the Zone has acted as a catalyst for additional redevelopment throughout the surrounding area. A new initiative proposed to occur within the original boundaries of the Zone will convert an additional 28 acres of multi-family housing from 616 units with an estimated 1,860 units. The Zone will continue to implement and pay for the project costs for the Part A Plan.

The Part B Plan: The Second Amendment to the Plans included provisions for a Zone area expansion and projects for the enhancement of and improvements to the newly annexed public land. The geographic area covered by the Part B Plan includes the areas covered by Part A, as well as the recently annexed 881 acres of land.

Goals:

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

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

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

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

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

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

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

The proposed improvements in the annexation are associated with the Regent Square project and will allow the Zone to enter into a development agreement with the owner of most of this property to develop a mixed-use project that includes for-sale and rental residential units, retail and restaurant development, and office space. The development agreement would allow the developer to be reimbursed for various public improvements including, but not limited to, underground utility improvements (water, wastewater and storm drainage), street lighting and landscaping, sidewalks and utility impact fees. Public improvements proposed in this Part C Plan are in relationship to the original goals of the Zone. The developer in turn has committed to certain milestones related to the start of the project and to the provision of certain public benefits including access to parking garages on site for use by park patrons of

the adjacent parkland and support for the nearby historical African-American cemetery. Part C tax increment revenues that are not utilized for the project costs associated with the Part C annexed area may be utilized for project costs in Part A or B of the Zone.

## **Section Two:**

The Part D Plan: The Part D Plan includes provisions for the anticipation of funds associated with the extension of the life of the TIRZ. The additional funds will be utilized for public improvement project costs consistent with the Part A, Part B, and Part C Plans. Additionally, funding increases for other project costs, administrative expenses, and operational costs were included, resulting in an overall increase in project costs of \$47,797,291. Together, the Part A, Part B, and Part C Plans, combined with the Part D Plan, provide the tools needed to help alleviate blight, deteriorated street and site conditions, obsolete public services and facilities and will encourage growth of residential, retail and commercial development within the area.

## **Other Project Plan Provisions**

### Project Plan:

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

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

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

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

### Financing Plan:

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

Economic Feasibility: Exhibits 2 thru 8 are updated revenue estimates for the Zone. These estimates detail the total appraised value, the captured appraised value and the net revenue from each taxing entity participating in the Zone over the life of the Zone.

Estimated Bond Indebtedness: Notes have been issued by the TIRZ. Additional bond issues are anticipated. The value and timing of these future bond issues will correlate to the debt capacity as derived from the revenue schedules attached hereto, and by actual market conditions for the issue and sale of such bonds. The TIRZ will explore other financing methods as well, including short-term notes, developer agreement financing and collaboration with other entities for grant funding and partnerships.

Reinvestment Zone Duration: When initially created by City Council on December 18, 1996, the term of the Zone was established at 20 years. Due to the magnitude of mixed use development within and adjacent to the TIRZ, a greater demand continues to be placed on the already distressed infrastructure than what was originally projected. The proposed improvements extending beyond 2016 are included in the Part A, Part B, and Part C Plans, as well as those needed to adequately address future intermodal

mobility and quality of life issues resulting from current and projected densities. It is recommended that the life of the TIRZ be extended to December 31, 2029 as part of this Part D Plan.

Taxing Jurisdiction Participation: Property valuation of the Zone is projected to increase from \$26,633,950, the Zone Base Year (1997) to \$369,044,853 in Tax Year 2010. The 2010 incremental revenue estimate from all participating jurisdictions is sufficient to cover the costs of the proposed redevelopment as well as to support the public improvement projects proposed for the Zone. The Project Plan and Reinvestment Zone Financing Plan estimates a total project cost of \$121,624,513.

## **MAPS AND EXHIBITS**

## Exhibit 1 – Estimated Project Costs

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

	Estimated Costs 1999 Plan	Estimated Costs 2008 Plan	Estimated Costs 2009 Plan	Estimated Costs 2010 Plan	Cumulative
<b>Infrastructure Improvements:</b>					
<b>Public Utilities - Part A</b>					
Water Single Family/Townhome	\$ 262,000	\$ -	\$ -	\$ -	\$ 262,000
Water Multi Family	\$ 123,000	\$ -	\$ -	\$ -	\$ 123,000
Sanitary Sewer	\$ 383,652	\$ -	\$ -	\$ -	\$ 383,652
Water Impact Fees	\$ 158,800	\$ -	\$ -	\$ -	\$ 158,800
Wastewater Impact Fees	\$ 555,800	\$ -	\$ -	\$ -	\$ 555,800
Stormwater	\$ 511,500	\$ -	\$ -	\$ -	\$ 511,500
Streetlights	\$ 5,400	\$ -	\$ -	\$ -	\$ 5,400
<b>Public Utilities - Part B &amp; C</b>					
Public Utilities	\$ -	\$ 1,644,510	\$ 4,500,000	\$ -	\$ 6,144,510
<b>Public Utilities - Part D</b>					
Public Utilities	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Public Utilities - Parts A, B, C &amp; D</b>	<b>\$ 2,000,152</b>	<b>\$ 1,644,510</b>	<b>\$ 4,500,000</b>	<b>\$ -</b>	<b>\$ 8,144,662</b>
<b>Roadway and Sidewalk Improvements - Part A</b>					
Intersection Improvements (Studemont@Washington)	\$ 150,000	\$ 125,000	\$ -	\$ -	\$ 275,000
Public 41' Paving Sect.	\$ 281,250	\$ -	\$ -	\$ -	\$ 281,250
Private/UE/28' Paving sect.	\$ 781,850	\$ -	\$ -	\$ -	\$ 781,850
<b>Roadway and Sidewalk Improvements - Part B &amp; C</b>					
Public right-of-way improvements	\$ -	\$ 500,000	\$ 6,500,000	\$ -	\$ 7,000,000
<b>Roadway and Sidewalk Improvements - Part D</b>					
Public right-of-way improvements	\$ -	\$ -	\$ -	\$ 13,400,000	\$ 13,400,000
<b>Total Roadway and Sidewalk Improvements - Parts A, B, C &amp; D</b>	<b>\$ 1,213,100</b>	<b>\$ 625,000</b>	<b>\$ 6,500,000</b>	<b>\$ 13,400,000</b>	<b>\$ 21,738,100</b>
<b>Total Infrastructure Improvements - Parts A, B, C &amp; D</b>	<b>\$ 3,213,252</b>	<b>\$ 2,269,510</b>	<b>\$ 11,000,000</b>	<b>\$ 13,400,000</b>	<b>\$ 29,882,762</b>
<b>Other Project Costs:</b>					
<b>Park Improvements - Part A:</b>					
Landscape/Irrigation	\$ 1,065,000	\$ -	\$ -	\$ -	\$ 1,065,000
Perimeter Fencing	\$ 284,375	\$ -	\$ -	\$ -	\$ 284,375
Park Improvements	\$ 500,000	\$ -	\$ -	\$ -	\$ 500,000
Pedestrian Bridge	\$ 300,000	\$ -	\$ -	\$ -	\$ 300,000
<b>Park Improvements - Part B:</b>					
Parks/Pedestrian Amenities/Hike and Bike Trails	\$ -	\$ 15,000,000	\$ -	\$ -	\$ 15,000,000
<b>Park Improvements - Part D:</b>					
Parks/Pedestrian Amenities/Hike and Bike Trails	\$ -	\$ -	\$ -	\$ 11,350,000	\$ 11,350,000
<b>Total Park Improvements - Parts A, B, C &amp; D</b>	<b>\$ 2,149,375</b>	<b>\$ 15,000,000</b>	<b>\$ -</b>	<b>\$ 11,350,000</b>	<b>\$ 28,499,375</b>
<b>Professional Service/TIRZ Administration Parts - A &amp; B</b>					
Professional Services	\$ 1,185,000	\$ 2,133,460	\$ -	\$ -	\$ 3,318,460
TIRZ Administration and Management	\$ -	\$ 1,980,393	\$ -	\$ 1,215,000	\$ 3,195,393
<b>Total Professional Services/TIRZ Administration- Parts A &amp; B</b>	<b>\$ 1,185,000</b>	<b>\$ 4,113,853</b>	<b>\$ -</b>	<b>\$ 1,215,000</b>	<b>\$ 6,513,853</b>
<b>Property Assemblage/Clean-up - Part A</b>					
Land Acquisition/Relocation	\$ 100,000	\$ -	\$ -	\$ -	\$ 100,000
Environmental Clean-up	\$ 2,000,000	\$ -	\$ -	\$ -	\$ 2,000,000
<b>Property Assemblage/Clean-up - Part D</b>					
Land Acquisition/Relocation	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Property Assemblage/Clean-up - Parts A, B, C &amp; D</b>	<b>\$ 2,100,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,100,000</b>
<b>Project Financing Costs - Parts A &amp; B</b>					
Financing Costs	\$ 8,959,321	\$ 920,192	\$ -	\$ -	\$ 9,879,513
<b>Total Project Financing Costs - Parts A &amp; B</b>	<b>\$ 8,959,321</b>	<b>\$ 920,192</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 9,879,513</b>
<b>Creation Costs - Parts A &amp; B</b>					
Creation Costs	\$ 165,000	\$ -	\$ -	\$ -	\$ 165,000
<b>Total Creation Costs - Parts A &amp; B</b>	<b>\$ 165,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 165,000</b>
<b>Educational Project Costs - Parts A &amp; B</b>					
Design and Construction of Educational Facilities	\$ 10,903,863	\$ -	\$ -	\$ -	\$ 10,903,863
<b>Total Educational Project Costs - Parts A &amp; B</b>	<b>\$ 10,903,863</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 10,903,863</b>
<b>Affordable Housing Costs - Parts B &amp; C</b>					
Affordable Housing	\$ -	\$ 4,889,127	\$ 6,958,729	\$ -	\$ 11,847,856
<b>Affordable Housing Costs - Part D</b>					
Affordable Housing	\$ -	\$ -	\$ -	\$ 21,832,291	\$ 21,832,291
<b>Total Affordable Housing Costs - Parts A, B, C &amp; D</b>	<b>\$ -</b>	<b>\$ 4,889,127</b>	<b>\$ 6,958,729</b>	<b>\$ 21,832,291</b>	<b>\$ 33,680,147</b>
<b>Total Other Project Costs - Parts A, B, C &amp; D</b>	<b>\$ 25,462,559</b>	<b>\$ 24,923,172</b>	<b>\$ 6,958,729</b>	<b>\$ 34,397,291</b>	<b>\$ 91,741,751</b>
<b>PROJECT PLAN TOTAL</b>	<b>\$ 28,675,811</b>	<b>\$ 27,192,682</b>	<b>\$ 17,958,729</b>	<b>\$ 47,797,291</b>	<b>\$ 121,624,513</b>



Exhibit 2 – Schedule  
Net Revenue Summary Sheet

**Tax Increment Reinvestment Zone 5 (Memorial Heights Zone) Revenue Schedule  
Fourth Amended Project Plan and Reinvestment Zone Financing Plan**

TY	City Revenue	HISD (1)	Total Revenue	Net Revenue (Less Transfers and Affordable Housing)
2009	\$ 1,474,867	\$ 864,360	\$ 2,339,227	\$ 1,312,750
2010	\$ 1,362,136	\$ 877,326	\$ 2,239,462	\$ 1,250,407
2011	\$ 1,367,284	\$ 890,485	\$ 2,257,769	\$ 1,260,862
2012	\$ 1,410,484	\$ 903,843	\$ 2,314,327	\$ 1,294,893
2013	\$ 1,619,016	\$ 917,400	\$ 2,536,416	\$ 1,430,989
2014	\$ 2,804,341	\$ 931,161	\$ 3,735,502	\$ 2,169,553
2015	\$ 3,376,434	\$ 945,129	\$ 4,321,563	\$ 2,530,073
2016	\$ 3,488,825	\$ 959,306	\$ 4,448,131	\$ 2,607,224
2017	\$ 3,575,454	\$ -	\$ 3,575,454	\$ 2,154,863
2018	\$ 3,664,030	\$ -	\$ 3,664,030	\$ 2,209,485
2019	\$ 3,754,598	\$ -	\$ 3,754,598	\$ 2,265,335
2020	\$ 3,847,202	\$ -	\$ 3,847,202	\$ 2,322,441
2021	\$ 3,941,890	\$ -	\$ 3,941,890	\$ 2,380,832
2022	\$ 4,038,709	\$ -	\$ 4,038,709	\$ 2,440,537
2023	\$ 4,137,707	\$ -	\$ 4,137,707	\$ 2,501,586
2024	\$ 4,238,933	\$ -	\$ 4,238,933	\$ 2,564,009
2025	\$ 4,361,749	\$ -	\$ 4,361,749	\$ 2,639,745
2026	\$ 5,083,351	\$ -	\$ 5,083,351	\$ 3,084,733
2027	\$ 5,671,209	\$ -	\$ 5,671,209	\$ 3,447,246
2028	\$ 7,118,550	\$ -	\$ 7,118,550	\$ 4,339,772
2029	\$ 7,688,943	\$ -	\$ 7,688,943	\$ 4,691,515
	<b>\$ 76,550,845</b>	<b>\$ 6,424,650</b>	<b>\$ 82,975,495</b>	<b>\$ 49,586,101</b>

Note:

(1) Houston Independent School District's last payment is for Tax Year 2016 per Interlocal Agreement, Ordinance 1997-0565 Section VI.A on page 13

Exhibit 3 – Schedule  
All Jurisdictions Revenue and Transfers Summary Sheet

**Tax Increment Reinvestment Zone 5 (Memorial Heights Zone) Revenue Schedule**  
**City of Houston and Houston Independent School District Jurisdictions**  
**Fourth Amended Project Plan and Reinvestment Zone Financing Plan**

Tax Year	Increment Revenue			Transfers				Net Revenue (Total Revenue less Transfers)
	City of Houston	HISD (1)	Total Revenue	Affordable Housing (2)	Admin Fees & Zone Admin (3)	HISD Educational Facilities	Total Transfers	
2010	\$ 1,362,136	\$ 877,326	\$ 2,239,462	\$ 454,045	\$ 143,107	\$ 391,903	\$ 989,055	\$ 1,250,407
2011	\$ 1,367,284	\$ 890,485	\$ 2,257,769	\$ 455,761	\$ 143,364	\$ 397,781	\$ 996,907	\$ 1,260,862
2012	\$ 1,410,484	\$ 903,843	\$ 2,314,327	\$ 470,161	\$ 145,524	\$ 403,748	\$ 1,019,434	\$ 1,294,893
2013	\$ 1,619,016	\$ 917,400	\$ 2,536,416	\$ 539,672	\$ 155,951	\$ 409,804	\$ 1,105,427	\$ 1,430,989
2014	\$ 2,804,341	\$ 931,161	\$ 3,735,502	\$ 934,780	\$ 215,217	\$ 415,952	\$ 1,565,949	\$ 2,169,553
2015	\$ 3,376,434	\$ 945,129	\$ 4,321,563	\$ 1,125,478	\$ 243,822	\$ 422,191	\$ 1,791,491	\$ 2,530,073
2016	\$ 3,488,825	\$ 959,306	\$ 4,448,131	\$ 1,162,942	\$ 249,441	\$ 428,524	\$ 1,840,907	\$ 2,607,224
2017	\$ 3,575,454		\$ 3,575,454	\$ 1,191,818	\$ 228,773		\$ 1,420,591	\$ 2,154,863
2018	\$ 3,664,030		\$ 3,664,030	\$ 1,221,343	\$ 233,201		\$ 1,454,545	\$ 2,209,485
2019	\$ 3,754,598		\$ 3,754,598	\$ 1,251,533	\$ 237,730		\$ 1,489,262	\$ 2,265,335
2020	\$ 3,847,202		\$ 3,847,202	\$ 1,282,401	\$ 242,360		\$ 1,524,761	\$ 2,322,441
2021	\$ 3,941,890		\$ 3,941,890	\$ 1,313,963	\$ 247,095		\$ 1,561,058	\$ 2,380,832
2022	\$ 4,038,709		\$ 4,038,709	\$ 1,346,236	\$ 251,935		\$ 1,598,172	\$ 2,440,537
2023	\$ 4,137,707		\$ 4,137,707	\$ 1,379,236	\$ 256,885		\$ 1,636,121	\$ 2,501,586
2024	\$ 4,238,933		\$ 4,238,933	\$ 1,412,978	\$ 261,947		\$ 1,674,924	\$ 2,564,009
2025	\$ 4,361,749		\$ 4,361,749	\$ 1,453,916	\$ 268,087		\$ 1,722,004	\$ 2,639,745
2026	\$ 5,083,351		\$ 5,083,351	\$ 1,694,450	\$ 304,168		\$ 1,998,618	\$ 3,084,733
2027	\$ 5,671,209		\$ 5,671,209	\$ 1,890,403	\$ 333,560		\$ 2,223,964	\$ 3,447,246
2028	\$ 7,118,550		\$ 7,118,550	\$ 2,372,850	\$ 405,927		\$ 2,778,777	\$ 4,339,772
2029	\$ 7,688,943		\$ 7,688,943	\$ 2,562,981	\$ 434,447		\$ 2,997,428	\$ 4,691,515
	\$ 76,550,845	\$ 6,424,650	\$ 82,975,495	\$ 25,516,948	\$ 5,002,542	\$ 2,869,903	\$ 33,389,393	\$ 49,586,101

Notes:

- (1) Houston Independent School District's last payment is for Tax Year 2016 per Interlocal Agreement, Ordinance 1997-0565 Section VI.A on page 13
- (2) Affordable Housing Agreement between City of Houston and Reinvestment Zone Number 5 and Memorial Heights Redevelopment Authority allows the City to enter into an agreement to dedicate revenue from the increment to pay for affordable housing in or out of the zone
- (3) Includes City of Houston admin fees, Houston Independent School District admin fees, and zone administration expenses

Exhibit 4 – Schedule  
Revenue Schedule All City of Houston Jurisdictions

**Tax Increment Reinvestment Zone 5 (Memorial Heights Zone) Revenue Schedule**  
**All City of Houston Jurisdictions**  
**Fourth Amended Project Plan and Reinvestment Zone Financing Plan**

Tax Year	Base Values (1)		Projected Value		Captured Appraised Value		Collection Rate (3)	Tax Rate	Increment Revenue			Affordable Housing (4)	City Admin (5%)	Zone Administration	Net Revenue(Less Transfers and AH)
	Non-Regents Square	Regents Square	Non-Regents Square	Regents Square	Non-Regents Square	Regents Square			Non-Regents Square	Regents Square	Total				
2010	39,720,626	\$ 40,775,943	\$ 253,641,283	\$ 41,325,339	\$ 217,113,531	\$ 1,604,713	97.50%	0.63875	\$ 1,352,142	\$ 9,994	\$ 1,362,136	\$ 454,045	\$ 68,107	\$ 50,000	\$ 789,984
2011	39,720,626	\$ 40,775,943	\$ 253,641,283	\$ 42,151,846	\$ 217,113,531	\$ 2,431,220	97.50%	0.63875	\$ 1,352,142	\$ 15,141	\$ 1,367,284	\$ 455,761	\$ 68,364	\$ 50,000	\$ 793,158
2012	39,720,626	\$ 40,775,943	\$ 259,734,970	\$ 42,994,863	\$ 223,207,218	\$ 3,274,257	97.50%	0.63875	\$ 1,390,093	\$ 20,391	\$ 1,410,484	\$ 470,161	\$ 70,524	\$ 50,000	\$ 819,799
2013	39,720,626	\$ 40,775,943	\$ 265,980,999	\$ 70,232,810	\$ 229,453,247	\$ 30,512,184	97.50%	0.63875	\$ 1,428,992	\$ 190,024	\$ 1,619,016	\$ 539,672	\$ 80,951	\$ 50,000	\$ 948,393
2014	39,720,626	\$ 40,775,943	\$ 272,383,179	\$ 254,158,259	\$ 235,855,427	\$ 214,437,633	97.50%	0.63875	\$ 1,468,863	\$ 1,335,477	\$ 2,804,341	\$ 934,780	\$ 140,217	\$ 50,000	\$ 1,679,343
2015	39,720,626	\$ 40,775,943	\$ 278,945,414	\$ 339,457,090	\$ 242,417,661	\$ 299,736,464	97.50%	0.63875	\$ 1,509,732	\$ 1,866,702	\$ 3,376,434	\$ 1,125,478	\$ 168,822	\$ 50,000	\$ 2,032,134
2016	39,720,626	\$ 40,775,943	\$ 285,671,704	\$ 350,777,383	\$ 249,143,951	\$ 311,056,757	97.50%	0.63875	\$ 1,551,622	\$ 1,937,203	\$ 3,488,825	\$ 1,162,942	\$ 174,441	\$ 50,000	\$ 2,101,442
2017	39,720,626	\$ 40,775,943	\$ 292,566,151	\$ 357,792,931	\$ 256,038,399	\$ 318,072,305	97.50%	0.63875	\$ 1,594,559	\$ 1,980,895	\$ 3,575,454	\$ 1,191,818	\$ 178,773	\$ 50,000	\$ 2,154,863
2018	39,720,626	\$ 40,775,943	\$ 299,632,960	\$ 364,948,789	\$ 263,105,208	\$ 325,228,163	97.50%	0.63875	\$ 1,638,570	\$ 2,025,460	\$ 3,664,030	\$ 1,221,343	\$ 183,201	\$ 50,000	\$ 2,209,485
2019	39,720,626	\$ 40,775,943	\$ 306,876,439	\$ 372,247,765	\$ 270,348,687	\$ 332,527,139	97.50%	0.63875	\$ 1,683,681	\$ 2,070,917	\$ 3,754,598	\$ 1,251,533	\$ 187,730	\$ 50,000	\$ 2,265,335
2020	39,720,626	\$ 40,775,943	\$ 314,301,005	\$ 379,692,720	\$ 277,773,252	\$ 339,972,094	97.50%	0.63875	\$ 1,729,920	\$ 2,117,282	\$ 3,847,202	\$ 1,282,401	\$ 192,360	\$ 50,000	\$ 2,322,441
2021	39,720,626	\$ 40,775,943	\$ 321,911,185	\$ 387,286,575	\$ 285,383,433	\$ 347,565,949	97.50%	0.63875	\$ 1,777,315	\$ 2,164,576	\$ 3,941,890	\$ 1,313,963	\$ 197,095	\$ 50,000	\$ 2,380,832
2022	39,720,626	\$ 40,775,943	\$ 329,711,620	\$ 395,032,306	\$ 293,183,867	\$ 355,311,680	97.50%	0.63875	\$ 1,825,894	\$ 2,212,815	\$ 4,038,709	\$ 1,346,236	\$ 201,935	\$ 50,000	\$ 2,440,537
2023	39,720,626	\$ 40,775,943	\$ 337,707,065	\$ 402,932,952	\$ 301,179,313	\$ 363,212,326	97.50%	0.63875	\$ 1,875,688	\$ 2,262,018	\$ 4,137,707	\$ 1,379,236	\$ 206,885	\$ 50,000	\$ 2,501,586
2024	39,720,626	\$ 40,775,943	\$ 345,902,397	\$ 410,991,611	\$ 309,374,644	\$ 371,270,985	97.50%	0.63875	\$ 1,926,727	\$ 2,312,206	\$ 4,238,933	\$ 1,412,978	\$ 211,947	\$ 50,000	\$ 2,564,009
2025	39,720,626	\$ 40,775,943	\$ 354,302,611	\$ 422,311,904	\$ 317,774,859	\$ 382,591,278	97.50%	0.63875	\$ 1,979,042	\$ 2,382,707	\$ 4,361,749	\$ 1,453,916	\$ 218,087	\$ 50,000	\$ 2,639,745
2026	39,720,626	\$ 40,775,943	\$ 362,912,832	\$ 529,569,387	\$ 326,385,079	\$ 489,848,761	97.50%	0.63875	\$ 2,032,665	\$ 3,050,686	\$ 5,083,351	\$ 1,694,450	\$ 254,168	\$ 50,000	\$ 3,084,733
2027	39,720,626	\$ 40,775,943	\$ 371,738,307	\$ 615,136,263	\$ 335,210,555	\$ 575,415,637	97.50%	0.63875	\$ 2,087,628	\$ 3,583,581	\$ 5,671,209	\$ 1,890,403	\$ 283,560	\$ 50,000	\$ 3,447,246
2028	39,720,626	\$ 40,775,943	\$ 380,784,420	\$ 838,489,671	\$ 344,256,668	\$ 798,769,045	97.50%	0.63875	\$ 2,143,966	\$ 4,974,584	\$ 7,118,550	\$ 2,372,850	\$ 355,927	\$ 50,000	\$ 4,339,772
2029	39,720,626	\$ 40,775,943	\$ 390,056,685	\$ 920,805,495	\$ 353,528,933	\$ 881,084,869	97.50%	0.63875	\$ 2,201,712	\$ 5,487,231	\$ 7,688,943	\$ 2,562,981	\$ 384,447	\$ 50,000	\$ 4,691,515
									\$ 34,550,954	\$ 41,999,891	\$ 76,550,845	\$ 25,516,948	\$ 3,827,542	\$ 1,000,000	\$ 46,206,354

Notes:

- (1) Base Year is Tax Year 1997
- (2) Projected Value and Captured Appraised Value for Regents Square is the same because Base Values for Regents Square parcels is counted in combined base value for the city jurisdiction
- (3) Collection Rate for Tax Year 2010 to Tax Year 2029 is 97.5%
- (4) The annual affordable housing set-aside is one-third of Total Increment Revenue

Exhibit 5 – Schedule  
Revenue Schedule City of Houston  
Jurisdiction Code 583

**Tax Increment Reinvestment Zone 5 (Memorial Heights Zone) Revenue Schedule  
City of Houston Jurisdiction, 1996 Original Area (JURS Code 583)  
Fourth Amended Project Plan and Reinvestment Zone Financing Plan**

Tax Year	Fiscal Year	Base Value (1)	Projected Value (2)	Captured Appraised Value	Collection Rate (3)	Tax Rate	Increment Revenue
2010	2011	\$ 26,633,950	\$ 243,747,481	\$ 217,113,531	97.50%	0.63875	\$ 1,352,142
2011	2012	\$ 26,633,950	\$ 243,747,481	\$ 217,113,531	97.50%	0.63875	\$ 1,352,142
2012	2013	\$ 26,633,950	\$ 249,841,168	\$ 223,207,218	97.50%	0.63875	\$ 1,390,093
2013	2014	\$ 26,633,950	\$ 256,087,197	\$ 229,453,247	97.50%	0.63875	\$ 1,428,992
2014	2015	\$ 26,633,950	\$ 262,489,377	\$ 235,855,427	97.50%	0.63875	\$ 1,468,863
2015	2016	\$ 26,633,950	\$ 269,051,611	\$ 242,417,661	97.50%	0.63875	\$ 1,509,732
2016	2017	\$ 26,633,950	\$ 275,777,901	\$ 249,143,951	97.50%	0.63875	\$ 1,551,622
2017	2018	\$ 26,633,950	\$ 282,672,349	\$ 256,038,399	97.50%	0.63875	\$ 1,594,559
2018	2019	\$ 26,633,950	\$ 289,739,158	\$ 263,105,208	97.50%	0.63875	\$ 1,638,570
2019	2020	\$ 26,633,950	\$ 296,982,637	\$ 270,348,687	97.50%	0.63875	\$ 1,683,681
2020	2021	\$ 26,633,950	\$ 304,407,202	\$ 277,773,252	97.50%	0.63875	\$ 1,729,920
2021	2022	\$ 26,633,950	\$ 312,017,383	\$ 285,383,433	97.50%	0.63875	\$ 1,777,315
2022	2023	\$ 26,633,950	\$ 319,817,817	\$ 293,183,867	97.50%	0.63875	\$ 1,825,894
2023	2024	\$ 26,633,950	\$ 327,813,263	\$ 301,179,313	97.50%	0.63875	\$ 1,875,688
2024	2025	\$ 26,633,950	\$ 336,008,594	\$ 309,374,644	97.50%	0.63875	\$ 1,926,727
2025	2026	\$ 26,633,950	\$ 344,408,809	\$ 317,774,859	97.50%	0.63875	\$ 1,979,042
2026	2027	\$ 26,633,950	\$ 353,019,029	\$ 326,385,079	97.50%	0.63875	\$ 2,032,665
2027	2028	\$ 26,633,950	\$ 361,844,505	\$ 335,210,555	97.50%	0.63875	\$ 2,087,628
2028	2029	\$ 26,633,950	\$ 370,890,618	\$ 344,256,668	97.50%	0.63875	\$ 2,143,966
2029	2030	\$ 26,633,950	\$ 380,162,883	\$ 353,528,933	97.50%	0.63875	\$ 2,201,712
<b>Total</b>							<b>\$ 34,550,954</b>

Notes:

- (1) Base year for original area, Jurisdiction code 583, is Tax Year 1997
- (2) Tax Year 2011 is 0% growth, and Tax Years 2012 through 2029 increase by 2.5% from year-to-year.
- (3) Collection Rate for Tax Year 2009 to Tax Year 2029 is 97.5%

Exhibit 6 – Schedule  
Revenue Schedule City of Houston  
Jurisdiction Code 935

**Tax Increment Reinvestment Zone 5 (Memorial Heights Zone) Revenue Schedule  
City of Houston Jurisdiction, 2007 Annexed Area (JURS Code 935)  
Fourth Amended Project Plan and Reinvestment Zone Financing Plan**

Tax Year	Fiscal Year	Base Value (1)	Projected Value	Captured Appraised Value	Collection Rate	Tax Rate	Increment Revenue
2009	2010	\$ 14,141,993	\$ 10,024,116	\$ -	97.50%	0.63875	\$ -
2010	2011	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2011	2012	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2012	2013	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2013	2014	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2014	2015	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2015	2016	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2016	2017	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2017	2018	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2018	2019	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2019	2020	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2020	2021	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2021	2022	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2022	2023	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2023	2024	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2024	2025	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2025	2026	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2026	2027	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2027	2028	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2028	2029	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
2029	2030	\$ 14,141,993	\$ 9,893,802	\$ -	97.50%	0.63875	\$ -
<b>Total</b>							<b>\$ -</b>

Notes:

(1) Base Year for annexed area, JUR Code 935, is Tax Year 2007

Exhibit 7 – Schedule  
Revenue Schedule City of Houston  
Jurisdiction Code 307

**Tax Increment Reinvestment Zone 5 (Memorial Heights Zone) Revenue Schedule**  
**City of Houston Jurisdiction, 2008 Annexed Area (JURS Code 307)**  
**Fourth Amended Project Plan and Reinvestment Zone Financing Plan**

TY	Base Value(1)	Total Appraised Value(2)	Captured Appraised Value	Collection Rate (3)	City Tax Increment (0.63875/100)	Increment Value	City Admin Fees(4)	Dedicated to Affordable Housing (5)	Developer Reimbursement (6)	Cumulative Developer Reimbursement	Net Revenue to TIRZ
2010	39,720,626	41,325,339	1,604,713	97.5%	0.0063875	9,994	500	2,998			6,496
2011	39,720,626	42,151,846	2,431,220	97.5%	0.0063875	15,141	757	4,542			9,842
2012	39,720,626	42,994,883	3,274,257	97.5%	0.0063875	20,391	1,020	6,117			13,254
2013	39,720,626	70,232,810	30,512,184	97.5%	0.0063875	190,024	9,501	57,007	95,012	95,012	28,504
2014	39,720,626	254,158,259	214,437,633	97.5%	0.0063875	1,335,477	66,774	400,643	667,739	762,751	200,322
2015	39,720,626	339,457,090	299,736,464	97.5%	0.0063875	1,866,702	93,335	560,011	933,351	1,696,102	280,005
2016	39,720,626	350,777,383	311,056,757	97.5%	0.0063875	1,937,203	96,860	581,161	968,602	2,664,704	290,580
2017	39,720,626	357,792,931	318,072,305	97.5%	0.0063875	1,980,895	99,045	594,268	990,447	3,655,151	297,134
2018	39,720,626	364,948,789	325,228,163	97.5%	0.0063875	2,025,460	101,273	607,638	1,012,730	4,667,881	303,819
2019	39,720,626	372,247,765	332,527,139	97.5%	0.0063875	2,070,917	103,546	621,275	1,035,458	5,703,339	310,638
2020	39,720,626	379,692,720	339,972,094	97.5%	0.0063875	2,117,282	105,864	635,185	1,058,641	6,761,981	317,592
2021	39,720,626	387,286,575	347,565,949	97.5%	0.0063875	2,164,576	108,229	649,373	1,082,288	7,844,268	324,686
2022	39,720,626	395,032,306	355,311,680	97.5%	0.0063875	2,212,815	110,641	663,844	1,106,407	8,950,676	331,922
2023	39,720,626	402,932,952	363,212,326	97.5%	0.0063875	2,262,018	113,101	678,605	1,131,009	10,081,685	339,303
2024	39,720,626	410,991,611	371,270,985	97.5%	0.0063875	2,312,206	115,610	693,662	274,681	10,356,366	1,228,253
2025	39,720,626	422,311,904	382,591,278	97.5%	0.0063875	2,382,707	119,135	714,812		10,356,366	1,548,759
2026	39,720,626	529,569,387	489,848,761	97.5%	0.0063875	3,050,686	152,534	915,206		10,356,366	1,982,946
2027	39,720,626	615,136,263	575,415,637	97.5%	0.0063875	3,583,581	179,179	1,075,074		10,356,366	2,329,327
2028	39,720,626	838,489,671	798,769,045	97.5%	0.0063875	4,974,584	248,729	1,492,375		10,356,366	3,233,479
2029	39,720,626	920,805,495	881,084,869	97.5%	0.0063875	5,487,231	274,362	1,646,169		10,356,366	3,566,700
						41,999,891	2,099,995	12,599,967	10,356,366		16,943,563

Notes

- (1) Estimated based upon tax records
- (2) 2 percent base growth rate; build-out scenario provided by developer
- (3) Collection Rate for Tax Year 2009 to Tax Year 2029 is 97.5%
- (4) City Admin Fees 5% of Increment Value
- (5) 1/3 of Increment Value is dedicated to Affordable Housing
- (6) Developer Reimbursement equals one-half of Increment Value starting in Tax Year 2013 and ending in Tax Year 2024; maximum developer reimbursement \$10,356,366

Exhibit 8 – Schedule  
Revenue Schedule Houston Independent School District  
Jurisdiction Code 960

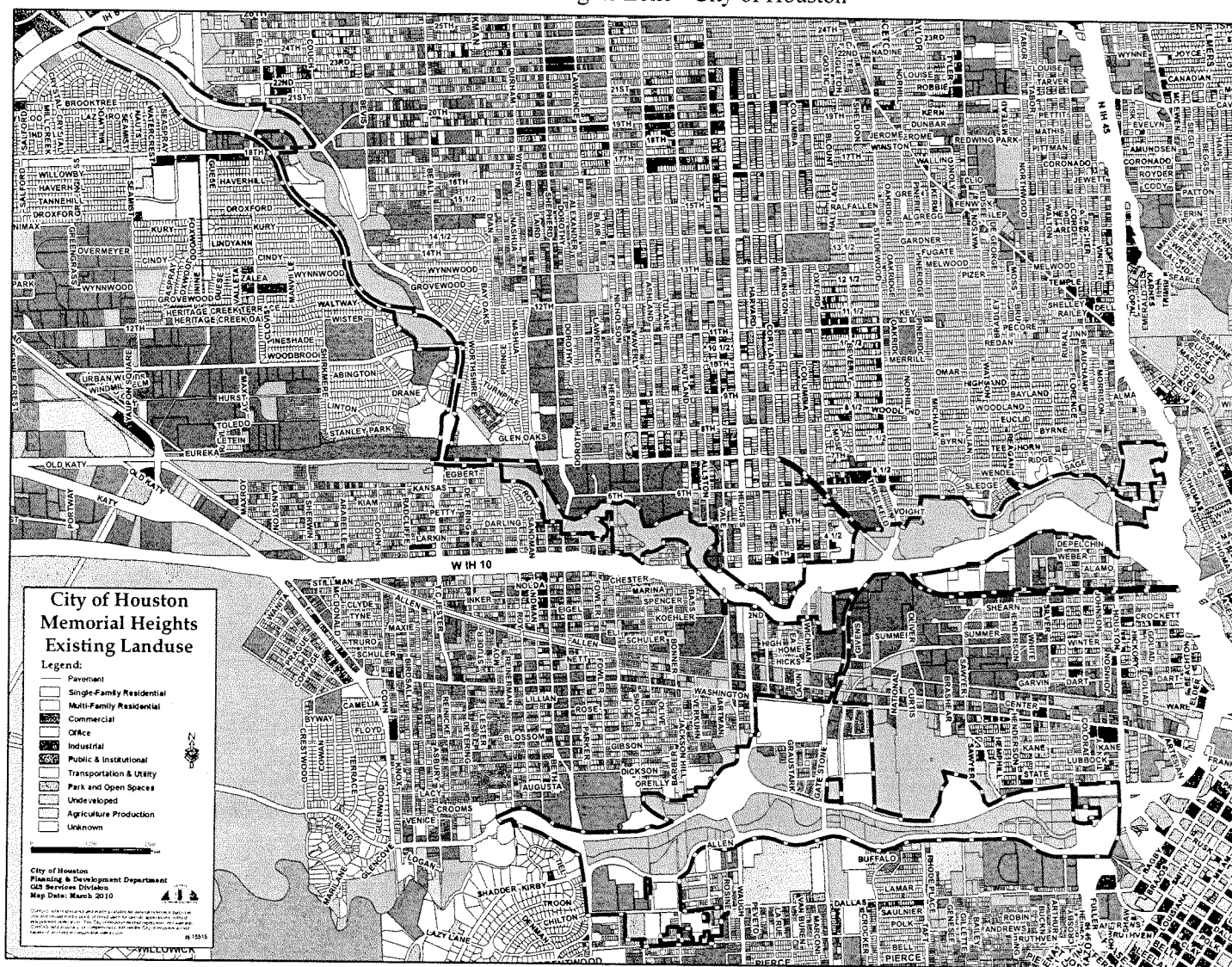
**Tax Increment Reinvestment Zone 5 (Memorial Heights Zone) Revenue Schedule**  
**Houston Independent School District Jurisdiction (JURS Code 960)**  
**Fourth Amended Project Plan and Reinvestment Zone Financing Plan**

Tax Year	Fiscal Year	Base Value (1)	Projected Value	Captured Appraised Value	Project Plan	Basis (2)	Collection Rate (3)	Tax Rate	Increment Revenue	Admin Fee	ISD Educational Transfer	Increment Revenue Due to TIRZ
2010	2011	\$ 26,633,950	\$ 241,021,080	\$ 214,387,130	\$ 77,792,093	\$ 77,792,093	97.50%	1.15670	\$ 877,326	\$ 25,000	\$ 391,903	\$ 460,423
2011	2012	\$ 26,633,950	\$ 241,021,080	\$ 214,387,130	\$ 78,958,974	\$ 78,958,974	97.50%	1.15670	\$ 890,485	\$ 25,000	\$ 397,781	\$ 467,704
2012	2013	\$ 26,633,950	\$ 247,046,607	\$ 220,412,657	\$ 80,143,359	\$ 80,143,359	97.50%	1.15670	\$ 903,843	\$ 25,000	\$ 403,748	\$ 475,095
2013	2014	\$ 26,633,950	\$ 253,222,772	\$ 226,588,822	\$ 81,345,509	\$ 81,345,509	97.50%	1.15670	\$ 917,400	\$ 25,000	\$ 409,804	\$ 482,596
2014	2015	\$ 26,633,950	\$ 259,553,341	\$ 232,919,391	\$ 82,565,692	\$ 82,565,692	97.50%	1.15670	\$ 931,161	\$ 25,000	\$ 415,952	\$ 490,210
2015	2016	\$ 26,633,950	\$ 266,042,175	\$ 239,408,225	\$ 83,804,177	\$ 83,804,177	97.50%	1.15670	\$ 945,129	\$ 25,000	\$ 422,191	\$ 497,938
2016	2017	\$ 26,633,950	\$ 272,693,229	\$ 246,059,279	\$ 85,061,240	\$ 85,061,240	97.50%	1.15670	\$ 959,306	\$ 25,000	\$ 428,524	\$ 505,782
<b>Total</b>									<b>\$ 6,424,650</b>	<b>\$ 175,000</b>	<b>\$ 2,869,903</b>	<b>\$ 3,379,747</b>

Notes:

- (1) Base Year is Tax Year 1997
- (2) Basis is the lower of Project Plan or Captured Appraised Value, Basis is used to calculate Increment Revenue
- (3) Collection Rate for Tax Year 2010 to Tax Year 2016 is 97.5%
- (4) Last payment is for Tax Year 2016 per Ordinance 1997-0565 Section VI.A on page 13

Map 1 – Land Use Map of TIRZ Number Five  
Memorial Heights Zone - City of Houston







ANNISE D. PARKER  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

2  
DEC 01 2010

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 1-17-10  
date

COUNCIL MEMBER: \_\_\_\_\_

November 15, 2010

The Honorable City Council  
City of Houston, Texas

Dear Council Members:

Pursuant to Article VI, Section 7a (2) of the Houston City Charter and Section 2-432 of the City of Houston Code of Ordinances, I am pleased to appoint Mr. Scott Minnix as Director of the General Services Department, subject to Council confirmation. His resume is attached.

Mr. Minnix will be available to meet with each of you prior to his confirmation, which I expect to place on the December 1, 2010 agenda


Sincerely,

Annise D. Parker  
Mayor

Attachment

MAP:MS

RECEIVED  
NOV 17 2010  
CITY SECRETARY

<b>SUBJECT:</b> Greater Harris County 9-1-1 Emergency Network Fiscal Year 2011 Budget		<b>Page</b> 1 of 1	<b>Agenda Item #</b> 3
<b>FROM:</b> Mayor's Office of Public Safety and Homeland Security		<b>Origination Date:</b> 11/19/10	<b>Agenda Date:</b> DEC 01 2010
<b>DIRECTOR'S SIGNATURE:</b>  Dennis Storemski, Director		<b>Council District affected:</b> All	
<b>For additional information contact:</b> David Cutler, HEC Director Phone: (713) 884-3602		<b>Date and Identification of prior authorizing Council action:</b>	
<b>RECOMMENDATION:</b> Adopt motion approving Greater Harris County 9-1-1 Emergency Network Budget for Fiscal Year 2011 (January 1 – December 31, 2011)			
<b>Amount and Source of Funding:</b> N/A		<b>Finance Budget:</b>	
<b>EXPLANATION:</b>  <p>The Administration is requesting City Council approval of the Greater Harris County 9-1-1 Emergency Network's FY2011 budget of \$56,121,000. This is an increase of \$1.9 Million from the FY2010 budget.</p> <p>The Network is the governmental agency that administers the 9-1-1 system, providing coordination and other collateral support for participating jurisdictions within Harris and Fort Bend counties. Through the 9-1-1 system, emergency calls from citizens are referred to the appropriate emergency response agency – whether police, fire or EMS – or to other appropriate agencies like crisis hotline, poison control, or emergency management operations. Currently, there are 38 answering points within the region served by the Greater Harris County 9-1-1 Emergency Network.</p> <p>Due to its intergovernmental functions and pursuant to state law, the Greater Harris County 9-1-1 Emergency Network annual budget must be approved by its Board of Managers, Harris County Commissioners Court, and the Houston City Council.</p> <p>A copy of the proposed budget was delivered to each Council Member during the month of October, prior to the November 8, 2010 presentation to the Public Safety and Homeland Security Committee. No action was taken due to lack of a quorum. Copies of the complete budget are also available for review in the City Secretary's office or Finance Department. Highlights of the proposed budget are attached.</p>			
<b>REQUIRED AUTHORIZATION</b>			
<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

## **Greater Harris County 9-1-1 Emergency Network Fiscal Year 2011 Budget Highlights**

The Greater Harris County 9-1-1 Emergency Network (GHC) is a special purpose district which provides 911 emergency infrastructure - equipment, software and maintenance - for 49 cities and two counties (Harris and Fort Bend).

The proposed operational and capital budget for FY2011 totals \$56,121,000.00. This is an increase of \$1.9M or 4% compared to the approved FY2010 budget.

### **Highlights of the FY2011 GHC budget include the following:**

#### **No change in service fee rates**

- ◆ Residential - \$.50 per subscriber line
- ◆ Business - \$.80 per business line and \$.87 per trunk
- ◆ Wireless - \$.50 per subscriber as prescribed by law; wireless fees are transmitted to the Texas State Comptroller's Office and distributed to 9-1-1 entities by population.
- ◆ Prepaid Wireless- 2% prepaid services purchased
- ◆ Receipts of \$13M have been projected as possible financing needs for GHC's future infrastructure upgrade projects-the needs for financing will be monitored closely throughout the year.

#### **The Capital budget of \$21.0M is increased \$620,000.00 from the previous budget.**

The Capital budget includes:

- ◆ Capital replacement funds for the anticipated move by Harris County Neutral Answering Point.
- ◆ Normal upgrades to the call-taker equipment at the PSAPs throughout Harris and Fort Bend counties
- ◆ Capital outlay for NextGen911 network (MPLS and microwave).

#### **The Operational budget totals \$35.1M, increased by \$1.3M or 4% and includes:**

- ◆ Cost to fund 9-1-1 positions at the Houston Emergency Center (11.2 M) and Harris County 9-1-1 Neutral Answering Point (3.7M). Funding of other operational and capital outlay associated with both PSAPs are included throughout the Budget.
- ◆ Cost for database and telecommunication connectivity to (38) Public Safety Answering Points within GHC's jurisdiction.

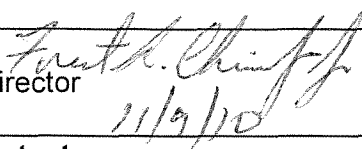

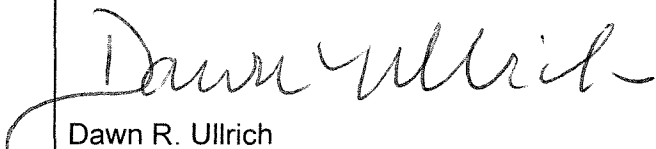
- ◆ Other operation and capital outlay associated with the acquisition and maintenance of 9-1-1 equipment for all municipal PSAPs are distributed throughout the budget.
- ◆ Cost for Wireless Phase I and Phase II location technology, as mandated by the Federal Communications Commission (FCC),

**The budget also includes:**

- ◆ Operating and capital cost for Next Generation projects, which include upgrades to the 9-1-1 frame network. The upgrades will include expansion of the network's bandwidth and increase the diversity/redundancy of the network. In addition, the upgrades will allow a seamless integration of new technological devices capable to access 9-1-1 emergency services and to improve interoperability among the county and municipalities.
- ◆ Expenses for ongoing professional training seminars for personnel of participating jurisdictions and agencies throughout the GHC territory
- ◆ Public education programs, including targeted campaigns (e.g., wireless use, proper use of 9-1-1, and use of NEWS).

GHC is facing multiple challenges. The integration of new technologies and devices available to the citizens accessing 911 continues to be both operational and financially challenging. Significant work will be done by GHC Staff in conjunction with other 9-1-1 entities and regulatory authorities to insure that those technologies do not degrade the level of 9-1-1 service provided to the citizens of Harris and Fort Bend Counties.

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work The Gonzalez Group, LP Miller Outdoor Theatre Improvements WBS No. D-000125-0001-4		<b>Page</b> 1 of 2	<b>Agenda Item</b> 4
<b>FROM (Department or other point of origin):</b> General Services Department		<b>Origination Date</b> 11/18/10	<b>Agenda Date</b> DEC 01 2010
<b>DIRECTOR'S SIGNATURE:</b>  Forest R. Christy, Jr., Interim Director		<b>Council District affected:</b> D	
<b>For additional information contact:</b> Jacquelyn L. Nisby Phone: 832-393-8023		<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2007-1361; Dated 12/05/2007 Ordinance No. 2008-0842; Dated 09/24/2008	
<b>RECOMMENDATION:</b> Pass a motion approving the final contract amount of \$1,293,397.00, accept the work, and authorize final payment.			
<b>Amount and Source of Funding:</b> No Additional Funding Required		<b>Finance Budget:</b>	
<b>Previous Funding:</b> \$1,401,000.00—General Improvement Consolidated Construction Fund (4509)			
<b>SPECIFIC EXPLANATION:</b> The General Services Department recommends that City Council approve the final contract amount of \$1,293,397.00 or 9.61% over the original contract amount, accept the work and authorize final payment to The Gonzalez Group, LP for construction services in connection with the Miller Outdoor Theatre Improvements for the Convention and Entertainment Facilities Department			
<b>PROJECT LOCATION:</b> 100 Concert Drive (533A)			
<b>PROJECT DESCRIPTION:</b> This project addressed accessibility issues in and around the covered seating area; improved the pedestrian traffic flow between the canopy seating area and the grass seating area; reconfigured the audio/visual control stations; and provided additional electrical service for pathway lighting. The construction elements needed to achieve these improvements were in the areas of earthwork, concrete paving, plumbing, electrical, and landscaping. These improvements were necessary to increase public safety during the large performances.			
<b>PREVIOUS HISTORY AND PROJECT SCOPE:</b> On December 5, 2007, City Council awarded a construction contract to The Gonzalez Group, LP to provide construction services for improvements at the Miller Outdoor Theatre. On September 24, 2008, City Council approved a First Amendment to increase the maximum contract contingency up to 10% to address unforeseen conditions and additional improvements.			
<b>CONTRACT COMPLETION AND COST:</b> The contractor completed the project within 220 days: the original contract time of 120 days plus 100 days approved by Change Orders. The final cost of the project including Change Orders is \$1,293,397.00, an increase of \$113,397.00 over the original contract amount.			
The project design consultant and construction manager was Stern and Bucek Architects			
<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID# 25CONS165</b>	
<b>General Services Department:</b>  Richard A. Vella Chief of Design & Construction Division	<b>Convention and Entertainment Facilities Department:</b>  Dawn R. Ullrich Director		

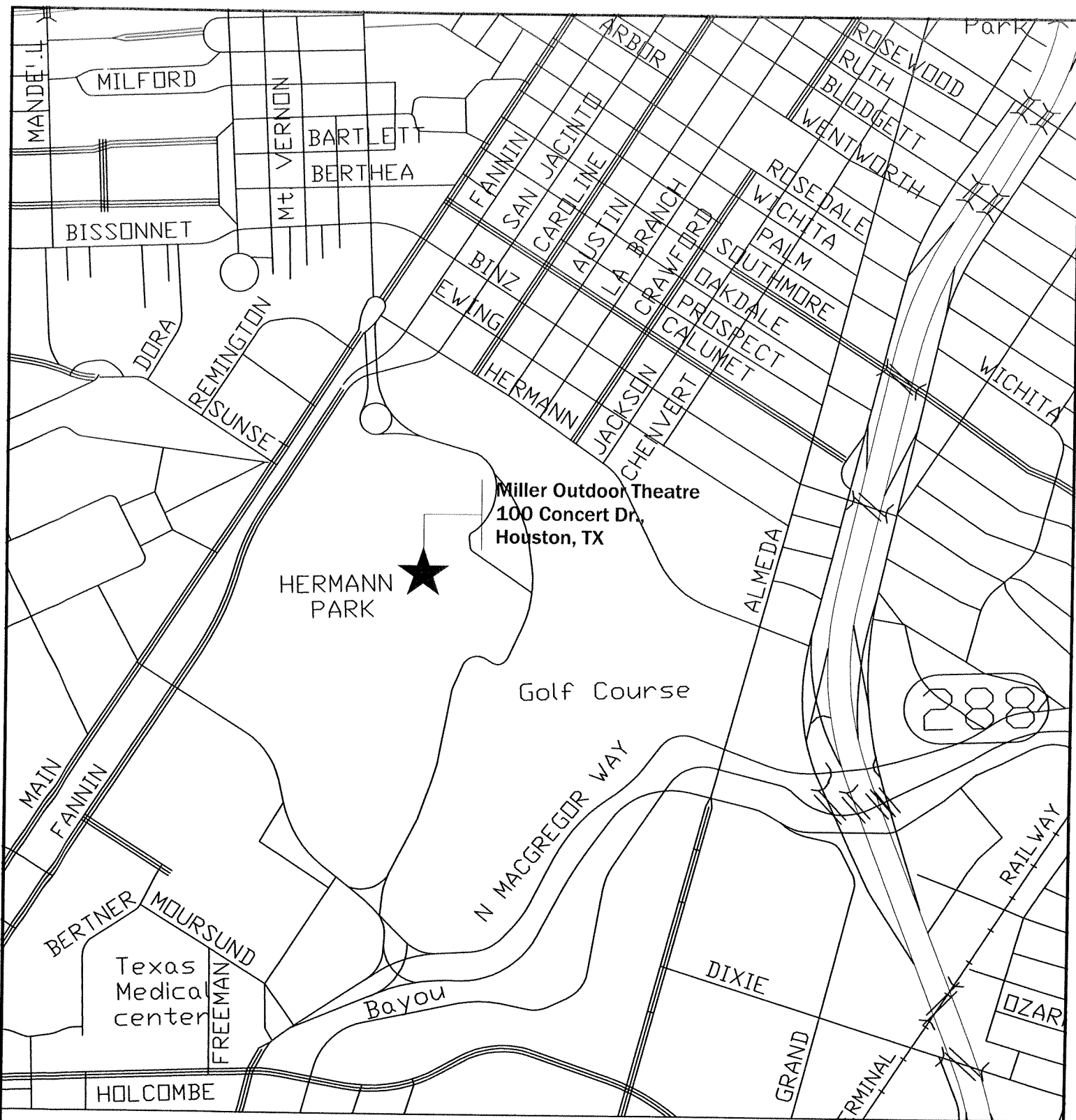
<b>DATE</b>	<b>SUBJECT:</b> Accept Work The Gonzalez Group, LP Miller Outdoor Theatre Improvements WBS No. D-000125-0001-4	<b>ORIGINATOR'S INITIALS</b> JJR	<b>PAGE</b>  2 of 2
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**PREVIOUS CHANGE ORDERS:** Change Orders 1 and 2 replaced deteriorated existing electrical conduit to meet code; installed additional electrical conduit to audio/visual booth; installed conduit under paved plazas; provided sod along backside of hill seating area; and added manpower and equipment to accelerate the construction schedule per Convention and Entertainment Facilities Department's request to accommodate performance season.

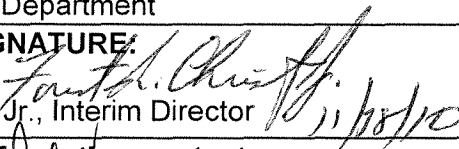
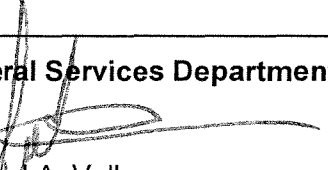
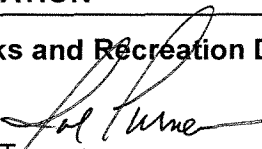
**M/WBE PARTICIPATION:** The contract contained a 14% MBE goal, 5% SBE goal, and 5% WBE goal. The contractor achieved 17.35% MBE participation, 3.82% SBE participation and 4.31% WBE participation and was assigned a satisfactory rating.

FRC:JLN:RAV:JJR:ps

c: Marty Stein, Jacquelyn L. Nisby, Mario Ariza, Deyanira Rodriguez, Jean Abercrombie, Kim Nguyen, File



**Miller Outdoor Theatre**  
**100 Concert Dr.**  
**Houston, TX 77030**

<b>SUBJECT:</b> Accept Work Carrera Construction, Inc. Bethel Missionary Baptist Church- Temporary Exterior Building Stabilization WBS No. F-000730-0001-4		<b>Page</b> 1 of 1	<b>Agenda Item</b>  5
<b>FROM (Department or other point of origin):</b>  General Services Department		<b>Origination Date</b>  11-19-2010	<b>Agenda Date</b>  DEC 01 2010
<b>DIRECTOR'S SIGNATURE:</b>  Forest R. Christy, Jr., Interim Director		<b>Council District affected:</b>  1	
<b>For additional information contact:</b> Jacquelyn L. Nisby <b>Phone:</b> 832-393-8023		<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2010-11, January 6, 2010	
<b>RECOMMENDATION:</b> Pass a motion approving the final contract amount of \$354,172.00 accept the work, and authorize final payment.			
<b>Amount and Source of Funding:</b> No Additional Funding Required			<b>Finance Budget:</b>
<b>Previous Funding:</b> \$371,885.00.00 Parks Special Fund (4012)			
<b>SPECIFIC EXPLANATION:</b> The General Services Department recommends that City Council approve the final contract amount of \$354,172.00 or 10% over the original contract amount, accept the work and authorize final payment to Carrera Construction, Inc. for construction services in connection with the Bethel Missionary Baptist Church Temporary Exterior Building Stabilization for the Parks and Recreation Department.			
<b>PROJECT LOCATION:</b> 801 Andrews (493P)			
<b>PROJECT DESCRIPTION:</b> The scope of work included temporary bracing on the exterior church walls to allow safe access into the interior of the church for future permanent bracing. The project also demolished and removed all interior debris.			
<b>CONTRACT COMPLETION AND COST:</b> The contractor completed the project within 129 days: the original contract time of 116 days plus 13 days approved by Change Orders. The final cost of the project, including Change Orders is \$354,172.00, an increase of \$32,194.00 over the original contract amount.			
James Patterson Associates, Inc. dba White Oak Studio was the design consultant and construction manager for the project.			
<b>PREVIOUS CHANGE ORDERS:</b> Change Orders 1-2 generally addressed unforeseen conditions related to asbestos discovered under the floor tiles and in the window caulking; removed two trees to allow proper placement of the structural support, added Jersey barrier and steel connectors to allow access to water meters; adjusted pipe connections on east and west walls for proper installation; and modified bracing of the North wall to preserve the cast stone architectural features.			
FRC:RAV:JLN:LJ:CP:lj c: Marty Stein, Jacquelyn L. Nisby, Mark Ross, Dan Pederson, Calvin Curtis, Morris Scott, Chris Gonzales, Martha Leyva, Tim Douglass, File 1008			
<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID# 25PARK136</b> MT	
<b>General Services Department:</b>  Richard A. Vella Chief of Design & Construction Division		<b>Parks and Recreation Department:</b>  Joe Turner Director	





# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8864

**Subject:** Formal Bids Received for Theater Parking Garage Repairs for the General Services Department  
S50-C23703

Category #  
4

Page 1 of 2

Agenda Item  
6

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

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

**Origination Date**

November 18, 2010

**Agenda Date**

DEC 01 2010

**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 award to American Restoration, Inc. on its low complete bid in the amount of \$700,929.50 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$35,046.48 for a total not to exceed \$735,975.98 for theater district parking garage repairs for the General Services Department.

Award Amount: \$735,975.98

**Finance Budget**

\$735,975.98 - Civic Center Facility Revenue Fund (8601)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to American Restoration, Inc. on its low complete bid in the amount of \$700,929.50 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$35,046.48 for a total amount not to exceed \$735,975.98 for waterproofing and repairs to the theater district garage, located at 511 Rusk. The work is to be performed for the Convention and Entertainment Facilities Department, which operates and maintains the garage. The General Services Department will manage the construction. This work is necessary to extend the life of the garage structure. It is further recommended that authorization be given to issue purchase orders as necessary.

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

<u>Company</u>	<u>Total Amount</u>
1. Taylor Waterproofing Plus, Inc.	\$ 599,869.00 (Incomplete Bid)
2. American Restoration, Inc.	\$ 700,929.50
3. Blast, Inc.	\$ 811,543.73
4. Epoxy Design Systems Inc.	\$ 860,016.50
5. L.S. Decker, Inc.	\$ 865,372.00
6. Restocon Corporation	\$ 878,608.50
7. Texas Moisture Protection Company	\$ 899,888.03
8. Millsap Waterproofing, Inc.	\$ 955,251.00
9. Western Waterproofing Company of America	\$1,171,580.00
10. Restek, Inc.	\$1,206,075.50
11. Texas Aqua Liqua Tech Services, Inc.	\$1,863,894.50

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

NOT

Date: 11/18/2010	Subject: Formal Bids Received for Theater Parking Garage Repairs for the General Services Department S50-C23703	Originator's Initials AL	Page 2 of 2
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The scope work requires the construction contractor to furnish all material, labor, tools, supplies, permits, equipment, superintendence and transportation necessary to repair the structural columns, stairwells and walls, joints and cracks; investigate and repair, as necessary, the steel cables within the concrete floor decks; remove and replace the skylights and waterproof the garage structure. Materials and workmanship for this project are warranted for one year. The Contractor shall have 120 calendar days to complete all work associated with this project after receipt of the notice to proceed.

**Pay or Play Program:**

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

Buyer: Art Lopez

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8909**

<b>Subject:</b> Approve a Sole Source Purchase of Motorola Software Maintenance And Support Services for the Information Technology Department S37-E23821	<b>Category #</b> 4	<b>Page 1 of 1</b>	<b>Agenda Item</b>  7
--	------------------------	--------------------	-----------------------------

<b>FROM (Department or other point of origin):</b> Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department	<b>Origination Date</b> November 15, 2010	<b>Agenda Date</b> DEC 01 2010
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<b>DIRECTOR'S SIGNATURE</b> 	<b>Council District(s) affected</b> All
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<b>For additional information contact:</b> Earl M. Lambert <b>Phone:</b> (832) 393-0038 Douglas Moore <b>Phone:</b> (832) 393-8724	<b>Date and Identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)**  
Approve a sole source purchase of Motorola software maintenance and support services in the total amount of \$97,296.00 for the Information Technology Department.

<b>Award Amount:</b> \$97,296.00	<b>Finance Budget</b>
----------------------------------	-----------------------

\$97,296.00 - Central Service Revolving Fund (1002)

**SPECIFIC EXPLANATION:**  
The City Purchasing Agent recommends that City Council approve a sole source purchase of Motorola software maintenance and support services for the SILVERtrack technical support and maintenance plan, and that authorization be given to issue a purchase order to Motorola, Inc.

The SILVERtrack support plan currently provides technical support and maintenance for the software used on the City's 3-1-1 system to track Houston residents' calls for various City services. The Contractor provides the following services under the SILVERtrack support plan:

1. Assistance Monday through Friday 8:00 A.M. To 5:00 P.M. from trained and experienced technical staff.
2. Access to contractor's call center through 800 numbers.
3. Email software support.
4. Standard and supplemental software upgrade releases.

This purchase will allow the City to continue the needed support for this critical software beyond the expiration of the contract term while the implementation of a new system is completed.

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


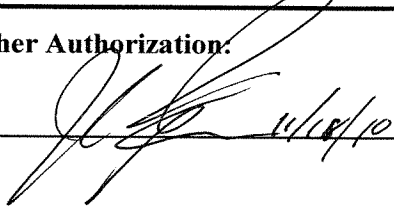
Buyer: Joyce Hays

## **REQUIRED AUTHORIZATION**

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
----------------------------	-----------------------------	-----------------------------

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approve the Purchase of Training Services from MD Helicopters, Inc. for the Houston Police Department.		<b>Category #</b> 4	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 8
<b>FROM (Department or other point of origin):</b> Charles A. McClelland, Jr. Chief of Police		<b>Origination Date</b> November 18, 2010	<b>Agenda Date</b> DEC 01 2010	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Joseph A. Fenninger, CFO and Deputy Director Phone: (713) 308-1700 <i>JAF 11/18/10</i>		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary):</b> Adopt a Motion approving the purchase of professional training services from MD Helicopters, Inc. in the amount of \$64,260.00 for the Houston Police Department.				
<b>Amount and Source of Funding:</b> \$64,260.00 Police Special Services Fund No. 2201		<b>Finance Budget:</b>		
<b>SPECIFIC EXPLANATION:</b> <p>The Houston Police Department recommends that City Council approve the purchase of professional training services from MD Helicopters, Inc. in the amount of \$64,260.00 and that authorization be given to issue a purchase order.</p> <p>The Federal Aviation Administration requires licensed pilots to complete a flight review biennially. Twelve pilots assigned to the Air Support Division require this review in 2011. The requested funding is for registration of the twelve pilots to attend the MD 500E Recurrent Flight Training Course which will satisfy this mandatory flight review.</p> <p>Conducted at the MD Helicopters factory in Mesa, Arizona, this 3-day course consists of a ground school and flight time. The ground school includes review of airworthiness directives and notices, helicopter systems, pilot flight manual review, preflight inspection, and an exam. Flight time consists of 2-3 hours of intensive practice of normal and selected emergency procedures. One of the primary benefits of this factory training is that these emergency procedures, including full-on autorotations to the ground, are performed in factory-owned MD 500Es as opposed to Department-owned aircraft costing in excess of \$2,000,000.00 each.</p> <p>Purchase Requisition # 10117674.</p>				
<b>REQUIRED AUTHORIZATION</b> 10DBS004A <i>NDT</i>				
<b>Finance Director:</b>	<b>Other Authorization:</b>  <i>11/18/10</i>		<b>Other Authorization:</b>	

**REQUEST FOR COUNCIL ACTION****TO:** Mayor via City Secretary**RCA# 8886****Subject:** Approve the Sole Source Purchase of Raymond Operations® Cage Mill Flash Dryer and Core Pak Heat Exchanger Replacement Parts for the Public Works & Engineering Department S12-N23797Category #  
4

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

November 08, 2010

**Agenda Date**

DEC 6 1 2010

**DIRECTOR'S SIGNATURE****Council District(s) affected**  
D, I**For additional information contact:**David Guernsey Phone: (832) 395-3640  
Ray DuRousseau Phone: (832) 393-8726**Date and Identification of prior authorizing Council Action:****RECOMMENDATION: (Summary)**

Approve the sole source purchase from Alstom Power, Inc. in the amount of \$425,250.00 for a cage mill flash dryer and core pak heat exchanger replacement parts for the Public Works &amp; Engineering Department.

Award Amount: \$425,250.00

**Finance Budget**

\$425,250.00 PWE- Water &amp; Sewer System Operating Fund (8300)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve a sole source purchase from Alstom Power, Inc. in an amount not to exceed \$425,250.00 for a cage mill flash dryer and core pak heat exchanger replacement parts for the Public Works & Engineering Department and that authorization be given to issue a purchase order. The cage mill flash dryer and core pak heat exchanger replacement parts will be used by the Department's Wastewater Operations Branch to maintain the critical daily operational status of waste sludge drying equipment and continue the production of Houactinite fertilizer byproduct at the City's 69th Street Wastewater Treatment facility as permitted and regulated by the Texas Commission of Environmental Quality.

Alstom Power, Inc. is the sole source original equipment manufacturer of the Raymond Operations® cage mill flash dryer and core pak heat exchanger replacement parts and has no authorized distributor.

This purchase consists of a cage mill flash dryer with gear drive and core pak heat exchanger replacement parts, including tubes, tube sheets, casings, and expansion joints that will be utilized to repair and overhaul the Department's 20 year-old cage mill flash drying system. The rehabilitation of the cage mill flash dryer system will extend the life of this equipment for an additional 10 to 20 years. The old cage mill flash dryer and core pak heat exchanger will be stripped of salvageable parts and used to repair similar equipment in the Department's inventory. The unusable components will be sent to the Property Disposal Management Office for proper disposition.

The recommendation is pursuant to Section 252.022 (a) (7) (A) of the Texas Local Government Code for exempted procurements.

Buyer: Martin L. King

PR No. 10114056

**REQUIRED AUTHORIZATION**

NDT

Finance Department:

Other Authorization:

Other Authorization:

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8867

**Subject:** Formal Bid Received for Chemicals and Water Testing Materials for the Public Works & Engineering Department  
S44-S23689

Category #  
4

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Agenda Item

10

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

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

**Origination Date**

October 12, 2010

**Agenda Date**

DEC 01 2010

**DIRECTOR'S SIGNATURE**

*[Signature]*

**Council District(s) affected**  
All

**For additional information contact:**

David Guernsey Phone: (832) 395-3640  
Desiree Heath Phone: (832) 393-8742

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

**RECOMMENDATION: (Summary)**

Approve an award to the Hach Company on its sole bid in an amount not to exceed \$2,298,857.00 for chemicals and water testing materials for the Public Works & Engineering Department.

Estimated Spending Authority: \$2,298,857.00

**Finance Budget**

\$2,038,005.00 PWE-Water & Sewer System Operating Fund (8300)  
\$ 260,852.00 PWE-Combined Utility System General Purchase Fund (8305)  
\$2,298,857.00

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to the Hach Company on its sole bid in an amount not to exceed \$2,298,857.00 for chemicals and water testing materials for the Public Works & Engineering Department. It is further requested that authorization be given to make purchases, as needed, for a 60-month term. This award consist of a price list for various water testing chemical equipment; which includes but is not limited to, pH meters, colorimeters, chlorine analyzers, and miscellaneous water testing equipment which contain chemicals prepared by Hach Company personnel to facilitate water analysis. The Department will use these items to extract and test water samples, check chemical balances, and perform daily water/chemical analysis field tests at the following locations citywide: domestic and industrial wastewater and water production treatment plants, tanks, reservoirs, bayous, streams, and other bodies of water.

This project was advertised in accordance with the requirements of the State bid laws. Eight prospective bidders downloaded the solicitation document from SPD's e-bidding website and one bid was received. Hach Company is the manufacturer and distributor for Hach equipment.

Buyer: John Tatman

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

DEPARTMENT	FY2011	OUT YEARS	TOTAL
Public Works & Engineering	\$219,273.07	\$2,079,583.93	\$2,298,857.00

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*[Signature]*

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8890

**Subject:** Authorize the City of Houston to Utilize the Texas Procurement and Support Services Contract No. 946-M1 for Charge Card Services for Various Departments  
S17-H23803

Category #  
4

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Agenda Item  
11

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

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

**Origination Date**

November 22, 2010

**Agenda Date**

DEC 01 2010

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Ray DuRousseau *RD* Phone: (832) 393-8726  
Douglas Moore Phone: (832) 393-8724

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

**RECOMMENDATION: (Summary)**

Authorize the City of Houston to utilize the Texas Procurement and Support Services charge card services contract through the State of Texas Cooperative Purchasing Program for a purchasing card (Pcard) program for various departments.

No Funding Required

**Finance Budget**

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council authorize the City of Houston to utilize the Texas Procurement and Support Services charge card services contract through the State of Texas Cooperative Purchasing Program for a purchasing card (Pcard) program for various departments. Under this cooperative purchasing program, Citibank (South Dakota), N. A. is under contract with the State of Texas to provide charge card services to State and Local government agencies. The original contract term for the State of Texas, Contract No. 946-M1 for charge card services is from September 1, 2010 to August 31, 2013, with three one-year options for renewal. The purchasing card (Pcard) is a credit card that authorizes purchases of contract and non-contract goods and/or services necessary for official City business.

The purchasing card program allows City departments to make purchases on a credit card, thus reducing the administrative costs associated with petty cash, purchase orders and vouchers. The Strategic Purchasing Division (SPD) will manage the purchasing card program, which has been in operation since October 1998. The current City purchasing card program has approximately 1,350 cardholders and is governed by Executive Order 1-42, which places various controls at the point-of-sale including a maximum single-transaction limit and a maximum monthly spending limit for purchases at approved merchants, by type. This contract includes a rebate program whereby rebate payments range from 1.59% to 1.81% based upon a 30-day rebate schedule. Moreover, this is a significant increase from the rebate that the City is currently receiving at 0.30% to 1.32%, which is based upon the annual cooperative combined purchasing volume.

The charge card services contract waives all card issuance fees, annual card fees and transaction fees. There are no additional charges for the reporting software and monthly reporting.

Sections 271.081 through 271.083 of the Texas Local Government Code provide the legal authority for local governments to participate in the State of Texas Purchasing Program. Participation in the State program has enabled the City to take advantage of the volume rebate extended to the State.

Buyer: Murdock Smith III

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:





Web Site Survey

## Payment Card Services Rebate Program

Percentages are based on the fiscal year 2009 average transaction size and spend volume — highlighted in bold, red below. The actual rebates for fiscal year 2011 will vary based on the State's annual spend volume and average transaction size.

### 7-Day Rebate Schedule

		Average Transaction Size						
		\$0-\$99	\$100	\$150	\$200	\$250	\$300	\$350 plus
Annual Volume (\$ Million)	\$0-\$799	1.76%	1.76%	1.79%	1.80%	1.81%	1.81%	1.82%
	\$800	1.87%	1.87%	1.89%	1.90%	1.91%	1.91%	1.92%
	\$850	1.87%	1.88%	1.91%	1.92%	1.92%	1.93%	1.93%
	\$900	1.87%	1.88%	1.91%	1.92%	1.93%	1.93%	1.94%
	\$950	1.87%	1.88%	1.91%	1.92%	1.93%	1.93%	1.94%
	\$1,000	1.88%	1.89%	1.91%	1.93%	1.93%	1.94%	1.94%
	\$1,050	1.89%	1.89%	1.92%	1.93%	1.94%	1.94%	1.95%
	\$1,100	1.89%	1.90%	1.92%	1.94%	1.94%	1.95%	1.95%
	\$1,150	1.89%	1.90%	1.93%	1.94%	1.95%	1.95%	1.96%
	\$1,200	1.90%	1.91%	1.94%	1.95%	1.96%	1.96%	1.96%
	\$1,250	1.90%	1.91%	1.94%	1.95%	1.96%	1.96%	1.96%
	\$1,300	1.91%	1.92%	1.95%	1.96%	1.97%	1.97%	1.98%
	\$1,350	1.92%	1.93%	1.95%	1.97%	1.97%	1.98%	1.98%
	\$1,400 plus	1.92%	1.93%	1.95%	1.97%	1.97%	1.98%	1.98%

### 30-Day Rebate Schedule

		Average Transaction Size						
		\$0-\$99	\$100	\$150	\$200	\$250	\$300	\$350 plus
Annual Volume (\$ Million)	\$0-\$799	1.59%	1.59%	1.62%	1.63%	1.64%	1.64%	1.65%
	\$800	1.70%	1.70%	1.72%	1.73%	1.74%	1.74%	1.75%
	\$850	1.70%	1.71%	1.74%	1.75%	1.75%	1.76%	1.76%
	\$900	1.70%	1.71%	1.74%	1.75%	1.76%	1.76%	1.77%
	\$950	1.70%	1.71%	1.74%	1.75%	1.76%	1.76%	1.77%
	\$1,000	1.71%	1.72%	1.74%	1.76%	1.76%	1.77%	1.77%
	\$1,050	1.72%	1.72%	1.75%	1.76%	1.77%	1.77%	1.78%
	\$1,100	1.72%	1.73%	1.75%	1.77%	1.77%	1.78%	1.78%
	\$1,150	1.72%	1.73%	1.76%	1.77%	1.78%	1.78%	1.79%
	\$1,200	1.73%	1.74%	1.77%	1.78%	1.79%	1.79%	1.79%

	<b>Average Transaction Size</b>						
	<b>\$0-\$99</b>	<b>\$100</b>	<b>\$150</b>	<b>\$200</b>	<b>\$250</b>	<b>\$300</b>	<b>\$350 plus</b>
<b>\$1,250</b>	1.73%	1.74%	1.77%	1.78%	1.79%	1.79%	1.79%
<b>\$1,300</b>	1.74%	1.75%	1.78%	1.79%	1.80%	1.80%	1.81%
<b>\$1,350</b>	1.75%	1.76%	1.78%	1.80%	1.80%	1.81%	1.81%
<b>\$1,400 plus</b>	1.75%	1.76%	1.78%	1.80%	1.80%	1.81%	1.81%

## Large Ticket Rebate Schedule

.60% for all transactions qualifying as large ticket interchange by the card association.

# REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance amending various sections of the Code of Ordinances, Houston, Texas, relating to the adjustment of fees to cover cost of service		<b>Page 1 of 1</b>	<b>Agenda Item #</b> 12
<b>FROM (Department or other point of origin):</b> Finance Department		<b>Origination Date:</b> November 12, 2010	<b>Agenda Date:</b> DEC 01 2010
<b>DIRECTOR'S SIGNATURE:</b> Michelle Mitchell, Director <i>Michelle Mitchell</i>		<b>Council District affected:</b> All	
<b>For additional information contact:</b> Jack Alexander Phone: (713) 837-9880		<b>Date and identification of prior authorizing Council action:</b>	
<b>RECOMMENDATION:</b> Adopt Ordinance amending various sections of the Code of Ordinances, Houston, Texas, relating to the adjustment of permit and license fees to cover cost of service.			
<b>Amount and source of funding:</b> Revenue		<b>Finance Budget</b>	
<p><b>EXPLANATION</b></p> <p>The City of Houston is authorized by State law to regulate and permit a wide variety of activities to protect the health and safety of the public. To that end, the City of Houston issues more than 440,000 permits each year, comprising more than 260 distinct types of permits and related fees. There are currently 10 City departments with permitting responsibilities; however, the majority of transactions are processed through the Administration &amp; Regulatory Affairs (ARA) and Public Works &amp; Engineering (PWE) Departments. Specifically, ARA issues approximately 49 percent of all City permits, and PWE is responsible for an additional 32 percent of permits processed annually. ARA and PWE together account for 81 percent of all City permit processing, while the remaining eight departments combined account for only 19 percent of transactions.</p> <p>In most cases, there are no specific statutes that govern the fee setting process, but State law does allow cities to recover their actual costs to provide this protection of the public interest. However, because the City has not routinely reviewed its fee structure to recover its costs of providing services, taxpayers are currently subsidizing a greater share of regulatory costs that should be more fairly borne by those who directly derive benefit from the permitted activities. As a result, while Houston's costs to provide regulatory permitting and other services continue to increase over time, the current fee structure has not kept pace with inflation and increasing costs for personnel, technology and operating overhead. For example, the Houston Police Department's Vehicular Crimes Division administers City ordinances that regulate the automotive industry, yet the related license fees have not been adjusted since 1981, almost thirty years ago.</p> <p>The Administration has undertaken an analysis of the cost of service for all fees charged by General Fund Departments and certain Special Revenue functions. Coordinated by the Finance Department, the review established methodologies to calculate the actual cost of service for each activity and established recommended adjustments to help recover increased costs. Costs reviewed include the direct costs of labor, materials, capital expenditures (such as vehicles) and overhead as well as indirect costs allocated to those services.</p> <p>The direct cost analysis consisted of determining the overall direct cost of providing each service and comparing that to the current revenues derived from permit fees paid for those services. When the costs exceeded the revenues, cost of service recoveries (fee increases) were recommended to mitigate the shortfall. In instances where the fee increase necessary to fully recover a cost was so dramatic that full recovery might cripple an industry, result in non-compliance, or result in a substantial reduction in service providers (such as private school bus fees), a fee increase providing less than full recovery was recommended, anticipating the City would incorporate the principle of gradualism in its cost of service recovery.</p>			

As 81 percent of permitting transactions are processed through ARA and PWE, we have relied on the cost analyses performed by these two departments as a statistically significant sample of the appropriate fee increase that should be applicable to the remaining 19 percent of City permits.

To account for the indirect or "overhead" costs associated with processing transactions and overall administration, a separate administrative fee of \$25 is being recommended for all transactions in excess of \$50. The fee shall not apply to online credit card convenience fees pursuant to contracts previously approved by City Council.

Attached is a list all of the proposed cost of service related fee increases. The adopted FY2011 Budget includes a revenue placeholder of \$15,000,000, which was an estimate of the degree to which our fee schedules lag behind actual costs.

Other ongoing initiatives include: creation of citywide policies for billing and collection of fees, centralized billing and collection activities to achieve best practices and to identify opportunities to take advantage of scale to negotiate more favorable collection fees.

The proposed cost of service fee adjustments were reviewed by the Budget and Fiscal Affairs Committee on November 8, 2010. Responses to Council Members' questions asked during the meeting are attached.

Attachments

REQUIRED AUTHORIZATION		
Other Authorization:	Other Authorization:	Other Authorization:

City of Houston, Texas, Ordinance No. 2010-\_\_\_\_\_

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CITY OF HOUSTON CODE OF ORDINANCES, THE CITY OF HOUSTON CONSTRUCTION CODE AND THE CITY OF HOUSTON FIRE CODE RELATING TO SERVICE AND PERMIT FEES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, the City provides services and issues permits to the public ("Services") as part of its governmental activities; and

**WHEREAS**, State law permits cities to recover the costs of providing Services to the public as long as such fees are reasonably related to the actual costs of providing such services; and

**WHEREAS**, the City has previously adopted fees for Services under the Code of Ordinances, Houston, Texas, as set out in Column 4 of Exhibit A to this Ordinance, and also has previously adopted fees for Services under the City of Houston Construction Code and the City of Houston Fire Code; and

**WHEREAS**, such fees have not kept up with the actual costs to the City for providing these Services; and

**WHEREAS**, City Council has previously provided for the adjustment of such fees by adopting a budget for FY 2011 that includes an increase of \$15 million to cover actual costs of Service in the General Fund and in certain Special Revenue Funds; and

**WHEREAS**, the fees set out in Column 5 of Exhibit A, in Sections 5 through 9 below, and in Exhibits B and C more accurately reflect the actual cost of Services provided by the City, subject to annual adjustment according to the Producers Price Index; and

**WHEREAS**, "Producers Price Index" as used in this ordinance means the Producers Price Index for all commodities as reported by the Bureau of Labor Statistics; and

**WHEREAS**, the administrative fee described in Section 11 below reflects the City Administrative Costs, which in addition to the costs set out in Exhibit A, comprise the actual administrative and overhead costs to the City for processing of applications for Services and the issuance of licenses and permits under the Code of Ordinances; and

**WHEREAS**, City Council determines these fee changes are necessary to provide the best Services to the public and improve financial efficiency of the process; **NOW, THEREFORE**,

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

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

**Section 2.** That the sections of the City of Houston Code of Ordinances set out in Column 3 of Exhibit A to this Ordinance ("Ordinances") are hereby amended to replace the fees shown in Column 4 with the fees as set out in Column 5 of Exhibit A.

**Section 3.** That Chapter 1 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 1-13 that reads as follows:

**"Sec. 1-13. Annual fee increase.**

Notwithstanding any maximum fee established by this Code, the fees set out herein, as adjusted according to this provision, shall be automatically increased on the first day of each subsequent fiscal year by a percentage equal to the percentage increase to the Producers Price Index, if any, over the previous year ("the PPI Adjustment"). If there is a decrease or if there is no increase in any given year, the fees for that year shall remain the same as in the previous year. This section shall not apply to fees that are subject to other automatic increase provisions or to other limitations or provisions in this Code or other applicable law."

**Section 4.** That Section 117 of that volume of the City of Houston Construction Code known as the City of Houston Building Code, as recently adopted by Ordinance No. 2010-847, is hereby amended to read as set forth in Exhibit B, which is attached hereto and incorporated herein.

**Section 5.** That Section 118.5 of that volume of the City of Houston Construction Code known as the City of Houston Building Code, as recently adopted by Ordinance No. 2010-847, is hereby amended to read as follows:

**“118.5. Fees.** To cover administrative costs, including registration of firms and individuals, management of the program, and oversight inspections, the building official shall assess fees equal to 25 percent of the amount otherwise payable under this code for any permit, but not less than the minimum fee as required in Section 117 of the *Building Code*. In addition to the reduced permit fees charged in connection with the program, an additional fee of \$25.00 per payment voucher issued shall be assessed to cover the jurisdiction's costs in connection with any fee required to be paid to and remitted by the jurisdiction. If any contractor or owner requests an inspection by the building official of any structure that is subject to private inspection under this section, then the building official may perform the same for a fee of \$150.00. The administrative fee that is payable under Section 117.1.2 of the *Building Code* shall be collected in addition to the fees otherwise provided under this section.”

**Section 6.** That Subsection (d) of Section 4605 of the City of Houston Sign Code (Chapter 46 of that volume of the City of Houston Construction Code known as the City of Houston Building Code) is hereby amended to read as follows:

**“(d) Operating Permit Effectiveness--Renewal Permit.** Each operating permit issued shall be effective for a period of one year. Not less than 30 days nor more than 60 days prior to the conclusion of each three-year period, applications may be made for a one year extension of the permit. Such application shall be submitted in such form as the Sign Administrator may prescribe, accompanied by payment of applicable fees, and shall be executed, verified and contain the sworn affidavit described in Section 4605(c)(2). If the application for extension of permit fully meets the requirements of applicable law in effect at the time of such application, the Sign Administrator shall issue a renewal permit for an additional one year period or such other time as may be required by law.”

**Section 7.** That Item (2) of Subsection (c) of Section 4608 of the City of Houston Sign Code (Chapter 46 of that volume of the City of Houston Construction Code known as the City of Houston Building Code) is hereby amended to read as follows:

**“(2)** Any unlawful sign found within a public right-of-way of a public street, public sidewalk or public alley shall be seized, and removal thereof is hereby authorized. The employees of the Police Department, the Planning and Development Department, the Solid Waste Management Department and the Department of Public Works and Engineering are hereby authorized to impound any signs found on a

public street, public sidewalk or public alley and transport or cause the same to be transported to a location to be designated by the Sign Administrator for storage. The custodian of the storage area shall maintain records of where such signs were located when they were so impounded and the date on which they were so impounded and shall hold the same in the storage area for a period of not more than 30 days. Any signs so held may be redeemed by the owner thereof upon the payment of a fee to the City through the custodian thereof, consisting of a total of \$70.00 for hauling the same to storage, plus \$10.00 per day storage fee for each day the sign is stored. Such fee shall be in addition to and not in lieu of any fine imposed upon such owner for violation of this chapter. Any sign impounded and stored and not redeemed by the owner thereof within 30 days may be transferred to the Surplus Section of the Property Management Division of the Finance and Administration Department of the City of Houston to be sold at public auction in the same manner as surplus property of the City.

**EXCEPTION:** Stake-type signs constructed of cloth, wood, paper or similar lightweight materials that are picked up in the right-of-way may be disposed of immediately, without regard to the foregoing impoundment provisions."

**Section 8.** That Section R115.5 of that volume of the City of Houston Construction Code known as the City of Houston Residential Code, as recently adopted by Ordinance No. 2010-847, is hereby amended to read as follows:

**"R115.5. Fees.** To cover administrative costs, including registration of firms and individuals, management of the program, and oversight inspections, the building official shall assess fees equal to 25 percent of the amount otherwise payable under this code for any permit, but not less than the minimum fee as required in Section 117 of the *Building Code*. In addition to the reduced permit fees charged in connection with the program, an additional fee of \$25.00 per payment voucher issued shall be assessed to cover the jurisdiction's costs in connection with any fee required to be paid to and remitted by the jurisdiction. If any contractor or owner requests an inspection by the building official of any structure that is subject to private inspection under this section, then the building official may perform the same for a fee of \$150.00. The administrative fee that is payable under Section 117.1.2 of the *Building Code* shall be collected in addition to the fees otherwise provided under this section.



Notwithstanding any maximum fee established by this Code, the fees set out herein, as adjusted according to this provision, shall be automatically increased on the first day of each subsequent fiscal year by a percentage equal to the percentage increase to the Producers Price Index, if any, over the previous year ("the PPI Adjustment"). If there is a decrease or if there is no increase in any given year, the fees for that year shall remain the same as in the previous year."

**Section 9.** That the volume of the City of Houston Construction Code known as the City of Houston Mechanical Code, as recently adopted by Ordinance No. 2010-847, is hereby amended as follows:

A. Section 114.3 is hereby amended to read as follows:

**"114.3 Validity.** The issuance of a permit or approval of plans, specifications, and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of other ordinances of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based upon plans, specifications, computations, and other data shall not prevent the Authority Having Jurisdiction from thereafter requiring the correction of errors in said plans, specifications, and other data or from preventing building operations being carried on thereunder when in violation of this code or of other ordinances of this jurisdiction.

A permit shall be valid only for the work performed by the licensed contractor to which the permit was issued. A new permit shall be obtained if the licensed contractor to which the permit was issued ceases to perform the work. The cost of the new permit shall be 50 percent of the original permit fee. In the case of the death of the original licensed contractor, the permit will be transferred to the new licensed contractor at a fee of 50 percent of the original permit fees, up to a maximum fee of \$70.00 per permit."

B. A new Section 115.7 is added to read as follows:

**"115.7 Annual Fee Increase.** Notwithstanding any maximum fee established by this Code, the fees set out herein, as adjusted according to this section, shall be automatically increased on the first day of each subsequent fiscal year by a percentage equal to the percentage increase to the Producers Price Index, if any, over the

previous year ("the PPI Adjustment"). If there is a decrease or if there is no increase in any given year, the fees for that year shall remain the same as in the previous year."

C. Section 117.2.1 is hereby amended to read as follows:

**"117.2.1 Temporary Operation Inspection.** For inspection of a boiler or heating, ventilation, refrigeration or air-conditioning system to be used on a temporary basis, a fee of \$70.00 shall be paid to the jurisdiction by a licensed air-conditioning contractor requesting such inspection. If the system is not approved for temporary operation on the first inspection, the usual reinspection fee will be charged for each subsequent inspection for such purpose.

No permit for temporary use shall be valid for a period longer than 30 calendar days. The building official is authorized to reissue such permit upon payment of the full fee of \$70.00 for periods not more than 30 days each."

D. Section 121.6 is hereby amended to read as follows:

**"121.6 State License Notification Requirement.** Each person licensed under the Texas Air Conditioning and Refrigeration Contractor License Law shall notify and register his or her notification with the Authority Having Jurisdiction in a form and manner prescribed by the Authority Having Jurisdiction prior to performing any work pertaining to that license within the jurisdiction. The notification shall be duly registered and maintained on file within the jurisdiction offices of the Mechanical Inspections Section, Code Enforcement Branch, Department of Public Works and Engineering. The fee for initial notification registration shall be \$70.00. A notification registration maintenance fee of \$70.00 shall be paid annually thereafter as long as the notification registration is renewed. Each notification registration shall expire on December 31 of each year. Additionally, a notification registration shall expire upon the registrant's failure to provide proof of current insurance coverage or proof of license renewal."

E. Sections 123.2, 123.3 and 123.4 are hereby amended to read as follows:

**"123.2 Stationary Engineer Examination Application.** An applicant for a first-grade stationary engineer's license shall present to the board service letters showing that he or she has either the following specified experience or combination of experience and education: (i) at least five years of hands-on boiler operating experience on boilers used to heat water or liquid for environmental heating or commercial processing purposes or for generating steam or vapor by direct

application of heat; (ii) a graduation certificate from an accredited engineering school and at least two years of hands on boiler operating experience with boilers used to heat water or liquid for environmental heating or commercial processing purposes or for generating steam or vapor by direct application of heat; or (iii) a United States Department of Labor diploma showing the applicant finished a full three-year course as an apprentice stationary engineer and two years of hands on boiler operating experience with boilers used to heat water or liquid for environmental heating or commercial processing purposes or for generating steam or vapor by direct application of heat.

An applicant for a second-grade stationary engineer's license shall present to the board service letters showing that he or she has: (i) at least three years of hands on boiler operating experience with boilers used to heat water or liquid for environmental heating or commercial processing purposes or for generating steam or vapor by direct application of heat; or (ii) a graduation certificate from an accredited engineering school and at least one year of hands on boiler operating experience on boilers used to heat water or liquid for environmental heating or commercial processing purposes or for generating steam or vapor by direct application of heat.

An applicant for a third-grade stationary engineer's license shall present to the board service letters showing that he or she has: (i) at least two years of hands on boiler operating experience with boilers used to heat water or liquid for environmental heating or commercial processing purposes or for generating steam or vapor by direct application of heat; or (ii) a graduation certificate from an accredited engineering school and at least six months of hands on boiler operating experience on boilers used to heat water or liquid for environmental heating or commercial processing purposes or for generating steam or vapor by direct application of heat.

No person may take an examination for a stationary engineer's license unless he or she has submitted the service letters, certificates, and/or diplomas to the board as required by this section and the submitted documents have been accepted by the board.

Applicants will be required to correctly answer at least 70 percent of the questions comprising the examination in order to qualify for a stationary engineer's license of any grade. All questions and answers will be written in the English language.

An applicant for a stationary engineer's license who fails to satisfactorily pass an examination shall not be entitled to a refund of the examination fee paid to the jurisdiction and shall not be reexamined for the grade in which the applicant failed, or examined

for a higher grade, within a period of less than 90 days.

Each applicant shall pay a \$100 examination fee for each examination the applicant applies for.

The fee is to be paid to the Authority Having Jurisdiction at the time the application is filed. Service letters shall be filed with the application. An applicant shall be eligible for examination on the date of the next regularly scheduled examination that is held at least seven days after the date of application.

Applicants who have successfully passed the examination shall pay a \$70.00 license fee to the jurisdiction prior to the issuance of the license. The license shall expire on December 31 of the year of issuance, unless suspended or revoked. Thereafter, the license may be renewed annually pursuant to the provisions set forth below. The receipt for payment of a license renewal fee shall be displayed with the license. Failure to do so shall constitute grounds for the suspension or revocation of the license.

**123.3 License Renewals.** License renewals shall be granted without reexamination upon payment of a \$70.00 fee, provided such fee is paid within 30 days after the expiration date of the license and not thereafter. When a renewal application is filed more than 30 days after the expiration of the license, the fee for renewal shall be \$75.00 for the first year after the expiration date, plus \$70.00 for each additional year or part of a year thereafter. When the annual license renewal fee has not been paid for a period of five consecutive years, the license shall not be renewed until the applicant has successfully passed a reexamination.

Each certificate or license issued under the terms and provisions of this section shall be signed by the person to whom it was issued as required by the board.

**123.4 Validity, Replacement of License.** When the holder of a license is examined by the board and granted a license in a higher grade, the higher grade license shall not be issued until the license of the lower grade is surrendered and all required fees are paid to the Authority Having Jurisdiction.

When a license becomes lost or destroyed, the board shall grant a new license in the same grade, provided proof of such loss or destruction is presented to the satisfaction of the board. The fee for replacement license shall be \$70.00. If the proof of such loss or destruction is not satisfactory to the board, reexamination in the same grade shall be required, and the fee for the reexamination shall be as provided in Section 123.2."

F. Section 124.0 is hereby amended to read as follows:

**"124.0 Boiler Operator's Permit**

An owner or user of any hot-water-heating boiler, low-pressure hot-water-heating boiler, or steam heating boiler at pressure of 15 pounds per square inch or less used to heat water or liquid for environmental heating or commercial processing purposes or a power boiler having an aggregate heat output that does not exceed 1,676,000 Btu per hour, may apply to the board for a permit to allow the boiler to be operated by the owner or user or by a person knowledgeable in the operation of the boiler, instead of by a licensed stationary engineer. The person who is to operate the boiler or boilers shall be the owner of the boiler or his or her bona fide employee and shall demonstrate competency to do so in a manner determined by the board. The board shall establish the method of testing and the minimum knowledge, ability, and qualifications such person must demonstrate to show competency to operate the distinctive types of boilers. If a person demonstrates competency in the operation of the type of boiler for which the permit is sought, the permit shall be granted upon the payment of a permit fee of \$70.00. The permit shall expire on December 31st of each year, unless suspended or revoked before the expiration date.

Renewal of such permits shall be granted upon the payment of \$70.00 if the renewal is applied for within 30 days after the expiration of such permit. If the renewal is not applied for within 30 days, the applicant may renew the permit upon payment of a fee of \$75.00.

A permit shall be valid only for the specific location and for the boiler(s) at the location named on the permit. Separate permits may be issued for a person to operate boilers at two or more locations owned by the employer of the boiler operator listed on the permit.

When a permit is issued for boiler operation at two or more locations, the applicant must file for a separate boiler operator permit for each location and pay the fee for each boiler operator permit received.

When an operator's permit becomes lost or destroyed, the board may grant a replacement permit in the same manner as set forth for a stationary engineer's license in Section 123.4 of this Code.

All permits issued for the operation of boilers that were in effect immediately preceding the adoption of this code by City Council shall expire on the 31st day of December of the year in which this code is adopted. Any such permit may be renewed as though it had been originally issued pursuant to this code."

**Section 10.** That Sections 105.8 through 105.9.4, including Table 105.8, of the City of Houston Fire Code, as recently adopted by Ordinance 2010-871 (the "Fire Code"), are hereby amended to read as set forth in Exhibit C, which is attached hereto and incorporated herein.

**Section 11.** That Chapter 1 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 1-14 that reads as follows:

**"Sec. 1-14. Administrative fee.**

An administrative fee of \$25.00 shall be collected from the applicant at the time of application for any license, permit or service for which the fee is greater than \$50.00 in addition to the fee set out in this Code. The administrative fee shall be in addition to the fee for the permit, license or other service. If multiple applications are filed by the same applicant at the same time, they shall be considered a single transaction, and only one administrative fee shall be charged. The administrative fee shall be subject to the PPI Adjustment set out in section 1-13 of this Code. This section shall not apply to fees that are subject to other administrative fee provisions or to other limitations or provisions in this Code or other applicable law."

**Section 12.** That the various former ordinance provisions that are amended in **Section 3** through **10** of this Ordinance are saved from repeal for the limited purpose of their continuing application to any fee incurred before the effective date of this Ordinance, as applicable.

**Section 13.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance (in this section, "Provision"), or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, or superseded or prohibited by state or federal law, such Provision shall be deemed to be deleted from this Ordinance and the validity of the remaining portions of this Ordinance or

their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 14.** All provisions of this Ordinance except those provisions that amend the City of Houston Construction Code and the City of Houston Fire Code, which shall take effect on December 31, 2010, shall take effect immediately upon the date of its passage and approval by the Mayor.

**Section 15.** There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect as provided in **Section 14**, above.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2010.

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

Prepared by Legal Dept. \_\_\_\_\_  
JSW:asw 11-29-2010 Senior Assistant City Attorney  
Requested by Director, Finance Department  
L.D. File No.

# **EXHIBIT A**



## City Code Fee Increase Table

	Permit/Fee/Fine Name and Description	Statutory Authority	Rate (Current)	Proposed New Fee Amount
Police Services	Clearance Letters	2-97	\$ 9.00	\$ 20.00
Release of Liens	Release of Order - Initial	2-125	\$ 36.70	\$ 80.00
Release of Liens	Release of Order each additional	2-125	\$ 73.40	\$ 80.00
Ambulance Permits	Ambulance Driver Permit Fee	4-3(e)	\$ 40.00	\$ 100.00
Ambulance Permits	Ambulance Operator Permit	4-16	\$ 500.00	\$ 1,000.00
Ambulance Permits	Ambulance Permit Fee Renewal	4-16	\$ 200.00	\$ 800.00
Ambulance Permits	Ambulance Inspection Fee-Private (per pair of decals)	4-16	\$ 160.00	\$ 275.00
Other License & Permit	Carnival Amusement	5-29	\$ 5.00	\$ 100.00
Dance Licenses	Dance Halls Class A (dance clubs or cabaret)	5-77(a)(1)	\$ 550.00	\$ 750.00
Dance Licenses	Dance Halls Class A (<2days/wk)	5-77(a)(2)	\$ 275.00	\$ 275.00
Dance Licenses	Dance Halls Class B (dance classes and rental hall)	5-77(a)(3)	\$ 30.00	\$ 100.00
Other License & Permit	Game Room	5-172	\$ 60.00	\$ 100.00
Rabies Control License	Neutered - Annual Fee	6-88(a)(1)	\$ 10.00	\$ 20.00

## City Code Fee Increase Table

Rabies Control License	Unneutered	6-88(a)(2)	\$	50.00	\$	60.00
Rabies Control License	Breeders Permit	6-114	\$	100.00	\$	120.00
Rabies Control License	Breeders Permit - Late Fee	6-114	\$	25.00	\$	30.00
Rabies Control License	Kennel License	6-121(a)	\$	50.00	\$	200.00
Animal Control Fees	Impoundment Fee - Animals Other than Dogs and Cats and Neutered Dogs and Cats (1st Offense)	6-137(a)(1)a1	\$	25.00	\$	30.00
Animal Control Fees	Impoundment Fee - Animals Other than Dogs and Cats and Neutered Dogs and Cats (2nd Offense)	6-137(a)(1)a2	\$	50.00	\$	55.00
Animal Control Fees	Impoundment Fee - Animals Other than Dogs and Cats and Neutered Dogs and Cats (3rd Offense)	6-137(a)(1)a3	\$	75.00	\$	80.00
Animal Control Fees	Impoundment Fee - Unneutered (1st Offense)	6-137(a)(1)b1	\$	50.00	\$	60.00
Animal Control Fees	Impoundment Fee - Unneutered (2nd Offense)	6-137(a)(1)b2	\$	75.00	\$	85.00
Animal Control Fees	Impoundment Fee - Unneutered (3rd Offense)	6-137(a)(1)b3	\$	100.00	\$	110.00
Animal Control Fees	Boarding Fee	6-137(a)(3)	\$	9.25 - 12.00	\$	12.00
Animal Control Fees	Rabies Vaccination Fee	6-137(a)(4)	\$	12.00	\$	20.00
Animal Adoption	All animal Adoptions	6-138(1)	\$45.00 - \$55.00	\$45.00 - \$75.00		
Occupation Licenses	Antique Dealers, Precious Metals Dealers, Resale Media & Clothing Dealers - License Fee	7-19(a)	\$	50.00	\$	100.00
Occupation Licenses	Antique Dealers, Precious Metals Dealers, Resale Media & Clothing Dealers - Show Fee	7-19(b)	\$	2.00	\$	10.00

## City Code Fee Increase Table

Occupation Licenses	Secondhand Reseller	7-57(a)	\$	250.00	\$	300.00
Occupation Licenses	Common Market - 10 vendors or less	7-108(a)	\$	60.00	\$	75.00
Occupation Licenses	Common Market - 11 to 20 vendors	7-108(a)	\$	120.00	\$	150.00
Occupation Licenses	Common Market - 21 or more vendors	7-108(a)	\$	180.00	\$	200.00
Auto Dealers License	Dealer In New Motor Vehicles Initial	8-58(a)(1)	\$	120.00	\$	330.00
Auto Dealers License	Dealer In New Motor Vehicles Renewal	8-58(a)(1)	\$	100.00	\$	310.00
Auto Dealers License	Wholesale Auto Jobber & Supply Dealer Initial	8-58(a)(3)	\$	80.00	\$	220.00
Auto Dealers License	Wholesale Auto Jobber & Supply Dealer Renewal	8-58(a)(3)	\$	60.00	\$	200.00
Auto Dealers License	Retail Supply Dealer Initial	8-58(a)(4)	\$	60.00	\$	170.00
Auto Dealers License	Retail Supply Dealer Renewal	8-58(a)(4)	\$	40.00	\$	150.00
Auto Dealers License	Automotive Rebuilder and Dismantler Initial	8-58(a)(5)	\$	220.00	\$	610.00
Auto Dealers License	Automotive Rebuilder and Dismantler Renewal	8-58(a)(5)	\$	200.00	\$	590.00
Auto Dealers License	Automotive Parts Rebuilder Initial	8-58(a)(6)	\$	80.00	\$	220.00
Auto Dealers License	Automotive Parts Rebuilder Renewal	8-58(a)(6)	\$	60.00	\$	200.00
Auto Dealers License	Automotive Storage Lot Operator Initial	8-58(a)(7)	\$	120.00	\$	330.00

## City Code Fee Increase Table

Auto Dealers License	Automotive Storage Lot Operator Renewal	8-58(a)(7)	\$	100.00	\$	310.00
Auto Dealers License	Automotive Repair Facility Initial	8-58(a)(8)	\$	220.00	\$	490.00
Auto Dealers License	Automotive Repair Facility Renewal	8-58(a)(8)	\$	200.00	\$	470.00
Auto Dealers License	Used Parts & Used Accessory Dealer Initial	8-58(a)(9)	\$	220.00	\$	380.00
Auto Dealers License	Used Parts & Used Accessory Dealer Renewal	8-58(a)(9)	\$	200.00	\$	360.00
Auto Dealers License	Body Shop Facility With Storage Privileges Initial	8-58(a)(10)	\$	340.00	\$	510.00
Auto Dealers License	Body Shop Facility With Storage Privileges Renewal	8-58(a)(10)	\$	300.00	\$	470.00
Auto Dealers License	Dealer - New Vehicles, Used Parts, Accessories Initial	8-58(c)(1)	\$	180.00	\$	500.00
Auto Dealers License	Dealer - New Vehicles, Parts, Accessories Renewal	8-58(c)(1)	\$	140.00	\$	460.00
Auto Dealers License	Dealer - Used Vehicles, Used Parts, Accessories Initial	8-58(c)(2)	\$	180.00	\$	500.00
Auto Dealers License	Dealer - Used Vehicles, Parts, Accessories Renewal	8-58(c)(2)	\$	140.00	\$	460.00
Auto Dealers License	Wholesale Jobber & Retail Supply Dealer Initial	8-58(c)(3)	\$	140.00	\$	390.00
Auto Dealers License	Wholesale Jobber & Retail Supply Dealer Renewal	8-58(c)(3)	\$	100.00	\$	350.00
Auto Dealers License	Duplicate Refund Handling Fee	8-58(d)	\$	5.00	\$	40.00
Auto Dealers License	Disapproved License Refund Handling Fee	8-58(e)	\$	5.00	\$	40.00

## City Code Fee Increase Table

Auto Dealers License	Dealer Transfer Fee	8-62	\$	10.00	\$	30.00
Auto Dealers License	Salesman Initial	8-83	\$	25.00	\$	70.00
Auto Dealers License	Salesman Renewal	8-87(c)	\$	15.00	\$	60.00
Auto Dealers License	Salesman Transfer Fee	8-88	\$	5.00	\$	20.00
Auto Dealers License	City Administrative Fee	8-123(e)	\$	10.00	\$	20.00
Wrecker License & Pr	Police-authorized tow service agreement (PATSA) Truck Fee	8-126(c)	\$	500.00	\$	660.00
Wrecker License & Pr	PATSA Wrecker Driver Fee	8-126(c)	\$	35.00	\$	75.00
Auto Dealers License	Police private storage lot agreement.	8-143(d)	\$	1,000.00	\$	1,410.00
Auto Dealers License	Storage Lot Authorization Initial	8-158	\$	100.00	\$	150.00
Auto Dealers License	Storage Lot Authorization Renewal	8-159(a)	\$	50.00	\$	100.00
Charter Bus Permits	Scheduled Ground Transp. Fee 10-12 Pass.	9-58(c)	\$	50.00	\$	200.00
Charter Bus Permits	Scheduled Ground Transp. Fee 13-30	9-58(c)	\$	75.00	\$	200.00
Charter Bus Permits	Scheduled Ground Transp. Fee 31 or more	9-58(c)	\$	100.00	\$	200.00
Other Building Permits	Securing Dangerous Building Permit	10-414(a)	\$	125.00	\$	190.00
Fire Alarm Permit	Fire Alarm Permit (New)	11-15	\$	50.00		\$75.00

## City Code Fee Increase Table

Fire Alarm Permit	Fire Alarm Permit (Renewal)	11-15		\$25.00	\$50.00
False Fire Alarm Fee	False alarm fees are assessed based on classification of alarm system A, B, C. False alarms in excess of the following are	11-19(a)		\$ 300.00	\$ 360.00
Burglar Alarm Permit	Residential Burglar	11-62(a)		\$ 30.00	\$ 35.00
Burglar Alarm Permit	Non Residential Burglar	11-62(b)		\$ 70.00	\$ 100.00
Burglar Alarm Permit	Non Residential Burglar w/Panic Alarm	11-62(b)		\$ 70.00	\$ 100.00
False Alarm Penalty	Residential Panic After 1 False Alarm	11-68(b)		\$ 100.00	\$ 120.00
False Alarm Penalty	Residential Panic After 2 Alarms	11-68(b)		\$ 200.00	\$ 240.00
False Alarm Penalty	Residential Panic After 3 Alarms	11-68(b)		\$ 300.00	\$ 360.00
False Alarm Penalty	Residential panic After 4 Alarms	11-68(b)		\$ 400.00	\$ 480.00
False Alarm Penalty	Non-Residential Panic (After 1 Free)	11-68(c)		\$ 200.00	\$ 240.00
False Alarm Penalty	Non-Residential Panic (After 2 False Alarms)	11-68(c)		\$ 400.00	\$ 480.00
False Alarm Penalty	Non-Residential Panic (After 3 False Alarms)	11-68(c)		\$ 500.00	\$ 600.00
False Alarm Penalty	Residential Non-Permitted Panic	11-68(d)(3)		\$ 220.00	\$ 264.00
False Alarm Penalty	Non-Permitted Alarm System Non-Residential Panic or Burglar	11-68(d)(4)		\$ 350.00	\$ 420.00
Other	Lobbyist Fee	18-74(b)		\$ 20.00	\$ 50.00

## City Code Fee Increase Table

Special Food Permits	Required Reinspection	20-20(g)	\$	50.00	\$	85.00
Special Food Permits	Pre-Operational Inspection (Unoccupied)	20-25(f)	\$	50.00	\$	85.00
Special Food Permits	Pre-Operational Inspection (Occupied)	20-25(f)	\$	100.00	\$	170.00
Food Dealers Permits	Food Dealer (non-profit)	20-38(b)	\$	20.00	\$	150.00
Food Dealers Permits	Food Dealer (1-9 Employees)	20-38(b)(1)a	\$	200.00	\$	220.00
Food Dealers Permits	Food Dealer (10-25 Employees)	20-38(b)(1)b	\$	330.00	\$	350.00
Food Dealers Permits	Food Dealer (26-50 Employees)	20-38(b)(1)c	\$	480.00	\$	500.00
Food Dealers Permits	Food Dealer (51-100 Employees)	20-38(b)(1)d	\$	630.00	\$	650.00
Food Dealers Permits	Food Dealer (101+ Employees)	20-38(b)(1)e	\$	780.00	\$	800.00
Mobile Food Vendor License	Mobile Food Unit Medallion	20-38(b)(2)	\$	300.00	\$	535.00
Special Food Permits	Frozen Dessert Non-Profit Organization	20-39(c)	\$	45.00	\$	110.00
Other License & Permit	Street Vendor	22-17	\$	50.00	\$	135.00
Metered Parking Rev	Meter Revenue - Short term parking	26-160(1)	\$	.10-1.50	\$	.30-1.80
Metered Parking Rev	Meter Revenue - Long term parking	26-160(2)	\$	.10-1.50	\$	.30-1.80
Contract Parking Rev.	Bagged Meters and Contracts	26-182(b)(1)	\$	10.00	\$	15.00

## City Code Fee Increase Table

Boot Fees	Administrative Fee	26-265(1)	\$	100.00	\$	150.00
Boot Fees	Boot Fee	26-265(2)	\$	100.00	\$	150.00
Resident Parking Permit	Annual Resident and Visitor permit - First two	26-345(a)	\$	20.00	\$	25.00
Resident Parking Permit	Service Provider	26-345(b)	\$	10.00	\$	25.00
Resident Parking Permit	One Day Visitor Permit - pack of 20	26-345(c)	\$	15.00	\$	20.00
Valet Parking Operator's Permit	Valet Operator's Permit	26-392(c)	\$	1,000.00	\$	1,500.00
Valet Parking Operator's Permit	Valet Zone Permit	26-443(a)	\$	300.00	\$	400.00
Valet Parking Operator's Permit	Valet Zone Temp	26-449(a)	\$	100.00	\$	200.00
Auto Dealers License	Parking Lot Registration Certificate	26-606(b)	\$	50.00	\$	60.00
Auto Dealers License	Vehicle Immobilization Service Initial	26-652(c)	\$	300.00	\$	350.00
Auto Dealers License	Vehicle Immobilization Service Renewal	26-652(c)	\$	200.00	\$	250.00
Other License & Permit	Mini Warehouse	27-4	\$	50.00	\$	100.00
Sexually Oriented Businesses	Non refundable arcade	28-92(e)	\$	275.00	\$	2,000.00
Sexually Oriented Businesses	Reinspection Fee adult arcade	28-93(c)	\$	60.00	\$	100.00
Sexually Oriented Businesses	Renewal Fee Arcade	28-94	\$	100.00	\$	1,000.00



## City Code Fee Increase Table

Sexually Oriented Businesses	Transfer amendment application fee	28-95(b)	\$	100.00	\$	500.00
Sexually Oriented Businesses	SOB New	28-123(b)(1)a	\$	475.00	\$	2,000.00
Sexually Oriented Businesses	SOB Renewals	28-123(b)(1)b	\$	225.00	\$	1,000.00
Sexually Oriented Businesses	Permit transfer (nonrefundable)	28-126(b)	\$	100.00	\$	500.00
Sexually Oriented Businesses	Entertainer & Managers - New	28-254(b)	\$	60.00	\$	250.00
Other License & Permit	Outdoor Sound Amplification Permit	30-8(a)(2)	\$	10.00	\$	30.00
Other License & Permit	Charitable Solicitation Registration Fee	36-77	\$	12.00	\$	20.00
Swimming Pools	Plan Review (Private pool) UNTIL 1/1/2011	43-17(b)(1)	\$	25.00	\$	70.00
Swimming Pools	Plan Review (Semipublic or public pool) UNTIL 1/1/2011	43-17(b)(2)	\$	160.00	\$	105.00
Swimming Pools	Inspection Fee	43-21(a)	\$	85.00	\$	230.00
Taxi License & Permit	Annual Permit	46-68(a)	\$	400.00	\$	500.00
Taxi License & Permit	Decal Replacement Fee	46-68(a)	\$	15.00		\$0.00
Taxi License & Permit	Annual Permit-First Installment	46-68(a)	\$	150.00	\$	200.00
Taxi License & Permit	Annual Permit-Second Installment	46-68(a)	\$	125.00	\$	150.00
Taxi License & Permit	Annual Permit-Third Installment	46-68(a)	\$	125.00	\$	150.00

## City Code Fee Increase Table

Pedicab	Pedicab Vehicle Inspection Fee	46-161(a)	\$	25.00	\$	50.00
Charter Bus Permits	Annual Permit (per vehicle)	46-211(a)	\$	400.00	\$	500.00
Charter Bus Permits	Annual Permit - Installments	46-211(a)	\$	200.00	\$	250.00
Charter Bus Permits	Replacement Fee	46-211(a)	\$	15.00		\$0.00
Charter Bus Permits	Temporary Permit (30 day max per vehicle)	46-218	\$	50.00	\$	100.00
Limousine Permits	Limousine Permit	46-232(a)	\$	400.00	\$	500.00
Limousine Permits	Limousine Permits (Installments)	46-232(a)	\$	200.00	\$	250.00
Limousine Permits	Replacement Fee	46-232(a)	\$	15.00		\$0.00
Limousine Permits	Temporary Permit (30 day max per vehicle)	46-235(b)	\$	50.00	\$	100.00
Limo Inspection Fees	Limousine Inspection	46-236(a)	\$	25.00	\$	50.00
Limo Inspection Fees	Limousine Inspection (prorated)	46-236(a)	\$	12.50	\$	25.00
School Bus License & Permit (Private School & Daycare)	School Vehicles (<16 passengers) (Annual Permit Fee)	46-289(b)	\$	70.00	\$	200.00
Jitney Permit	Jitney Permit	46-336(a)	\$	400.00	\$	500.00
Jitney Permit	Jitney Inspections	46-337(a)	\$	25.00	\$	50.00

## City Code Fee Increase Table

Low Speed Shuttle	Low Speed Shuttle Vehicle Permit Fee	46-394(a)	\$	400.00	\$	500.00
Low Speed Shuttle	Low Speed Shuttle Vehicle Inspection Fee	46-397(a)	\$	25.00	\$	50.00

# **EXHIBIT B**

## BUILDING CODE

### SECTION 117 PERMIT AND INSPECTION FEES

**117.1.1 Permit or license.** An administrative fee of \$25.00 shall be charged upon the preparation of each permit or license issued by the building official. This fee shall apply regardless of whether the permit or license is issued pursuant to this code or the *City Code*, and it shall be payable in addition to all other applicable fees for the permit or license. The foregoing administrative fee shall not be applicable if no other fee is provided by law for the permit or license.

**117.1.2 Receipt.** An administrative fee of \$25.00 shall be charged upon the preparation of each fee or deposit receipt issued by the building official. This fee shall apply regardless of whether the fee or deposit is payable pursuant to this code or the *City Code*. This fee shall be in addition to all other applicable fees or deposits. When paid for a deposit or fee receipt, this fee shall neither constitute nor be refundable as a part of the deposit.

**117.1.3 Minimum permit fee.** If the fee or fees imposed for any single permit that is issued by the building official, whether issued under this code or the *City Code*, do not total more than \$70.00, then a minimum permit fee of \$70.00 shall be charged for the permit. The foregoing minimum permit fee shall not be applicable if no other fee is provided by law for the permit. The administrative fee assessed pursuant to Section 117.1.1 above shall not be included in the foregoing minimum permit fee calculation, and it shall be payable in addition to the minimum permit fee.

**117.1.4 Certificate of occupancy or compliance.** A fee of \$70.00 shall be charged for each certificate of occupancy or compliance issued for a building or structure or portion thereof such as an individual business lease space. A fee of \$70.00 shall be charged for each temporary certificate of occupancy issued.

**117.1.5 Reinspection fee.** In case it becomes necessary to make a reinspection of any work because of faulty materials or workmanship or incomplete work, the permittee shall pay a fee of \$70.00 for each reinspection, except where a greater fee is specifically required under this code.

**117.1.6 Specially requested inspections during working hours.** Whenever a person requests that an inspector be present at a site at a specific time, the jurisdiction shall provide such inspector upon payment of all applicable fees if doing so would not interfere with the regular duties of the inspector and would not cause a delay in the inspection of other work.

Fee for specially requested inspections in addition to all other fees required by this code:

Per day, regular working hours ..... \$240.00

A full day's fee must be paid unless the building official finds that the request was made as a result of an unforeseeable emergency.

**117.1.7 Emergency inspections.** Emergency inspections shall be defined as those requested inspections occasioned by virtue of an unforeseeable incident or occurrence that necessitates an immediate inspection. In situations where there is a dispute as to whether an actual emergency occurred, the decision of the building official shall be final.

Fees:

Minimum four hours ..... \$150.00

Each hour or portion thereof exceeding four hours ..... \$35.00

Total not to exceed \$240.00 if inspection is made during regular working hours. This fee shall be in addition to all other fees required by this code.

**117.1.8 Inspections and plan reviews outside regular working hours.** Whenever a person requests that an inspector make an inspection or a plan analyst review plans at times other than during regular working hours, or on jurisdiction-observed holidays or weekends, the building official shall provide such plan analyst or inspector upon payment of all applicable fees if such would not interfere with the regular duties of the plan analyst or inspector or create an undue burden on such plan analyst or inspector.

Fees:

Minimum four hours ..... \$240.00

Each hour or portion thereof exceeding four hours ..... \$62.50

This fee shall be in addition to all other fees required by this code.

**117.1.9 Inspections outside of jurisdiction.** The fee for an inspection outside the jurisdiction shall be a minimum of \$240.00 per person plus the current standard mileage rate as published by the Internal Revenue Service per vehicle mile. This fee shall not apply to inspections performed under Section 117.1.11.

**117.1.10 Exemption from permits and fees.** To the extent that the state and the federal governments are exempt as a matter of law from compliance with the Construction Code, neither the state nor the federal government shall be required to obtain a building permit for work undertaken for, by or on the premises of either of them. However, the fees set forth in this code shall be applicable to the extent that the state or the federal government elects to obtain any permit for exempt work.

Except for exempt work undertaken for, by or on the premises of the state or the federal government, building permits shall be required for work undertaken for, by or on the premises of any political subdivision or unit of government (including, but not limited to, the jurisdiction) in the same manner and to the same extent as for work performed by or for other persons. The fees prescribed in this code shall be applicable to all permits issued to or for governmental agencies.

Counties are required to comply with the provisions of the Construction Code. Except as provided by Section 212.903 of the Texas Local Government Code, a county shall notify the building official of each work project that is undertaken. The building official shall, upon request and demonstration of capacity, allow a county to self-permit and self-inspect work

that is performed by or for the county on county-owned buildings and facilities for which a permit is required. No fee shall be imposed hereunder for work that a county is authorized to self-permit and self-inspect.

**117.1.11 Approved fabricators/certifying agent or agency.** The following permit fees shall apply to an approved fabricator/certifying agent or agency:

1. Approved certifying agent or agency, as described in Chapter 17: A fee of \$450.00 if an inspection is made for the purpose of approving the agent or agency. The agent or agency shall reimburse the jurisdiction for travel expenses incurred in performing inspections outside Harris or a contiguous county.
2. Approved fabricator as defined in Chapter 2: A fee of \$500.00 for each inspection made for the purpose of verifying and approving the fabricator's quality control program. The fabricator shall reimburse the jurisdiction for travel expenses incurred in performing inspections outside Harris or a contiguous county.

**117.1.12 Commercial plan review fee.** Plans submitted for a commercial building permit shall be charged a plan review fee. The fee shall be charged at a rate of 25 percent of the estimated building permit fee calculated as provided in section 117.2. This portion of the fee shall be paid upon submittal for the initial review of plans. The balance of the permit fee shall be collected when the permit is issued.

**117.1.13 Quick start plan review service.** Plan review meetings for certain types of construction projects shall be available when approved by the building official. The building official shall develop guidelines for proper use of this service, determination of qualified projects, and assessment of service fees not specifically noted in this code.

The fee for quick start plan review meetings shall be 65 percent of the building permit fee calculated as provided in Section 117.2. This fee shall be separate from, and in addition to, the structural permit fee.

Payment of the quick start plan review fee allows review of the plans in the form presented at the time the fee is paid and one additional review in the event the drawings must be corrected to comply with this code or other applicable laws. The payment shall not entitle the applicant to expedited review of any further revisions to the plans.

**117.1.14 Name or address changes.**

Name change, each ..... \$70.00

Address change, each ..... \$70.00

**117.1.15 Request for special approval, alternate method, interpretation or modification due to practical difficulty.** Requests submitted for review by the building official will be classified in one of the following categories for processing, and fees will be assessed according to the schedule below. Payment will be required prior to processing.

**Standard request.** Requests that require minimal amount of research or consultation to grant or deny the request. Typically, standard requests are submitted on a form promulgated by the building official ..... \$40.00

**Moderate request.** Requests that require a moderate amount of research or consultation to grant or deny the request, typically between 2 – 4 hours of time... \$100.00

**Extensive request.** Requests that require extensive research, documentation, and data collection and review to grant or deny the request.....

..... \$500.00, plus \$125.00 an hour or fraction thereof over 4 hours.

**117.1.16 Investigation fee.** An investigation fee shall be charged when work has commenced prior to the issuance of the proper permits. This fee shall include one follow-up trip; each additional follow-up trip thereafter shall be charged a separate investigation fee. All investigation fees shall be paid prior to the issuance of the required permits and in addition to any required permit fees.

Investigation fee. .... \$240.00

## **117.2 Structural.**

**117.2.1 Buildings.** The following building permit fees shall be required by this code. All fees are subject to the minimum fees in Section 117.1.

New buildings, additions, alterations, remodels, conversions, and repairs:

Where the valuation (rounded to the nearest dollar) is from:

\$0.01 to \$7,000 ..... \$35.00

\$7,001 to \$150,000 ..... \$35.00 for the first \$7000

..... plus \$4.00 for every additional \$1,000 valuation, or fraction thereof

\$150,001 to \$200,000 ..... \$607.00 for the first \$150,000

..... plus \$3.75 for every additional \$1,000 valuation, or fraction thereof

\$200,001 to \$300,000 ..... \$794.50 for the first \$200,000

..... plus \$3.50 for every additional \$1,000 valuation, or fraction thereof

\$300,001 to \$500,000 ..... \$1,144.50 for the first \$300,000

..... plus \$3.25 for every additional \$1,000 valuation, or fraction thereof

\$500,001 to \$1,000,000 ..... \$1,794.50 for the first \$500,000

..... plus \$3.00 for every additional \$1,000 valuation, or fraction thereof

\$1,000,001 to \$5,000,000 ..... \$3,294.50 for the first \$1,000,000

..... plus \$2.75 for every additional \$1,000 valuation, or fraction thereof

\$5,000,001 to \$50,000,000 ..... \$14,294.50 for the first \$5,000,000

..... plus \$1.50 for every additional \$1,000 valuation, or fraction thereof

\$50,000,001 and up ..... \$81,794.50 for the first \$50,000,000



..... plus \$1.00 for every additional \$1,000 valuation, or fraction thereof

**Notes:**

1. New single family homes with a valuation of \$115,000 or less shall receive a 50 percent discount on permit fees.
2. A historic building that has been designated by the jurisdiction as a landmark or that is located within a historic district designated by the jurisdiction, or for which designation as a landmark or part of a historic district is pending, shall receive a 50 percent discount on permit fees provided that a certificate of appropriateness approved by the Houston Archaeological and Historical Commission pursuant to Chapter 33 of the *City Code* is submitted with the construction documents.
3. Towers other than sign structures shall be charged in the same manner as new buildings, as set forth in Section 117.2.1.

Demolition of any building:

For the first story ..... \$70.00

For each additional story ..... \$35.00

Stationary and floating piers:

First 100 square feet of deck area ..... \$25.00

Each additional square foot ..... \$0.20

Incinerators (other than domestic outdoor type), each ..... \$75.00

Bulkheads:

For first 100 lineal feet or part thereof ..... \$50.00

Each additional 100 lineal feet or part thereof ..... \$15.00

Dredging ..... \$100.00

Prefabricated fireplaces ..... \$15.00

Sand blasting or water blasting ..... \$35.00

Grading permit ..... \$35.00

Loading docks (uncovered):

First 100 lineal feet or part thereof ..... \$35.00

Each additional lineal foot ..... \$0.08

Barricades:

First 100 lineal feet ..... \$55.00

Each additional 100 lineal feet or part thereof ..... \$15.00

Paint spray booth ..... \$35.00

Heliports and helistops (interdepartmental inspections--health, structure, fire and aviation safety) ..... \$700.00

Duplicate job card ..... \$70.00

**117.2.2 Chemical plants.** Permit fees for petroleum processing installations; nuclear reactor complexes and processing facilities; facilities manufacturing, processing, distributing or storing energy; other facilities processing, storing or manufacturing materials or energy, not otherwise covered by a construction permit shall be charged in the same manner as new buildings as set forth in Section 117.2.1.

**117.2.3 Occupancy and inspection.** The following permit fees apply to occupancy and inspection of existing buildings:

1. A certificate of occupancy or a life safety compliance inspection and certificate(s) (for compliance with Appendix L; includes initial compliance inspection, final inspection and issuance of certificate; does not include fees for permits where work is required):

First story ..... \$400.00

Each additional story ..... \$100.00

Each additional square foot above 10,000 square feet, with a maximum of 200,000 square feet ..... \$0.01

For residential multifamily buildings, per contiguous project:

For one to thirty units ..... \$400.00

Each additional unit ..... \$10.00

2. Duplicate life safety compliance certificate ..... \$70.00

3. Certificate name change only ..... \$70.00

4. Duplicate certificate of occupancy ..... \$70.00

5. Incinerator inspection ..... \$70.00

6. Revalidation inspection ..... \$70.00

7. Change of address request ..... \$70.00

8. Certificate for individual retail or office spaces of less than 3,000 square feet in multi-tenant buildings:

If the certificate is requested in connection with and the inspection is performed at the same time as the inspection of the building core ..... \$70.00

Otherwise ..... \$200.00

**117.2.4 Fences.** Permit fees for fences shall be as follows:

For the first 100 lineal feet or part thereof ..... \$55.00

For each additional 100 lineal feet or part thereof ..... \$8.50

**117.2.5 Fire escapes.** Permit fees for fire escapes shall be as follows:

For each fire escape four stories or less in height ..... \$30.00

For each additional story in height ..... \$15.00

**117.2.6 Public sidewalks, driveway approaches, culverts, curbs and gutters located in the right-of-way.** Permit fees for sidewalks, driveways, culverts, curbs and gutters covered by this code shall be as follows:

Sidewalks:

For the first 100 lineal feet or part thereof ..... \$35.00

For each additional 100 lineal feet or part thereof ..... \$8.50

Driveways ..... \$35.00

Culvert pipes (not used for driveways):

For the first 100 lineal feet or part thereof ..... \$35.00

For each additional 100 lineal feet or part thereof ..... \$8.50

Curb and Gutter:

For the first 100 lineal feet or part thereof ..... \$35.00

For each additional 100 lineal feet or part thereof ..... \$8.50

**117.2.7 Parking lots and paved areas, not associated with a one- or-two family dwelling.** Permit fees for parking lots (uncovered) and paved areas shall be as follows:

For the first 1,000 square feet or part thereof ..... \$70.00

For each additional 1,000 square feet or part thereof ..... \$2.50

**117.2.8 Plan review fees.** Plan review fees shall be as follows:

Manufactured home parks:

15 spaces or less ..... \$70.00

Each additional space ..... \$2.00

Residential Master Plans ..... \$70.00

Reexamination of plans or deferred submittal of plans:

Where deferred plans are submitted or previously approved plans are reexamined or revised, the plan review fee shall be \$70.00, or 15 percent of the permit fee, whichever is greater. The fee for reexamination of partial plans shall be determined by the building official based on the review time involved.

Outside jurisdiction plan review fee:

Plan review for buildings located outside the jurisdiction shall be 65 percent of the building permit fee as calculated in Section 117.2. This service shall only be

provided at the building owner's request and subject to the availability of personnel to render the service.

**Paving plan review.**

For paving other than that which is covered under Section 117.2.6 or 117.2.7 shall be required a plan review, and shall pay a plan review fee of \$70.00. Paving under this section shall not require a permit or inspection.

**Exception:** A separate plan review and fee shall not be required when the paving is associated with a driveway approach or building permit.

**117.3 HVAC Equipment.**

**117.3.1 General.** Fees for permits and inspections for the installation, alteration and inspection of heating, ventilating, air-conditioning and refrigeration systems shall be as follows:

1. Ventilating systems or heating-only systems (other than boilers): 2.0 percent of valuation, plus \$35.00. Toilet exhaust, outside air makeup, elevator ventilation, stair pressurization, smoke exhaust or residential ventilation fees shall be included in the air-conditioning tonnage fee. The minimum permit fee shall be \$70.00. (See Section 117.3.3 for local vent fees.)
2. Repairs or alterations (including cooling tower replacement) to an existing heating, ventilating, air-conditioning or refrigeration system: 2.0 percent of the valuation, plus \$35.00.

**Exception:** Ducts and grilles in a lease space, where total valuation is less than \$500.00: \$35.00 for each lease space.

3. Air-handling and duct systems for air-conditioning in buildings that have heating and/or cooling fluid from an external source: \$4.50 per ton [based on 400 cubic feet per minute (cfm) capacity per ton], plus \$35.00.
4. Air-conditioning cooling equipment (chillers, compressors and/or absorption units with their auxiliaries) located in a building other than the one being cooled (for instance, a central plant to supply one or more buildings): \$4.50 per ton (either new tonnage, added tonnage or standby tonnage), plus \$35.00.
5. A complete air-conditioning system where the cooling equipment, the air-handling equipment and duct system are in the same building: \$8.50 per ton of refrigeration or horsepower, whichever is greater, plus \$35.00. For air-conditioning systems that include heating (except boilers), the fee shall be included in the tonnage or horsepower fee at no extra cost, provided such heating is included on the original permit application.
6. Commercial, manufacturing and industrial process refrigeration systems: \$8.50 per ton of refrigeration or horsepower, whichever is greater, plus \$35.00.

**117.3.2 Temporary operation inspection.** For inspection of a heating, ventilation, refrigeration or air-conditioning system to be used on a temporary basis, a fee of \$35.00

shall be paid to the jurisdiction by a licensed air-conditioning contractor requesting such inspection. If the system is not approved for temporary operation on the first inspection, the usual reinspection fee will be charged for each subsequent inspection for such purpose.

**117.3.3 Local vent permit.** A fee of \$70.00 will be charged for local vent permits, central vacuum system permits and permits for ventilation fans up to 2,000 cfm. When a licensed air-conditioning contractor includes local vents in a permit, no additional fee will be required.

**117.3.4 Self-contained air-conditioning units.** Except for Group R, Division 3 occupancies, buildings using self-contained air-conditioning units: \$8.50 per ton or horsepower of all units combined, plus \$35.00.

**117.3.5 Manufactured home inspections.** For a manufactured home inspection of heating and ductwork where no state inspection has been made: \$70.00.

**117.3.6 Certificate of approval.** A fee of \$20.00 in addition to the regular permit fee shall be charged for a certificate of approval of air-conditioning for each permit taken out to add heating and/or air-conditioning to an existing residence. This \$20.00 fee shall be paid for at the time the regular permit fee is paid.

**117.4 Boilers.** Every person desiring to install, maintain or repair boilers shall file an application for a permit with the building official, stating the location and nature of work to be performed, and pay the following fees:

1. For boiler installation based on Btu input and/or HP: \$35.00 plus \$4.00 for each BHP or part thereof. The permit for installation of a single boiler in excess of 1,200 BHP shall not exceed \$3,000.00.

**Note:** For the purpose of this code, 1 BHP equals 33,000 Btu.

2. Annual fee: \$50.00 for each boiler.
3. Repair permit: 2.0 percent of valuation of repairs to be made, plus \$35.00

**117.5 Plumbing.**

**117.5.1 General.** Following is a schedule of fees required for permits, with a minimum fee of \$75.00, where not otherwise specified:

Opening in street (street cut, for purpose of connection with utilities) .....	\$85.00
(See Chapter 40, <i>City Code</i> , for additional regulations and deposits required.)	
Temporary gas inspection .....	\$70.00
Gas permit and inspection (up to 4 openings) .....	\$35.00
Additional gas openings, each .....	\$6.00
Manufactured home inspection fee (where no state inspection has been made) ...	\$70.00
Fire-protection fee (fire sprinkler system, separate permit required):	
For a fire sprinkler system (any head or group of heads up to 25 that is regulated with a valve for any portion of a building), minimum fee .....	\$75.00

For each additional head .....	\$3.50
Standpipe system (1 to 25 hose connections) .....	\$55.00
Each additional hose connection .....	\$3.50
Irrigation System (1 to 200 heads) per head .....	\$1.50
Each additional head .....	\$1.00

#### **117.5.2 Heating gas appliances.**

Furnace (nonduct type) .....	\$25.50
Each additional furnace to be installed in same building under same permit .....	\$8.50
Floor furnace (nonduct type) .....	\$35.00
Incinerators (gas fired) (complete with two burners or more) .....	\$60.00
Infrared heaters (one or two) .....	\$25.50
Each additional infrared heater installed under the same permit .....	\$8.50

#### **117.5.3 Yard lights or barbecue grills.**

First opening .....	\$25.50
Each additional opening installed under same permit .....	\$8.50

#### **117.5.4 Permanent appliances.**

Wall heater (bath heaters exempt) .....	\$25.50
Each additional heater installed under same permit .....	\$8.50
Gas steam radiator .....	\$35.00
Each additional radiator installed under same permit .....	\$8.50
Commercial oven .....	\$40.00
Commercial dryer .....	\$35.00
Plumbing fixtures (one to three) .....	\$25.50
Each additional fixture installed under same permit .....	\$8.50
Warm-air circulators (nonduct), first three .....	\$35.00
Each additional to be installed under same permit .....	\$8.50
Tie to curb inlet-storm sewer .....	\$65.00
Manholes, each .....	\$65.00
Roof drain or outside downspout connection to drainage system, one or two .....	\$25.50
Each additional roof drain or downspout to be installed under the same permit .....	\$8.50
Catch basin or outside area drain, one or two .....	\$25.50

Each additional catch basin or outside area drain to be installed under same permit .....	\$8.50
Sewer connections, each .....	\$40.00
Ground in plumbing for shell building, 3,000 square feet or less floor area .....	\$35.00
For each additional 1,000 square feet or part thereof .....	\$16.00
Septic tanks or individual sewage treatment plants, each .....	\$40.00
Disconnect and plug main sewer connection .....	\$70.00
Tanks (not septic tanks). A permit separate from other permits required:	
Tanks through 1,000 gallons capacity (including mechanical interceptors) .....	\$70.00
1,001 through 6,000 gallons .....	\$85.00
6,001 through 15,000 gallons .....	\$105.00
15,001 through 30,000 gallons .....	\$150.00
Over 30,000 gallons .....	\$170.00

**117.6 Electrical.** The following is a schedule of the permit and inspection fees as required by the *Electrical Code*, with a minimum fee of \$70.00, where not otherwise specified:

**117.6.1 Services.**

Meter loop and service	
Up to and including 50 kW .....	\$70.00
51 kW through 250 kW .....	\$75.00
Over 250 kW .....	\$80.00
Panels with eight or more circuits, each .....	\$7.00
Outlets, each .....	\$1.00
<b>Note:</b> All light switches and receptacle openings and bell-ringing transformers are classified as outlets.	
Electrical vehicle charging outlets	
Level 1.....	\$70.00
Level 2.....	\$75.00
Level 3.....	\$80.00

**117.6.2 Fixtures and Appliances.**

Fixtures, each .....	\$1.00
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**Note:** Any current-consuming device permanently attached to an outlet for illumination purposes shall be classified as a fixture.

Electrical appliances-domestic

Range receptacle, each .....	\$3.50
Clothes dryer, each .....	\$3.50
Stove top, each .....	\$3.50
Oven, each .....	\$3.50
Garbage disposal, each .....	\$3.50
Dishwasher, each .....	\$3.50
Window air-conditioner receptacle, each .....	\$3.50

#### **117.6.3 Motors.**

Motors, permanently installed, each

Up to and including 1 horsepower .....	\$3.00
Over 1 horsepower through 10 horsepower .....	\$8.50
Over 10 horsepower, .....	\$6.00
..... plus \$1.35 per each additional horsepower	

Motor control equipment is included in the motor fees. Outlets for future motor installation shall be charged for at one-half of the regular motor rates applying. The other one-half shall be paid at the time the motors are installed.

Permanent connections of electrical appliances, equipment and transformers of any nature:

Unless another fee is specified in this section for the apparatus to be installed, the fee shall be based on the kW rating of the apparatus. Each kW shall be considered to be one horsepower, and the fees shall be the same as indicated for "motors, permanently installed", above.

#### **117.6.4 Signs.** .....

Shop inspection of incandescent electrical signs and gas or vacuum tube signs, each:

0 to 5 kVA.....	\$35.00
Additional for each kVA or fraction thereof exceeding 5 kVA .....	\$8.00

Installation inspection of incandescent electrical signs and gas or vacuum tube signs, each:

0 to 5 kVA .....	\$35.00
Additional for each kVA or fraction thereof exceeding 5 kVA .....	\$8.00

#### **117.6.5 Outdoor and Temporary.**

Streamers and festoon lighting per circuit, each .....	\$8.50
Ball park and parking lot light poles (no outlet or fixture charge), 1 <sup>st</sup> pole each .....	\$70.00



Each additional pole over 1 .....	\$35.00
Temporary installations, such as wood saws, floor surfacing machines, painting/spraying apparatus and the like, per installation .....	\$25.50
Temporary installation of commercial sound equipment .....	\$30.00
Temporary lighting installations .....	\$25.50
Temporary installations such as carnivals or similar installations for amusement show display or similar uses shall be charged for on a kVA basis. For the purpose of this classification 1 horsepower of motor load shall be considered as one kVA.	
0 through 10 kVA .....	\$25.00
Additional for each kVA or fraction exceeding 10 kVA .....	\$2.00
Temporary saw poles (per installation) .....	\$70.00
Temporary cut-in made permanent .....	\$70.00
Additions to existing work shall be charged for at the same rate as new work.	
Reconnection fee .....	\$70.00

## **117.7 Elevators.**

**117.7.1 General.** Every person proposing to install an elevator, dumbwaiter, escalator, manlift, moving walk, inclined stairway chairlift, personnel hoist or wheelchair lift shall file a written request for a construction permit with the building official and pay the following installation fees for each unit:

### **New installations and alterations:**

Passenger or freight elevator, escalator, manlift, moving walk, inclined stairway chairlift, personnel hoist or wheelchair lift, where the equipment is to be installed in other than a private residence, each:

Up to and including \$40,000 of valuation .....	\$70.00
For each additional \$1,000.00 of valuation or fraction thereof .....	\$2.00
Personnel hoist-manufacturing design permit .....	\$500.00
(required in addition to above fee if the hoist is not already permitted)	

### **Same equipment if installed in a private residence, each:**

Up to and including \$10,000.00 of valuation .....	\$25.50
For each additional \$1,000.00 of valuation or fraction thereof .....	\$2.00

Installation fees for equipment other than personnel hoists include an operating permit for the first year of operation, where applicable.

Installation fees for personnel hoists include a limited permit for the first 90 days of operation.

**117.7.2 Inspections.** The building official shall not be obliged to perform the test or inspection if the building official does not then have qualified personnel to perform it. If the jurisdiction provides the inspections, fees shall be payable to the building official as follows:

1. Each personnel hoist:
  - Acceptance load test<sup>#</sup> (includes two monthly inspections) ..... \$150.00
  - Periodic test, three months (includes two monthly inspections) ..... \$75.00
  - Addition to tower plus any test fee, single-cage hoist ..... \$50.00
  - Addition to tower plus any test fee, twin-cage hoist ..... \$75.00
2. Acceptance inspection for each elevator (new installation and alteration) ..... \$300.00
3. Acceptance inspection for each escalator, dumbwaiter, wheelchair lift, manlift or moving walk (new installation or alteration) ..... \$150.00
4. Annual inspection for each elevator except where lesser fee is provided below \$125.00
  - Reinspection fee ..... \$75.00
5. Escalator annual inspection, each ..... \$125.00
6. Moving walk annual inspection, each ..... \$125.00
7. Wheelchair lift annual inspection, each ..... \$125.00
8. Dumbwaiter annual inspection, each dumbwaiter:
  - For 2 through 10 landings ..... \$100.00
  - For each additional landing ..... \$6.00
9. Manlift or inclined stairway chairlift annual inspection, each ..... \$125.00
10. Traction elevator maintenance load test<sup>#</sup>
  - Five-year maintenance load test ..... \$250.00
  - Counter-weight safeties, add ..... \$75.00
  - With reduced stroke buffer, add ..... \$20.00
  - With spring buffer, add ..... \$125.00
11. Hydraulic elevator three-year load test<sup>#</sup> ..... \$125.00
12. Reschedule of test:

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<sup>#</sup> Load test shall be performed by an elevator maintenance/installation company, and the test shall be witnessed by the building official or an approved agency.

<sup>#</sup> Load test shall be performed by an elevator maintenance/installation company and the test shall be witnessed by the building official or an approved agency.

Additional fee if owner or elevator company cancels, unless notice is given to the building official by at least 1:00 p.m. on the preceding working day ..... \$100.00

13. If an elevator test cannot be completed within eight hours because the elevator did not comply with the requirements of this code when the test was begun, there shall be an additional fee of \$50.00 for each additional hour or portion thereof.

**117.7.3 Reinspection fee.** In the event it becomes necessary to make a reinspection of any work or equipment due to deficiencies in order to issue an approved inspection report, the applicant shall pay to the building official for each reinspection a fee of \$70.00.

**117.7.4 Operating permit or limited permit.** An operating permit or limited permit shall be required for each elevator, dumbwaiter, escalator, manlift, moving walk, inclined stairway chairlift, personnel hoist or wheelchair lift. An operating permit shall be valid for one year, and a limited permit shall be valid for 90 days. The fees for operating permits and limited permits shall be:

Each elevator .....	\$50.00
Each escalator or moving walk .....	\$50.00
Each dumbwaiter .....	\$50.00
Each personnel hoist .....	\$50.00
Each wheelchair lift .....	\$50.00
Each manlift .....	\$50.00
Each inclined stairway chairlift .....	\$50.00

Each escalator or moving walk unit powered by one motor shall be considered as a separate unit.

**117.8 Signs.** Fees for all signs covered by the *Sign Code* shall be as follows:

1. **Site inspections** ..... \$70.00
2. **Electrical inspections** - install and final..... \$70.00
3. **Reinspection fee:**  
Site, hole and electrical, (all) ..... \$70.00
4. **Construction or reconstruction permit**  
For the first 32 square feet of one sign face or fraction thereof ..... \$70.00  
Each square foot or fraction thereof of one sign face exceeding 32 square feet ..... \$0.40
5. **Operating permit--on-premises signs.** An operating permit for on-premises shall be issued as a renewable permit on an annual basis upon payment of the following fees:  
For the first 32 square feet of sign face or fraction thereof ..... \$50.00  
Each square foot of sign face or fraction thereof exceeding 32 square feet ..... \$0.40

6. **Operating permit.** Off-premise signs that advertise the sale or rental of real property or direct persons to the location of real property for sale or rent, which signs are limited to 40 square feet in sign face area for a nonrenewable one year permit as authorized in Section 4612 (b) of the *Sign Code* ..... \$100.00
7. **Operating permit.** Off-premise operating permits for signs other than as provided above, shall be issued as a renewable permit on an annual basis upon payment of \$50.00
8. **New registration for changeable message signs/high technology signs (per face)** \$70.00
9. **Replacement of lost or damaged operating tag** ..... \$70.00
10. **Plan examination fee** ..... \$70.00
11. **Plan reexamination due to alteration of approved plan** ..... \$70.00
12. **Ground sign exceeding 14' –**..... \$2.00 per foot over 14 feet
13. **Seized fees.** As per Section 4608(c) (2) of the *Sign Code* all unlawful signs placed in the right-of-way shall be seized and charged a hauling fee ..... \$70.00
14. **Storage fee.** In addition to the hauling fee above, a storage fee of \$10.00 day shall be incurred.

In addition to the above fees, all other fees required by Section 117 shall be paid.

#### **117.9 Medical gas permits.**

\$6.00 per each gas outlet, with a minimum fee of ..... \$70.00

#### **117.10 Alarms, detectors, central station security and testing.** Fees for alarms, detectors, central station security and testing shall be as follows:

1. Smoke- or heat-actuated detectors, 1 to 10 ..... \$35.00  
Each additional detector ..... \$3.50
2. Each emergency central alarm system/station ..... \$35.00
3. Emergency public address system, 1 to 9 floors ..... \$50.00  
Each additional floor ..... \$5.00
4. Security system, minimum ..... \$50.00  
Each floor in excess of two ..... \$15.00
5. Retest entire emergency system ..... \$75.00
6. Retest any single-type system ..... \$35.00

# **EXHIBIT C**

## FIRE CODE REVISIONS

**105.8 Permit and inspection fees.** Fees shall be assessed and shall be payable to the jurisdiction for the permits and inspections as provided in Sections 105.8.1 through 105.8.3.3 and Table 105.8. The fee for a permit includes an initial inspection and one follow-up inspection, if the latter is deemed necessary in the judgment of the inspector.

**105.8.1 General.** All fees are annual unless otherwise provided in this code or by regulation of the fire code official. See Table 105.8 for the fee schedule for fire permits.

**Note:** See Sections 105.9 and 105.10 for additional provisions regarding administrative processing fees, receipt fees, correction fees, replacement fees, and refunds.

**105.8.2 Re-inspection fee.** Whenever it becomes necessary to make a reinspection (after the initial inspection and one follow-up inspection under Section 105.8 of this code) because of faulty material, faulty workmanship, or incomplete work or for any other reason, the permit holder shall pay for each reinspection a fee of \$300, unless a greater fee is specifically required by this code. This fee shall be in addition to all other fees required by this code.

**105.8.3 Requested inspections (fire marshal approval).** Whenever a person requests that an inspector conduct an inspection, or perform other duties not specified in this code and not in connection with a permit required under this code, the jurisdiction shall provide the service, if the service would not interfere with the regular duties of the inspector, upon the payment of a fee based on the size of the site, as follows:

Up to 50,000 sq. ft. ....	\$200
More than 50,000 sq. ft., but not more than 100,000 sq. ft. ....	\$300
More than 100,000 sq. ft., but not more than 500,000 sq. ft. ....	\$600
More than 500,000 sq. ft. ....	\$800

A deposit in the full amount of the anticipated fee shall be required prior to the commencement of the inspection. Examples of the types of inspections covered by this section include, but are not limited to, inspections requested by persons who are applying for state or federal permits that have provisions for a fire inspection and compliance inspections requested in connection with real estate transactions. This fee shall be in addition to all other fees required by this code.

**105.8.3.1 Priority inspection.** Whenever a person requests an inspector to perform an inspection, or other duties specified in this code, at a specific time, rather than at the convenience of the jurisdiction, the jurisdiction shall provide the service, if the priority service would not interfere with the regular duties of the inspector, upon the payment of a fee determined as follows:

Up to 4 hours .....	\$300
Each additional hour or portion of an hour .....	\$ 62.50

This fee shall be in addition to all other fees required by this code. Also see Section 105.8.3.

**105.8.3.2 Requested inspection (outside of regular working hours).** Whenever a person requests that an inspector, or other classified firefighter authorized by the fire

chief, conduct an inspection or perform other fire protection duties specified in this code at times other than during regular working hours, or on a holiday observed by the jurisdiction or weekend, the jurisdiction shall provide the service, if the service would not interfere with the regular duties of the personnel or cause an undue burden on the personnel, upon payment of a fee determined as follows:

Up to 4 hours ..... \$ 280.00

Each additional hour or portion of an hour ..... \$ 62.50

This fee shall be in addition to all other fees required by this code.

**105.8.3.3 Exemption from permits and fees.** To the extent that the state and the federal governments are exempt as a matter of law from compliance with this code, neither the state nor the federal government shall be required to obtain a permit for work undertaken for, by or on the premises of either of them. However, the fees set forth in this code shall be applicable to the extent that the state or the federal government elects to obtain a permit for exempt work.

Except for work undertaken for, by or on the premises of the state or the federal government, permits shall be required for work undertaken for, by or on the premises of any political subdivision or unit of government (including, but not limited to, the jurisdiction) in the same manner and to the same extent as for work performed by or for other persons. The fees prescribed in this code shall be applicable to all permits issued to or for governmental agencies except counties and the jurisdiction. The jurisdiction and counties are exempted from the payment of fees. The exemption for the jurisdiction and for counties shall extend only to work to be undertaken for, by or on the premises of the jurisdiction or a county itself as a body corporate and politic. Furthermore, the exemption for a county shall not extend to work undertaken for, by or on the premises of units of government that, although affiliated with a county, have separate governmental existence from the county, including but not limited to, hospital districts and flood control districts.

**105.8.4 Annual fee increase.** Notwithstanding any maximum fee established by this section or Section 105.9, the fees set out in this section and Section 105.9, including Table 105.8, as adjusted according to this provision, shall be automatically increased on the first day of each subsequent fiscal year by a percentage equal to the percentage increase to the Producers Price Index, if any, over the previous year (Athe PPI Adjustment@). If there is a decrease or if there is no increase in any given year, the fees for that year shall remain the same as in the previous year.

**TABLE 105.8  
FEE SCHEDULE FOR FIRE PERMITS**

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION	FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
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SECTION REFERENCE NUMBER	PERMIT DESCRIPTION		FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
105.6.1	Aerosol products	Tier 1: Level 2 Aerosols > 500 and ≤ 2,500 lbs Level 3 Aerosols > 500 and ≤ 1,000 lbs Combined Level 2 and 3 > 500 and ≤ 2,500 lbs Tier 2: Amounts greater than for Tier 1	\$200    \$600
105.6.2	Apparatus access, road access-control gates	One Two or more	\$125 \$200
105.6.3	Aviation facilities	Aircraft refueling vehicles: First one Each additional Maximum Aircraft service or repair occupancy	\$200 \$80 \$400 \$400
105.6.4	Carnivals, festivals, trade show exhibitions and fairs		\$400
105.6.5	Cellulose nitrate film		\$200
105.6.6	Combustible dust- producing operations		\$200
105.6.7	Combustible fibers	Tier 1: Loose fiber storage > 100 and ≤ 500 cu. ft. Baled fiber storage > 100 and ≤ 1,000 cu. ft. Tier 2: Amounts greater than for Tier 1	\$200   \$600
105.6.8	Compressed gases	Tier 1: Corrosive: > 200 cu. ft. and ≤ 1620 cu. ft. at NTP Flammable (excluding cryogenic and LPG): > 200 cu. ft. and ≤ 2000 cu. ft. at NTP Highly toxic: up to 40 cu. ft. at NTP Inert & simple asphyxiant: > 6000 cu. ft. at NTP (no limit, always Tier 1) Oxidizing (including oxygen): > 504 cu. ft. and ≤ 3000 cu.ft. at NTP Pyrophoric: > 100 cu. ft. at NTP Toxic: up to 1620 cu. ft. at NTP Tier 2: Amounts greater than for Tier 1	\$300          \$600
105.6.19	Covered mall buildings	Includes partial cost of Life Safety Inspection	\$600





SECTION REFERENCE NUMBER	PERMIT DESCRIPTION		FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
105.6.16	Flammable and combustible liquids	<p>Parts 1-5, 7, 8:</p> <p>Tier 1</p> <p>Class IA: &gt; 5 gal. and ≤ 60 gal. (inside bldg.) &gt; 10 gal. and ≤ 60 gal. (outside bldg.)</p> <p>Class IB: &gt; 5 gal. and ≤ 120 gal. (inside bldg.) &gt; 10 gal. and ≤ 120 gal. (outside bldg.)</p> <p>Class IC: &gt; 5 gal. and ≤ 180 gal. (inside bldg.) &gt; 10 gal. and ≤ 180 gal. (outside bldg.)</p> <p>Class IA, IB, or IC combined amounts: &gt; 5 gal. and ≤ 240 gal. (inside bldg.) &gt; 10 gal. and ≤ 240 gal. (outside bldg.)</p> <p>Class II: &gt; 25 gal. and ≤ 240 gal. (inside bldg.) &gt; 60 gal. and ≤ 240 gal. (outside bldg.)</p> <p>Class IIIA: 25 gal. and ≤ 660 gal. (inside bldg.) 60 gal. and ≤ 660 gal. (outside bldg.)</p> <p>Class IIIB: &gt; 60 gal. no limit; always tier 1 (in a tank or vessel)</p> <p>Parts 1-5, 7, 8</p> <p>Tier 2</p> <p>Amounts greater than for Tier 1</p> <p>Part 6: Tank removal, installation, disposal or abandonment</p> <p>One</p> <p>Two</p> <p>Three or more</p>	<p>\$300</p> <p>\$600</p> <p>\$200</p> <p>\$250</p> <p>\$350</p>
105.6.17	Floor finishing		\$200
105.6.18	Fruit and crop ripening		\$200
105.6.19	Fumigation and thermal insecticidal fogging		\$200
105.6.20	Hazardous materials	<p>Tier 1:</p> <p>Corrosive liquid &gt; 55 gal. and ≤ 1,000 gal.</p> <p>Corrosive solid &gt; 1000 lbs. and ≤ 10,000 lbs.</p> <p>Flammable solids &gt; 100 lbs. and ≤ 250 lbs.</p> <p>Highly toxic liquids or solids up to 20 lbs.</p> <p>Oxidizing material, Class 1: Liquids &gt; 55 gal. and ≤ 8,000 lbs.</p> <p>Solids &gt; 500 lbs. and ≤ 8,000 lbs.</p> <p>Oxidizing material Class 2: Liquids &gt; 10 gal. and ≤ 500 lbs.</p>	\$300

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION	FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
	<p>Solids &gt; 100 lbs. and ≤ 500lbs.  Oxidizing material , Class 3: Liquids &gt; 1 gal. and ≤ 20 lbs.  Solids &gt; 10 lbs. and ≤ 20 lbs.  Oxidizing material, liquid or solid, Class 4: up to 2 lbs.</p> <p>Organic peroxides, liquid or solid, Class 1: up to 10 lbs.  Organic peroxides, liquid or solid, Class 2: up to 100 lbs.  Organic peroxides, Class 3 Liquid &gt; 1 gal. and ≤ 250 lbs.  Solid &gt; 10 lbs. and ≤ 250 lbs.  Organic peroxides Class 4: 2 gal. or 20 lbs. or more (no limit, always Tier 1)  Pyrophoric gases: up to 100 cu. ft.  Pyrophoric liquid or solid: up to 8 lbs.  Toxic liquid : &gt; 10 gal. and ≤ 1,000 lbs.  Toxic solid: &gt;100 lbs. and ≤ 1,000 lbs.  Unstable reactive, gas, Class 1: no limit (no limit, always Tier 1)  Unstable reactive, gas, Class 2: up to 500 cu. ft.  Unstable reactive, gas, Class 3: up to 100 cu. ft.  Unstable reactive, gas, Class 4: up to 20 cu. ft.  Unstable reactive, liquid &amp; solid, Class 1:&gt; 10 gal. or 100 lbs. (no limit, always Tier 1)  Unstable reactive, , Class 2: Liquid &gt; 5 gal. and ≤100 lbs.  Solid &gt; 50 lbs. and ≤ 100 lbs.  Unstable reactive, liquid &amp; solid, Class 3: up to 10 lbs.  Unstable reactive, liquid &amp; solid, Class 4: up to 2 lbs.  Water reactive, liquid &amp; solid, Class 1: &gt; 55 gal. or 500 lbs. (no limit, always Tier 1)  Water reactive, Class 2: Liquid &gt; 5 gal. and ≤ 100 lbs.  Solid &gt; 50 lbs. and ≤ 100 lbs.  Water reactive, liquid &amp; solid, Class 3: up to 10 lbs.</p> <p>Tier 2  Amounts greater than for Tier 1  Organic peroxides, liquid or solid, unclassified detonable</p>	\$600

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION		FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
105.6.22	High-piled storage	Level 1: 2,500 - 20,000 sq. ft. Level 2: > 20,000 sq. ft.	\$400 \$600
105.6.23	Hot work operations		\$200
105.6.24	Industrial ovens		\$200
105.6.25	Lumber yards and woodworking plants		\$200
105.6.26	Liquid- or gas-fueled vehicles or equipment in assembly buildings	One unit Two units Three or more units	\$125 \$200 \$300
105.6.27	LP-gas	Uses other than for mobile food units For use on a mobile food unit	\$300 \$150
105.6.28	Magnesium	Tier 1: Storage, >10 lbs. and $\leq$ 250 lbs. Open use, >10 lbs. and $\leq$ 25 lbs. Tier 2: Amount greater than for Tier 1	\$300   \$600
105.6.29	Miscellaneous combustible waste storage	One unit Two or more units	\$125 \$200
105.6.30	Open burning		\$300
105.6.32	Open flames and candles		\$125
105.6.33	Organic coatings	Tier 2 (no Tier 1): For operations producing > 1 gal. in one day	\$600
105.6.34	Places of assembly	50-100 occupants (includes partial cost of Life Safety Inspection) 101-299 occupants (includes partial cost of Life Safety Inspection) 300+ occupants (includes partial cost of Life Safety Inspection)	\$200 \$300 \$400
105.6.37	Pyroxylin plastics	Tier 2 (no Tier 1): To store or handle > 25 lbs. of pyroxylin	\$600
105.6.39	Motor vehicle fuel- dispensing stations		\$300
105.6.40	Rooftop heliports		\$200
105.6.41	Spraying or dipping		\$200
105.6.42	Storage of scrap tires and tire byproducts		\$200
105.6.43	Temporary membrane structures, tents and canopies		\$200

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION		FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
105.6.44	Tire-rebuilding plants		\$200
105.6.45	Waste handling		\$200
105.6.46	Wood products		\$200
105.6.47	Asphalt kettles and roof torching operations Site specific permit	Asphalt kettles First one Each additional Maximum  Ignited torches (annual repair permit) First one Each additional Maximum	\$200 \$75 \$400  \$200 \$100 \$600
105.6.48	Battery systems		\$200
105.8.2	Re-inspection	Each	\$300
105.8.3	Requested inspections (fire marshal approval)	Up to 50,000 sq. ft. >50,000 and ≤ 100,000 sq. ft. >100,000 and ≤ 500,000 sq. ft. > 500,000 sq. ft.	\$200 \$300 \$600 \$800
105.8.3.1	Priority inspection	For the first four hours For each additional hour or portion thereof	\$300 \$62.50
105.8.3.2	Inspection or perform other duties outside of regular hours	For the first four hours For each additional hour or portion thereof	\$280 \$62.50

## 105.9 Administrative fees.

**105.9.1 Permit or license.** An administrative fee of \$25.00 shall be charged upon the preparation of each permit or license issued by the fire department. This fee shall apply regardless of whether the permit or license is issued pursuant to this code or the *City Code*, and it shall be payable in addition to all other applicable fees for the permit or license. The foregoing administrative fee shall not be applicable if no other fee is provided by law for the permit or license.

**105.9.2 Receipt.** An administrative fee of \$25.00 shall be charged upon the preparation of each fee or deposit receipt issued by the fire permit office. This fee shall apply regardless of whether the fee or deposit is payable pursuant to this code or the *City Code*. This fee shall be in addition to all other applicable fees or deposits. When paid for a deposit or fee receipt, this fee shall neither constitute nor be refundable as a part of the deposit. This fee shall not apply when a permit or license is issued and the fee specified in Section 105.9.1 above is imposed.

**105.9.3 Correction fee.** A correction fee of \$10.00 shall be charged for correction of any license or permit in those instances where the license or permit is initially issued with an error caused by incorrect information having been furnished by the applicant. A re-inspection fee shall also be imposed as provided in Section 105.8.2 when the error causes a re-inspection to be required.

**105.9.4 Replacement fee.** A fee of \$25.00 shall be charged for replacement of any permit that is lost or requires replacement for other reasons, such as a change of the permit holder's name.

# REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance adding Chapter 25 of the Code of Ordinances, Houston, Texas, relating to the regulation of special events; incorporating various provisions of Chapters 40 and 45 of the Code of Ordinances relating to street functions and parades		<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  13
<b>FROM (Department or other point of origin):</b>  Legal Department		<b>Origination Date</b>  November 24, 2010		<b>Agenda Date</b>  DEC 01 2010
<b>DIRECTOR'S SIGNATURE:</b> <div style="display: flex; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); margin-right: 5px;">46</div> </div> David M. Feldman, City Attorney		<b>Council District affected:</b>  All		
<b>For additional information contact:</b> Rashaad Gambrell <b>Phone:</b> 832.393.6439		<b>Date and identification of prior authorizing Council action:</b>  N/A		
<b>RECOMMENDATION: (Summary)</b> That City Council adopt an ordinance adding Chapter 25 of the Code of Ordinances to provide for a permit-based regulatory framework for the receipt, review, and issuance of permits for special events, incorporating and amending the provisions of the Code of Ordinances applicable to the regulation of street functions and parades.				
<b>Amount and Source of Funding:</b> Not Applicable		<b>F &amp; A Budget:</b>		
<b>SPECIFIC EXPLANATION:</b> <p>In recent months Mayor Annise Parker convened a Special Events Committee to review the City's current civic celebration program and make recommendations to increase efficiencies in the provision of services provided by the Mayor's Office of Special Events (MOSE). The Committee was composed of individuals who have extensive experience in promoting and producing special events and large scale community based projects and representatives of City's Police, Fire, Parks and Recreation, and Public Works and Engineering Departments who partner with MOSE to ensure that the necessary City services are available during special events. The Committee was steadfast in its efforts to preserve and, when possible, expand opportunities for successful civic celebration, while being mindful of its impact on public resources and the City's ability to provide core services, such as public safety, access to public streets, parks and other City property.</p> <p>The Committee was unanimous in its conclusion that a comprehensive permit-based regulatory program was necessary to adequately address the City's goal of creating a concise, user-friendly civic celebration program that clearly postured MOSE as the entity responsible for the coordination of all City services for special events. Thus, the Committee unanimously recommended the adoption of a new chapter in the Code of Ordinances: Chapter 25, Special Events. As proposed, Chapter 25 is divided into three articles: Special Events-Generally, Street Functions, and Parades. It will serve as a comprehensive framework for City regulations and procedures governing special events, street functions (previously codified in section 40-27), and parades (previously codified in Division 1, Article IX, Chapter 45).</p> <p>Chapter 25 seeks to memorialize current practices regarding the management of the Mayor's civic celebration program, with the goal of providing an emphasis upon the City's production of special events, the creation of definitive criteria for use in determining eligibility for the City's co-production/co-sponsorship of special events, the integration of current-best practices regarding street functions and parades, the proper integration of special events within Downtown and neighborhood district, while ensuring that MOSE is the entity responsible for resource management regarding the oversight and coordination of City services involved in special events.</p>				
<b>Other Authorization:</b>  Susan Christian, Director, MOSE		<b>Other Authorization:</b>  [illegible]		<b>Other Authorization:</b>  [illegible]

In short, the proposed special events ordinance provides a uniform and transparent process for the successful implementation of a civic celebration program that refines and expands the city's current civic celebration program through the implementation of a streamlined permitting process that eliminates the duplication of services and increases cost recovery while decreasing the cost of providing city services during special events.

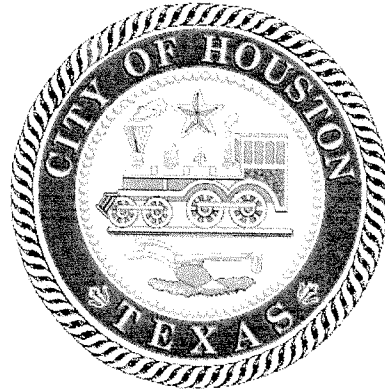
Some highlights of the proposed special events ordinance include the codification of:

- The definition of the terms "special event" and "MOSE"
- Clearly stated permit requirements for conducting a special event on designated portions of City-owned building, park areas, or other city facilities for which a rental fee is **not** currently imposed
- a new, single special events application that includes: Special events, Street Functions, and Parades
- a non-refundable special events application fee of \$50.00
- transparent accounting procedures reflective of current, successful special event accounting practices that have zero impact on the city's current special events fee structures
- the current practice that all monies due to the City must be paid prior to processing future event applications
- unified application filing deadlines consistent with the current deadlines required of street function and parade permit applications
- a consistent appeal process for special event permits that are denied or revoked

An additional recommendation is to decrease the number of parade intersections provided at no cost to an event producer from 15 to 12, thus significantly decreasing the City's costs in providing security and traffic control services for special events while preserving parade organizer's ability to conduct successful, well-attended parades.

Also, recent litigation has demonstrated that certain provisions of the Code of Ordinances concerning parades should be amended to afford greater flexibility in allowing the City's citizens the opportunity to conduct parades in the downtown area while preserving the regulatory controls necessary for the health, safety, and convenience of the general public. Therefore it is recommended that City Council increase the times a parade held on a day other than a Saturday, Sunday, holiday, or special event holiday in the downtown area from 10:00 a.m. and 2:00 p.m. to any time between the hours of 9:00 a.m. to 11:00 a.m., 1:00 p.m. to 4:00 p.m. and 7:00 p.m. to 10:00 p.m.





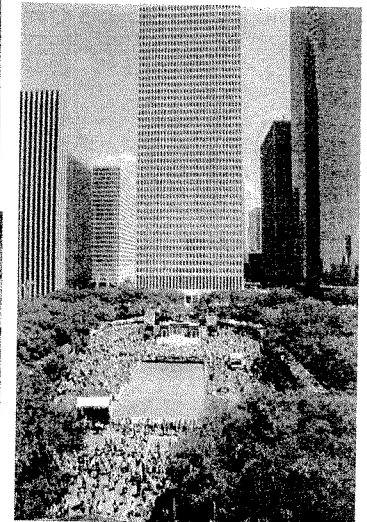
Mayor Annise D. Parker

# **SPECIAL EVENTS COMMITTEE RECOMMENDATIONS**

# WHY CIVIC CELEBRATION?

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Civic celebration is good governance and a core service that brings our community together through positive interaction.



# STATISTICS

## 2009 CALENDAR YEAR

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Event Type	Events	Event Days
Commemoration	15	36
Dedication / Ribbon Cutting / Groundbreaking	25	26
Event	277	336
Festival	49	70
Run / Walk / Cycling / Trail	97	118
Fundraiser	4	4
Luncheon / Reception / Dinner	26	26
Meeting	27	65
Parade	62	62
Neighborhood Parade	22	22
Political	3	3
Presentation	10	19
Press Conference	72	74
Promotion	12	33
Rally	16	16
Religious	6	18
Television / Film Shoot	2	3
<b>Total Events / 2009 CY</b>	<b>730</b>	<b>958</b>
<b>Total Event Attendance / 2009 CY</b>		<b>2,659,030</b>

# CHRONOLOGY

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- **1999** – Mayor Lee Brown directed a committee to be formed and review special event policy and make recommendations regarding existing City ordinance.
- **2000** – The committee presented the following recommendations:
  - Create a festival park;
  - Centralize coordination of tracking for all special events including street and lane closures;
  - Develop utilization guidelines for parks; and,
  - Update rules, regulations and City ordinances for events held on public property.
- **2002** – Request for a review of ordinances pertaining to special events and permitting, a summarization for the need for a consolidated ordinance with a single entity to administer the ordinance and to include City-wide marketing and event opportunities within the same office.
- **2003** – The Administration along with Council Members Mark Goldberg and Annise Parker introduced a comprehensive special events ordinance designed to improve how the city administers special events on public property.
- **2007** – City Council amended Street Functions and Parades and Processions to incorporate the MOSE and to consolidate the management and permitting processes.
- **2008** – At the request of the Public Works and Engineering Department, the MOSE began processing both meter bagging and curb lane applications relative to special events.
- **2009** – Parades and Processions was amended to exclude the 10 day required filing deadline for any non-revenue or revenue-generating parades.
- **2010, January** – Legal opinion issued requiring changes to Chapters 30, 32, 40 and 45.

# SPECIAL EVENTS COMMITTEE

## INTRODUCTION

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- At the request of Mayor Parker, the committee reviewed the governance of special events and made recommendations codifying core services performed by the Mayor's Office of Special Events (MOSE) into the City of Houston Code or Ordinances.
- The committee is comprised of the following individuals, all of whom have direct experience with special events and large scale community based projects.

### Co-Chairs

Susan Christian & Arturo Michel

### Committee

Bob Borochoff

Karen DuPont

Michael Ereti

Bob Eury

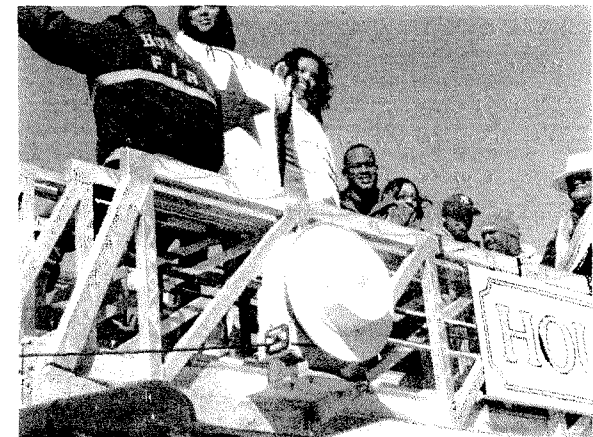
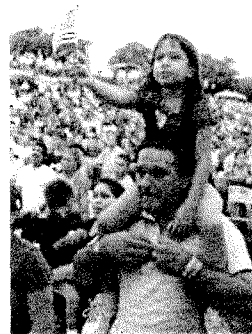
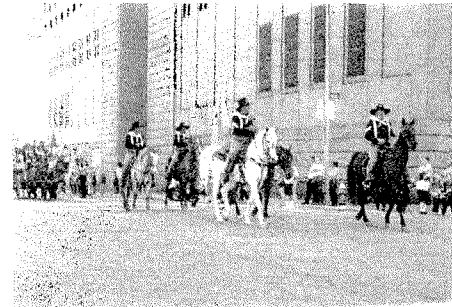
Vicki King

Jackie Martin

Dancie Perugini Ware

Ed Smith

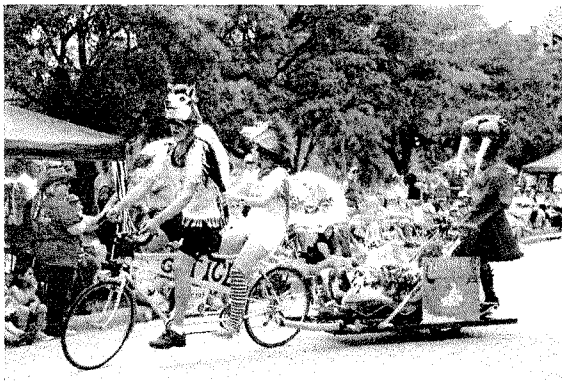
Joe Turner



# CHAPTER 25 – SPECIAL EVENTS SUMMARY

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- The committee unanimously recommends the adoption of Chapter 25 – Special Events.
- Chapter 25 serves as a new, comprehensive special events ordinance that codifies core services performed by the MOSE and incorporates Chapters 40-27, Street functions, and 45, Parades and Processions.

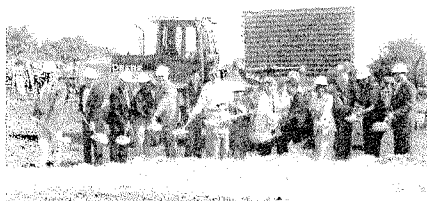


# CHAPTER 25 – SPECIAL EVENTS

## SUMMARY CONTINUED

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- Chapter 25 is divided into three articles:
  - Special Events;
  - Street Functions; and
  - Parades.
- Chapter 25 codifies the management of the Mayor's civic celebration program that includes:
  - Producing civic events;
  - Evaluating co-production/co-sponsorship and cost/benefit;
  - Managing the City's one-stop special event permitting shop while establishing a clear process for event production and permitting; and,
  - Leading all City services related to special events.
- Chapter 25 will:
  - Create a uniform and transparent process for event users;
  - Streamline production, co-production/co-sponsorship and permitting processes;
  - Eliminate duplication of core services; and,
  - Increase cost recovery to the City and decrease overall cost to the City.



# CHAPTER 25 – SPECIAL EVENTS

## NOTABLE ITEMS

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- “Special event” is defined.
- MOSE director defined as well as MOSE core services.
- Includes a new, non-refundable application fee of \$50.00 that is consistent with the current fee for a street function application.
- Allows for a new, single special events application that includes:
  - Special Events utilizing a City of Houston facility (i.e. public park, building, plaza);
  - Street Functions; and,
  - Parades.
- Memorializes current accounting procedures to reflect historical practices but does not affect current fee structures.
- For parades, decreases the number of intersections provided at no cost to an event producer from 15 to 12.
- Increases the times that a parade may be held on a day other than a Saturday, Sunday, holiday, or special event holiday in the downtown area from 10:00 a.m. and 2:00 p.m. to between 9:00 a.m. and 11:00 a.m., 1:00 p.m. and 4:00 p.m. and 7:00 p.m. to 10:00 p.m.



## **Chapter 25**

### **Special Events**

#### **ARTICLE I. SPECIAL EVENTS--GENERALLY**

##### **Sec. 25-1. Declaration of policy--public use of parks, streets and other city property.**

(a) It is the policy of the city to ensure the peaceable use and enjoyment of city parks, streets, and other city property by all members of the public, including persons and groups engaging in demonstrations or expressive activity or a special event regulated by this chapter.

(b) Except as otherwise provided in this chapter or other applicable provisions of this Code, all park areas and streets generally accessible to the public are declared to be open to any person or group of persons for any lawful use, including any demonstration or expressive activity, or special event regulated under this Code.

(c) Except as otherwise expressly permitted in this Code, the use of parks, streets or other city property is prohibited.

(d) Consistent with this chapter, uses of park property, streets and other city property shall continue to be governed by other applicable provisions of this Code and any applicable regulations authorized under this Code.

##### **Sec. 25-2. Definitions.**

For purposes of this chapter, the following words and phrases shall have the meanings provided in this section, unless the context of their usage clearly indicates another meaning:

*Application* means a written request for the issuance of a permit to conduct a special event.

*Appropriate director* means the director of any city department having jurisdiction over a city property or core city service affected by a special event or the director's designee.

*Building* means any permanent structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

*City produced or city sponsored special event* means any special event that is wholly promoted, produced, financed, and conducted by the city with the use of city resources and city personnel.

City co-produced or city co-sponsored special event means any special event that is promoted, produced, financed, or conducted in part by the city, or partially supported with in-kind services provided by the city, and has been approved for city co-sponsorship pursuant to section 25-16 of this Code.

City property means a city park, street, public right-of-way, or other property owned or held by the city.

City revenues means that portion of gross revenues due and payable to the city.

Commercial activity means any revenue-generating activity.

Component unit means an entity identified in the city comprehensive annual financial report that has a relationship with the city of a nature and significance that requires financial reporting in accordance with generally accepted accounting principles as prescribed or modified by the General Accounting Standards Board.

Demonstration or expressive activity means conduct including a meeting, assembly, protest, rally, march or vigil, the primary purpose of which involves the expression, dissemination or communication by verbal, visual, literary or auditory means of opinions, views, or ideas.

Fire chief means the chief of the fire department or the fire chief's designee.

Gross revenues means the revenues generated by a special event, including, but not limited to, receipts from admission charges, both prior to the special event and at the gate, licensing or sponsorship revenues, and television, radio, advertising, concessions, and any other similar revenues.

Mayor's office of special events ('MOSE') means the office or city staff designated by the mayor to oversee the management and administration of special events on behalf of the city, including:

- (1) Producing special events;
- (2) Coordinating the responsibilities of all city departments relative to special events;
- (3) Representing the city's interest in evaluating and negotiating proposals for sponsorship and revenue-sharing agreements pertaining to special events; and

- (4) Managing the administration of the city's special events permitting processes.

MOSE director means the director of the mayor's office of special events or the director's designee.

Non-commercial activity means any non-revenue generating activity.

Permit means a valid, unexpired and unrevoked permit issued by the MOSE director pursuant to the terms of this chapter.

Police chief means the chief of police or the police chief's designee.

Security control plan means a written document detailing the use of non-city personnel to provide the appropriate public security and crowd control. Such a plan shall be subject to the written approval of the police chief.

Security control services means the use of the appropriate number of law enforcement officers necessary to monitor and maintain public security and crowd control.

Sign means any sign, pennant, flag, banner, inflatable display, or other similar device.

Special event means a festival, celebration, or gathering that involves the reservation and temporary use of all or a portion of a public park, park road, public street, or other city property that includes one or more of the following: entertainment, dancing, music, dramatic productions, art or cultural exhibitions, the sale of merchandise, food, or alcohol, or mass participation sports events, such as marathons, bicycling, walking, running and other competitive events that require the significant provision or coordination of city services. The term includes a street function as described in article II of this chapter and a parade as described in article III of this chapter. The term does not include the rental of a park building or other city facilities that are available to the general public for rental on a regular basis. Additionally, the term does not include a demonstration or expressive activity that does not involve the reservation of all or a portion of a public park, park road, public street, or other city property.

Special event organizer means any person who has submitted an application for a permit to conduct a special event pursuant to this chapter.

Traffic control plan means a written proposal for the operation and regulation of traffic control devices used to facilitate vehicular and pedestrian traffic safely and

efficiently through a temporary traffic control zone. A traffic control plan must be prepared in conformance with the Texas Manual on Uniform Traffic Control Devices.

Traffic control services means the use of cones, barricades, and any other traffic control devices necessary to facilitate vehicular and pedestrian traffic safely and efficiently through a temporary traffic control zone.

**Sec. 25-3. Permit and reservation areas; exceptions.**

(a) A permit shall be required to conduct a special event in the following designated areas:

- (1) Any city owned building, space, park, or facility for which a rental fee is imposed by the city pursuant to section 25-13 of this Code;
- (2) Any specially improved and maintained city owned property or facility that is dedicated to a specific use or designated by the appropriate director as suitable for special events; and
- (3) Any city owned area sought to be reserved for the use of any person.

(b) The appropriate director shall cause maps or other similar documentation to be prepared illustrating the areas designated for use as provided in subsection (a) of this section applicable to each affected area. Copies of such information shall be maintained in the offices of the appropriate director and MOSE.

(c) The appropriate director may designate any area as a restricted use area in which certain types of special events, or public access generally to which, shall not be permitted. A listing or designation of such areas shall be maintained in the manner prescribed in subsection (b) of this section.

**Sec. 25-4. Special events; permit required.**

(a) It shall be unlawful for any person to conduct a special event, including related street functions and parades, in any of the areas designated in subsection (a) of section 25-3 of this Code or any other area of any park, street, or other city property without first having secured a permit for the special event approved by the MOSE director.

(b) Except for the applicable definitions contained in this article, any special event consisting solely of a street function or a parade, as the terms are defined respectively in articles II and III of this chapter, shall be governed exclusively under the provisions of such articles.

(c) The MOSE director, with the approval of the appropriate director, shall promulgate all forms and process all applications necessary to implement the provisions of this chapter relating to special events.

**Sec. 25-5. Application for permit; information required.**

(a) An application shall be submitted on a form supplied by the MOSE director, signed by the special event organizer, and filed with MOSE.

(b) Each application must be accompanied by a non-refundable application processing fee of \$50.00. All tendered fees must be in the form of cash, cashier's check, money order, or other method of payment accepted by the city.

(c) An application that includes a request to close a freeway entrance ramp or any portion of a state-owned controlled access highway shall be filed not less than 90 days prior to the proposed special event date(s).

(d) A permit required by section 25-4 of this Code may only be obtained upon written application filed with MOSE containing the following information, if applicable:

- (1) The date of application and the date and time period desired for the special event, including the anticipated time necessary to set up and take down temporary structures;
- (2) The designated area and facility desired for the special event;
- (3) The name, address, and phone number of the special event organizer;
- (4) The estimated attendance at the special event;
- (5) The type or purpose of the special event, including the name of the special event, a suggested plan for utilization of the space or area sought under the permit, and a general description of the activities involved;
- (6) The type of sound system or amplified sound equipment to be used, if any;
- (7) A description of any special effects or features such as hot air balloons, gun salutes (blanks only), fireworks, bands, or other similar devices or attractions to be used, if any;
- (8) Whether the special event is for profit or nonprofit purposes, including a description of all commercial activity to occur during the special event, if any;

- (9) The method by which the clean up and removal of any litter or debris generated by the special event will be handled;
- (10) A description of any goods or services to be sold and a schedule of all fees to be charged;
- (11) Any proposed security control plan or traffic control plan, including a description of security control services and traffic control services that will be provided at the special event;
- (12) The names and portions or blocks of any park road, public street, freeway entrance or exit ramp requested to be closed for the special event;
- (13) All documentation relating to the corporate, partnership, non-profit, assumed name, or other organizational status of a special event organizer;
- (14) Descriptions or depictions of any signs the special events organizer proposes to display during the special event; and
- (15) Any other information required by any appropriate director or MOSE.

**Sec. 25-6. Issuance; priority of conflicting applications.**

(a) The MOSE director shall review each application to ensure that the proposed special event complies with all applicable provisions of this chapter. The MOSE director shall:

- (1) Notify the special event organizer of the denial of the application if it is found to conflict with another special event already permitted for the same time, location, and date, or to be incomplete or to violate any provision of this Code, which notice shall set forth the reasons for the denial; or
- (2) Issue a permit if the special event organizer has satisfied all applicable requirements of this chapter.

(b) All permits shall be issued on a first-come, first-served basis and no application shall be accepted for filing that is submitted prior to 365 consecutive days immediately preceding the date(s) sought. All applications shall be time stamped immediately upon receipt. An application received first in time shall be the first in right; provided that if two or more conflicting applications are received simultaneously, precedence shall be determined by an impartial means of chance.

(c) The MOSE director shall notify the special event organizer of the approval or denial of an application upon the receipt and review of all information requested by the

MOSE director and any appropriate director taking into consideration the nature and size of the proposed special event and the time necessary for the MOSE director to coordinate with any appropriate director to determine the availability of city personnel resources to provide the necessary city services requested by the special events organizer or required by the MOSE director.

**Sec. 25-7. Reasons for permit denial.**

Upon review, the MOSE director shall deny an application if:

- (1) The requested area has been previously reserved for the proposed date of the special event;
- (2) The special event organizer has failed to tender payment of any applicable fee imposed by this chapter or any other applicable fee imposed pursuant to this Code;
- (3) The special event organizer fails to obtain the consent required by section 32-5, 32-8, or 32-32 of this Code, if applicable;
- (4) The special event organizer fails to provide or to receive approval of a required security control plan or traffic control plan, as well as any proposal concerning the provision of first aid or emergency medical services, sanitary facilities, site cleanup and debris removal, or off-site parking or shuttle service as required;
- (5) The city does not have adequate personnel resources to support the special event;
- (6) The size or nature of the special event is inappropriate for the area requested, will substantially interrupt the safe and orderly movement of traffic or police, fire or ambulance emergency equipment on streets adjacent to, running through, or in the vicinity of the special event or would cause an adverse effect upon use of the area or adjacent areas by others;
- (7) The application was not timely filed in accordance with this chapter or fails to contain information required by this chapter;
- (8) The application contains a material falsehood or misrepresentation;
- (9) The special event organizer fails to timely tender any required insurance documentation or indemnification agreement;

- (10) The special event organizer has failed to pay any fees due or reimburse the city any fees assessed for city services provided in conjunction with a previously permitted special event;
- (11) The special event organizer fails to provide for sufficient safety, health or sanitation equipment, services or facilities to ensure that the special event will be safely conducted or proposes to utilize equipment or facilities of an unsafe nature;
- (12) The special event fails to conform to the requirements of any applicable law;
- (13) The special event organizer failed to obtain the requisite approval of any other public agency required to hold the special event; or
- (14) The area requested has been designated as a restricted use area under subsection (c) of section 25-3 of this Code.

**Sec. 25-8. Notice procedure upon permit denial.**

(a) The MOSE director shall notify the special event organizer of any permit denial, and the reasons therefor, by placing such notice in the United States mail, sent certified, return receipt requested, to the special event organizer at the address stated on the application.

(b) If the denial is based upon item (1), (6), or (14) of section 25-7 of this Code, the MOSE director shall advise the special event organizer of alternative areas, if any, capable of accommodating a special event of the requested size and nature.

**Sec. 25-9. Special events where security control services or traffic control services are necessary.**

(a) The MOSE director, in consultation with the appropriate director, shall review each application taking into consideration the size of the special event, including, but not limited to, anticipated attendance, spectatorship, and the proposed use of special effects or other devices in conjunction with the special event, in determining the requisite security control services and traffic control services to be provided by the special events organizer to ensure the preservation of the general public's health, safety, and welfare during the special event.

(b) Upon the review of an application, the MOSE director shall notify the special event organizer of the necessity to furnish a written security control plan or traffic control plan. The security control plan or traffic control plan shall be provided within 3 business days of receipt of the request but in no event less than 10 business days prior to the



special event. All security control plans and traffic control plans shall be subject to review, approval, and appeal in the same manner as a permit application under this article.

**Sec. 25-10. Revocation of permit.**

(a) A special event permit may be revoked if the MOSE director or the appropriate director determines that:

- (1) A violation of any condition of the permit exists, including failure to obtain approval of any security control plan, traffic control plan, or other plans required under section 25-9 of this Code or to implement any such plans;
- (2) The special event poses an immediate threat to public health or safety;
- (3) The special event organizer or any person associated with the special event has failed to obtain any other permit required pursuant to this Code or other applicable law; or
- (4) The permit was issued in error or contrary to law.

(b) Except as provided in subsection (c) of this section, notice of revocation shall be in writing and shall set forth the specific reasons for the revocation.

(c) Any threat to health or safety requiring immediate revocation of a permit shall authorize the MOSE director or the appropriate director to notify the special event organizer verbally of such revocation. This provision shall not in any way diminish the authority of public safety authorities to preserve public safety and enforce all applicable laws during any special event.

(d) The appeal of a revocation shall be handled in the same manner and under the same time requirements as the denial of a permit.

**Sec. 25-11. Appeal of permit denial or revocation.**

(a) The decision of the MOSE director is final unless appealed under this section. A special event organizer may appeal the denial or revocation of a permit by filing a written request for a hearing with the MOSE director within 10 business days of the date of such denial. A hearing shall be conducted within 10 business days of the receipt of such request before a hearing committee consisting of the appropriate director, the police chief, and the fire chief. The city attorney or the city attorney's designee shall be present, in a non-voting capacity, to advise on any legal issue. It shall be the duty of the MOSE director to defend the decision during the hearing. Evidence on the matter shall be received in accordance with Rule 12 of section 2-2 of this Code. The hearing committee shall render

a written decision on the matter within 5 business days of the date of the hearing and immediately provide a copy of such decision to the special event organizer.

(b) Upon receipt of the hearing committee's decision to uphold the denial or revocation of a permit, the special event organizer may appeal such decision by giving written notice to the city secretary within 5 business days of the date of such decision. The city secretary and city agenda director shall arrange a date for the matter to be reviewed by the city council, at the next regularly-scheduled council meeting at which it is possible to give lawful prior notice of the matter after the receipt of the hearing committee's decision and the record required by Rule 12 of section 2-2 of this Code. The city secretary shall give written notice thereof to the special event organizer. The city council shall consider the appeal under the provisions of Rule 12. Upon the conclusion of the city council's review of the matter, the city council shall render a decision to grant or deny the requested permit. Such decision shall be final and shall exhaust the special event organizer's administrative remedies. If the foregoing time requirements appear inadequate to resolve the appeal prior to the date scheduled for the special event, the burden shall be upon the special event organizer to expedite any filings required and to request a special city council meeting, which shall be granted if reasonable under the circumstances.

**Sec. 25-12. Transfers, refunds or revocations.**

Subject to the approval of the mayor and city council, the MOSE director may establish rules and regulations relating to refunds of fees for a special event that is canceled or rescheduled. No refund shall be made except as authorized pursuant thereto. Permits may not be transferred or assigned under any circumstances.

**Sec. 25-13. Permit fees and event fees; percentage of admission or participation fees due to the city; waiver.**

(a) Any additional fees for special events including rentals, vending licenses and permits (collectively, 'event user fees') shall be established by the city council by motion, and may be amended from time to time. Copies of the schedule of event user fees shall be maintained for public inspection in the offices of the city secretary and MOSE.

(b) In the event an admission fee is charged by a special event organizer or any person or entity in conjunction with a special event and in the absence of a revenue sharing agreement under section 25-17 of this Code, the fee applicable thereto shall include 10 percent of the gross revenue derived from the special event, in addition to any other applicable fees established by city council. MOSE shall require an accounting of all pre-sale tickets that were sold, the use of consecutively numbered admission tickets, recording cash registers or other reasonable methods to ensure accurate accounting of receipts and revenues derived from such activities.

(c) MOSE shall establish uniform procedures relating to reservations, deposits and the manner for paying applicable event user fees.

(d) The MOSE director, with the concurrence of the appropriate director may waive fees for city produced or city sponsored special events or any special event designated by the mayor to honor, observe, or celebrate any occasion of special significance to the city provided funds are available in the respective departmental budgets to provide the necessary city services during the special event.

(e) Except as otherwise provided in this Code, or in any agreement authorized under this Code or any ordinance of the city, MOSE shall endeavor to ensure reimbursement of the costs of providing city personnel and other city services for a special event.

(f) In reaching a determination of city costs for purposes of this section, the MOSE director shall consult with the appropriate director for a determination of the necessary city employee staffing and other required city services. Unless fees are waived under this article, the special event organizer shall be obligated to pay all such fees and shall furnish a deposit in the form of cash, cashier's check, money order, or security bond in an amount sufficient to cover such fees.

(g) If a special event is conducted in such a manner as to substantially exceed or deviate from the size or nature of the special event as applied for and permitted and such occurrence causes the city to provide additional services of any city department in connection with the special event, or if upon the inspection of the reserved area and all city property used in conjunction with the special event a determination is made that city property has been damaged or destroyed as a result of the special event, the MOSE director shall furnish the special event organizer with an accounting of the costs incurred as a result of such services or damage and the special event organizer shall be responsible for prompt payment thereof.

(h) All application processing fees shall be remitted to the city's general fund.

**Sec. 25-14. Insurance and waiver of insurance requirement.**

(a) The special event organizer shall continuously and without interruption, during the course of the special event, maintain in force insurance coverage consisting of a commercial general liability insurance policy covering the special event in an amount not less than \$500,000.00 per occurrence and \$1,000,000.00 aggregate.

(b) The special event organizer shall furnish the requisite proof of insurance to the MOSE director. All proof of insurance shall bear on its face, or by endorsement, a statement that the insurer will provide the city with 15 business days advance written notice of cancellation of the requisite insurance. The policy shall name the city as an additional

insured and be issued by a carrier authorized to transact business in Texas. Each policy shall contain an endorsement that the issuer waives any claim or right of subrogation to recover against the city, its officers, agents, or employees. Each policy shall be reviewed by the city attorney for conformity with this subsection. The policy or a binder evidencing the policy shall be furnished to the MOSE director by the special event organizer prior to the commencement of the special event in a time sufficient for the city attorney to review the submitted policy or binder for conformity with the provisions of this subsection.

(c) Except for special events in which the sale of alcoholic beverages is authorized, the MOSE director may decrease or waive insurance requirements after receipt of a written request from the special event organizer. The MOSE director may increase, decrease, or waive the amount of insurance required for the proposed event based upon an evaluation of the proposed special event and the risks to the city associated therewith utilizing the following criteria:

- (1) The size, duration, and scope of the special event, including the number of projected attendees, attractions, and location of the special event;
- (2) Whether food, beverages, alcoholic beverages, or non-food items are to be sold or served at the special event;
- (3) Whether the special event requires the provision of utility services or the erection of temporary structures;
- (4) Whether the special event poses any traffic and pedestrian safety concerns; and
- (5) The risks inherent with respect to the proposed special event.

**Sec. 25-15. Indemnification.**

The special event organizer and any other persons on whose behalf the application is made must covenant and agree in writing that they will, jointly and severally, indemnify and hold the city harmless against liability for any and all claims, judgments and associated legal expenses and costs and for claims and litigation arising out of the special event including, but not limited to, those for damage to property or injury to or death of persons. The agreement shall be in a form approved by the city attorney.

**Sec. 25-16. City co-production or city co-sponsorship of special events.**

(a) Upon receipt of a request and documentation supporting the criteria herein, the MOSE director may approve a city co-produced or city co-sponsored special event provided:

(1) The special event has been approved by the MOSE director and the appropriate director and the requisite departmental budget funds and adequate city personnel resources are available to provide the necessary city services based upon the size and nature of the special event; and

(2) The special event either:

a. Furtheres a public purpose for the use of parks, streets or other city property; or

b. Promotes civic pride or honors historically-significant events or persons of particular significance to the nation, the state or city.

(b) City co-production or city co-sponsorship of any special event involving commercial activity shall require a revenue sharing agreement pursuant to section 25-17 of this Code.

(c) Event user fees associated with city co-production or city co-sponsorship of any special event consisting solely of non-commercial activity shall be waived provided the special event organizer maintains the reserved area and all other city property and facilities used in conjunction with the special event in good order and condition, subject to normal wear and tear.

(d) All appeals of denials of a request of a city co-produced or city co-sponsored special event shall be conducted in the same manner provided in section 25-11 of this Code.

#### **Sec. 25-17. Revenue sharing agreements.**

(a) MOSE may enter into a revenue sharing agreement with a special event organizer for a city co-produced or city co-sponsored special event which provides for the waiver, in whole or in part, of the city's fees associated with the special event, including event user fees, in return for payment to the city of a percentage of special event gross revenues, a flat fee, or a combination thereof. In addition to the information required in section 25-5 of this Code, a special event organizer subject to a revenue sharing agreement shall provide the MOSE director with written documentation containing:

(1) The extent of commercial activity, such as entertainment and the sale of food, alcoholic beverages, goods and services during the special event;

(2) The benefit or appeal the special event would provide to the general public;

(3) The extent of product advertising or promotion during the special event;

- (4) A list of all businesses that will participate in the special event and the nature of their participation;
- (5) The anticipated revenue of the special event organizer and all other participants in the special event from all sources, including, but not limited to sponsorships, donations, admission fees, and the sale of goods or services; and
- (6) The basis upon which revenues will be shared amongst the special event organizer and all other participants.

(b) MOSE shall determine all costs to be incurred as a result of the city's co-production or co-sponsorship of the special event, including costs of personnel, equipment, maintenance, cleanup and any other city services required. No revenue sharing agreement may be approved under this section unless all city costs are reasonably anticipated to be recovered, or such costs have been approved for waiver under this Code. A special event organizer entering into a revenue sharing agreement under this article shall allow the MOSE director or director of finance to inspect all records of the special event organizer pertinent to the revenue sharing agreement, including all records within the actual or constructive custody of the special event organizer relating to all revenue sources including, but not limited to sponsorships, donations, admission fees, and the sale of goods or services at the special event.

#### **Sec. 25-18. Accounting practices.**

(a) The MOSE director or appropriate director shall furnish the director of the department of finance and the city controller with an accounting of all event user fees and city revenues received for all special events, including, but not limited to special events in which the city has entered into a revenue sharing agreement pursuant to section 25-17 of this Code.

(b) Except where expressly provided otherwise, the MOSE director shall deposit all city revenues with any component unit related to or associated with the special event; provided, however, all component units in receipt of city revenues from special events shall agree to the following:

- (1) That all city revenues deposited therewith shall be held in trust for the exclusive benefit of, and are designated for the city's exclusive use in, the promotion, coordination, and sponsorship of special events and shall not be used for any other purpose;
- (2) That all city revenues deposited therewith are city funds and shall be remitted to the city in any amount up to and including the balance of all city

revenues deposited and held by the component unit upon the receipt of written notice from the MOSE director or the director of finance; and

- (3) That all city revenues deposited therewith shall be held in a manner consistent with general accounting practices of the city, state law, and all established accounting practices promulgated pursuant to MOSE regulations.

**Sec. 25-19. Annual fee increase.**

Notwithstanding any maximum fee established by this chapter, the fees set out herein, as adjusted according to this section, shall be automatically increased on the first day of each subsequent fiscal year by a percentage equal to the percentage increase to the Producers Price Index, if any, over the previous year ("the PPI Adjustment"). If there is a decrease or if there is no increase in any given year, the fees for that year shall remain the same as in the previous year.

**Sec. 25-20. Regulations.**

The MOSE director is authorized to adopt regulations consistent with and necessary for the implementation of the provisions of this chapter. The regulations shall be subject to the approval of the city attorney and the director of finance. A copy of any regulations so promulgated shall be made available upon request in the MOSE director's office for inspection and for purchase at the copy fee provided by law.

**Secs. 25-20--25-49. Reserved.**

**ARTICLE II. STREET FUNCTIONS**

**Sec. 40-27. Street functions:**

~~— (a) *Permit required.* It shall be unlawful for any person to use a public street or portion thereof for the purpose of conducting or holding a street dance, block party, fun run or other pedestrian or wheelchair race, bicycle race, festival, or other function requiring the closing of the street or a portion thereof to normal vehicular traffic, unless the function is being conducted in compliance with a permit issued under this section.~~

**Sec. 25-50. (b) Definitions.**

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

*Central business district* has the meaning ~~ascribed provided~~ in section 42-1 of this Code.

*Civilian traffic controllers* means civilian police department personnel deployed to assist in providing traffic control services during duly authorized parades, street functions, and special events. Civilian traffic controllers shall be under the direct supervision of police department law enforcement officers certified under the laws of this State.

*Major function*, for purposes of the review of applications under this ~~section~~ article, means any function that will involve the closure of any portion of a major thoroughfare or major collector street, except:

- a.(1) A function in the nature of a race or fun run in which the participants follow prescribed routes and is conducted in such a manner that the streets may be closed and opened on a rolling basis as the participants pass; or
- b.(2) A function conducted within the central business district, including that portion of Allen Parkway between Bagby Street and Shepherd Drive, and Memorial Drive between Bagby Street and Waugh Drive, provided that the function will not cause the closure of any street during the hours of 7:00 a.m. through 6:00 p.m. on any day that is not a Saturday, Sunday or holiday observed by the closure of city offices.

~~—— Mayor's office of special events (MOSE) shall mean the office, person, or city staff designated by the mayor to manage, administer, and/or issue parade, street function, and special event permits.~~

*Minor function*, for purposes of the review of applications under this ~~section~~ article, means any function that is not a major function as defined herein.

~~—— Police chief means the chief of the police department or the chief's designee.~~

*PWE director* means the director of the public works and engineering department or the director's designee.

~~—— Security control plan means a demonstration of the use of non-city personnel to provide the appropriate public security and crowd control during a parade, street function, or special event. Such a plan shall be subject to the written approval of the police chief.~~

~~—— Security control services means the use of the appropriate number of law enforcement officers necessary to monitor and maintain public security and crowd control during a parade.~~



~~Special events manager (SEM) means the individual who oversees the operations of the mayor's office of special events or the SEM's designee.~~

~~Traffic control plan means a written proposal for the operation and regulation of traffic control devices used to facilitate vehicular and pedestrian traffic safely and efficiently through a temporary traffic control zone. A traffic control plan must be prepared in conformance with the Texas Manual on Traffic Control Devices.~~

~~Traffic control services means the use of cones, barricades, and any other traffic control devices necessary to facilitate vehicular and pedestrian traffic safely and efficiently through a temporary traffic zone.~~

**Sec. 25-51. (a) Permit required.**

It shall be unlawful for any person to use a public street or portion thereof for the purpose of conducting or holding a street dance, block party, fun run or other pedestrian or wheelchair race, bicycle race, festival, or other function requiring the closing of the street or a portion thereof to normal vehicular traffic, unless the function is being conducted in compliance with a permit issued under this ~~section~~ article.

**Sec. 25-52. (c) Permit issuance.**

(a) Permits under this ~~article~~ section shall be issued by the ~~MOSE director~~ SEM. ~~In compliance with the procedures set forth in section (k) below, the~~ MOSE director ~~SEM~~, in conjunction with the PWE director, shall approve the application for a permit unless the MOSE director ~~SEM~~ determines that the proposed function will unreasonably interfere with the flow of traffic or with the use and enjoyment of properties, whether used for residential, commercial or other purposes, in the vicinity of the function or unless the special event organizer ~~applicant~~ fails to demonstrate evidence that it will comply with all provisions of this article ~~any of subsections (d) through (j), below~~. The MOSE director ~~SEM~~ may condition approval upon full compliance with ~~subsections (d) 25-53, (f) 25-55, or (j) 25-59~~ below if the special event organizer ~~applicant~~ has not yet provided cost deposits or the requisite proof of insurance as specified in section 25-59 of this Code ~~therein~~.

(b) In determining whether the event will unreasonably interfere with the flow of traffic or with the use and enjoyment of properties in the vicinity of the function, the MOSE director ~~SEM~~ and PWE director shall consider:

- (1) The expected general flow of traffic upon the street or streets affected at the time proposed for the function ~~event~~;
- (2) The existence, if any, of alternative routes for public transit vehicles and private vehicles;

- (3) Whether the function will significantly affect the city's ability to deliver police, fire and medical emergency services to the function site and in the vicinity of the function site;
- (4) The availability of public parking, public restroom facilities, public trash receptacles and other amenities in the vicinity where the function will be conducted to accommodate the number of persons that are expected to attend the function;
- (5) Whether the function will include amplified music or other sound sources that may be expected to create a noise disturbance; and
- (6) The extent, if any, of disruption to the use and enjoyment of residential, business, industrial and governmental facilities located in the vicinity of the proposed function.

(c) In considering the foregoing criteria, the MOSE director ~~SEM~~ and PWE director shall review records, if any, from prior similar events conducted at or near the proposed site, whether conducted by the special event organizer ~~applicant~~ or others, and the special event organizer's ~~applicant's~~ prior history of compliance, if any, to determine whether there has been a history of traffic control problems, littering and trash removal problems, noise or other disruptions associated with the event or other events conducted by the special event organizer ~~applicant~~.

**Sec. 25-53. (d) Police review.**

Each application shall be referred by the MOSE director ~~SEM~~ to the police chief for a determination of the law enforcement officer staffing reasonably required to provide security control services for the function and service calls relating to the function, including not only the street or streets to be closed but any other streets or public areas in the vicinity that may be utilized for alternative routes or for parking of vehicles of persons attending the function. In making the foregoing determination, the police chief shall consider whether alcohol will be served or allowed at the function as a factor in establishing the appropriate staffing level. The special event organizer ~~applicant~~ must agree to either:

- (1) Pay to the city the total salary cost(s) of providing the designated number of law enforcement officers, required supervisory personnel, and civilian traffic controllers, in which instance the special event organizer ~~applicant~~ shall furnish a deposit sufficient to cover the cost of the same not less than 10 business days prior to the event; or
- (2) Furnish the police chief with a security control plan detailing the proposed number of law enforcement officers certified under the law of this state who will provide security control services during the proposed event. Such law

enforcement officers shall be paid directly by the special event organizer~~applicant~~. However, no law enforcement officer who is regularly employed by the city may be utilized under this item (2) unless the officer executes an understanding of third party compensation provided by the city for working at the event. The understanding of third party compensation shall be in a form approved by the city attorney;

provided that, consistent with the analyses of security, traffic and crowd control needs, and in order to maintain a command structure for the function, the police chief may require that all or a portion of the designated number of peace officers be on-duty Houston police officers for which the special event organizer~~applicant~~ shall make payment to the city under item (1) of this subsection.

**Sec. 25-54. ~~(e)~~ Emergency response capability.**

The special event organizer~~applicant~~ must agree to conduct the function in such a manner that at least one lane of the street or streets to be utilized will be capable of being opened at all times for access by persons requiring emergency access to properties abutting the function and by police, fire, ambulance and other emergency vehicles. The special event organizer~~applicant~~ must also agree to provide a person on-site during the function to coordinate response activities with city officials. Consistent with the nature and size of the function, the special event organizer~~applicant~~ must also agree to provide a public address system for the function site if the police chief determines that the system is necessary or desirable to facilitate emergency responses during the function.

**Sec. 25-55. ~~(f)~~ PWE review; traffic control plan.**

Each application shall be referred by the MOSE director ~~SEM~~ to the PWE director for a determination of traffic control services reasonably required for the proposed street function. Based upon availability of the city resources and city personnel, the PWE director shall either:

- (1) Elect to establish a plan for the deployment of the appropriate traffic control ~~services~~devices, such as cones, street barricades, and signage, as required for the proposed street function; or
- (2) Require the special event organizer~~applicant~~ to submit a traffic control plan for review and subsequent approval by the traffic engineer.

**Sec. 25-56. ~~(g)~~ Payment of traffic control services.**

The special event organizer~~applicant~~ must agree to either:

- (1) Pay the costs of providing public works and engineering department employees to deploy and remove the traffic control ~~services~~devices if the PWE director determines that the city does have available the resources and personnel necessary to deploy the appropriate traffic control ~~services~~devices for the proposed street function. Such costs must be paid not less than 10 business days prior to the proposed street function date; or
- (2) Hire and pay all personnel necessary to deploy and remove traffic control ~~services~~devices as required for the proposed street function.

**Sec. 25-57. (h) Disposition of fees.**

All costs recovered in relation to the provision of city security control ~~services~~ and traffic control services shall be allocated to the city's general fund administered by the department of finance.

**Sec. 25-58. (i) Indemnification.**

The ~~special event organizer~~applicant and any other persons on whose behalf the application is made must covenant and agree in writing that they will, jointly and severally, indemnify and hold the city harmless against liability for any and all claims, judgments and associated legal expenses and costs and for claims and litigation arising out of the function including, but not limited to, those for damage to property or injury to or death of persons. The agreement shall be in a form approved by the city attorney.

**Sec. 25-59. (j) Insurance.**

The provision of insurance for street functions shall be considered in the same manner provided in section 25-14 of this Code.

- ~~— (1) —~~ The applicant shall continuously and without interruption, during the course of the function, maintain in force the required insurance coverage specified in this subsection. Such insurance shall consist of a commercial general liability insurance policy covering the function with limits in an amount not less than \$500,000.00 per occurrence and \$1,000,000.00 aggregate.
- ~~— (2) —~~ The SEM may increase, decrease, or waive the amount of insurance required for the proposed street function based upon an evaluation of the criteria set forth in item (3) of this subsection. The applicant shall furnish the requisite proof of insurance to the SEM. All proof of insurance shall bear on its face, or by endorsement, that the insurer will provide the city with 15 business days advance written notice of cancellation of the requisite insurance. The policy or a binder evidencing the policy shall be furnished at least 10 days prior to the commencement of the event. The policy shall name

~~the city as an additional insured and be issued by a carrier authorized or eligible to transact business in Texas. Each policy shall contain an endorsement that the issuer waives any claim or right of subrogation to recover against the city, its officers, agents, or employees. Each policy shall be reviewed by the city attorney for conformity with this subsection.~~

- ~~(3) Except for events in which the sale of alcoholic beverages is authorized, the SEM may decrease or waive insurance requirements after receipt of a written request from the applicant. The determination to increase, decrease, or waive any insurance requirements shall be based upon an evaluation of the proposed street function utilizing the following criteria:~~
- ~~a. The size, duration, and scope of the event, including the number of projected attendees, attractions, and location of the event;~~
  - ~~b. Whether food, beverages, alcoholic beverages, and/or non-food items are being sold or served;~~
  - ~~c. Whether the event requires the provision of utility services or the erection of temporary structures;~~
  - ~~d. Whether the event poses any traffic and pedestrian safety concerns; and~~
  - ~~e. The risks inherent with respect to the proposed street function.~~

**Sec. 25-60. (k) Application filing and review generally.**

~~(1a)~~ Applications for functions shall be filed on a form promulgated by the MOSE director SEM. An application for a function may be filed with the MOSE director SEM no sooner than 365 days prior to the commencement date of the function, provided that if the 365th day falls on a Saturday, Sunday, or day observed as a holiday for employees of the city, then the application may be filed no earlier than the next day that is not a Saturday, Sunday, or holiday observed by the closure of city offices. Prematurely filed applications, or applications that do not meet all requirements of this section article, shall be of no force and effect and shall be returned to the special event organizerapplicant. An application for a major function shall be filed not less than 120 days prior to the commencement date of the function. An application for a minor function shall be filed not less than 40 days prior to the commencement date of the function, provided that: (i) an special event organizerapplicant for a minor function who wishes to retain the right of an appeal to city council shall file an application more than 120 days prior to the commencement date of the function; and (ii) applications for minor functions that require the closure of a freeway entrance or exit ramp shall be filed not less than 90 days prior to the proposed event date.

Applications shall be filed in accordance with forms and procedures promulgated by the MOSE director SEM.

(2b) Applications for minor functions shall be considered in accordance with this ~~item subsection~~. The MOSE director SEM shall approve or deny each application for a minor function within 10 business days after the completed application is received. In the event that a minor function application is denied, the MOSE director SEM shall mail written notice of the grounds for denial to the special event organizerapplicant. A special event organizerminor function applicant whose application is denied may request a hearing on the matter by filing a written request with the MOSE director SEM within ten days following the date the MOSE director SEM mails the notice of denial.

(3c) Applications for major functions shall be considered in accordance with this ~~item subsection~~:

a.(1) The MOSE director SEM shall review the application and advise the special event organizerapplicant whether it is materially complete and in proper form within 10 business days following the receipt of the application. If it is not, the application shall be returned to the special event organizerapplicant with a written explanation of the deficiencies.

b.(2) If the application is determined to be complete and in proper form, the MOSE director SEM shall cause notice of the application filing to be advertised in one or more of the following manners as determined to be applicable by the MOSE director SEM, based upon the nature and location of the major function:

{1}a. Advertisement one time in a newspaper of general circulation and/or in one or more community newspapers that serve the area where the major function will be conducted;

{2}b. Posting of one or more placards along the major thoroughfare or major collector street where the major function will be conducted; and

{3}c. Furnishing of a written notice by regular mail to the last known address of any person who has in writing requested notice from the MOSE director SEM of any permit application for a major function to be held in the vicinity where the major function is proposed to be conducted.

The MOSE director SEM may require the special event organizerapplicant to provide or pay for newspaper notices or placards posted and to furnish evidence thereof to the MOSE director SEM. The notice(s) shall be in a form prescribed by the MOSE director SEM and shall contain the name of the

event, date or dates of the event, streets, roadways, and thoroughfares affected by the event, and a city office telephone number that interested persons may call for further information. The placard shall not contain advertising, including but not limited to any information concerning the name or logo of any sponsor, or any persons making a contribution to, or endorsement of, the proposed major function. If the special event organizer~~applicant~~ fails to promptly give the notices or provide security for the notices following the MOSE director's SEM's request, the MOSE director SEM shall return the application to the special event organizer~~applicant~~.

- e-(3) If, following the completion of the publication and/or mailing of the notices, the MOSE director SEM receives written notice from any person who resides or works or ~~who~~ owns or operates a place of business in the vicinity of the proposed major function and whose interests may be affected by the major function, the MOSE director SEM shall conduct, or designate another person as hearing officer to conduct, a hearing regarding the application to determine whether the permit may be issued in compliance with this ~~section~~ article. A person who gives such notice shall upon request be allowed by the MOSE director SEM to intervene and participate in the hearing as a party-intervenor thereto. Such written notice must be received by the MOSE director SEM not later than 90 days prior to the proposed street function date.

(4d) Hearings conducted under this ~~subsection~~, whether for minor functions under ~~item-subsection (2b)~~ or major functions under ~~item-subsection (3c)~~ shall be governed by rules established by the MOSE director SEM, which shall be consistent with principles of due process and shall provide that any party may be represented by legal counsel, may call witnesses and provide evidence and may cross examine witnesses. The burden shall be upon the special event organizer~~applicant~~ to demonstrate by clear and convincing evidence that the proposed function will comply in all respects with each requirement of this ~~section~~ article. The hearing shall be conducted by an impartial hearing officer ~~appointed by the chief administrative officer~~ who shall issue a decision in writing and shall specify the grounds for denial therein if the application is denied. A copy shall be mailed to the special event organizer~~applicant~~ and any intervenors. Upon request of the MOSE director SEM, the legal department shall act as counsel to the hearing officer.

(5e) Each application for a street function permit must be accompanied by a non-refundable fee of \$50. All tendered fees must be in the form of cash, a cashier's check, or money order, or other method of payment accepted by ~~payable to the city.~~

(6f) Applications for street function permits shall be accepted by MOSE between the hours of 8:00 a.m. and 5:00 p.m., ~~except on any day that is not a~~ Saturdays, Sundays, and or days observed as a ~~holidays~~ holidays for employees of the city.

(7g) The MOSE director SEM may require that an special event organizerapplicant to modify any portion of the proposed event location, subject to the review and written approval of the PWE director and police chief, if:

- a.(1) The PWE director and police chief determine that the time, route, or size of the proposed event will substantially disrupt the use of any street that is ordinarily subject to significant traffic congestion;
- b.(2) The MOSE director SEM is unable to secure the requisite approval of the use of any freeway entrance and/or exit ramps or any portion of a state-owned highway or road included in the event; or
- c.(3) The PWE director and police chief determine that the proposed event will substantially affect the city's ability to deliver police, fire, and medical emergency services to the proposed event location and in the vicinity of the proposed event location.

The special event organizerapplicant shall provide the requisite modified event location not more than two calendar days after receipt of notice from the MOSE director SEM.

**Sec. 25-61. (L) Reasons for denial of a street function permit.**

(4a) The MOSE director SEM may deny a street function permit if the special event organizerapplicant has failed to meet any of the requirements for submitting an application for a street function permit.

(2b) The MOSE director SEM may also deny a street function permit if, after reviewing the application:

- a.(1) The special event organizerapplicant demonstrates an inability or unwillingness to conduct a street function pursuant to the terms and conditions of this section article;
- b.(2) The special event organizerapplicant demonstrates an inability or unwillingness to conduct a street function pursuant to the terms and conditions set forth in the street function permit application;
- c.(3) The special event organizerapplicant has failed to conduct a previously authorized street function in accordance with law or the terms of a previously issued street function permit, or both;
- d.(4) The street function will significantly affect the ability of the city to render necessary services to its residents, based upon its equipment and personnel resources and other ongoing functions and responsibilities of its affected



departments, including the police, fire, and public works and engineering departments; or

- ~~e.~~(5) The special event organizer~~applicant~~ has been informed that the proposed street function location must be modified in accordance with ~~item subsection~~ (7g) of ~~subsection (k)~~ 25-60 above, and the special event organizer~~applicant~~ fails or refuses to modify the proposed street function location.

**Sec. 25-62. (m) Revocation of a street function permit.**

(~~4~~a) A street function permit may be revoked if the MOSE director ~~SEM~~ determines that:

- ~~a.~~(1) A violation of any condition of the permit exists, including failure to obtain written approval for any security or other plans required under this Code or to implement any such plans;
- ~~b.~~(2) The street function poses an immediate threat to health or safety;
- ~~c.~~(3) The special event ~~street function~~ organizer or any person associated with the event has failed to obtain any other permit required pursuant to this Code or other applicable law;
- ~~d.~~(4) The street function permit was issued in error or contrary to law; or
- ~~e.~~(5) The special event organizer~~applicant~~ demonstrates an inability or unwillingness to conduct a street function pursuant to the terms and conditions set forth in the street function permit application.

(2b) Any threat to health or safety requiring immediate revocation of a permit shall authorize the MOSE director ~~SEM~~ or any other person authorized by the city to notify the special event organizer verbally of such revocation.

(3c) Except as provided in ~~item subsection~~ (2b) of this ~~subsection~~, notice of revocation shall be in writing and set forth specifically the reasons for the revocation.

(4d) The appeal of a revocation shall be handled in the same manner and under the same time requirements as denials of permits.

**Sec. 25-63. Appeal of permit denial or revocation**~~(n) Hearings.~~

Where a right of appeal to city council exists, all appeals of the denial or revocation of a permit shall be conducted in the same manner provided in section 25-211 of this Code. Where a right of appeal to city council is not available, the decision of the hearing

~~officer shall exhaust the special event organizer's administrative remedies regarding the denial or revocation of a permit application for a major or minor function, hearings shall be recorded by a court reporter retained by the SEM for that purpose. The SEM may require the applicant to provide security for the cost of recording the testimony as a condition of conducting the hearing.~~

- ~~(1) If an application for a major function is denied following a hearing, the applicant may appeal the decision to city council. If an application for a minor function is denied following a hearing, the applicant may appeal the decision to city council if the permit application was filed more than 120 days prior to the commencement date of the minor function. If a major function permit is granted, any person who has been given party status as an intervenor may appeal the decision to city council.~~
- ~~(2) Where a right of appeal to city council is not available, the decision of the hearing officer shall exhaust the applicant's administrative remedies regarding the denial of a permit application for a major or minor function.~~

~~Any appeal must be filed with the city secretary within ten days following the date that the SEM mails notice of the decision to the parties. The appeal shall be considered on the record as provided in city council rule 12 (section 2-2 of this Code). The cost of the recording and transcription of the record shall be paid by the appellant, and the SEM or city secretary may require the appellant to provide security therefor as a condition of processing the appeal. Appeals shall be governed by the criteria set forth in subsections (c), (l), and (m) above.~~

~~(o) Except for the applicable definitions found in section (b), the provisions of this section shall not apply to parades and processions conducted under article IX of chapter 45 of this Code or to functions conducted under the sponsorship of the city, as determined by motion, resolution or ordinance adopted by the city council, or by order of the Mayor.~~

**Secs. 25-64-25-100. Reserved.**

### **ARTICLE III-IX. PARADES AND PROCESSIONS**

**Sec. 45-231 25-101. Definitions.**

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

*Civilian traffic controllers* has the meaning ~~ascribed~~ provided in section 25-251 40-27 of this Code.

*Conditional permit* means a permit subject to the satisfaction of conditions that if not satisfied within the time allotted shall result in the automatic revocation of such permit.

~~Director means the director of the public works and engineering department or the director's designee.~~

*Disbanding area* means the area where parade participants, floats, vehicles, and animals disband following a parade.

*Downtown area* has the meaning ascribed to provided for the term *central business district* in section 42-1 of this Code.

*Final permit* means a permit issued upon the satisfaction of all requirements of this ~~division~~ article.

*Holiday* means any day officially recognized by the city as a holiday for its employees observed by the general closure of city offices.

*Intersection* means the junction of any two streets within the parade route, but shall not include any staging or disbanding area.

~~Mayor's office of special events (MOSE) has the meaning ascribed in section 40-27 of this Code.~~

*Non-revenue-generating parade* means any parade for which no participation fee is charged or for which no cash is accepted or collected as sponsorship or in support of the proposed parade.

*Parade* means a procession of pedestrians, vehicles, or animals, or any combination thereof, traveling in unison along or upon a street, road, or highway, organized and conducted for the purposes of attracting the attention of the general public and/or expressing or celebrating views or ideas by use of verbal, visual, literary, or auditory means of communication. A parade shall not mean a procession of vehicles operated in compliance with ordinary traffic laws or a procession of pedestrians along or upon public sidewalks or private property.

~~Police chief has the meaning ascribed in section 40-27 of this Code.~~

*PWE director* means the director of the public works and engineering department or the director's designee.

*Revenue-generating parade* means any parade for which a participation fee is charged or for which any cash is accepted or collected as sponsorship or in support of the proposed parade.

~~Security control plan~~ has the meaning ascribed in ~~section 25-251 40-27~~ of this Code.

~~Security control services~~ means the use of the appropriate number of law enforcement officers certified under the laws of this State or civilian traffic controllers necessary to monitor and maintain public security and crowd control during a parade.

*Special event holiday* means any holiday proclaimed by the mayor as a special community celebration.

~~Special events manager ("SEM")~~ has the meaning ascribed in ~~section 40-27~~ of this Code.

*Staging area* means the area where parade participants, floats, vehicles, and animals assemble prior to a parade.

~~Traffic control plan~~ has the meaning ascribed in ~~section 25-251 40-27~~ of this Code.

~~Traffic control services~~ has the meaning ascribed in ~~section 25-251 40-27~~ of this Code.

**Sec. ~~45-232 25-102~~. Permit required; security and traffic control.**

(a) It shall be unlawful for any number of persons, delegations, or associations of persons, or for any company, circus, or group to conduct a parade along or upon the streets of the city without first obtaining a permit to do so.

(b) It shall be unlawful for any number of persons, delegations, or associations of persons, or for any company, circus, or group to conduct a parade upon any esplanade, median, median strip, or traffic island designed for the purpose of separating or directing vehicular traffic. No permit shall be required for the use of the sidewalks of the city for any procession or parade.

(c) Upon receipt of a permit, any number of persons, delegations, or associations of persons or any company, circus, or group may conduct a parade along or upon the streets of the city subject to the provisions of this ~~division~~ article and other applicable laws.

(d) In no event shall the city provide security control services or traffic control services for more than two parades on the same calendar day.

(e) The use of city security control services and traffic control services shall be provided on a first-come, first-served basis based upon the special event organizer's parade permit applicant's declaration as required by item (12) of section ~~45-236~~ 25-3106 of this Code.

(f) If a special event organizer~~parade permit applicant~~ requests the use of city security control services and traffic control services along a parade route, and the city has the necessary resources available to provide the requisite security and traffic control services, such services shall be provided as follows:

- (1) At no cost for the first 125 intersections along the proposed parade route.
- (2) For each intersection thereafter along the proposed parade route, for a fee of \$1,000.00 per intersection.

(g) In the event that the city is unable to provide traffic control services for the proposed parade or the special event organizer~~applicant~~ elects to provide its own traffic control services, the use of non-city personnel to perform traffic control services shall require the submission of a traffic control plan prepared in conformance with the Texas Manual on Traffic Control Devices. The submitted traffic control plan shall be subject to the review and written approval of the PWE director. The use of non-city personnel to provide public security control services during a parade shall require the submission of a security control plan subject to the review and written approval of the police chief.

(h) All costs recovered in relation to the provision of city security control services and traffic control services shall be allocated to the city's general fund administered by the finance department.

**Sec. ~~45-233~~ 25-103. Parade route restrictions in downtown area.**

~~(a) For purposes of this division, "intersection" means the junction of any two streets within the parade route, but shall not include any staging or disbanding area.~~

~~(b) Subject to the approval of the MOSE director and PWE director, a special event organizer may design its own parade route for a parade to be held in the downtown area. Applicants for permits for parades to be held in the downtown area may design their own parade routes, subject to the approval of the SEM and the director, with the following restrictions:~~

- (1) A parade held on a Saturday, Sunday, holiday, or special event holiday may include no more than 25 street intersections and must be completed in no more than three hours.
- (2) A parade held on a day other than a Saturday, Sunday, holiday, or special event holiday may include no more than 10 street intersections. No permit shall be granted for a parade to occur between the hours of 10:00 p.m. and 9:00 a.m., 11:00 a.m. and 1:00 p.m., and 4:00 p.m. and 7:00 p.m. on a day other than a Saturday, Sunday, holiday, or special event holiday. ~~must be completed in no more than one hour, and must begin at either 10:00 a.m. or 2:00 p.m.~~
- (3) The parade must be conducted in such a manner that to the extent that the route includes any entrances to or exits from off-street vehicle parking, loading, or customer service facilities, whether public or private, the width of the parade procession shall be controlled at those facilities so that at least one lane of the street may safely be left open for vehicular access to each vehicle facility from the nearest cross street.
- (4) A parade route may not include any streets or portions of streets that are located west of Bagby Street, south of Jefferson Street, east of Chartres Street, or north of Congress Street.
- (5) A parade route must in its entirety be located either:
  - a. On Fannin Street or other streets or portions of streets located to the east of Fannin Street; or
  - b. On Travis Street or other streets or portions of streets located to the west of Travis Street.

**Sec. ~~45-234~~ 25-104. Parades outside of downtown area.**

(a) Permits for parades outside of the downtown area shall be issued in conformance with all the provisions of this ~~division~~ article. No permit shall be issued for a parade that includes streets located both inside and outside the downtown area.

(b) Subject to the approval of the MOSE director and PWE director, a special event organizer may design its own parade route for a parade to be held outside the downtown area. ~~Applicants for parade permits for parades to be held outside the downtown area may design their own parade routes with the following restrictions:~~

- (1) The route may not exceed one and one-half miles in length and may not include more than twenty-five intersections, whichever is less.

- (2) The maximum time necessary for completion of the parade may not exceed three hours.
- (3) A parade held on a day other than a Saturday, Sunday, holiday, or special event holiday, must be completed in no more than one hour, and must begin at 10:00 a.m., 2:00 p.m., or 7:00 p.m.
- (4) If more than one parade is to be held on the same calendar day and time, the parade routes and staging and disbanding areas of each parade may not be within five miles of one another.
- (5) No parade route shall contain any portion of the following streets, roads, or highways:
  - a. Interstate Highway 610 Loop, including its service roads.
  - b. U.S. Highway 59, including its service roads.
  - c. Interstate Highway 45, including its service roads.
  - d. U.S. Highway 290, including its service roads.
  - e. Interstate Highway 10, including its service roads.
  - f. State Highway 288, including its service roads.
  - g. Controlled access portions of U.S. Highways 90 and 90-A, including their service roads.
  - h. The Hardy Toll Road, including its service roads.
  - i. Beltway 8, including those portions known as the Sam Houston Toll Road, and its service roads.
  - j. State Highway 225, including its service roads.
  - k. Controlled access portions of State Highway 249, including its service roads.
  - l. State Highway Spur 5, including its service roads.
  - m. Westpark Toll Road.
  - n. State Highway Spur 527, including its service roads.

This provision shall not be construed to prohibit a parade route from crossing one of the listed streets, roads, or highways while traveling along or upon a non-listed street, road, or highway.

**Sec. ~~45-235~~ 25-105. Permit application generally; issuance, etc.**

(a) An application for a parade permit shall be submitted on a form supplied by the MOSE director SEM, signed by the special event organizerapplicant or, if the special event organizerapplicant is other than an individual, a person authorized for that purpose by the special event organizerapplicant, and filed with MOSE.

(b) An application for a parade permit that requires the closure of a freeway entrance or exit ramp or any portion of a state-owned controlled access highway shall be filed not less than 90 days prior to the proposed parade date.

(c) The MOSE director SEM shall review each application to ensure that the time, place, and manner of the proposed parade complies with the provisions of this ~~division~~ article. The MOSE director SEM shall:

- (1) Notify the special event organizerapplicant of the denial of the application if it is found to conflict with another parade already permitted for the same time, location, and date, or to be incomplete or to violate any provision of this Code, which notice shall set forth the reasons for the denial;
- (2) Issue a final permit as provided in section ~~45-243-25-31~~ 163 of this Code if the special event organizerapplicant has satisfied all requirements of this ~~division article~~ for the proposed parade; or
- (3) Issue a conditional permit, if additional requirements are to be satisfied in the future but within the time allotted by this ~~division article~~.

(d) The issuance of a conditional permit shall not authorize a special event organizerparade applicant to conduct a parade at the requested time, place, or date and shall serve only to reserve the time, place, and date of the proposed parade route pending the special event organizerapplicant's timely satisfaction of all other requirements of this ~~division article~~ applicable to the parade requested, including but not limited to the provision of required insurance, the payment of costs for security control services and traffic control services costs, or any other requirement.

(e) Each application for a parade permit must be accompanied by a non-refundable fee of \$250.00. All tendered fees must be in the form of a cash, cashier's check, or money order, or other method of payment accepted by payable to the city.



(f) If at the time of submitting the parade application; a special event organizer of a non-revenue-generating parade applicant is unable to pay the full amount of the permit application fee pursuant to subsection (e), the fee shall be reduced to that amount the special event organizer applicant is able to pay, provided the special event organizer applicant submits a sworn affidavit, on a form provided by the city attorney, containing the following information:

- (1) A statement that the special event organizer applicant and the group or organization on whose behalf the application is made are unable to pay the full amount of the permit fee for the parade; and
- (2) A statement of the exact amount the special event organizer applicant and the group or organization on whose behalf the application is made are able to pay for the permit fee at the time the application is delivered to MOSE.

(g) Applications for parade permits shall be delivered to MOSE ~~and may be delivered~~ between the hours of 8:00 a.m. and 5:00 p.m. ~~except on any day that is not a Saturdays, Sundays, and or holidays.~~

(h) Applications for parade permits may be filed no earlier than the 365th day prior to the date of the requested parade, provided that if the 365th day falls on a Saturday, Sunday, or holiday, then the application may be filed no earlier than the next day that is not a Saturday, Sunday, or holiday. Prematurely filed applications, or applications that do not meet all requirements of this section, shall be of no force and effect and shall be returned to the special event organizer applicant.

(i) The numbers of parade permits that may be issued shall be subject to the following limitations:

- (1) Only one permit shall be issued for a parade to be conducted in the downtown area on the same day;
- (2) Only four permits may be issued for parades to be conducted on the same calendar day in the city limits; and
- (3) Permits may not be issued for conflicting times. For purposes of this provision, parades are considered to be conflicting if their starting times are less than four hours apart; provided, however, the PWE director, in conjunction with the police chief, may exercise professional judgment ~~by in~~ waiving the aforementioned four-hour provision provided:
  - a. The proposed parades will not substantially disrupt the use of any street in and around the parade route's respective locations; and

b. The PWE director and police chief:

- [1] Determine that their respective departments have the appropriate amount of city personnel and resources available to monitor the parades based upon the estimated number of parade participants; or
- [2] Approve a special event organizer's ~~parade permit applicant's~~ submitted security control plans and traffic control plans to hire and pay all personnel necessary to ~~deploy~~ provide security control services and traffic control ~~devices and services~~ along the proposed parade routes.

(j) Parade permits shall be issued in the order in which completed applications that comply with all applicable requirements of this ~~division~~ article are received by MOSE.

**Sec. ~~45-236~~ 25-106. Application information.**

The application for a parade permit shall contain the following information:

- (1) The name, address, and telephone number of the special event organizer ~~applicant~~, as well as the name, address, and telephone number of the individual who will be on-site and in charge of conducting the parade for the special event organizer ~~applicant~~ and will be responsible to city officials for ensuring that the parade is conducted in compliance with this ~~division~~ article and other applicable laws.
- (2) The date requested for the parade and the time of day requested.
- (3) The estimated duration of the parade and proposed route thereof.
- (4) The estimated number of animals that will be used in the parade.
- (5) The estimated number of individual persons who will participate in the parade.
- (6) The estimated number, if any, of animals and riders, animal-drawn vehicles, floats, motor vehicles, motorized displays, and marching units or organizations, such as bands, color guards, and drill teams, that will participate in the parade.
- (7) A statement that the individual submitting the application is fully authorized to act and contract for the special event organizer ~~applicant~~, together with

documents satisfactory to the MOSE director ~~SEM~~ showing the authority of such individual.

- (8) A provision, in a form approved by the city attorney, whereby the special event organizer~~applicant~~ contracts and agrees to indemnify and hold the city harmless against liability for any and all claims, judgments, and associated expenses, for damage to property or injury to or death of persons arising out of or resulting from conduct of the parade proximately caused by or resulting from the acts or omissions of the special event organizer~~applicant~~; ~~association, organization, firm or corporation on whose behalf the application is made~~, or any person under their control, insofar as permitted by law.
- (9) If required by section ~~45-242-25-112~~ of this Code, either proof of the required insurance or a declaration that proof of insurance will be provided within the time set forth in that section.
- (10) A provision whereby the special event organizer~~applicant~~ and any other persons, associations, organizations, firms, or corporations on whose behalf the application is made agree to comply with any special or ~~unusual~~ requirements that may be imposed or created by virtue of the proposed nature or size of the parade.
- (11) A declaration as to the status of the parade as a revenue-generating or non-revenue-generating parade.
- (12) A declaration that the special event organizer~~person conducting a parade~~ prefers to either:
  - a. Provide all necessary security control services and traffic control services with non-city personnel; or
  - b. Reimburse the city for the provision of security control services and traffic control services as provided in section ~~45-232-25-3102~~ of this Code.

Such declaration by the special event~~parade~~ organizer shall be final.

- (13) A provision whereby the special event organizer~~applicant~~ agrees to modify the proposed parade route, subject to the review and written approval of the PWE director and police chief, if:
  - a. The PWE director and police chief determine that the time, route, or size of the proposed parade will substantially disrupt the use of any street that is ordinarily subject to significant traffic congestion;

- b. The MOSE director SEM is unable to secure the requisite approval of the use of any freeway entrance and/or exit ramps or any portion of a state-owned highway or road included in the proposed parade route; and/or
- c. The PWE director and police chief determine that the proposed parade will substantially affect the city's ability to deliver police, fire, and medical emergency services to the proposed parade location and in the vicinity of the proposed parade location.

The special event organizerapplicant shall provide the requisite modified parade route not more than two calendar days after receipt of notice from the MOSE director SEM.

- (14) A statement that the special event organizerapplicant agrees to provide any other information required by the MOSE director SEM.

**Sec. ~~45-237~~ 25-107. When application for parade permit is deemed complete.**

An application for a parade permit is deemed completed when the special event organizerapplicant has provided all of the information required in section ~~45-236~~ 25-3106 of this Code including proof of insurance and any additional information required by the MOSE director SEM pursuant to items (9) and (14) of section ~~45-236~~ 25-3106 of this Code and paid any fees or reimbursements due to the city pursuant to this or any previous permit from the city.

**Sec. ~~45-238~~ 25-108. Reasons for denial of a parade permit.**

(a) The MOSE director SEM may deny a parade permit if the special event organizerapplicant has failed to meet all of the requirements for submitting an application for a parade permit.

(b) Notwithstanding the provisions of subsection (a), the MOSE director SEM may deny a parade permit if, after reviewing the applicant's application:

- (1) The special event organizerapplicant demonstrates an inability or unwillingness to conduct a parade pursuant to the terms and conditions of this division ~~article~~;
- (2) The special event organizerapplicant demonstrates an inability or unwillingness to conduct a parade pursuant to the terms and conditions set forth in the parade permit application;

- (3) The special event organizer~~applicant~~ has failed to submit a timely parade permit application in accordance with subsections (b) and (h) of section 45-235-25-3105(b) of this Code;
- (4) The parade will significantly affect the ability of the city to render necessary services to its residents, based upon its equipment and personnel resources and other ongoing functions and responsibilities of its affected departments, including the police, fire, and public works and engineering departments; or
- (5) The special event organizer~~applicant~~ has been informed that the proposed parade route must be modified in accordance with item (13) of section ~~45-236-25-3106~~ of this Code and the special event organizer~~applicant~~ fails to or refuses to modify the proposed parade route.

**Sec. ~~45-239~~ 25-109. Procedure upon permit denial.**

The MOSE director ~~SEM~~ shall notify the special event organizer~~applicant~~ of any permit denial, and the reasons therefore, by placing such notice in the United States mail, certified, return receipt requested. Such letter shall be addressed to the special event organizer~~applicant~~ at the address stated on the application.

**Sec. ~~45-240~~ 25-110. Revocation of permit.**

- (a) A permit may be revoked if the MOSE director ~~SEM~~ determines that:
  - (1) A violation of any condition of the permit exists, including failure to obtain written approval for any security control plans or other plans required under this Code or to implement any such plans;
  - (2) The parade~~event~~ poses an immediate threat to health or safety;
  - (3) The special event organizer or any person associated with the event has failed to obtain any other permit required pursuant to this Code or other applicable law;
  - (4) The permit was issued in error or contrary to law;
  - (5) The parade has changed from a parade that does not require insurance to a parade that requires insurance; or
  - (6) The special event organizer~~applicant~~ demonstrates an inability or unwillingness to conduct a parade pursuant to the terms and conditions set forth in the parade permit application.

(b) Except as provided in subsection (c) of this section, notice of revocation shall be in writing and set forth specifically the reasons for the revocation.

(c) Any threat to health or safety requiring immediate revocation of a permit shall authorize the MOSE director SEM or any other person authorized by the city to notify the special event organizer verbally of such revocation.

(d) The appeal of a revocation shall be handled in the same manner and under the same time requirements as denials of permits.

**Sec. 45-241 25-111.            Appeal from permit denial or revocation.**

All appeals of the denial or revocation of a permit shall be conducted in the same manner provided in section 25-211 of this Code.

~~— (a) The decision of the SEM is final unless appealed under this section. An applicant may appeal the denial or revocation of a permit by filing a written request for a hearing with the SEM within 10 working days of the date of such denial. A hearing shall be conducted within 10 working days of the receipt of such request before a hearing committee, consisting of the director, the police chief, and the fire chief or the fire chief's designee. The city attorney or the city attorney's designee shall be present, in a non-voting capacity, to advise on any legal issue. It shall be the duty of the SEM to defend the decision during the hearing. Evidence on the matter shall be received in accordance with Rule 12 of section 2-2 of this Code. The hearing committee shall render a written decision on the matter within five working days of the date of the hearing and immediately provide a copy of such decision to the applicant.~~

~~— (b) Upon receipt of the hearing committee's decision, the applicant may appeal such decision by giving written notice to the city secretary within five working days of the date of such decision. The city secretary and city agenda director shall arrange a date for the matter to be reviewed by the city council, at the next regularly-scheduled council meeting at which it is possible to give lawful prior notice of the matter after the receipt of the hearing committee's decision and the record required by Rule 12 of section 2-2 of this Code. The city secretary shall give written notice thereof to the applicant. The city council shall consider the appeal under the provisions of Rule 12. At the conclusion of the city council's review of the matter, the city council shall render a decision to grant or deny the requested permit, and such decision shall be final and exhaust the applicant's administrative remedies. If the foregoing time requirements appear inadequate to resolve the appeal prior to the date scheduled for the event, the burden shall be upon the applicant to expedite any filings required and to request a special city council meeting, which shall be granted if reasonable under the circumstances.~~

**Sec. 45-242 25-112.            Insurance.**

(a) No final parade permit shall be issued by the MOSE director SEM for a parade to include any number of animals, floats, or motorized vehicles unless the special event organizer has~~applicant~~shall have delivered to the MOSE director SEM proof that the insurance required by this section has been obtained by the special event organizer~~applicant~~. Proof of insurance required for a parade to include any number of animals, floats, or motorized vehicles shall be delivered to the MOSE director SEM not less than 10 business days before the proposed parade date.

(b) Any special event organizer~~applicant for a parade permit~~ who fails to provide the requisite proof of insurance not less than 10 business days before the proposed parade date shall not be granted a final parade permit. Any conditional parade permit which may have been previously issued shall be revoked by operation of law.

(c) The proof of insurance required by this section for a parade to include any number of animals, floats or motorized vehicles not subject to state safety responsibility laws shall consist of a current policy of commercial general liability insurance to include designated premises of the parade route, staging area, and disbanding area. The policy shall bear an endorsement for the contractually assumed liability as set forth in item (8) of section ~~45-236-25-3106~~ of this Code. The required policy shall name the city as an additional insured and be issued by a carrier authorized ~~or eligible~~ to transact business in Texas. Each policy shall contain an endorsement that the issuer waives any claim or right of subrogation to recover against the city, its officers, agents, or employees.

The insurance shall contain policy limits of not less than the following:

- (1) Commercial general liability insurance with a minimum limit of:
  - a. For property damage, \$1,000,000.00 for each occurrence; and
  - b. For bodily injury or death, \$1,000,000.00 for each occurrence.
- (2) Automobile liability insurance, covering all owned, hired and non-owned vehicles with a minimum limit of bodily injury and property damage of \$1,000,000.00 combined single limit.

(d) The proof of insurance required by this section for a parade to include motorized vehicles subject to state safety responsibility laws may be in the form provided in subsection (c) or alternatively consist of proof of compliance with state safety responsibility laws for each vehicle.

**Sec. ~~45-243~~ 25-113. Final permit.**

A final permit shall be issued only when the MOSE director determines that a special event organizer applicant has provided all information, including proof of insurance and any additional information, required pursuant to section ~~45-236~~ 25-3106 of this Code.

**Sec. ~~45-244~~ 25-114.      Parades exempt from permits.**

(a) Notwithstanding the provisions of this ~~division~~ article, no permit shall be required for a parade that meets all of the following restrictions:

- (1) The parade shall not contain more than 250 individuals nor more than 12 vehicles or animals.
- (2) The parade shall not contain any number of animals or vehicles that are not licensed to travel on public streets.
- (3) The parade route shall not exceed one mile in length, shall contain no portion of a major thoroughfare or major collector street and may contain no streets located within the downtown area.
- (4) The parade shall comply with the time restrictions contained in subsection (b)(3) of section ~~45-234~~ 25-3104 of this Code; and shall take no longer than one hour to complete.
- (5) The parade sponsors shall provide necessary traffic control services.

(b) The ~~person individual or group of individuals~~ who intend to conduct a parade under this section shall provide written notice of the time, day, and place of the parade to the MOSE director SEM by hand delivering the notice or by mailing the notice by certified mail to be received by MOSE not less than ten business days before the parade.

(c) The city shall not be responsible for providing police officers or other city employees to perform traffic control functions during a parade held under authority of this section.

**Sec. ~~45-245~~ 25-115.      Staging and disbanding areas; other uses of public streets and sidewalks.**

Consistent with traffic mobility and access considerations, the PWE director and the MOSE director SEM, in consultation with the ~~chief of police, or the police chief's designee,~~ may allow public streets to be used by parade permit holders as staging and disbanding areas for parades. The use of public streets and sidewalks for purposes other than staging or disbanding are subject to the regulations set forth in article II of this chapter ~~section 40-27~~ and sections 40-361 through 40-378 of this Code. The closure of freeway ramps associated with a parade requires the submission to the PWE director of a signed and



sealed traffic control plan and proof of compliance with all insurance requirements at least 90 days prior to the scheduled parade date.

**Sec. ~~45-246~~ 25-116.            Regulations.**

Consistent with the provisions of this ~~division~~article and other applicable laws, the MOSE director ~~SEM~~ may issue regulations governing the issuance of parade permits and the conduct of parades. The regulations shall be subject to the approval of the city attorney. A copy of any regulations so promulgated shall be made available upon request in the MOSE director's ~~SEM's~~ office for inspection and for purchase at the copy fee provided by law.

**SUBJECT:** An Ordinance authorizing the issuance of City of Houston, Texas Airport System Senior Lien Commercial Paper Notes, Series A (AMT) and Series B (NON-AMT) up to \$150 million; authorizing the execution and delivery of a reimbursement agreement with a credit facility provider; and approving the form of an offering memorandum.

**Category #**

**Page**  
1 of 1

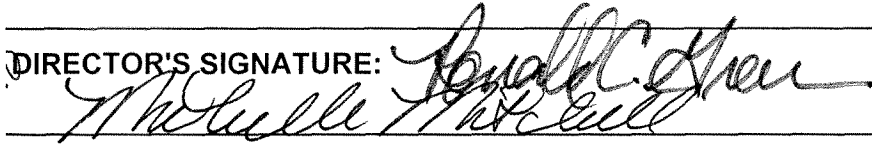
**Agenda Item #**  
  
14

**FROM (Department or other point of origin):**  
Finance Department and Office of City Controller

**Origination Date:**  
November 24, 2010

**Agenda Date**  
DEC 01 2010

**DIRECTOR'S SIGNATURE:**



**Council District Affected:**  
All

**For additional information contact:**

Jennifer Olenick 713-837-9899  
Shawnell Holman-Smith 832-393-3513

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

**RECOMMENDATION:** An Ordinance authorizing the issuance of City of Houston, Texas Airport System Senior Lien Commercial Paper Notes, Series A (AMT) and Series B (NON-AMT) up to \$150 million; authorizing the execution and delivery of a reimbursement agreement with a credit facility provider; and approving the form of an offering memorandum.

**Amount of Funding:** Not Applicable

**Finance Dept Budget:**

**Source of Funding:** ☐ General Fund ☐ Grant Fund ☐ Enterprise Fund  
☐ Other (Specify

**SPECIFIC EXPLANATION:**

Starting in 1993, City Council began authorizing commercial paper programs to provide appropriation capacity and "on time" funding for various capital expenditures of the City. The issuance of commercial paper has provided an expedient, cost-effective method of accessing cash and providing interim financing. Commercial paper notes are either later refinanced into fixed rate bonds more closely matching the useful life of the project or equipment being financed, or used as a temporary source of financing until other funds become available.

The current credit facility that supports the Houston Airport System Senior Lien Commercial Paper Notes, Series A (AMT) and Series B (Non-AMT) expires on January 4, 2011. The Finance Working Group recommends replacement of the associated expiring liquidity facility with a credit facility issued by Bank of America, N.A.

This transaction was presented to the Budget and Fiscal Affairs Committee on October 5, 2010.

The Finance Working Group recommends approval of this transaction.

**REQUIRED AUTHORIZATION**

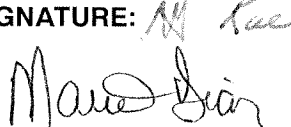


**Finance Department Director:**

**Other Authorization:**

**Other Authorization:**

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

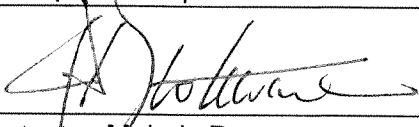
<b>SUBJECT:</b> License Agreement between the City of Houston and TaxFree Shopping, Ltd. for counter space at George Bush Intercontinental Airport/Houston (IAH).		<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 15
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> October 25, 2010	<b>Agenda Date</b> DEC 01 2010	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> B		
<b>For additional information contact:</b> Janet Schafer  Phone: 281-233-1796 Roxane Bustos 281-233-1820		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> Revenue: \$17,580.72 per year/ \$1,465.06 per month. 		<b>Prior appropriations:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Enact an Ordinance approving and authorizing License Agreement between the City of Houston and TaxFree Shopping, Ltd. for counter space at George Bush Intercontinental Airport /Houston (IAH).				
<b>SPECIFIC EXPLANATION:</b> TaxFree Shopping, Ltd. has requested from the City of Houston, to use and occupy counter space for its operation at George Bush Intercontinental Airport /Houston (IAH).  The pertinent terms and conditions of this license agreement are as follows:  1. Premises: Approximately 158 square feet of counter space at Terminal D, IAH.  2. Term: The term is for three (3) years from the date of countersignature, unless terminated sooner in accordance with the license. The Licensee or the Director shall have the right to terminate this license upon 90 days' prior written notice to the other party.  3. Rental: Rent shall be \$17,580.72 per year (\$1,465.06 per month).  4. Use: The space is to be used for refund services of Texas sales taxes on eligible purchases to qualified travelers.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>		<b>Other Authorization:</b>	<b>Other Authorization:</b>	

<b>Date</b> October 25, 2010	<b>Subject:</b> License Agreement between the City of Houston and TaxFree Shopping, Ltd. for counter space at George Bush Intercontinental Airport/Houston (IAH).	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
<p>5. Maintenance and Utilities:</p> <p>6. Indemnification:</p> <p>7. Environmental:</p> <p>8. Other:</p>	<p>Licensee shall assume the entire responsibility, cost and expense for all maintenance of the licensed premises and shall be responsible for all utilities or service to the licensed premises.</p> <p>Licensee shall indemnify and hold the city harmless and shall provide the required insurance in the limits as stated in the license.</p> <p>Licensee shall comply with all federal, state and local environmental laws and airport policies and procedures.</p> <p>Licensee 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.</p>		


TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

10-BERING

<b>SUBJECT:</b> An ordinance authorizing the Execution of a Contract between the City of Houston and Bering Omega Community Services for a HOPWA Tenant-based Rental Assistance Program, Short-Term Rent Mortgage and Utility Assistance Program with Supportive Services		Page 1 of 2	Agenda Item # 16
<b>FROM: (Department or other point of origin):</b> James D. Noteware, Director Housing and Community Development Department		<b>Origination Date</b> 11/2/10	<b>Agenda Date</b> DEC 01 2010
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b>  District D	
<b>For additional information contact:</b> Melody Barr Phone: 713-868-8329		<b>Date and identification of prior authorizing Council action:</b> N/A	
<b>RECOMMENDATION: (Summary)</b> Approval of an ordinance authorizing the execution of a contract between the City of Houston and Bering Omega Community Services to provide funding for the administration of a "Tenant Based Rental Assistance, Short term Rent Mortgage and Utility Assistance with Supportive Services" project under the Housing Opportunities for Persons with AIDS Program.			
<b>Amount of Funding:</b> \$1,136,500.00			<b>Finance Budget:</b>
<b>SOURCE OF FUNDING</b> <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund			
<input type="checkbox"/> Other (Specify)      HOPWA Grant Funds (5000)			
<b>SPECIFIC EXPLANATION:</b> The Housing and Community Development Department recommends approval of a contract between the City of Houston and Bering Omega Community Services ("Bering") to finance Bering's administrative and emergency housing assistance costs associated with its HIV/AIDS programs. Through its rental assistance program, Bering will provide a rental subsidy to help participants obtain and keep permanent housing and emergency housing assistance for persons at risk of becoming homeless, in a transitional stage due to lost employment or similar circumstances.  Bering has received HOPWA funding through the City of Houston for various contracts since 1994 for its Short term Rent, Mortgage and Utility Assistance Program. Bering initiated the tenant based rental assistance component two years ago. The agency's HOPWA project is a cost-effective one, which helps to prevent homelessness by providing payments of rent, mortgage and utility bills directly to the client's landlord, mortgage lender and utility companies. Bering Memorial United Methodist Church established the non-profit agency in 1987 to provide assistance for people living with HIV/AIDS. Other major programs in which the agency is involved include Bering Dental Clinic, a dental clinic for indigent individuals with HIV/AIDS; Omega House, a residential hospice program for persons with AIDS; and the Bering Omega Care Center, an adult day care facility.  The agency is requesting funding to provide the following services for low-income, HIV/AIDS infected individuals and their families: (1) tenant-based rental assistance with supportive services, (2) short-term rent, mortgage, and utility assistance with supportive services, and (3) adult day care and permanent housing placement services under its supportive services activity.  This agreement will provide up to \$1,136,500.00 in HOPWA funds for one year of funding, which is inclusive of \$172,000 in pre-contract services. The pre-contract costs result from a lapse in funding due to internal procedure modification. However, the agency continues to provide services for the clients. The funding will provide housing assistance and supportive services to approximately five hundred and fifteen (515) households.			
<b>REQUIRED AUTHORIZATION</b>			
<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

NDT

<b>Date</b> 11/2/10	<b>Subject:</b> An ordinance authorizing the Execution of a Contract between the City of Houston and Bering Omega Community Services for a HOPWA Tenant-Based Rental Assistance Program, Short-Term Rent Mortgage and Utility Assistance Program with Supportive Services	<b>Originator's Initials</b> 	<b>Page</b> 2 of 2
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Total Funds and Services: \$1,136,500.00  
 Number of Persons Served: 515 households  
 Category of Persons: low-income individuals living with HIV/AIDS

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

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

The adult day care program provides case management, nutritional and healthcare services and other social activities. The adult day care program is located at Bering's Care Center. Also, housing assistance clients will participate in the Care Center activities that will save the clients money with utility and food costs; therefore, saving the client money for rent.

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

This contract will provide funding for the following HOPWA activities during the 12-month period.

Category	Pre-Contract Services Amount	Annual Contract Amount	Total Contract Amount	Percent
Administrative	\$12,040.00	\$67,508.00	\$79,548.00	7.00%
Supportive Services	\$13,055.00	\$73,245.00	\$86,300.00	7.59%
Tenant-Based Rental Assistance	\$64,294.00	\$360,466.00	\$424,760.00	37.38%
Short-Term Rent, Mortgage and Utilities Assistance	\$82,611.00	\$463,281.00	\$545,892.00	48.03%
<b>Total</b>	<b>\$172,000.00</b>	<b>\$964,500.00</b>	<b>\$1,136,500.00</b>	<b>100.00%</b>

The Housing and Community Development Committee reviewed this item on September 16, 2010 and recommended it for Council action. Therefore, HCDD is requesting approval of this contract, which will provide up to \$1,136,500.00 in HOPWA funds for a supportive services project for low-income persons living with HIV/AIDS and their families.

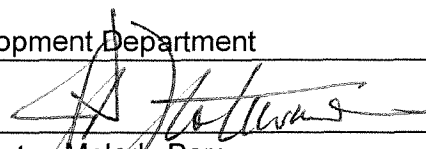
JN:RB:MB:AB

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

HCD-10-157

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

10 - SEARCH HOPWA

<b>SUBJECT:</b> An Ordinance Authorizing the Execution of a Contract between the City of Houston and SEARCH, Inc. providing for Supportive Services and the Administration of a HOPWA contract.		<b>Category</b> 1 & 2	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 17
<b>FROM (Department or other point of origin):</b> James D. Noteware, Director Housing and Community Development Department		<b>Origination Date</b> 11/2/10	<b>Agenda Date</b> DEC 01 2010	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> District I		
<b>For additional information contact:</b> Melody Barr <b>Phone:</b> 713-868-8329		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b> Approval of an ordinance authorizing the execution of a contract between the City of Houston and SEARCH, Inc. providing up to <b>\$56,410.00</b> for the administration and operation of a Supportive Services project, under the Housing Opportunities for Persons with AIDS ("HOPWA") Program.				
<b>Amount of Funding:</b>  \$56,410.00			<b>Finance Budget:</b>	
<b>SOURCE OF FUNDING</b> <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund				
<input type="checkbox"/> Other (Specify)      2009 HOPWA Grant (Fund 5000)				
<b>SPECIFIC EXPLANATION:</b>  The Housing and Community Development Department ("HCDD") recommends approval of a Contract between the City of Houston and the Service of the Emergency Aid Resource Center for the Homeless, Inc. (SEARCH) to finance the administrative and supportive services costs associated with the agency's housing and services programs for homeless, HIV/AIDS individuals.  SEARCH, whose downtown facility opened in 1989, has provided services to thousands of the homeless by offering one-stop service delivery through programs it provides directly and through those of other community based providers it hosts at its facilities. These services include the daycare services for HIV positive individuals and their children through the House of Tiny Treasures, an early childhood development childcare facility. SEARCH has received funding from the City of Houston through several prior HOPWA contracts. SEARCH's previous HOPWA contract provided \$56,410 in HOPWA funds for a one-year period, which provided early childhood development child care and other supportive services to indigent and low-income individuals who are living with HIV/AIDS and their families.  SEARCH desires to maintain this collaboration with the City of Houston by continuing this program. The Contract will provide up to \$56,410.00 in HOPWA funds for one year of funding, which is inclusive of \$8,200.00 in pre-contract services. The pre-contract costs result from a lapse in funding due to internal procedure modification. However, the agency continues to provide services for the clients. This agreement will provide HOPWA funding for developmentally appropriate childcare services to a minimum of twelve (12), unduplicated, homeless children infected with HIV or for homeless children whose primary caretaker is infected with HIV, as well as provide case management, counseling and referral services to support the basic and emotional needs of the children's parents or primary caretakers, who are infected or affected by HIV/AIDS and other family members served by the program.				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b> NDT

**Date**  
11/2/10

**Subject:** An ordinance authorizing the execution of a contract with SEARCH, Inc. providing for supportive services and the administration and operation of a HOPWA project.

**Originator's  
Initials**  


**Page**  
2 of 2

Total Funds and Sources: **\$56,410.00**  
Number of Persons to be Served: 12 children and households (annually)  
Category of Persons: HIV/AIDS/Low-income persons and their families

This contract will provide funding for the following HOPWA activities during the 12-month period.

Category	Pre-Contract Services Amount	Annual Contract Amount	Total Contract Amount	Percent
Administrative	\$652.00	\$3,288.00	\$3,940.00	6.98%
Supportive Services	\$7,548.00	\$44,922.00	\$52,470.00	93.02%
<b>Total</b>	<b>\$8,200.00</b>	<b>\$48,210.00</b>	<b>\$56,410.00</b>	<b>100.00%</b>

The Housing and Community Development Committee reviewed this item on August 23, 2010 and recommended it for Council action. Therefore, HCDD is requesting approval of this contract, which will provide up to \$56,410.00 in HOPWA funds for a supportive services project for low-income persons living with HIV/AIDS and their families.

c: City Attorney  
Mayor's Office  
City Secretary  
Finance and Administration

JN:ab



<b>SUBJECT:</b> An ordinance approving and authorizing a \$300,000 contract between the City of Houston and Educational Programs Inspiring Communities, Inc. to provide funding for the HEART Program.		<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 18
<b>FROM (Department or other point of origin):</b> James D. Noteware, Director, Housing and Community Development Department		<b>Origination Date:</b> 10/20/10	<b>Agenda Date:</b> DEC 01 2010	
<b>DIRECTOR'S SIGNATURE:</b> <i>James D. Noteware</i> FOR JAMES D. NOTEWARE		<b>Council District affected:</b> All Districts		
<b>For additional information contact:</b> Melody Barr Phone: 713-868-8329		<b>Date and identification of prior authorizing Council action:</b> None		

**RECOMMENDATION: (Summary)**

The Department recommends approval of an ordinance approving and authorizing a \$300,000 contract between the City of Houston and Educational Programs Inspiring Communities, Inc., using federal CDBG funds to provide funding for the HEART program.

**Amount of Funding:** \$300,000**Finance Budget:**

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

☒ Other (Specify) CDBG FUND (\$300,000)

**SPECIFIC EXPLANATION:**

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

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

1. Recruit, assess, and successfully serve 50 eligible participants during the contract period;
2. Develop individuals customized training objectives for all 50 participants;
3. Provide training to 50 participants to prepare for employment;
4. Employ at least 33 participants during the contract period in the affiliate business, HEART Vending and Concessions; and
5. Pay participants no less than minimum wages for all hours worked.

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


Agency has been awarded five (5) previous CDBG Public Service contracts through the City of Houston.

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

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

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>Date</b> 10/20/10	<b>Subject:</b> An ordinance approving and authorizing a \$300,000 contract between the City of Houston and Educational Programs Inspiring Communities, Inc. to provide funding for the HEART Program.	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
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The third contract started November 1, 2007 for a twelve (12) –month term in the amount of \$300,000, of which \$225,000 in CDBG funds and \$75,000 in HOPWA funds, to service 50 individuals (43 CDBG/ 7 HOPWA). The actual number served was 50 participants (43 CDBG/ 7 HOPWA), with 38 becoming employed (36 CDBG/ 2 HOPWA).

The fourth contract started December 1, 2008 for a twelve (12) –month term in the amount of \$300,000, of which \$225,000 in CDBG funds and \$75,000 in HOPWA funds, to service 50 individuals (43 CDBG/ 7 HOPWA). As of July 31, 2008 the Agency has serviced 38 participants (35 CDBG/ 3 HOPWA), with 24 becoming employed (23 CDBG/ 1 HOPWA).

The fifth contract started December 1, 2009 for a twelve (12) –month term in the amount of \$300,000 in CDBG funds to service 50 individuals. As of August 31, 2009 the Agency has serviced 41 participants, with 27 becoming employed.

The Department recommends approval of an ordinance approving and authorizing a \$300,000 contract between the City of Houston and Educational Programs Inspiring Communities, Inc., using federal CDBG funds, to provide funding for the HEART program. The term of this contract will be for 12-months, beginning December 1, 2010 through November 30, 2011. This project went before the Housing Committee on October 28, 2010; no vote was taken due to lack of quorum.

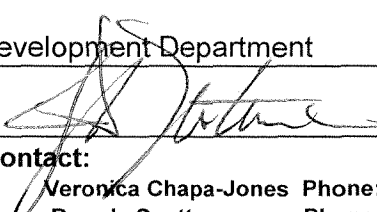
JN:BB:MA


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

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

HCD10-151

<b>SUBJECT:</b> Ordinance approving Amendment #1 to Hurricane Ike Community Development Block Grant-Disaster Recovery Grant		<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  19
<b>FROM (Department or other point of origin):</b> James Noteware, Director Housing and Community Development Department		<b>Origination Date</b> September 13, 2010	<b>Agenda Date</b> DEC 01 2010	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Veronica Chapa-Jones Phone: 713-868-8335 Brenda Scott Phone: 713-868-8484		<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2009-0347, 04/29/2009		
<b>RECOMMENDATION: (Summary)</b> The Housing and Community Development Department (HCDD) recommends City Council's approval of Contract Amendment #1 to the Hurricane Ike Community Development Block Grant-Disaster Recovery (CDBG-DR) grant with the Texas Department of Housing & Community Affairs (TDHCA). HCDD proposes to move \$160,000 from the Project Delivery budget category to the Single Family Home Repair (SFHR) budget category, consisting of Homeowner Rehabilitation, Reconstruction, New Construction costs, to assist in relocation efforts that may be necessary for SFHR Hurricane Ike clients. Overall funds are not being increased or decreased.				
<b>Amount of Funding:</b> No additional funding			<b>Finance Budget:</b>	
<b>SOURCE OF FUNDING</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)				
<b>SPECIFIC EXPLANATION:</b> <p>The Housing and Community Development Department (HCDD) recommends City Council's approval of Contract Amendment #1 to the Hurricane Ike Community Development Block Grant-Disaster Recovery (CDBG-DR) grant from the Texas Department of Housing and Community Affairs (TDHCA). As a Subrecipient, the City of Houston (City) HCDD currently holds CDBG Disaster Recovery Contract No. 70090001 with TDHCA. HCDD is requesting to amend the contract by moving \$160,000 from allocated Project Delivery costs to the Homeowner Rehabilitation, Reconstruction, New Construction costs for relocation purposes. These funds would be moved from Project Delivery costs, reducing that budget line item from \$1,947,858 to \$1,787,858. These funds would be moved to the SFHR Homeowner Rehabilitation, Reconstruction, New Construction costs, increasing that budget line item from \$9,423,434 to \$9,583,434.</p> <p>Due to financial hardships on program recipients, relocation is necessary during reconstruction. Reconstruction includes demolition of original dwellings, construction of replacement dwellings and/or rehabilitation of existing structures that would cause life, health or safety hazards to the occupants.</p> <p>Programming relocation costs with each impacted activity will allow HCDD to offer temporary housing and moving expenses to households receiving rehabilitation or reconstruction of their homes. It is expected that approximately 57 households will be reconstructed, with an average relocation cost of \$2,807. This amendment will neither decrease nor increase the total amount of funds in the overall budget requested nor the number of people expected to be served. This amendment will increase the program cap for reconstruction to \$140,000, inclusive of reconstruction / new construction costs, change orders, and relocation expenses.</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

<b>Date</b>	<b>Subject:</b> The Housing and Community Development Department (HCDD) recommends City Council's approval of Contract Amendment #1 to the Hurricane Ike Community Development Block Grant-Disaster Recovery (CDBG-DR) grant with the Texas Department of Housing & Community Affairs (TDHCA). HCDD proposes to move \$160,000 from the Project Delivery budget category to the Single Family Home Repair (SFHR) budget category, consisting of Homeowner Rehabilitation, Reconstruction, New Construction costs, to assist in relocation efforts that may be necessary for SFHR Hurricane Ike clients. Overall funds are not being increased or decreased.	<b>Originators Initials</b> 	<b>Page</b> <u>2</u> of 2
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In accordance with HUD regulations and the City's Contract with TDHCA, the City shall amend components of the Contract 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, scope, or beneficiaries of an activity, or when a priority has changed. Herein, relocation activity costs are rolled into the scope of the Homeowner Rehabilitation, Reconstruction, New Construction activities (SFHR), among other things.

This proposed Contract Amendment was proposed to and approved by the TDHCA Board of Governors at their July, 2010 meeting. The Contract requirements also mandate that the public be offered the ability to comment on the proposal. HCDD fulfilled these requirements through both a public notice and a public hearing.

Through a Notice published in the Houston Chronicle on Saturday, August 14, 2010 the public was notified of these proposed changes to the Hurricane Ike CDBG-Disaster Recovery grant. The comment period extended from Saturday, August 14, 2010 through Friday, September 3, 2010. In addition, a Public Hearing on this contract amendment was conducted during the Housing Committee meeting on Monday, August 23, 2010. The public had no comments about the proposed changes.

The Housing & Community Development Committee reviewed this matter on Aug.23, 2010.


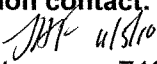

Therefore, approval of an ordinance is recommended.

JN: DR

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

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approval of an ordinance allowing the Houston Police Department to apply for and accept funding for the FY11 Motor Carrier Safety Assistance Program (MCSAP) High Priority Grant	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 20
<b>FROM: (Department or other point of origin):</b> Houston Police Department	<b>Origination Date</b> 11-19-10		<b>Agenda Date</b> DEC 01 2010
<b>DIRECTOR'S SIGNATURE:</b>  Charles A. McClelland, Jr., Chief of Police	<b>Council Districts affected:</b> All		
<b>For additional information contact:</b> Joseph A. Fenninger,  CFO and Deputy Director 713-308-1770	<b>Date and identification of prior authorizing Council Action:</b>		
<b>RECOMMENDATION: (Summary)</b> Adopt an ordinance authorizing application for and acceptance of grant funds from the U.S. Department of Transportation FY11 Motor Carrier Safety Assistance Program High Priority Grant.			
<b>Amount of Funding: Grant Revenue</b> FY11 Motor Carrier Safety Assistance Program High Priority Grant from the U.S. Department of Transportation: \$672,466.00		<b>Finance Budget:</b>	
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input checked="" type="checkbox"/> Other (Specify) U.S. Department of Transportation/Amount Requested: \$672,466, Local Cash Match: \$100,000, Local In-Kind Match: \$404,878 (Police Special Services Fund)			
<b>SPECIFIC EXPLANATION:</b>  <b><u>U.S. Department of Transportation FY11 Motor Carrier Safety Assistance Program High Priority Grant</u></b>  The Houston Police Department is applying to the U.S. Department of Transportation for funding through the Motor Carrier Safety Assistance Program High Priority Grant. In fulfillment of one of the grant requirements, the Houston Police Department requests that City Council adopt an ordinance approving the application for the grant and acceptance of the grant funds, if awarded.  The grant will provide overtime for personnel in order to reduce the number of commercial motor vehicle at-fault crashes through a combined effort of inspection, enforcement and education. To fund the program, the U.S. Department of Transportation is being asked to provide \$672,466. The grant requires a City match of \$100,000 (from Police Special Services Fund) and an in-kind match of \$404,878.00 for a total program commitment of \$1,177,344.  As Houston has a growing international seaport and sources approximately 40% of all hazardous materials being transported on the roadways of the State of Texas, commercial truck traffic is expected to increase greatly in the near term. Accordingly, current budget constraints will not allow the Houston Police Department to deploy the enforcement levels necessary to meet the increased commercial vehicle activity. This grant will allow the Houston Police Department Truck Enforcement Unit to expand the key components of their work: <ul style="list-style-type: none"><li>▪ Inspection of commercial motor vehicles, hazardous material motor vehicles and passenger-carrying commercial motor vehicles.</li><li>▪ Traffic enforcement to regulate speed, seat belt usage and aggressive driving.</li><li>▪ Education of both commercial motor vehicle drivers and owners of safe driving habits.</li><li>▪ Education of citizens on the dangers of unsafe driving behaviors around commercial motor vehicles.</li><li>▪ Safety initiatives involving marked and unmarked units around work zones and targeted roadways.</li></ul>			
<b>REQUIRED AUTHORIZATION</b> 10MAT019			
<b>Finance Budget:</b>	<b>Other Authorization:</b>  11/5/10	<b>Other Authorization:</b>	

## REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:** Ordinances approving Historic Site Tax Exemptions for Historic Landmarks for the two (2) properties located at 2112 Brentwood Drive, 77019 and 433 W. 24<sup>th</sup> Street, 77008.

Category #

Page 1 of 1

Agenda Item#

21

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

Andrew F. Icken  
Chief Development Officer



Marlene Gafrick, Director  
Planning and Development

11/19/10

Agenda Date

DEC 01 2010

**DIRECTOR'S SIGNATURE:**

**Council Districts affected:**

G, H

**For additional information contact:**

Tim Douglass  
Julia Gee

Phone: (713) 837-9857

Phone: (713) 837-7828

**Date and identification of prior authorizing**

**Council Action:** Ord. 2007-658, 12/6/2007;  
Res. 2005-9, 5/18/05; 1999-02, 2/3/1999

**RECOMMENDATION: (Summary)**

That City Council adopt ordinances approving Historic Site Tax Exemptions for Historic Landmarks for the two (2) properties located at 2112 Brentwood Drive, 77019 and 433 W. 24<sup>th</sup> Street, 77008, which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

**Amount of Funding:** No funding required

**Finance Budget:**

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

**SPECIFIC EXPLANATION:**

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for Historic Landmarks. Prior City Council designation of the property as an Historic Landmark is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Director of Finance that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period, but is capped each year at the exemption amount calculated for year one.**

The owners of the following Historic Landmarks submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year, based on HCAD's 2010 property valuation and the City's current property tax rate, and the maximum amount that would be exempt over 15 years:

Historic Landmarks	Building	Base Value of Improvement	Restoration Investment	Estimated Year One Exemption	Maximum Exemption over 15 years
2112 Brentwood Drive	Dr. H.J. & Emerence Ehlers House	\$ 21,686	\$ 64,840	\$ 956	\$ 14,340
433 W. 24th Street	DeLarma C. McCollum House	\$ 40,252	\$ 306,347	\$ 1,220	\$ 18,300

Since the properties have been designated as Historic Landmarks, and meet all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
David Feldman, City Attorney

**REQUIRED AUTHORIZATION**

**Finance Director:**



**Other Authorization:**



**Other Authorization:**

## 2112 Brentwood Drive

### HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2008 Values (base year)		Preservation Expenditures	2010 Values	
Land	Structure		Land	Structure
\$1,128,314	\$21,686	\$64,840	\$991,085	\$149,685

Expenditures as % of Base Value

299%

Maximum Exemption on Structure/Improvement will be equal to TY2011 value (not yet available)\*

Projected Annual Tax Revenue (Based upon 100% of Improvements)			
Year	Tax Year	Revenue <i>to be received</i> (Land)	Revenue <i>exempt</i> (Structure)
1	2011	\$6,331	\$956
2	2012	\$6,584	\$956
3	2013	\$6,847	\$956
4	2014	\$7,121	\$956
5	2015	\$7,406	\$956
6	2016	\$7,702	\$956
7	2017	\$8,010	\$956
8	2018	\$8,331	\$956
9	2019	\$8,664	\$956
10	2020	\$9,010	\$956
11	2021	\$9,371	\$956
12	2022	\$9,746	\$956
13	2023	\$10,135	\$956
14	2024	\$10,541	\$956
15	2025	\$10,962	\$956
<b>Total</b>		<b>\$126,760</b>	<b>\$14,340</b>

Projection based on latest rate (Tax Year 2010): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

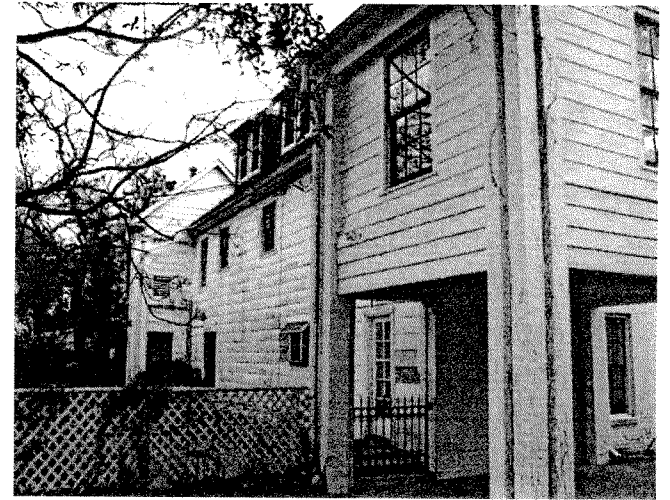
\*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.

2112 BRENTWOOD DRIVE

HISTORIC LANDMARK

BEFORE



AFTER





## REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:** Ordinances approving Historic Site Tax Exemptions for Historic Landmarks for the two (2) properties located at 2112 Brentwood Drive, 77019 and 433 W. 24<sup>th</sup> Street, 77008.

Category #

Page 1 of 1

Agenda Item#

22

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

Andrew F. Icken  
Chief Development Officer

Marlene Gafrick, Director  
Planning and Development

11/19/10

Agenda Date

DEC 01 2010

**DIRECTOR'S SIGNATURE:**

*[Signature]*

*Marlene A. Gafrick*

**Council Districts affected:**

G, H

**For additional information contact:**

Tim Douglass

**Phone:** (713) 837-9857

Julia Gee

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

**Date and identification of prior authorizing**

**Council Action:** Ord. 2007-658, 12/6/2007;

Res. 2005-9, 5/18/05; 1999-02, 2/3/1999

**RECOMMENDATION: (Summary)**

That City Council adopt ordinances approving Historic Site Tax Exemptions for Historic Landmarks for the two (2) properties located at 2112 Brentwood Drive, 77019 and 433 W. 24th Street, 77008, which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

**Amount of Funding:** No funding required

**Finance Budget:**

**SOURCE OF FUNDING:**

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

**SPECIFIC EXPLANATION:**

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for Historic Landmarks. Prior City Council designation of the property as an Historic Landmark is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Director of Finance that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period, but is capped each year at the exemption amount calculated for year one.**

The owners of the following Historic Landmarks submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year, based on HCAD's 2010 property valuation and the City's current property tax rate, and the maximum amount that would be exempt over 15 years:

Historic Landmarks	Building	Base Value of Improvement	Restoration Investment	Estimated Year One Exemption	Maximum Exemption over 15 years
2112 Brentwood Drive	Dr. H.J. & Emerence Ehlers House	\$ 21,686	\$ 64,840	\$ 956	\$ 14,340
433 W. 24th Street	DeLarma C. McCollum House	\$ 40,252	\$ 306,347	\$ 1,220	\$ 18,300

Since the properties have been designated as Historic Landmarks, and meet all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
David Feldman, City Attorney

**REQUIRED AUTHORIZATION**

**Finance Director:**

*[Signature]*

**Other Authorization:**

*[Signature]*

**Other Authorization:**

<b>433 W. 24th Street</b>
<b>HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS</b>

Initial Exemption Criteria				
2008 Values (base year)		Preservation Expenditures	2010 Values	
Land	Structure		Land	Structure
\$131,000	\$40,252	\$306,347	\$150,650	\$191,054

Expenditures as % of Base Value

761%

Maximum Exemption on Structure/Improvement will be equal to TY2011 value (not yet available)\*

Projected Annual Tax Revenue (Based upon 100% of Improvements)			
Year	Tax Year	Revenue <i>to be received</i> (Land)	Revenue <i>exempt</i> (Structure)
1	2011	\$962	\$1,220
2	2012	\$1,001	\$1,220
3	2013	\$1,041	\$1,220
4	2014	\$1,082	\$1,220
5	2015	\$1,126	\$1,220
6	2016	\$1,171	\$1,220
7	2017	\$1,218	\$1,220
8	2018	\$1,266	\$1,220
9	2019	\$1,317	\$1,220
10	2020	\$1,370	\$1,220
11	2021	\$1,424	\$1,220
12	2022	\$1,481	\$1,220
13	2023	\$1,541	\$1,220
14	2024	\$1,602	\$1,220
15	2025	\$1,666	\$1,220
<b>Total</b>		<b>\$19,268</b>	<b>\$18,300</b>

Projection based on latest rate (Tax Year 2010): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

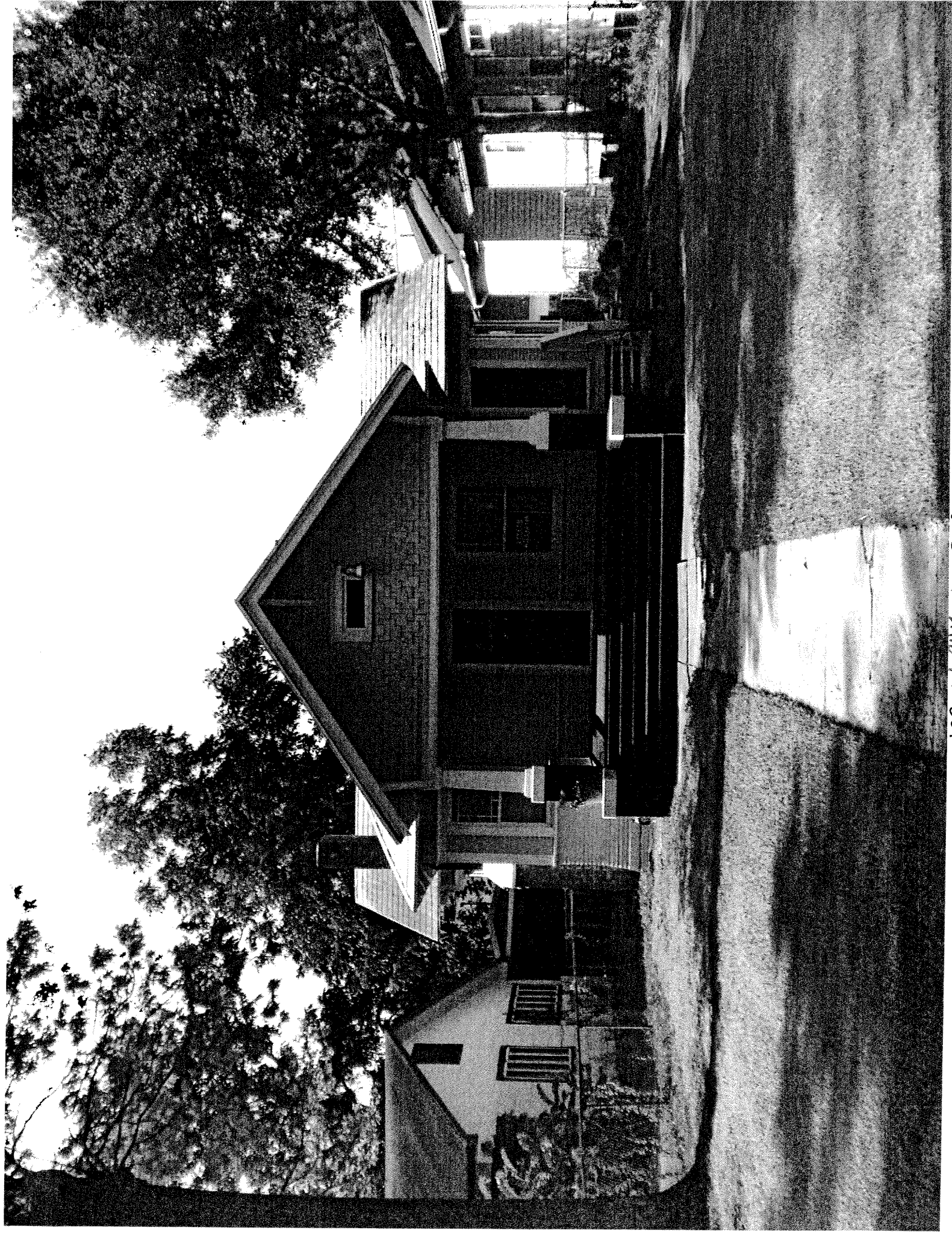
\*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.



433 W. 24<sup>th</sup> St. After





422 W. 11th St. 2nd fl.

## REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:** Ordinances approving Historic Site Tax Exemptions for Contributing Structures in Designated Historic Districts for the two (2) properties located at 1405 South Boulevard, 77006 and 1145 Columbia Street, 77008.

Category #

Page 1 of 1

Agenda Item#

23

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

Andrew F. Icken  
Chief Development Officer

Marlene Gafrick, Director  
Planning and Development

**Origination Date**

11-19-10

**Agenda Date**

DEC 01 2010

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

C, H

**For additional information contact:**

Tim Douglass  
Julia Gee

Phone: (713) 837-9857  
Phone: (713) 837-7828

**Date and identification of prior authorizing**

**Council Action:** Ord. 2007-658, 12/6/2007;  
Res. 2007-17, 4/11/07; 2008-4, 2/20/08

**RECOMMENDATION: (Summary)**

That City Council adopt ordinances approving Historic Site Tax Exemptions for Contributing Structures in Designated Historic Districts for the two (2) properties located at 1405 South Boulevard, 77006 and 1145 Columbia Street, 77008, which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

**Amount of Funding:** No funding required**Finance Budget:**

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

**SPECIFIC EXPLANATION:**

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Director of Finance that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period, but is capped each year at the exemption amount calculated for year one.**

The owners of the following contributing structures in an historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year, based on HCAD's 2010 property valuation and the City's current property tax rate, and the maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Value of Improvement	Restoration Investment	Estimated Year One Exemption	Maximum Exemption over 15 years
1405 South Blvd.	Broadacres	\$ 1,233,223	\$1,258,278	\$ 9,868	\$148,020
1145 Columbia Street	Houston Heights East	\$ 121,362	\$ 283,411	\$ 775	\$ 11,625

Since the properties have been designated as contributing structures in an historic district, and meet all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
David Feldman, City Attorney

## REQUIRED AUTHORIZATION

**Finance Director:****Other Authorization:****Other Authorization:**

*Michelle Mitchell*

*12-2*

<b>1405 SOUTH BLVD.</b>
<b>HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS</b>

Initial Exemption Criteria				
2005 Values (base year)		R&P Expenditures	2010 Values	
Land	Structure		Land	Structure
\$1,666,905	\$1,233,223	\$1,258,278	\$2,455,140	\$1,544,860

Expenditures as % of Base Value                      102%

Maximum Exemption on Structure/Improvement will be equal to TY2011 value (not yet available)\*

Projected Annual Tax Revenue (Based upon 100% of Improvements)			
Year	Tax Year	Revenue <i>to be received</i> (Land)	Revenue <i>exempt</i> (Structure)
1	2011	\$15,682	\$9,868
2	2012	\$16,309	\$9,868
3	2013	\$16,962	\$9,868
4	2014	\$17,640	\$9,868
5	2015	\$18,346	\$9,868
6	2016	\$19,080	\$9,868
7	2017	\$19,843	\$9,868
8	2018	\$20,637	\$9,868
9	2019	\$21,462	\$9,868
10	2020	\$22,321	\$9,868
11	2021	\$23,213	\$9,868
12	2022	\$24,142	\$9,868
13	2023	\$25,108	\$9,868
14	2024	\$26,112	\$9,868
15	2025	\$27,157	\$9,868
<b>Total</b>		<b>\$314,014</b>	<b>\$148,020</b>

Projection based on latest rate (Tax Year 2010): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

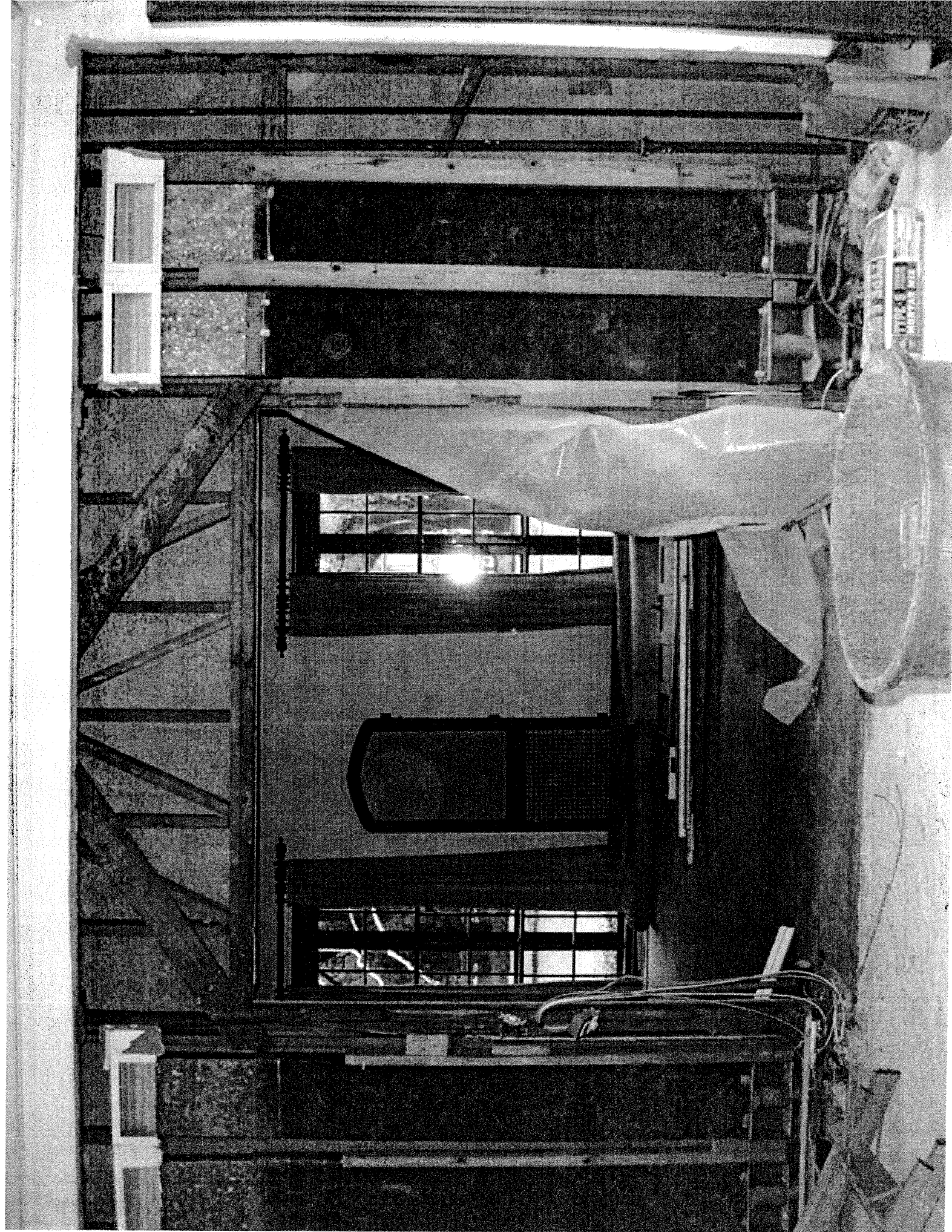
\*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.











## REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:** Ordinances approving Historic Site Tax Exemptions for Contributing Structures in Designated Historic Districts for the two (2) properties located at 1405 South Boulevard, 77006 and 1145 Columbia Street, 77008.

Category #

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Agenda Item#

24

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

Andrew F. Icken  
Chief Development Officer

Marlene Gafrick, Director  
Planning and Development

Origination Date

11-19-10

Agenda Date

DEC 01 2010

**DIRECTOR'S SIGNATURE:**


Council Districts affected:

C, H

**For additional information contact:**

Tim Douglass  
Julia Gee

Phone: (713) 837-9857

Phone: (713) 837-7828

**Date and identification of prior authorizing**

**Council Action:** Ord. 2007-658, 12/6/2007;  
Res. 2007-17, 4/11/07; 2008-4, 2/20/08

**RECOMMENDATION: (Summary)**

That City Council adopt ordinances approving Historic Site Tax Exemptions for Contributing Structures in Designated Historic Districts for the two (2) properties located at 1405 South Boulevard, 77006 and 1145 Columbia Street, 77008, which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

**Amount of Funding:** No funding required**Finance Budget:**

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

**SPECIFIC EXPLANATION:**

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Director of Finance that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period, but is capped each year at the exemption amount calculated for year one.**

The owners of the following contributing structures in an historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year, based on HCAD's 2010 property valuation and the City's current property tax rate, and the maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Value of Improvement	Restoration Investment	Estimated Year One Exemption	Maximum Exemption over 15 years
1405 South Blvd.	Broadacres	\$ 1,233,223	\$1,258,278	\$ 9,868	\$148,020
1145 Columbia Street	Houston Heights East	\$ 121,362	\$ 283,411	\$ 775	\$ 11,625

Since the properties have been designated as contributing structures in an historic district, and meet all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
David Feldman, City Attorney

**REQUIRED AUTHORIZATION****Finance Director:**

**Other Authorization:**

**Other Authorization:**

## 1145 Columbia Street

### HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2010 Values (base year)		Preservation Expenditures	2010 Values	
Land	Structure		Land	Structure
\$263,340	\$121,362	\$283,411	\$263,340	\$121,362

Expenditures as % of Base Value

234%

Maximum Exemption on Structure/Improvement will be equal to TY2011 value (not yet available)\*

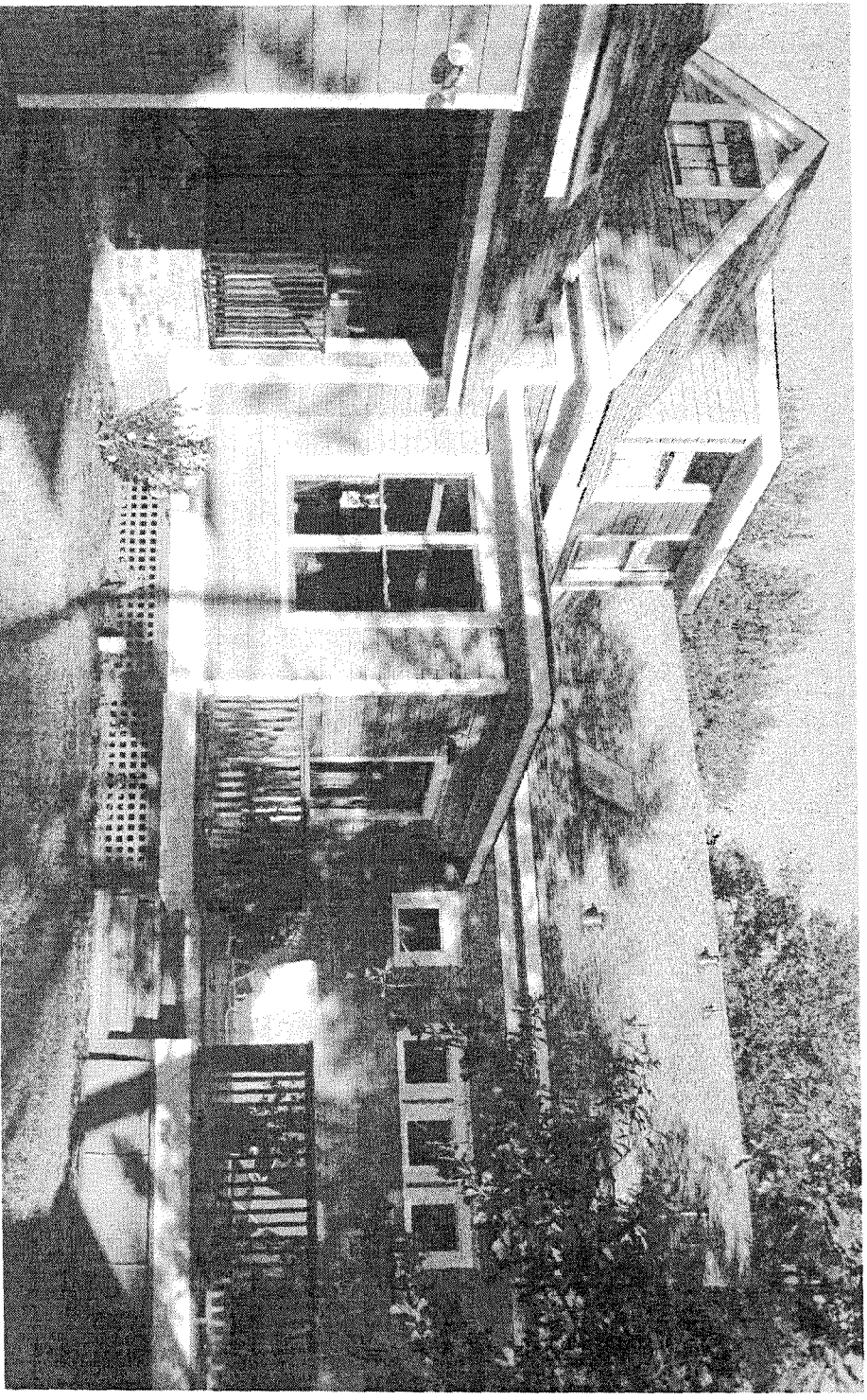
Projected Annual Tax Revenue (Based upon 100% of Improvements)			
Year	Tax Year	Revenue <i>to be received</i> (Land)	Revenue <i>exempt</i> (Structure)
1	2011	\$1,682	\$775
2	2012	\$1,749	\$775
3	2013	\$1,819	\$775
4	2014	\$1,892	\$775
5	2015	\$1,968	\$775
6	2016	\$2,047	\$775
7	2017	\$2,128	\$775
8	2018	\$2,214	\$775
9	2019	\$2,302	\$775
10	2020	\$2,394	\$775
11	2021	\$2,490	\$775
12	2022	\$2,589	\$775
13	2023	\$2,693	\$775
14	2024	\$2,801	\$775
15	2025	\$2,913	\$775
<b>Total</b>		<b>\$33,681</b>	<b>\$11,625</b>

Projection based on latest rate (Tax Year 2010): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

\*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.



1145 Columbia – After (10/2010)





1145 Columbia – Before (2/2010)

## REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:** An ordinance appropriating \$941,901.00 in tax increment revenue payments made by Harris County and authorizing the transfer of tax increment revenues from Tax Increment Fund No. 7559 to the Greater Greenspoint Redevelopment Authority pursuant to Tri-Party and Interlocal Agreements.

Category #

Page  
1 of 1

Agenda Item#

25

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

Andrew F. Icken  
Chief Development Officer

Origination Date

11-10-10

Agenda Date

DEC 01 2010

**DIRECTOR'S SIGNATURE:**

**Council Districts affected:**  
Districts B

**For additional information contact:**

Tim Douglass  
Randell Naquin

Phone: (713)-837-9857

Phone: (713) 837-9646

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

Ord. No. 1999-1381 dated 12/21/99; Ord. No. 2001-1163 dated 12/19/01

**RECOMMENDATION: (Summary)**

City Council approve an ordinance appropriating \$941,901.00 in tax increment revenue payments made by Harris County and authorizing the transfer of tax increment revenues from Tax Increment Fund No. 7559 to the Greater Greenspoint Redevelopment Authority pursuant to Tri-Party and Interlocal Agreements.

**Amount of Funding:** N/A**Finance Budget:****SOURCE OF FUNDING:**

☐ General Fund    ☐ Grant Fund    ☐ Enterprise Fund  
☒ Other (Specify) Tax Increment Fund Number 7559 (Greater Greenspoint)

**Specific Explanation:**

The appropriation of \$941,901.00 results from tax increment revenue payments (Tax Year 2009) made by Harris County in Fiscal Year 2011.

As set forth in the attached spreadsheet:

- \$941,901.00 will be paid to the Greater Greenspoint Redevelopment Authority pursuant to Tri-Party and Interlocal agreements.

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

## REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:



CITY OF HOUSTON TAX INCREMENT REINVESTMENT ZONES  
TAX INCREMENT CALCULATIONS FOR HARRIS COUNTY - TAX YEAR 2009 (Greater Greenspoint additional)

#	TIRZ	Fund # (SAP)	(A) County Payments Received	(C) Administrative Fee Transfer to General Fund 1000 (col A-B) x 5%	Harris County Net Increment due to Redevelopment Authority (col A-B-C)	Payee
1	Lamar Terrace	7512	N/A		N/A	
2	Midtown	7550	N/A	N/A	N/A	
3	Market Square <sup>(2)</sup>	7551		-	\$ -	
	Original			-		
	Annexed			-		
4	Village Enclave	7552	N/A		N/A	
5	Memorial Heights	7553	N/A		N/A	
6	Eastside	7554	N/A		N/A	
7	OST/Alameda	7555	N/A		N/A	
	Original		-	-		
	Annexed		-	-		
8	Gulfgate	7556		-	-	
	Original			-		
	Annexed			-		
9	South Post Oak	7557		<sup>(1)</sup>	\$ -	
10	Lake Houston (Original)	7558	N/A		N/A	
11	Greenspoint	7559	941,901.00	<sup>(1)</sup>	\$ 941,901.00	Greater Greenspoint RA
12	CityPark	7560	N/A		N/A	
13	Old Sixth Ward	7561	N/A		N/A	
14	Fourth Ward	7562	N/A		N/A	
15	East Downtown	7563	N/A		N/A	
16	Uptown	7564	N/A		N/A	
17	Memorial City	7565	N/A		N/A	
18	Fifth Ward	7566	N/A		N/A	
19	Upper Kirby	7567	N/A		N/A	
20	Southwest Houston	7568	N/A		N/A	
21	Hardy Yards	7569	N/A		N/A	
22	Leland Woods	7570	N/A		N/A	
Total			\$ 941,901.00		\$ 941,901.00	

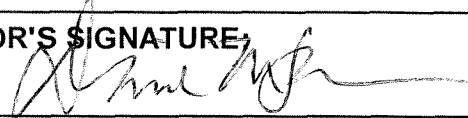
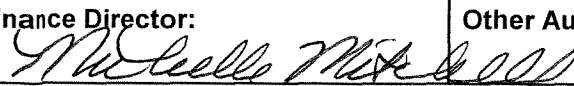
Notes:

(1) County does not contribute to the Administration Fee per the Interlocal Agreement

(2) #3 Market Square - County funds received separately for Port of Houston and HC Hospital District effective with TY05 revenue.

Harris County  
Port Authority  
Hospital District

\$ -

<b>SUBJECT:</b> An Ordinance approving and authorizing a Compromise and Settlement Agreement Between the City of Houston, Tatum Girdy and His Attorney Paul A. Higdon of Stern, Miller & Higdon to settle a lawsuit.		<b>Category #</b> 1	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 26
<b>FROM (Department or other point of origin):</b> Legal Department		<b>Origination Date</b> 11-19-10		<b>Agenda Date</b> DEC 01 2010
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b>		
<b>For additional information contact:</b> Annie Teehan Phone: 832.393.6467		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b>  That Council adopt an Ordinance approving and authorizing a Compromise and Settlement Agreement between the City of Houston, Tatum Girdy and His Attorney Paul A. Higdon of Stern, Miller & Higdon to settle a lawsuit.				
<b>AMOUNT AND SOURCE OF FUNDING:</b> \$70,000.00 from the Property and Casualty Fund (1004)				<b>Budget:</b>
<b>SPECIFIC EXPLANATION:</b>  <b>FOR SETTLEMENT PURPOSES ONLY</b>  On or about March 21, 2008, Tatum Girdy ("Girdy") was involved in a motor vehicle accident (the "Accident") with Robert Jordan, an employee of Public Works and Engineering Department ("Houston"). Girdy claims to have suffered injuries and other damages as a result of the Accident and that the Accident was Houston's fault. Houston disputes Girdy's claim.  As a result of the Accident, Girdy brought suit against Houston in Cause No. 2008-51560; <i>Tatum Girdy v. Robert Curtis Jordan and the City of Houston</i> ; in the 133 <sup>rd</sup> Judicial District Court of Harris County, Texas (the "Lawsuit"). Girdy has retained the services of Paul A. Higdon and his Firm, Stern, Miller & Higdon (the "Firm") to represent his legal interests in the Lawsuit. Girdy has offered to settle the Lawsuit for the total sum of \$70,000.00.  After a thorough review, the Legal Department recommends that Council approve the Compromise and Settlement Agreement with a check in the total sum of \$70,000.00 to be made payable jointly to Tatum Girdy and Paul A. Higdon of Stern, Miller & Higdon to settle the Lawsuit.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b> 		<b>Other Authorization:</b>		<b>Other Authorization:</b>

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8860

**Subject:** Approve an Ordinance Awarding a Contract to the Best Value Respondent for Janitorial, Porter, Window-Washing, Recycling and Associated Services for Various Departments  
S46 - L23659

Category #  
4

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Agenda Item

27

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

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

**Origination Date**

September 13, 2010

**Agenda Date**

DEC 01 2010

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Jacquelyn L. Nisby Phone: (832) 393-8023  
Douglas Moore Phone: (832) 393-8724

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to McLemore Building Maintenance, Inc. in an amount not to exceed \$21,192,625.54 for janitorial, porter, window-washing, recycling and associated services for various departments.

Maximum Contract Amount: \$21,192,625.54

**Finance Budget**

\$19,793,129.76 - General Fund (1000)  
\$ 104,732.27 - Park Special Revenue Fund (2100)  
\$ 1,759.85 - Building Inspection Fund (2301)  
\$ 253,582.28 - Houston Transtar Fund (2402)  
\$ 995,249.16 - HAS Revenue Fund (8001)  
\$ 44,172.22 - Water & Sewer System Operating Fund (8300)

-----  
\$21,192,625.54 - Total Amount

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to McLemore Building Maintenance, Inc. on its best value bid in an amount not to exceed \$21,192,625.54 for janitorial, porter, window-washing, recycling and associated services for various departments. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractors to provide all equipment, labor, materials, supplies, supervision, and transportation necessary to provide janitorial, porter, window-washing, recycling and other required services at 160 City facilities. The services include, but are not limited to, sweeping, mopping, waxing, vacuuming, carpet cleaning, window and power-washing and trash removal and recycling. The number of facilities to be serviced are included in the table below.

# of facilities	Department
106	* General Services
21	Houston Airport System
18	Public Works & Engineering
15	Houston Parks

\* Note - The General Services Department also manages COH facilities for the Library, Police, Health and Human Services, Public Works & Engineering and Fire Departments

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*M*



Date: 9/13/2010	Subject: Approve an Ordinance Awarding a Contract to the Best Value Respondent for Janitorial, Porter, Window-Washing, Recycling and Associated Services for Various Departments S46 - L23659	Originator's Initials EA	Page 2 of 2
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The Best Value Bid was advertised in accordance with the requirements of the State bid laws. Seventy-five prospective bidders downloaded the solicitation document from the Strategic Purchasing Division website. Bids were received from McLemore Building Maintenance, Inc., ADVVACS, UBM Enterprise, GCA Service Group, A.M.E. Services, Inc., Advance Enterprise Inc., Tersey Janitorial Services (partial bid), and American Facility Services (non-responsive). The Evaluation Committee consisted of five (5) evaluators. The proposals were evaluated based upon the following criteria:

- Cost
- Expertise / Experience / Qualifications
- Financial Strength of Offeror
- M/WBE Participation
- Conformance to BVB Requirements

McLemore Building Maintenance, Inc. received the highest overall score.

**M/WBE Subcontractor:**

This Best Value Bid was issued as a goal-oriented contract with a 20% M/WBE participation level. McLemore Building Maintenance, Inc. has designated the below named companies as its certified M/WBE subcontractors:

Subcontract Name	Type of Services	Total # Amount	Pct
National Cleaning Concepts	Janitorial	\$ 2,115,852.00	10%
JE Specialties	Janitorial	\$ 5,214,315.70	25%
Executive Building Systems	Janitorial	\$ 911,727.20	4%
Cervantes Building Maintenance	Janitorial	\$ 4,734,913.10	22%
Flores Window Cleaning Services	Window -washing	\$ 350,000.00	2%
Total		\$ 13,326,808.00	63%

This award will be monitored by the Affirmative Action Division.

**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 has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

Buyer: Eric Alexander

**Estimated Spending Authority**

Department	FY11	Out Years	Amount
General Services	\$2,818,045.58	\$16,344,562.39	\$19,162,607.97
Houston Airport System	\$149,287.00	\$845,962.16	\$995,249.16
Public Works & Engineering	\$65,799.62	\$328,998.09	\$394,797.71
Parks	\$69,455.37	\$570,515.33	\$639,970.70
Total	\$3,102,587.57	\$18,090,037.97	\$21,192,625.54

**REQUEST FOR COUNCIL ACTION****TO:** Mayor via City Secretary**RCA #****SUBJECT:** Approve an ordinance to appropriate funds from General Improvement Consolidated Construction Fund to correct a previous spending authorization (WSB D-000151)**Category #****Page 1 of 1****Agenda Item#**

28

**FROM: (Department or other point of origin):**Alfred J. Moran, Jr., Director  
Administration & Regulatory Affairs Department**Origination Date**

November 8, 2010

**Agenda Date**

DEC 01 2010

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

All

**For additional information contact:**

Annabelle Chen

Christopher Newport

Phone: (713) 837-9651

Phone: (713) 837-9533

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

Motion # 2010-0176, Passed 3/31/2010

**RECOMMENDATION: (Summary)**

Approve the appropriation of \$79,628.00 from the General Improvement Consolidated Construction Fund to correct a previous spending authorization using the General Fund.

**AMOUNT AND SOURCE OF FUNDING:**

\$79,628.00 – General Improvement Consolidated Construction Fund (4509)

**FIN Budget:****SPECIFIC EXPLANATION:**

In the spring of 2010 the General Services Department conducted a capital project to build out the 3rd floor of 611 Walker to house the new consolidated Payroll Services Division of the Administration and Regulatory Affairs Department (ARA). On March 31, 2010, City Council approved spending authority for the purchase of office furniture as part of a larger furniture order. A portion of the order was intended to complete the build out of the 3rd floor at 611 Walker and should have been included in the asset shell as a capital expenditure, which is eligible for bond funding. The appropriate funding source for the portion of the purchase agreement referenced in this action is the General Improvement Consolidated Construction Fund and not the General Fund as previously approved. ARA recommends the proposed appropriation to replace the General Fund spending authority for the office furniture.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Additional Appropriation to the Construction Contract with Manhattan Construction Company for Terminal "C" Garages Exterior and Interior Renovations at George Bush Intercontinental Airport/Houston (IAH); Project No. 490H (WBS # A- 000322-0006-4-01; Contract No. 4600008547).		<b>Category</b>	<b>Page</b> 1 of 2	<b>Agenda Item</b> #  29
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> October 18, 2010	<b>Agenda Date</b> DEC 01 2010	
<b>DIRECTOR'S SIGNATURE:</b> <i>MS</i> <i>Kae</i> <i>Mano Diaz</i>		<b>Council District affected:</b> B		
<b>For additional information contact:</b> Eric R. Potts <i>ERP</i> Phone: 281-233-1999 Robert Bielek <i>RB</i> 281-233-1941		<b>Date and identification of prior authorizing Council action:</b> 01/09/2008 (O) 2008-032		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> CIP No. A-0322.18.....\$2,114,003.00 Arpt Improvemt Fd (8011) CIP No. A-0422.100 ...\$ 36,995.00 Arpt Improvemt Fd (8011) Total.....\$2,150,998.00 <i>JA</i> <i>ms</i>		<b>Prior appropriations:</b> 01/09/08..... \$45,979,607.00 Arpt Improvemt Fd (8011)		
<b>RECOMMENDATION:</b> Enact an Ordinance to approve an additional appropriation to the construction contract with Manhattan Construction Company and appropriate the necessary funds to finance the cost of these services.				
<b>SPECIFIC EXPLANATION:</b> <p>On January 9, 2008, the City entered into a contract with Manhattan Construction Company to provide construction for exterior and interior renovations to all levels of Terminal C parking garages at George Bush Intercontinental Airport/Houston (IAH). Services provided to date include replacing the lighting systems, exterior garage cladding, striping, expansion joints, painting the ceiling of every floor and the soffits above the curbsides, upgrades to the garage parking decks and modifications to the drive and walking surfaces at curbside operations. Construction of additional telecommunication rooms with HVAC systems and cabling to support the airport and tenants' present and future needs have also been completed.</p> <p>It is now requested that Council approve an additional appropriation to provide for the following additional work:</p> <ul style="list-style-type: none"><li>• Replacement of a deteriorating ceiling on the 6<sup>th</sup> floor of Terminal C West Garage.</li><li>• Removal of an out of service escalator that is no longer required.</li><li>• Structural repairs of east curbside, upper ramp precast concrete panels.</li><li>• Repair of structural deterioration at the vehicular bridges between garages.</li><li>• Installation of the canopy covering the passenger drop off lanes.</li><li>• Removal and replacement of deteriorating pavement on the west curbside and replacement of security bollards on all curbsides.</li></ul>				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>		<b>Other Authorization:</b>	<b>Other Authorization:</b>	

<b>Date:</b> October 18, 2010	<b>Subject:</b> Additional Appropriation to the Construction Contract with Manhattan Construction Company for Terminal "C" Garages Exterior and Interior Renovations at George Bush Intercontinental Airport/Houston (IAH); Project No. 490H (WBS # A- 000322-0006-4-01; Contract No. 4600008547).	<b>Originator's Initials</b>  LC	<b>Page</b>  2 of 2
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**PROJECT COST:** The total amount to be appropriated is as follows:

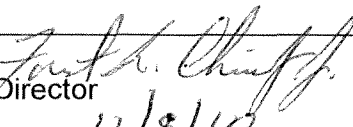

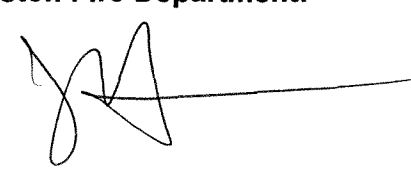
\$ 2,114,003.00	Construction Contract Services
<u>\$ 36,995.00</u>	1.75% Civic Art Program
\$ 2,150,998.00	TOTAL APPROPRIATION

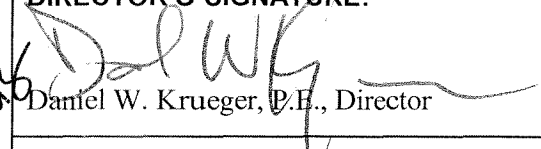
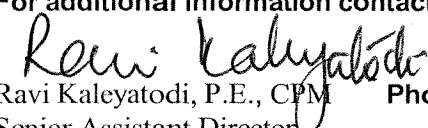

**MBE/WBE/SBE PARTICIPATION:** The Minority/Women and Small Business Enterprise (M/WSBE) goal for this contract is twenty percent (20%).

Manhattan Construction Company is currently achieving 43.57% participation on the 20% goal.

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Appropriate Funds to In-House Renovation Revolving Fund for Renovation/Reconstruction of Various City Facilities during FY 2011 WBS No. C-000122-0009-4		<b>Page</b> 1 of 1	<b>Agenda Item</b> 30																									
<b>FROM (Department or other point of origin):</b> General Services Department		<b>Origination Date</b> 11/12/10	<b>Agenda Date</b> DEC 01 2010																									
<b>DIRECTOR'S SIGNATURE:</b>  Forest R. Christy, Jr., Interim Director		<b>Council District(s) affected:</b> All																										
<b>For additional information contact:</b> Jacquelyn L. Nisby Phone: 832 393-8023		<b>Date and identification of prior authorizing Council action:</b>																										
<b>RECOMMENDATION:</b> Appropriate bond funds to the In-House Revolving Fund (Fund 1003) for renovation/reconstruction projects for various City facilities during Fiscal Year 2011.																												
<b>Amount and Source of Funding:</b> \$3,000,000.00—Fire Consolidated Construction Fund (4500)		<b>Finance Budget:</b>																										
<p><b>SPECIFIC EXPLANATION:</b> The General Services Department (GSD) recommends that City Council appropriate \$3,000,000.00 out of the Fire Consolidated Construction Fund to the In-House Renovation Revolving Fund for renovation/reconstruction projects completed to date and projects remaining in FY-2011.</p> <p>GSD's In-House Renovation Group provides labor and expertise required to address serious maintenance deficiencies by performing capital improvements to various City facilities and emergency repairs affecting life safety issues.</p> <p><b>PROJECT DESCRIPTION AND SCOPE:</b> The renovation/reconstruction projects include fire stations and office build-outs. A typical renovation will involve multiple trades and may include demolition and replacement of walls and doors, painting, installation of electrical wiring and lighting, new plumbing, new flooring, new ceiling, new millwork and replacement of related equipment.</p> <p><b>PROJECT LOCATIONS:</b> The FY-2011 renovations/reconstruction projects are as follows:</p> <table border="1"> <tbody> <tr> <td>Fire Station No. 20</td> <td>6902 Navigation</td> <td>494V</td> <td>District I</td> <td>Phase II Expansion Interior Build-out</td> </tr> <tr> <td>Fire Station No. 30</td> <td>6702 Irvington</td> <td>453R</td> <td>District H</td> <td>Major Renovation (FY11-FY12)</td> </tr> <tr> <td>Fire Station No. 56</td> <td>5802 E. Little York</td> <td>414V</td> <td>District B</td> <td>Major Renovation</td> </tr> <tr> <td>HFD Arson Photo Lab</td> <td>3102 Center St.</td> <td>493E</td> <td>District H</td> <td>Major Renovation</td> </tr> <tr> <td>HFD Logistics Building</td> <td>1205 Dart St.</td> <td>493G</td> <td>District H</td> <td>Multiple Office Build-outs</td> </tr> </tbody> </table>				Fire Station No. 20	6902 Navigation	494V	District I	Phase II Expansion Interior Build-out	Fire Station No. 30	6702 Irvington	453R	District H	Major Renovation (FY11-FY12)	Fire Station No. 56	5802 E. Little York	414V	District B	Major Renovation	HFD Arson Photo Lab	3102 Center St.	493E	District H	Major Renovation	HFD Logistics Building	1205 Dart St.	493G	District H	Multiple Office Build-outs
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FRC:JLN:SG:RV:ps																												
c: Marty Stein, Jacquelyn L. Nisby, Rey Vargas, Christopher Gonzales, File																												
<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID# 25MSCL81</b>																										
<b>General Services Department:</b>  Steve Girardi Chief of Operations		<b>Houston Fire Department:</b>  Terry A. Garrison Fire Chief																										

<b>SUBJECT:</b> Advance Funding Agreement between the City of Houston and Texas Department of Transportation for Beechnut Rehabilitation from Wilcrest Drive to Kirkwood Road; WBS No. N-000765-0001-3.		<b>Page</b> 1 of 2	<b>Agenda Item #</b>  31
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 11-22-10	<b>Agenda Date</b> DEC 01 2010
<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director		<b>Council District affected:</b> F 300	
<b>For additional information contact:</b>  Ravi Kaleyatodi, P.E., CPM Senior Assistant Director 10/12/10 Phone: (832) 395-2326		<b>Date and identification of prior authorizing Council action:</b> N/A	
<b>RECOMMENDATION: (Summary)</b> Adopt an ordinance approving and authorizing an Advance Funding Agreement between the City of Houston and Texas Department of Transportation and appropriating funds.			
<b>Amount and Source of Funding:</b> \$35,000.00 from the Street & Bridge Consolidated Construction Fund 4506. W.P. 10/11/2010			
<b>PROJECT NOTICE/JUSTIFICATION:</b> This project is a part of the Street & Traffic Capital Improvement Project (CIP). Transportation Code, Chapters 201, 221, 227, and 361, authorized Texas Department of Transportation (TxDOT) to lay out, construct, and operate a system of streets, roads, and highways that comprise the State Highway System. TxDOT and City of Houston (City) both agreed that the proposed improvements to Beechnut Street from Wilcrest Drive to Kirkwood Road should be in the best interest of the citizens of the State and improve traffic. Texas Transportation Commission also passed Minute Order Number 85094 authorizing TxDOT to enter into the necessary agreements with the City to make such improvements.			
<b>DESCRIPTION/SCOPE:</b> This project consists of the reconstruction of concrete roadway with storm sewers, curbs, sidewalks, streetlights and necessary underground utilities.			
<b>LOCATION:</b> The project is located on Beechnut Street from Wilcrest Drive to Kirkwood Road and is located on Key Map grids 529 N, P and Q.			
<b>SCOPE OF THIS AGREEMENT:</b> The City and TxDOT desire to make improvements to Beechnut Street from Wilcrest Drive to Kirkwood Road. Presently, there is no Federal or State funding available for the project. In order to make this project a more viable candidate for future Federal funding, the City desires to enter into an Advance Funding Agreement with TxDOT. Under the terms of the Agreement, the City shall be responsible for the design of the project. TxDOT will review the design and attempt to secure the Federal funding for the project. The City shall be responsible for the direct costs incurred for the review and approval services performed by TxDOT which are currently estimated to be \$35,000.00. TxDOT and the City agree that completion of the project design and the approval of such design by TxDOT do not guarantee selection of the project for Federal funding in the future. Therefore, it is necessary to appropriate funds in the amount of \$35,000.00 for the City's cost participation.			
<b>REQUIRED AUTHORIZATION</b> <b>CUIC ID #20TAA57</b>			
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

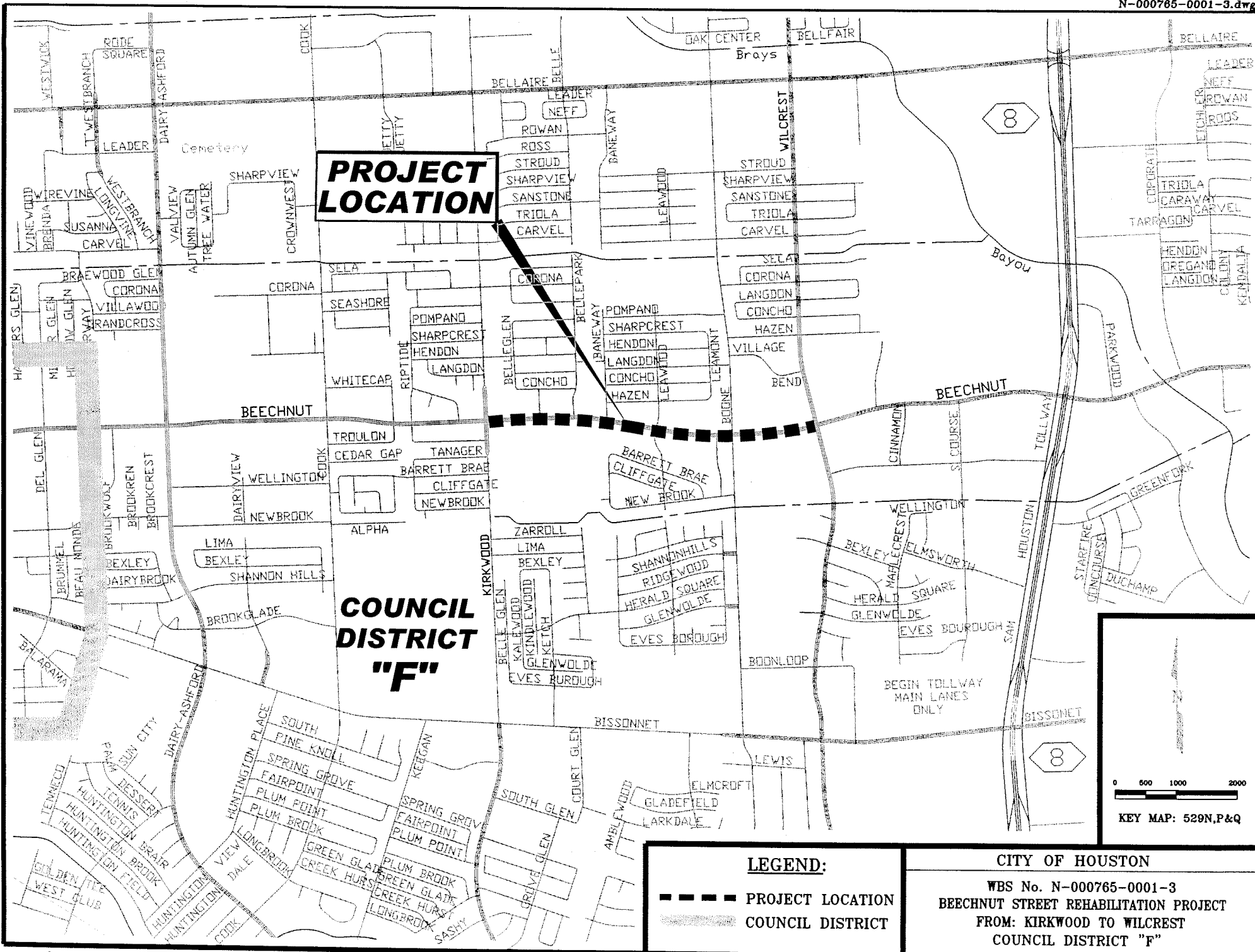
Date	<b>SUBJECT:</b> Advance Funding Agreement between the City of Houston and Texas Department of Transportation for Beechnut Rehabilitation from Wilcrest Drive to Kirkwood Road; WBS No. N-000765-0001-3.	<b>Originator's Initials TAA</b>	<b>Page 2 of 2</b>
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**ACTION RECOMMENDED:** It is recommended that City Council adopt an ordinance approving and authorizing an Advance Funding Agreement and appropriate \$35,000.00 for the City's cost participation.

  
DWK:DRM:RK:TAA:PKC:kdt

Z:\constr\A-SB-DIV\Interagency\TxDOT Projects\0912-70-065 Beechnut from Cook Road to Wilcrest\Agreement - RCA\20TAA57.doc

c: Marty Stein  
Susan Bandy  
Velma Laws  
Craig Foster  
File: TxDOT – Beechnut Rehabilitation from Wilcrest Drive to Kirkwood Road





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

**SUBJECT:** An Ordinance authorizing the execution of a Sanitary Sewer Service Agreement among the City of Houston, Harris County Municipal Utility District No. 406, and Harris County Municipal Utility District No. 321.

Page  
1 of 1

Agenda Item  
#

32

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

Origination Date

Agenda Date

Department of Public Works and Engineering

11-19-10

DEC 01 2010

**DIRECTOR'S SIGNATURE**

Council District affected:  
"ETJ"

Daniel W. Krueger, P.E.

**For additional information contact:**

Date and identification of prior authorizing  
Council action:

Mark L. Loethen, P.E., CFM, PTOE (713) 837-0724

10/29/2008; Ordinance 2008-967

**RECOMMENDATION:** (Summary)

It is recommended that City Council approve an Ordinance authorizing the execution of a Sanitary Sewer Service Agreement among the City of Houston, Harris County Municipal Utility District No. 406, and Harris County Municipal Utility District No. 321.

**Amount and Source of Funding:**

NONE REQUIRED

**SPECIFIC EXPLANATION:**

Request that City Council approve a Sanitary Sewer Service Agreement (the "Agreement") among the City of Houston (the "City"), Harris County Municipal Utility District No. 406, and Harris County Municipal Utility District No. 321 (the "Districts"). The City and the Districts desire to enter into this Agreement to supersede all other existing agreements between the City and the Districts relating to the treatment and disposal of wastewater from the Districts.

Harris County Municipal Utility District No. 406 is currently receiving wastewater treatment service from the City pursuant to a Sanitary Sewer Service Agreement between the City and the district that was approved by the City of Houston, City Council, on October 29, 2008.

Additionally, Harris County Municipal Utility District No. 321 is receiving sanitary sewer service and wastewater treatment service from the City pursuant to a Water Supply and Waste Disposal Agreement dated July 1, 1988, between the District and the City, the City being successor in interest to former Harris County Municipal Utility District No. 203.

The City will provide a maximum of 1.55 million gallons per 24-hour day of wastewater capacity to the Districts.

The Districts' wholesale wastewater service rate is in accordance with Chapter 47-140 (c) of the City of Houston's Code of Ordinances which is currently \$4.734 per 1,000 gallons.

The contract defines and limits prohibited waste and addresses levels of infiltration and inflow ("I & I") originating within the Districts' service area and ultimately affecting the City of Houston's collection and treatment systems. The agreement details the remedial steps the Districts must take to address I & I problems if they occur.

The Department of Public Works and Engineering recommends approval of the Sanitary Sewer Service Agreement between the City of Houston, Harris County Municipal Utility District No. 406, and Harris County Municipal Utility District No. 321.

cc: Marty Stein Jun Chang Sophia Chang  
Carl Smitha

**REQUIRED AUTHORIZATION**

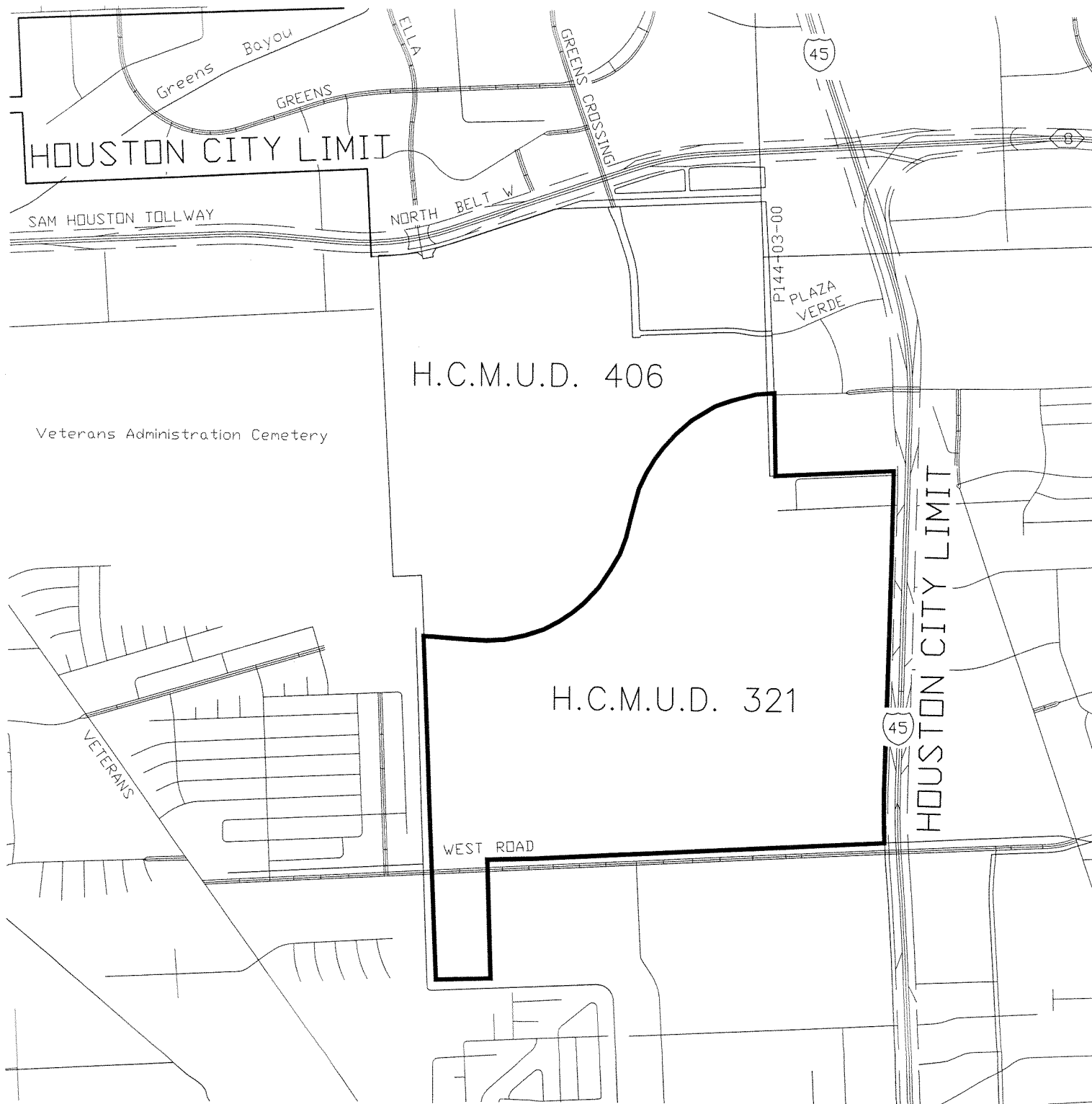
20UPA62

Finance Department

Other Authorization:

Other Authorization:

Mark L. Loethen, P.E., CFM, PTOE  
Acting Deputy Director  
Planning & Development Services Div.



TO: Mayor via City Secretary

**REQUEST FOR COUNCIL ACTION**

**SUBJECT:** Utility Service Contract by and between the City of Houston and Harris County Municipal Utility District No. 153.

Page  
1 of 1

Agenda Item  
#

33

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

Department of Public Works and Engineering

**Origination Date**

11-19-10

**Agenda Date**

DEC 01 2010

**DIRECTOR'S SIGNATURE**

Daniel W. Krueger, P.E.

**Council District affected:**

"E"

**For additional information contact:**

Mark L. Loethen, P.E., CFM, PTOE  
Acting Deputy Director (713) 837-0724

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

**RECOMMENDATION: (Summary)**

It is recommended that City Council approve an ordinance authorizing the Mayor to sign and the City Secretary to attest to the Utility Service Contract between the City of Houston and Harris County Municipal Utility District No. 153.

**Amount and Source of Funding:**

NONE REQUIRED

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 153 (the "District") requests that the City consent to allow the District to provide sanitary sewer and water service to a tract of land to be developed as the Townhomes on Camp Lille Road (the "Tract"). The Townhomes on Camp Lille Road consists of approximately 0.34 acres of land, which is located within the boundaries of the City. The City does not maintain sanitary sewer or water lines in the vicinity of the Tract, and it is not economical for the City to build sanitary sewer or water service to the Tract. The District desires to provide such service and has sought the consent of the City, as is required by law.

The owners of the Tract will construct all the facilities necessary to provide services to the Tract and will obtain the City's approval of the plans and specifications of the facilities prior to construction. The District will operate and maintain all facilities necessary to serve the Tract until such time as the City annexes the District or otherwise assumes the provisions of service to the Tract.

The district will establish the rates it charges for water and sewer service to the customers within the Tract according to the terms of a water supply and wastewater disposal contract to be agreed to by the District and the Townhomes on Camp Lille Road.

The City may withdraw its consent under the contract provisions and initiate the provision of City water service or sewer service or both to the Tract.

**Attachments**

cc: Marty Stein Jun Chang  
Sofia Chang Carl Smith

**REQUIRED AUTHORIZATION**

20UPA81

Finance Department

**Other Authorization:**



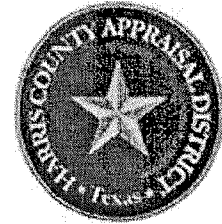
Mark L. Loethen, P.E., CFM, PTOE  
Acting Deputy Director

Planning & Development Services Div.

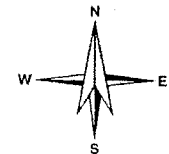
**Other Authorization:**



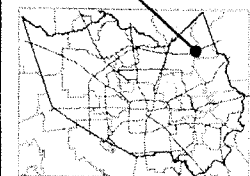
# Harris County Appraisal District



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PUBLICATION DATE:  
1/16/2010

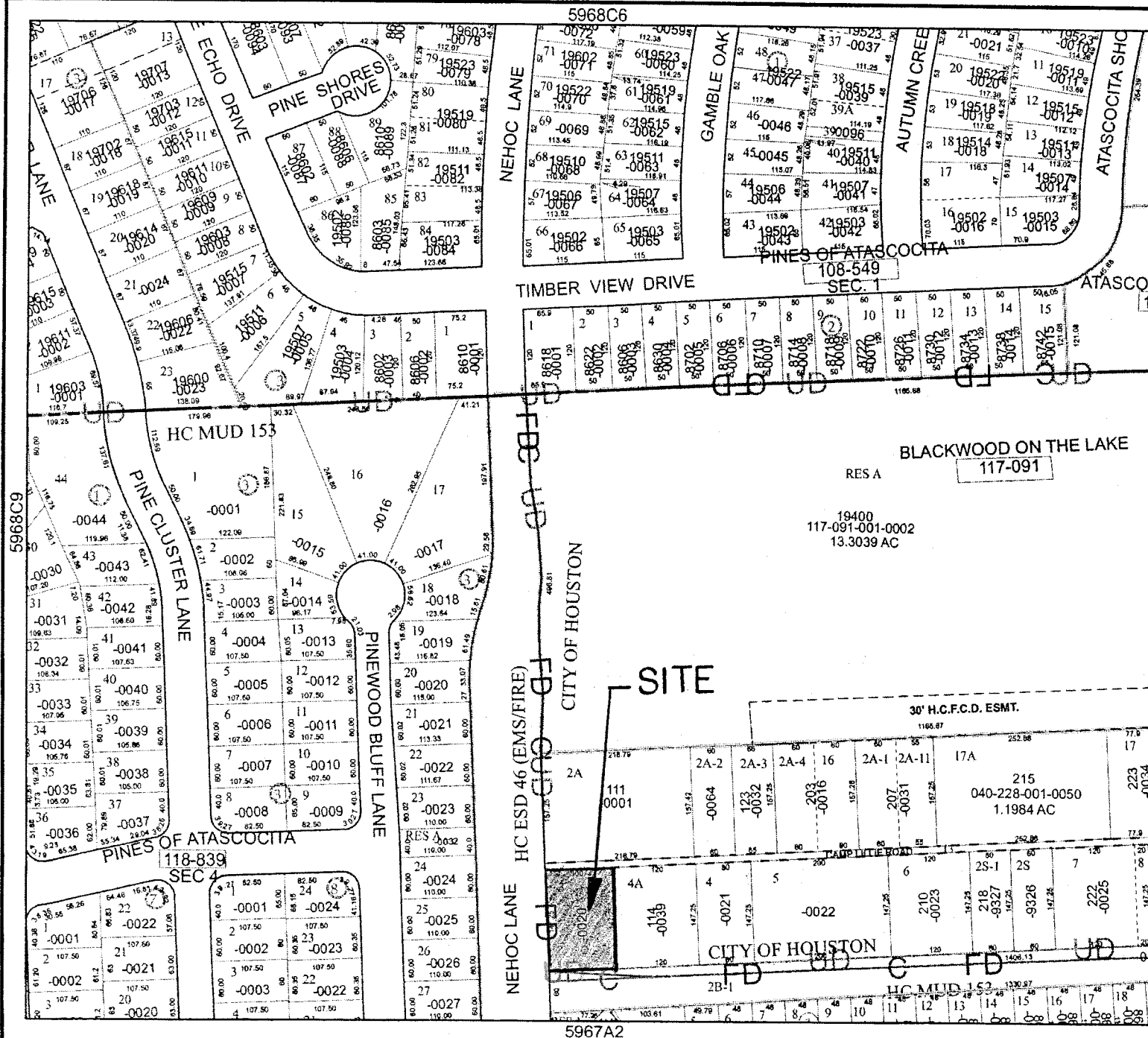


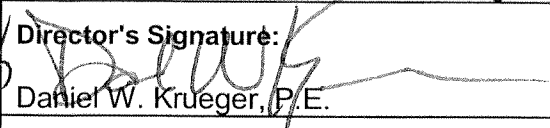


MAP LOCATION



## FACET 5968C

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9	10	11	12



<b>SUBJECT:</b> Fourth Amendment to Professional Engineering Services Contract between the City and AECOM USA Group, Inc. for Services Associated with the Storm Water Management Program WBS Nos. M-000220-0003-3; M-000250-0001-3; M-000261-0001-3 M-000276-0001-3; M-000283-0001-3		<b>Page</b> 1 of 3	<b>Agenda Item</b> # 34
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 11-22-10	<b>Agenda Date</b> DEC 01 2010
<b>Director's Signature:</b>  Daniel W. Krueger, P.E.		<b>Council District affected:</b> All M.S.	
<b>For additional information contact:</b>  11/4/10 Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director		<b>Date and identification of prior authorizing Council action:</b> Ord. No. 2003-1195; 12-03-03 Ord. No. 2005-0442; 04-27-05 Ord. No. 2006-0498; 05-17-06 Ord. No. 2007-0026; 01-03-07 Ord. No. 2008-0013; 01-03-08 Ord. No. 2008-1007; 11-12-08 Ord. No. 2009-1163; 12-02-09 Ord. No. 2010-0391; 05-19-10	
<b>RECOMMENDATION: (Summary)</b> Approve Fourth Amendment with AECOM USA Group, Inc. and appropriate additional funds.			
<b>Amount and Source of Funding:</b> \$2,088,000.00 from Drainage Improvement Commercial Paper Series F, Fund No. 4030. Original (previous) appropriations of \$11,383,080.24 from Storm Sewer Consolidated Construction Fund No. 436 and subsequent additional appropriations of \$9,425,000.00 from Drainage Improvements Commercial Paper Series F, Fund No. 49R and \$16,610,000.00 from the Drainage Improvements Commercial Paper Series F, Fund No. 4030. <span style="float: right;">M.F. 11/8/2010</span>			
<b>PROJECT NOTICE/JUSTIFICATION:</b> This contract supports execution of the Storm Sewer Capital Improvement Program. This amendment and appropriation will provide for program management, engineering design services, and technical design and analysis support for citywide storm sewer projects to reduce structural flooding.			
<b>DESCRIPTION/SCOPE:</b> The Storm Water Management Program (SWMP) is a multi-phased, multi-tasked program combining the activities and tasks to substantially alleviate structural flooding throughout the City. The 1999 Comprehensive Drainage Plan (CDP) prepared for the City of Houston by AECOM is the long term Storm Water Infrastructure planning document indicating inadequate drainage systems based on 2-year rainfall frequency throughout the City of Houston. Based on prioritization guidelines, SWMP will manage design activities of certain CIP projects that alleviate structural flooding including any required impact mitigation measures. In addition, SWMP will provide technical support and hydraulic and hydrologic analysis as assigned, coordinate planned storm water improvement projects with the Harris County Flood Control District, Harris County Engineering Public Infrastructure Department, Texas Department of Transportation, and Metropolitan Transit Authority. SWMP will also maintain an Internet Website specifically designed to inform the general public of the activities that have been and are currently being implemented, designed and planned for City storm water infrastructure projects.			
<b>LOCATION:</b> Various locations citywide.			
<b>REQUIRED AUTHORIZATION</b> <span style="float: right;">CUIC ID# 20MS106</span>			
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division	

<b>Date</b>	<b>SUBJECT:</b> Fourth Amendment to Professional Engineering Contract between the City and AECOM USA Group, Inc. for Services Associated with the Storm Water Management Program WBS Nos. M-000220-0003-3; M-000250-0001-3; M-000261-0001-3; M-000276-0001-3; M-000283-0001-3	<b>Originator's Initials</b>  M.S.	<b>Page</b> 2 of 3
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**PREVIOUS HISTORY AND SCOPE:** City Council approved the original contract on December 3, 2003, Ordinance Number 2003-1195 with J. F. Thompson Inc. currently known as AECOM USA Group, Inc. Under this contract, the consultant has completed the following:

- Migrated the Comprehensive Drainage Plan into the Geographic Information System database.
- Provided technical support to City staff related to the National Flood Insurance Program's Community Rating System and Floodplain Management.
- Completed nine (9) Phase II - Final Designs for projects in the Texas Medical Center, twenty-four (24) Phase I – Preliminary Engineering Reports and seventeen (17) Phase II – Final Designs for projects in citywide neighborhoods.
- Provided hydrologic and hydraulic studies and technical support services.
- Provided construction management services.
- Maintained a website for public outreach and project status reporting.
- Administered FEMA grants and reporting.

Additional funds are needed to provide continued management, design services, and technical support services for the storm water projects.

**SCOPE OF THIS CONTRACT AND FEE:** The requested additional appropriation will provide continuous program management, design services and technical and planning support services for the storm water projects. In addition to the above, this contract will provide project engineering efforts for the following specific projects:


<u>WBS No.</u>	<u>Project</u>	<u>District</u>	<u>Key Map</u>
M-000250-0001-3	Kirkwood /Briar Forest, Ph. 3	G	489 P
M-000261-0001-3	Buffalo Bayou Detention Pond, Ph.2	G	TBD
M-000276-0001-3	Astoria Drainage Improvements, Ph.3	E	616 D,H & 617A
M-000283-0001-3	Bellaire West Drainage Improvements, Ph.3	F	529 J

The proposed budgeted funding allocation for the aforementioned support services are outlined below:

•	Program Management	\$ 800,000.00
•	Technical Support	\$ 200,000.00
•	Engineering Design Services	\$ <u>850,000.00</u>
	<b>Total</b>	<b>\$1,850,000.00</b>

The total requested appropriation is \$2,088,000.00 to be appropriated as follows: \$1,850,000.00 for contract services and \$238,000.00 for CIP cost recovery.

**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.

<b>Date</b>	<b>SUBJECT:</b> Fourth Amendment to Professional Engineering Service Contract between the City and AECOM USA Group, Inc. for Services Associated with the Storm Water Management Program WBS Nos. M-000220-0003-3; M-000250-0001-3; M-000261-0001-3; M-000276-0001-3; M-000283-0001-3	<b>Originator's Initials</b> 	<b>Page</b> <b>3 of 3</b>
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**M/WBE INFORMATION:**

The M/WBE goal established for the projects is 24%. The original Contract and its subsequent appropriations total \$35,654,654.24. The consultant has been paid \$32,534,999.83 (91.25%) to date. Of this amount, \$8,728,562.85 (26.8%) has been paid to M/WBE sub-consultants. Assuming approval of the requested additional appropriation, the contract amount will increase to \$37,504,654.24, and the contractor proposes the following program to meet the M/WBE goal:

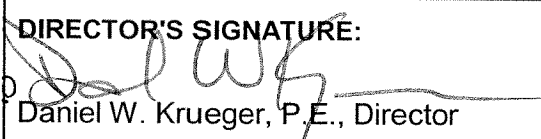



<b><u>Name of Firms</u></b>	<b><u>Work Description</u></b>	<b><u>Amount</u></b>	<b><u>% of Contract</u></b>
Prior M/WBE Work		\$ 8,728,562.85	23.27%
United Engineers, Inc.	Civil Engineering	\$ <u>272,554.17</u>	<u>.73%</u>
	Total	\$ 9,001,117.02	24.00%

  
DWK:DRM:RK:HJ:MS:klw

Z:\design\A-sw-div\WPDATA\SABZEVAR\SWMP\SWMP\RCA\4Th Amendment\4th Amendment to AECM Cotract20MS105 10-29-10.DOC

c: Marty Stein  
Velma Laws  
Susan Bandy  
Craig Foster  
WBS No. M-000220-0003-3 (ROC)



<b>SUBJECT:</b> Supplement to Professional Engineering Services Contract between the City and Camp Dresser & McKee, Inc. for the South East Water Purification Plant Expansion. WBS No. S-000012-0020-3		<b>Page</b> 1 of 2	<b>Agenda Item #</b>  35
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b>  11-19-10	<b>Agenda Date</b>  DEC 01 2010
<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director		<b>Council District affected:</b> E  ACM	
<b>FOR ADDITIONAL INFORMATION CONTACT:</b>   Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director		<b>Date and identification of prior authorizing Council action:</b> January 6, 1999 Ordinance No. 1999-0001 June 14, 2000 Ordinance No. 2000-0540 December 20, 2000 Ordinance No. 2000-1136 May 16, 2001 Ordinance No. 2001-0417 June 27, 2001 Ordinance No. 2001-0626 June 16, 2004 Ordinance No. 2004-0619 August 15, 2007 Ordinance No. 2007-0927 September 2, 2009 Ordinance No. 2009-0817	
<b>RECOMMENDATION: (Summary)</b> Approve Supplement to the Professional Engineering Services Contract and appropriate additional funds			
<b>Amount and Source of Funding:</b> \$1,259,780.00 from the Water and Sewer System Consolidated Construction Fund No. 8500. <span style="float: right;"><i>M.P. 10/12/2010</i></span> <b>Original (previous) Appropriations:</b> \$4,947,000.00 from the Water & Sewer System Consolidated Construction Fund No. 755 \$16,276,270.00 from the Water & Sewer System Contributed Capital Fund No. 733 \$2,666,715.00 from Southeast Water Purification Plant Operating Budget Fund No. 701. \$1,979,429.00 from the Water & Sewer System Consolidated Construction Fund No. 8500			
<b>PROJECT NOTICE/JUSTIFICATION:</b> This project is required to increase the firm capacity of the South East Water Purification Plant from 120 million gallons per day to 200 million gallons per day in order to meet increased water demand and comply with the Harris-Galveston Coastal Subsidence District's requirements. Also, this project will improve the operability, maintainability and reliability of the plant as well as meet the existing and proposed requirements of the Surface Water Treatment Rules mandated by the United States Environmental Protection Agency.  The City entered into a cost and production sharing agreement with the co-participants of the South East Water Purification Plant under Ordinance No. 2001-0417 on May 16, 2001. Co-participants have issued letters of intent to participate in funding the proposed design and construction of this expansion by purchasing some of the increased capacity. The agreement was subsequently amended on August 15, 2007 under Ordinance No. 2007-0927. In accordance with the agreement, the cost of this project will be shared by the co-participants and the City.			
REQUIRED AUTHORIZATION		CUIC ID #20ACM69	
<b>Finance Department:</b>	<b>Other Authorization:</b>   Jun Chang, P.E., D.WRE Deputy Director Public Utilities Division	<b>Other Authorization:</b>   Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

<b>Date</b>	<b>SUBJECT:</b> Supplement to Professional Engineering Services Contract between the City and Camp Dresser & McKee, Inc. for the South East Water Purification Plant Expansion. WBS No. S-000012-0020-3	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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**DESCRIPTION/SCOPE:**

This project consists of providing professional engineering services for the design and construction phase services of the proposed expansion and upgrade of the Southeast Water Purification Plant.

**LOCATION:** The project is located at 3100 Genoa – Red Bluff Road in key map grids 577 Q & R.

**PREVIOUS HISTORY AND SCOPE:**

The original Contract was approved by the City Council on January 6, 1999, under Ordinance No. 1999-0001. Subsequent additional appropriations were approved by the City Council on June 14, 2000, under Ordinance No. 2000-0540 for construction management, December 20, 2000, under Ordinance No. 2000-1136 for South East Water Purification Plant procurement assistance and June 27, 2001, under Ordinance No. 2001-626 for facility expansion design services and additional appropriation, June 16, 2004 under Ordinance No. 2004-0619 for additional design services and on September 2, 2009 under Ordinance No. 2009-0817 for additional design services. The scope of services under the original contract consisted of performing design services for the expansion of the facility from 80 million gallon per day to 120 million gallons per day. Under this contract, the engineer has completed design and construction phase services for the expansion of the facility from 80 million gallons per day to 120 million gallons per day. The engineer has completed the procurement of a contract operator for this facility and facility planning services. The engineer has also completed pilot plant investigations, evaluations, preliminary engineering and the final design to expand the facility from 120 million gallons per day to 200 million gallons per day.

**SCOPE OF THIS SUPPLEMENT AND FEE:**


The requested supplement will fund Basic Services (Phase II - Final Design, Phase III - Construction Phase Services) and Additional Services. The negotiated fee for Basic Services is \$140,513.00 for the dewatering facility improvements. The Additional Services are currently anticipated to include additional engineering support.

The total Additional Services fee under the supplement is \$909,303.00. The total of the requested appropriation is \$1,259,780.00 to be distributed as follows: \$1,049,816.00 for contract services and \$209,964.00 for City CIP Cost Recovery.

**PAY OR PLAY:**

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

**M/WBE INFORMATION:** The M/WBE goal established for this contract is 24%. The original contract and amendments total \$23,626,320.00. The Consultant has expended \$21,961,505.23 (92.95%) to date. Of this amount, \$5,331,510.14 (24.28%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will be increased to \$24,676,136.00. The Consultant has proposed the following firms to achieve this goal:

	<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1.	Prior M/WBE	Various Services	\$5,331,510.14	21.61%
2.	Kalluri Group, Inc.	Engineering Services	\$ 462,136.00	1.87%
3.	Infrastructure Associates, Inc.	Engineering Services	\$ 80,000.00	0.32%
4.	Stoa International Architects, Inc.	Engineering Services	\$ 47,000.00	0.19%
5.	Ratnala & Bahl, Inc.	Engineering Services	\$ 30,000.00	0.12%
		<b>TOTAL</b>	<b>\$5,950,646.14</b>	<b>24.11%</b>

DWK:DRM:RK:HH:ACM:vrh

Z:\design\A-WS-DIV\WPDATA\ACM\10484-CDM\Contracts\Supplement #4\RCA-4.doc

c: Marty Stein Velma Laws Susan Bandy Mike Pezeshki, P.E. Craig Foster File No. S-000012-0020-3 (3.7)

# **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#**

36

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

Alfred J. Moran, Director  
Administration & Regulatory Affairs

**Origination Date**

11/15/10

**Agenda Date**

DEC 01 2010

**DIRECTOR'S SIGNATURE:**



**Council Districts affected:**

ALL

**For additional information contact:**

Juan Olguin  
Nikki Cooper

Phone: (713) 837- 9623

Phone: (713) 837- 9889

**Date and identification of prior authorizing**

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

**RECOMMENDATION: (Summary)**

Approve 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. Antonio Valverde, Jr. DBA Southern Discount Vacuum Service

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#**

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

Alfred J. Moran, Director  
Administration & Regulatory Affairs

**Origination Date**

10/27/10

**Agenda Date**

NOV 09 2010

**DIRECTOR'S SIGNATURE:**

**Council Districts affected:**

ALL

**For additional information contact:**

Juan Olguin JFO

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. Texas Water Management, LLC

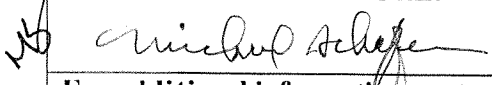
The proposed ordinance grants the Franchisee the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, the Franchisee agrees to pay to the City 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.

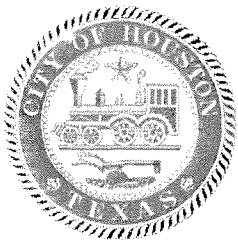
The Pay or Play Program does not apply to the Commercial Solid Waste Operator Franchise.

**REQUIRED AUTHORIZATION**

**Finance Director:**

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinances Approving Strategic Partnership Agreements with Various Utility Districts and Annexing Territory for Limited Purposes		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b> 38 # 14466A																															
<b>FROM (Department or other point of origin):</b> Planning and Development Department		<b>Origination Date</b> November 16, 2010		<b>Agenda Date</b> DEC 01 2010																															
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> A, B, E, F & G																																	
<b>For additional information contact:</b> Margaret Wallace Phone: 713-837-7826		<b>Date and identification of prior authorizing Council action:</b> Public Hearings: Oct 27 and Nov 3, 2010																																	
<b>RECOMMENDATION: (Summary)</b> That City Council approve Strategic Partnership Agreements with the Utility Districts listed below, for the annexation for limited purpose of territory within and in the vicinity of those districts, and for the assignment of such territory to City Council Districts.																																			
<b>Amount and Source of Funding:</b> N/A			<b>Finance Budget:</b>																																
<b>SPECIFIC EXPLANATION:</b>  The Planning and Development Department has negotiated Strategic Partnership Agreements between the City of Houston and the utility districts as listed below.  In each of these Districts, the city is only annexing commercial property and undeveloped land intended for commercial use. There is no population located in these territories proposed to be annexed for limited purposes. In addition, the city will levy a 1 percent sales tax and all taxes collected in the areas will be divided evenly between the City and the District. For each of the following Districts, with the exception of the HC WCID No. 109 Amendment, the City will enforce the fireworks ban in the area to be annexed, including the area within the District. Only in the HC WCID No. 109 Amendment will the city not provide a service, which is in keeping with the original agreement.  All agreements require public notice and two public hearings which were held on October 27 <sup>th</sup> and November 3 <sup>rd</sup> , 2010.  <b>New Agreements:</b> <table border="0"> <tr> <td>El Dorado UD</td> <td>Harris County MUD 82</td> <td>North Green MUD</td> </tr> <tr> <td>Fort Bend County MUD No. 142</td> <td>Harris County WCID No. 91</td> <td>Northgate Crossing MUD No. 1</td> </tr> <tr> <td>Harris County MUD No. 1</td> <td>Harris County WCID No. 132</td> <td>West Harris County MUD No. 9</td> </tr> <tr> <td>Harris County MUD No. 44</td> <td>Kleinwood MUD</td> <td>Woodcreek MUD</td> </tr> <tr> <td>Harris County MUD No. 64</td> <td>Louetta North PUD</td> <td></td> </tr> </table> <b>Amendments to existing Agreements:</b> <table border="0"> <tr> <td>Bridgestone MUD (2nd Amendment)</td> <td>Harris County MUD No. 285 (2<sup>nd</sup> Amendment)</td> </tr> <tr> <td>Chimney Hill MUD (1<sup>st</sup> Amendment)</td> <td>Harris County MUD No. 248 (1<sup>st</sup> Amendment)</td> </tr> <tr> <td>Cinco Southwest MUD No. 2 (1<sup>st</sup> Amendment)</td> <td>Harris County WCID No. 109 (1<sup>st</sup> Amendment)</td> </tr> <tr> <td>Cinco Southwest MUD No. 4 (2<sup>nd</sup> Amendment)</td> <td>Mills Road MUD (1<sup>st</sup> Amendment)</td> </tr> <tr> <td>Cy -Champ PUD (3rd Amendment)</td> <td>Mission Bend MUD No. 1 (2<sup>nd</sup> Amendment)</td> </tr> <tr> <td>Faulkey Gully MUD (1<sup>st</sup> Amendment)</td> <td>North Belt UD (2nd<sup>d</sup> Amendment)</td> </tr> <tr> <td>Harris County FWSD No. 61 (1<sup>st</sup> Amendment)</td> <td>Ponderosa Forest UD (1<sup>st</sup> Amendment)</td> </tr> <tr> <td>Harris County MUD No. 11 (1<sup>st</sup> Amendment)</td> <td></td> </tr> </table> Council District assignments of the newly annexed areas are detailed on the accompanying memorandum.  Copy: Marty Stein, Agenda Director David Feldman, City Attorney Michelle Mitchell, Finance Director Sameera Mahendru, Assistant City Attorney					El Dorado UD	Harris County MUD 82	North Green MUD	Fort Bend County MUD No. 142	Harris County WCID No. 91	Northgate Crossing MUD No. 1	Harris County MUD No. 1	Harris County WCID No. 132	West Harris County MUD No. 9	Harris County MUD No. 44	Kleinwood MUD	Woodcreek MUD	Harris County MUD No. 64	Louetta North PUD		Bridgestone MUD (2nd Amendment)	Harris County MUD No. 285 (2 <sup>nd</sup> Amendment)	Chimney Hill MUD (1 <sup>st</sup> Amendment)	Harris County MUD No. 248 (1 <sup>st</sup> Amendment)	Cinco Southwest MUD No. 2 (1 <sup>st</sup> Amendment)	Harris County WCID No. 109 (1 <sup>st</sup> Amendment)	Cinco Southwest MUD No. 4 (2 <sup>nd</sup> Amendment)	Mills Road MUD (1 <sup>st</sup> Amendment)	Cy -Champ PUD (3rd Amendment)	Mission Bend MUD No. 1 (2 <sup>nd</sup> Amendment)	Faulkey Gully MUD (1 <sup>st</sup> Amendment)	North Belt UD (2nd <sup>d</sup> Amendment)	Harris County FWSD No. 61 (1 <sup>st</sup> Amendment)	Ponderosa Forest UD (1 <sup>st</sup> Amendment)	Harris County MUD No. 11 (1 <sup>st</sup> Amendment)	
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<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>																																	



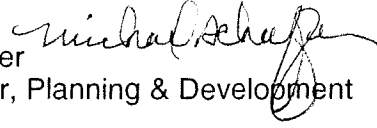
# CITY OF HOUSTON

Planning & Development  
Department

## Interoffice

Correspondence

**To:** Mayor Annise Parker and  
Council Members

**From:** Michael Schaffer   
Deputy Director, Planning & Development  
Department

**Date:** November 1, 2010

**Subject: Response to Council Request  
regarding Strategic Partnership  
Agreements**

On October 27, 2010, City Council held a Public Hearing regarding the Strategic Partnership Agreements (SPAs) between the City of Houston and 29 Municipal Utility Districts (MUDs). At the hearing, three fireworks vendors spoke against the inclusion of a ban on fireworks in both the SPA and the area to be annexed into the City of Houston. The following is a response to their comments and the resultant questions raised by a number of Council Members.

The City of Houston has long maintained that fireworks pose a public safety concern for our City. City Council, by Ordinance, has banned fireworks on a city-wide basis for more than 50 years. Since 2000, City Council has frequently included the ban as one of the regulations included in areas annexed for limited purposes. Nearly three-fourth of all SPAs executed include the ban and almost all of the SPAs executed since 2005 include the ban as part of the services/regulations offered by the City.

In prior years, the manner in which the ban was imposed caused some confusion. Due to the need to annex rights-of-way for connectivity to existing city limits, the fireworks ban created instances where a people could purchase fireworks at a legally established fireworks stand, and the moment they pulled out onto the roadway they could be fined for possession of fireworks on these roadways. In 2008, this situation was addressed, and for all areas annexed for limited purposes, the fire works ban now takes two forms. Territory within a municipal utility district that is covered by the SPA has the full range of the ban (including sales, use and transportation). For public rights-of-way annexed as connecting strips in order to achieve contiguity with existing city limits, the ban is for sale and use only. It is now legal to transport legally purchased fireworks along these roadways, through limited purpose areas, to another location where fireworks are allowed.

The imposition of the fireworks ban is supported by a variety of elected officials, public agencies and the utility districts themselves. In 2005, the City received requests from State Representative Peggy Hamric and Harris County Commissioner Steve Radack that the ban be included in all future SPAs. As counties in Texas have no ordinance making authority, SPAs provided a vehicle to extend the City's ban and provide protection to more residents. Representative Hamric and Commissioner Radack cited the proliferation of vendors immediately beyond the corporate limits of the City of Houston as a safety concern for their constituents in western and northwestern Harris County. Furthermore, many MUDs have specifically requested the bans, seeing it as a way to protect residents in their territories as well. Since 2005, only a handful of districts have requested that the ban not be included. On two such occasions, the reason for the MUDs request was to accommodate permanently located vendors who operated out of fixed buildings and who could not relocate their businesses.

November 1, 2010

**Response to Council Request regarding Strategic Partnership Agreements**

Fireworks vendors are required to obtain permits from Harris County Fire Marshalls' office. It is our understanding that a permit for each sales location must be obtained for each newly located facility. In order to assist vendors, the City's Planning Department regularly updates and distributes maps showing the areas in which fireworks are banned. In addition, with each new round of annexations that take place in December, the ban is not implemented until the following July, giving vendors significant advance notice for relocating their mobile trailers to legal locations prior to the July selling season.

One of the speakers at the public hearing suggested revising the ban to include the use and transportation only, allowing the sale of fireworks in areas annexed for limited purposes. While that is a suggestion that the Department will research for all future SPAs, a change of that magnitude isn't impossible at this point in the annexation process without requiring the City to incur an additional \$16,000 in publication costs.

A second Public Hearing on the Strategic Partnership Agreements and limited purpose annexations will take place in Council Chambers on Wednesday, November 3, 2010. Following that, Council will see these items again on December 1, 2010 at which time a vote may be taken.

If there are additional questions not covered in this memorandum or in the presentation to the Development and Regulatory Affairs Committee on September 14, 2010, please address them to Margaret Wallace at 713-837-7826 or [margaret.wallace@houstontx.gov](mailto:margaret.wallace@houstontx.gov).

Thank you.

MS/mhw

Enclosures

## REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:** Motion establishing a public hearing date for a second amendment to the Project Plan and Reinvestment Zone Financing Plan for TIRZ No. 15 (East Downtown Zone).

Category #

Page  
1 of 1

Agenda Item#

67

**FROM: (Department or other point of origin):**Andrew F. Icken  
Chief Development Officer

Origination Date

11/19/10

Agenda Date

DEC 01, 2010

**DIRECTOR'S SIGNATURE:**

Council Districts affected:

H, I

**For additional information contact:**Ralph De Leon  
Tim DouglassPhone: (713) 837-9573  
(713) 837-9857**Date and identification of prior authorizing Council Action:**Ord. 1999-0708, 07/07/99, Ord. 1999-0757,  
07/21/99, Ord. 2008-0192, 03/05/08**RECOMMENDATION: (Summary)**

Establish a public hearing date regarding amendments to the Project Plan and Reinvestment Zone Financing Plan for TIRZ No. 15 (East Downtown Zone).

**Amount of Funding:** No Funding Required**Finance Budget:****SOURCE OF FUNDING:**☐ General Fund☐ Grant Fund☐ Enterprise Fund☒ N/A**SPECIFIC EXPLANATION:**

On April 7, 2010, by Ordinance No. 2010-265, City Council approved an Interlocal Agreement (the "ILA") between the City of Houston, Harris County, and the Harris County-Houston Sports Authority for the purposes of describing actions preliminary to the construction of a public professional soccer stadium. The Interlocal stipulates that certain Agreements be entered into between the parties including provisions for Harris County (the "County") to participate in TIRZ No. 15 (East Downtown Zone).

On November 15, 2010, the Board of Directors of the East Downtown Redevelopment Authority (the "Authority") and TIRZ No. 15 (the "Zone") approved amendments to the Project Plan and Reinvestment Zone Financing Plan (the "Plan") for the Zone which include provisions per the ILA, for County participation in the Zone. The Authority subsequently transmitted the proposed Second Amended Project Plan and Reinvestment Zone Financing Plan (the "Amended Plan") to the City for City Council's consideration.

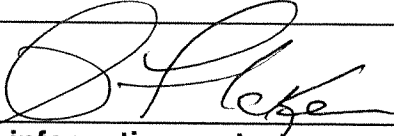
When initially created on June 7, 1999, the duration of TIRZ No. 15 was established at 30 years, terminating on December 31, 2029. The proposed improvements included in the Amended Plan, in conjunction with an extension of the duration of the Zone for 11 more years, to December 31, 2040, will allow the Zone to pay or provide project costs related to the development of the stadium and East Downtown area as a whole including project costs associated with storm drainage, water and waste water systems, roadway and streetscape improvements, pedestrian amenities and parks.

Pursuant to Section 311.011(e) of the Texas Tax Code, a public hearing must be held prior to the adoption of an ordinance approving the Amended Plan. The Administration recommends setting a public hearing for December 15, 2010.

cc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
David Feldman, 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:** A motion to set a public hearing date regarding the designation of a Tax Abatement Reinvestment Zone for Emerson Process Management LLLP (Emerson Reinvestment Zone).**Category #****Page 1 of**  
1**Agenda Item#**  
68**FROM: (Department or other point of origin):**Andy Icken, Chief Development Officer  
Mayor's Office**Origination Date**  
November 17, 2010**Agenda Date**  
DEC 01 2010**SIGNATURE:****Council Districts affected:**  
District "F" - CM Hoang**For additional information contact:**Tim Douglass  
Keith R. Phillips**Phone:** 713-837-9857  
**Phone:** 713-837-0610**Date and identification of prior authorizing Council Action:** Ordinance 2009-0858 dated Sept. 15, 2009**RECOMMENDATION: (Summary)** That City Council adopt a motion to set a December 15, 2010 public hearing date regarding the designation of a Tax Abatement Reinvestment Zone for Emerson Process Management LLLP (Emerson Reinvestment Zone).**Amount of Funding:** Not Applicable**Finance Budget:****SOURCE OF FUNDING:** ☐ General Fund ☐ Grant Fund ☐ Enterprise Fund  
☐ Other (Specify)**SPECIFIC EXPLANATION:**

State law requires cities to adopt tax abatement guidelines and criteria before entering into tax abatement agreements, and each approved abatement agreement must meet those guidelines. State law also provides that cities' tax abatement guidelines and criteria expire after two years. City Council renewed the City's tax abatement guidelines and criteria on September 15, 2009 continuing the City's eligibility to enter into tax abatement agreements.

The Emerson Process Management LLLP facility proposed at 6005 Rogerdale Road, Houston, will be a consolidation of its process management products and services headquarters and administrative operations from other locations outside the COH. Emerson Process Management LLLP submitted a tax abatement application to the City on October 22, 2010. The proposed abatement would involve new jobs, investment in real and personal property involved in the purchase and renovation of an existing building and constructing a new building. The Greater Houston Partnership, Harris County and the City have been in discussion on these proposals.

The City reviewed the application and the tax abatement agreement is currently in process. No variance is sought by the applicant. Emerson Process Management LLLP has also applied for a tax abatement from Harris County.

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

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



GREATER HOUSTON PARTNERSHIP  
houston.org

# PROJECT SON

## BRIEFING REPORT

November, 2010

CONFIDENTIAL

**PREPARED FOR:**

City of Houston

Finance Department – Economic Development

**Emerson Electric Co.  
AKA: PROJECT SON**



GREATER HOUSTON PARTNERSHIP  
houston.org

**COMPANY CONTACT:**

Michael Lateur, CCIM  
VP, Property Tax Advisory Services  
DUFF & PHELPS,  
Tel: 512-671-5575  
michael.lateur@duffandphelps.com

**COMPANY BACKGROUND**

**History**

Emerson Electric Co. was incorporated in Missouri in 1890, and has grown from a regional manufacturer of electric motors and fans into a diversified global technology company. Having expanded its product lines through internal growth and acquisition, Emerson today is designing and supplying product technology and delivering engineering services and solutions in a wide range of industrial, commercial and consumer markets around the world.

Emerson is organized into the following business segments, based on the nature of the products and services rendered:

- Process Management, providing measurement, control and diagnostic capabilities for automated industrial processes producing items such as foods, fuels, medicines and power.
- Industrial Automation, bringing integrated manufacturing solutions to diverse industries worldwide.
- Network Power, providing power and environmental conditioning and reliability to help keep telecommunication systems, data networks and critical business applications continuously operating.
- Climate Technologies, enhancing household and commercial comfort as well as food safety and energy efficiency through air-conditioning and refrigeration technology.
- Appliance and Tools, providing uniquely designed motors for a broad range of applications, appliances and integrated appliance solutions, tools for both professionals and homeowners, and home and commercial storage systems

**Business Activities**

The specific business segment involved in this project is Process Management. The Process Management segment generated revenue of \$6.2 billion in fiscal year 2009. The business segment offers customers product technology as well as engineering and project management services for precision control, monitoring and asset optimization of oil and gas reservoirs and plants that produce power or that process or treat such items as oil, natural gas and petrochemicals; food and beverages; pulp and paper; pharmaceuticals; and municipal water supplies. This array of products and services helps customers optimize their plant capabilities in the areas of plant safety and reliability, and product quality and output. In 2009, sales by geographic destination for this segment were United States 33 percent, Europe 22 percent, Asia 23 percent and other regions 22 percent.



## **PROJECT SUMMARY**

Emerson is considering the purchase of an existing facility in the Houston area. Upon renovation of the facility, the company will consolidate several of its various operations in the area into the renovated structure. The company is reviewing two structures for its expanded operations in the range of 150,000 – 500,000 square feet.

Emerson has stated that a facility located at 6005 Rogerdale Rd is under contract and will commence the purchase subject to property tax abatement approval by the City of Houston.

2 Locations under consideration:

- **6005 Rogerdale Rd, Houston, TX (building under contract and will close purchase subject to property tax abatement approval by City of Houston)**
- 14141 Southwest Freeway, Sugarland, TX

The company anticipates retaining 361 jobs and relocating 144 jobs from Ft. Bend county, 90 jobs from out of state and creating 100 new jobs. Emerson is anticipating an investment of approximately \$40.6 million. A location decision will be made by the end of 2010.

### **Project/Potential Site facts**

<b>Request:</b>	Tax Abatement
<b>Precinct:</b>	District F - Al Hoang
<b>Investment:</b>	\$40.6M Total Investment
	\$15M Office Building Purchase
	\$11.8M Building Addition
	\$7.6M Tenant Improvements
	\$6.2M Build-Out Costs

<b>Consolidation</b>	
<b><u>(Retained) Jobs:</u></b>	361
<b>Jobs Transferred</b>	
<b><u>From Ft Bend:</u></b>	144
<b>Jobs Transferred</b>	
<b><u>From Other State:</u></b>	90
<b><u>Direct Jobs Created:</u></b>	100

<b>D &amp; I Jobs Created:</b>	1,677
<b>Total Salaries :</b>	\$1,332,894,777

<b>Taxable Purchases by workers:</b>	\$606,365,232
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<b>Net Benefit to City:</b>	\$12,321,970
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## **ECONOMIC AND FISCAL IMPACTS**

This analysis was created on the assumption of the created employment and production at the Houston facility. *Source: Impact DataSource Fiscal Impact Model – Developed by Jerry Walker for the Greater Houston Partnership – Research Department*

### **Economic Impact Over the First Ten Years**

The following are some of the economic impacts that the area can expect from the firm over the first ten years:

<b>Some of the Regional Economic Impacts of the Firm over the First Ten Years</b>	
Total number of direct and indirect jobs to be retained and created	1,677
Total salaries to be paid to direct and indirect workers retained and created	\$1,332,894,777
Total taxable sales and purchases retained and created	\$606,365,232
Total property to be added to local tax rolls over the first ten years	\$164,224,242

### **Costs and Benefits for Over the First Ten Years**

The city can expect the following costs and benefits from the plant and from the retained direct and indirect employees associated with the plant over the over the first ten years:

<b>Net Benefits Created and Retained for the City Over the First Ten Years</b>	
<b><u>Benefits:</u></b>	
Sales taxes collections	\$6,063,652
Property tax collections	\$9,290,864
Utility revenues and utility franchise fee collections	\$20,369,398
Collections of other taxes and user fees	\$4,157,486
Total benefits	\$39,881,400
<b><u>Costs:</u></b>	
Costs of providing municipal services	\$11,715,680
Costs of providing utility services	\$15,843,750
Total costs	\$27,559,430
Net benefits	<b>\$12,321,970</b>



### Net Benefits for All Local Taxing District Over the First Ten Years

The city, county, school district and other districts where the plant is located can expect the following costs and benefits from the plant and the retained direct and indirect employees associated with the plant over the first 10 years.

Net Benefits Created and Retained for the City, County, School District, and Special Taxing Districts Over the First Ten Years	
<u>Benefits:</u>	
Sales tax collections	\$14,459,871
Property tax collections	\$40,370,729
Utility revenues	\$16,445,715
Utility franchise fees	\$3,923,682
Hotel occupancy taxes	\$3,123,534
Collections of other taxes and user fees	\$2,677,870
Building permits	\$54,403
Additional state and federal school funding	\$46,137,503
Total benefits	\$127,193,306
<u>Costs:</u>	
Costs of providing services to new residents	\$13,389,349
Costs of providing city utility services to new residents	\$15,843,750
Costs of providing services to new students	\$21,855,007
Reduction in state aid with the addition of new residential and commercial property on school district tax rolls	\$17,415,136
Total costs	\$68,503,241
Net benefits for city, county, school district and special taxing districts	\$58,690,065

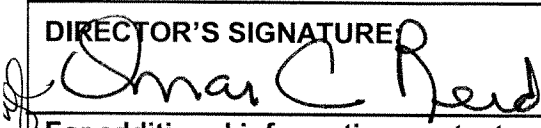
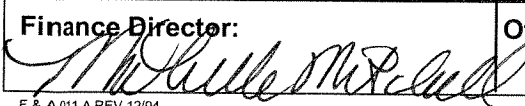
69 see Item No. 12  
on this agenda

DEC 01, 2010

City of Houston, Texas, Ordinance No. 2010-\_\_\_\_\_

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CITY OF HOUSTON CODE OF ORDINANCES, THE CITY OF HOUSTON CONSTRUCTION CODE AND THE CITY OF HOUSTON FIRE CODE RELATING TO SERVICE AND PERMIT FEES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

\* \* \* \* \*

<b>SUBJECT:</b> Revisions to the Master Classification Ordinance for City Employees		<b>Category</b> # 3	<b>Page</b> 1 of 1	<b>Agenda/Item</b> # 70 #4
<b>FROM (Department or other point of origin):</b> Human Resources Department		<b>Origination Date</b> October 18, 2010	<b>Agenda Date</b> DEC 01 2010 <del>NOV 17 2010</del>	
<b>DIRECTOR'S SIGNATURE</b> 		<b>Council District affected:</b> ALL		
<b>For additional information contact:</b> Omar Reid Phone: (713) 837-9330 <i>UA</i>		<b>Date and identification of prior authorizing Council action:</b> Rev. to Ord. 90-1292 as amended by Ord. 2010-512		
<b>RECOMMENDATION: (Summary)</b> Approve the proposed revisions to the Master Classification Ordinance by adding five job classifications and deleting two job classifications.				
<b>Amount &amp; Source of Funding:</b> None			<b>Budget:</b>	
<b>SPECIFIC EXPLANATION:</b> The Human Resources Department recommends the following revisions to the civilian Master Classification Listing. These revisions can be found on Exhibit A of the ordinance.				
<b>A. Add job classifications</b>				
<b>Proposed Job Title</b>		<b>Proposed Pay Grade</b>		
Fleet Management Director		35		
This job is needed to direct the new Fleet Management Department.				
<b>Proposed Job Title</b>		<b>Proposed Pay Grade</b>		
Clerk of the Court/Deputy Director (Executive Level)		34		
Assistant Clerk of the Court/Assistant Director (Executive Level)		32		
These jobs are needed as part of the new organizational structure of the new Municipal Courts Department.				
<b>Proposed Job Title</b>		<b>Proposed Pay Grade</b>		
Human Resources Generalist		17		
Senior Human Resources Generalist		21		
These jobs are needed as part of the revised organizational structure of the Human Resources Department. These classifications will provide professional human resources support to City Departments in all general areas of human resources by selecting, developing and retaining a qualified and diverse workforce in compliance with policies and procedures.				
<b>B. Delete job classifications</b>				
<b>Job Title</b>		<b>Pay Grade</b>		
Chief Clerk		34		
Assistant Chief Clerk (Executive Level)		32		
These jobs are no longer needed in the new organizational structure of the new Municipal Courts Department.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b> 		<b>Other Authorization:</b>		<b>Other Authorization:</b>



# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA#

**Subject:**

Ordinance authorizing a contract between the city and Metropolitan Transit Authority of Harris County, Texas for purchase of Employee Transit Fare Media

Category #

Page 1 of 2

Agenda Item

71 29

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

Human Resources

**Origination Date**

11-4-2010

**Agenda Date**

NOV 17 2010

**DIRECTOR'S SIGNATURE**

*[Signature]*

**Council District(s) affected**

All

DEC 01 2010

**For additional information contact:**

**Phone:**

Candy Clarke Aldridge

(713) 837-9333

Gerri Walker

(713) 837-9360

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

November 4, 2009 (2009-1066)

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the City to execute a one-year contract with Metropolitan Transit Authority of Harris County, Texas (METRO) to continue providing transit fare media for city employees.

**Amount of Funding: \$1,120,000 (Spending Authority)**

**Finance Budget**

**SOURCE OF FUNDING:**

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

**X Other (Specify)**

FY11 -- General Fund \$ 440,716

Other Funds \$ 212,619

FY12 -- General Fund \$ 314,799

Other Funds \$ 151,866

(see details on page 2)

**SPECIFIC EXPLANATION:**

As a successful component of the city's Air Pollutions Solutions since 1998, the Downtown Employee Transit Program provides city-sponsored "mass transit" alternatives to cars in the Houston Metropolitan areas commuting to downtown city work locations. Employees park their vehicles at METRO's parking lots, and take METRO Park & Ride buses or METRO Rail close to their work locations. METRO-sponsored vanpools are also included in this program. The Downtown Employee Transit Program is a key contributor to the City's Emissions Reductions Plan to comply with federal standards. By actively promoting shared-ride options and reducing the number of cars on the road, the program:

- reduces polluting vehicle emissions
- decreases traffic congestion
- improves air quality levels
- reduces wear and tear on roads and associated repair costs
- provides an additional benefit to the city by reducing the demand for parking
- creates an opportunity for employees to save money on gas, tolls and car maintenance

With the addition of a rail line and increasing gas prices, the number of employees opting to join the program has grown consistently. METRO implemented an electronic "Q Card" system in March 2008, for which the City is charged for actual trips taken that has resulted in better accountability and cost-effectiveness.

Participation in the Program is dependent on employees assigned to work at designated downtown worksites and who elect to receive this benefit. The Program has assumed an overall 40 percent increase in participation since its inception, from an average 800 employees in 1998 to the current 1,325 participants. Program cost for the upcoming plan year, November 2010 to November 2011, is projected at \$1,120,000, 8 percent less than the current year. According to METRO, the current fares will remain effective during the new plan year. Audits are conducted on the Employee Transit Program to validate and document financial efficiency, ensure employees' compliance with established guidelines, and to remedy operational deficiencies as necessary.

To encourage consistent mass transit travel, the Program includes the following incentives:

- If an employee experiences a mid-day emergency when METRO does not have off-peak hour transit to a Park and Ride lot, METRO will arrange transportation for the employee to the lot. Employees may receive this service 12 times before incurring any cost.
- If an employee occasionally needs to drive a vehicle to work to conduct city or personal business, the employee may park in a city-owned parking lot at no charge.
- The Loyalty Rider Program credits five free rides for each 50 rides an employee takes, a 10% discount.

**REQUIRED AUTHORIZATION**

Finance Director:

Other Authorization:

Other Authorization:

Date: 11-4-10	Subject: Ordinance authorizing a contract between the city and Metropolitan Transit Authority of Harris County, Texas for purchase of Employee Transit Fare Media	Originator's Initials	Page 2 of 2
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**CONTRACT ALLOCATION BY FUND**

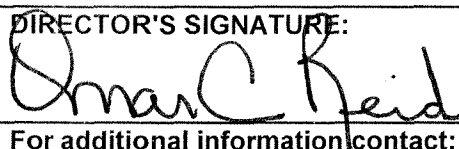
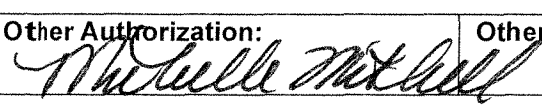
FUND	FUND NAME	FY2011	FY2012
1000	GENERAL FUND	\$ 440,716	\$ 314,799
1001	CIP Salary Recovery	73,348	52,391
1002	Central Service Revolving Fund	6,870	4,906
1004	Property & Casualty	638	455
1005	Fleet Management	785	561
1011	Workers Compensation	5,495	3,925
2200	Auto Dealers	1,766	1,262
2201	Police Special Svcs	1,374	981
2206	Municipal Crt Security	1,276	911
2207	Municipal Crt Technology	1,472	1,051
2212	Digital Automated Red Light Enforc Program	638	455
2301	Building Inspection	14,866	10,618
2302	Storm Water Fund	1,766	1,262
2402	Greater Houston TranStar & Emer Center	1,619	1,156
7556	H.A.L.A.N. Fund	1,766	1,262
8001	HAS-Revenue	1,619	1,156
8300	Wtr & Swr Syst Operating	81,619	58,299
8601	C&E Facility Rev	6,281	4,486
8700	Parking Management	1,227	876
9000	Health Benefits Fund	8,194	5,853
	TOTAL OTHER FUNDS	\$ 212,619	\$ 151,866
	AMOUNT OF FUNDING	\$ 653,335	\$ 466,665
<hr/>			
	TOTAL AMOUNT	\$1,120,000	(general fund + other funds)

**Approved Downtown Work Locations**

- 1200 Travis
- 611 Walker
- 900 and 901 Bagby
- 1400 Lubbock
- 1301 Travis
- 61 Riesner
- 319 St. Emanuel
- 500 McKinney
- 1415 Fannin
- 1001 Avenida De Las Americas
- 510 Preston
- 500 Jefferson

Revised

<b>SUBJECT:</b> An ordinance amending Ordinance 2009-570 to increase the maximum contract for a legal services contract with Rogers, Morris & Grover, L.L.P. to represent the City in George Rodriguez v. City of Houston; C.A. H-06-2560		Page 1 of 1	Agenda Item # 72
<b>FROM (Department or other point of origin):</b> David M. Feldman, City Attorney Legal Department		<b>Origination Date</b> 11/10/10	<b>Agenda Date</b> <del>NOV 17 2010</del> DEC 01 2010
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b>  ALL	
<b>For additional information contact:</b> Robert L. Cambrice Phone: 832.393.6476 Donald Fleming Phone: 832.393.6309		<b>Date and identification of prior authorizing Council action:</b> June 17, 2009 – Ordinance No. 2009-570	
<b>RECOMMENDATION: (Summary)</b> That Council approve and authorize an ordinance amending Ordinance 2009-570 to increase the maximum contract amount by <del>\$75,000 to \$275,000</del> for legal services between the City of Houston and Rogers, Morris & Grover, L.L.P. for representation of the City in George Rodriguez v. City of Houston. <u>\$40,000 to \$240,000</u>			
<b>Amount and Source of Funding:</b> <del>\$75,000</del> Additional Funding: <u>\$40,000</u> Revised Maximum Contract Amount: <del>\$275,000</del> <u>\$240,000</u> Property and Casualty Fund (1004)			
<b>SPECIFIC EXPLANATION:</b> In October 1987, George Rodriguez was convicted of aggravated kidnapping and aggravated sexual assault and he was sentenced to 40 years in prison. He was released in 2004 after a review of DNA testing exonerated him and related trial testimony. In 2006 he sued the City, HPD officers involved in the investigation and prosecution, Crime Lab personnel, and the prosecutors from the Harris County District Attorney's office, pursuant to 42 U.S.C. Section 1983, for wrongful conviction.  As the case proceeded to trial in the summer of 2009, Plaintiff had voluntarily dismissed all Defendants except the City, and the focus of the suit was on the perjured testimony of a former Chief Serologist regarding interpretation of the DNA testing that had been performed. The City and Plaintiff went to mediation just prior to trial but Plaintiff would not accept less than \$14,000,000 to settle the case. At that point, the firm of Feldman & Rogers was consulted regarding such a settlement. After reviewing the file, the current City Attorney, then in private practice, advised that while the City would likely suffer an adverse judgment because of the emotion of the case, it was highly doubtful that it would be for the amount demanded in the settlement, and that any such judgment could very well be subject to reversal based on legal issues involved in the case that were favorable to the City.  The case then went to trial in June 2009 and Feldman Rogers; L.L.P. assisted in the trial. The jury found for the Plaintiff and awarded him \$5,000,000, although he asked for \$32,000,000. The Court then subsequently awarded \$4,004,030.85 in costs and attorney's fees which was approximately \$1.2 million less than Plaintiff's counsel was seeking. The total judgment of \$9,004,030.85 was then appealed by the City to the United States Court of Appeals for the Fifth Circuit. The City believes that it has a meritorious appeal.  <del>Rogers, Morris &amp; Grover, L.L.P. is the successor firm to Feldman &amp; Rogers. The firm has substantial expertise in Section 1983 litigation. This expertise is needed for this appeal. Fees and costs for continued representation before the Fifth Circuit, and if necessary, preparing a petition for certiorari to the U.S. Supreme Court or responding to such a petition will not exceed \$75,000. The Legal Department recommends increasing the maximum contract amount by \$75,000 to \$275,000.</del>			
<b>REQUIRED AUTHORIZATION</b>			
<b>Other Authorization:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

<b>SUBJECT:</b> FY2011 Temporary Employee Services and Information Technology Staffing Resources Contract Program		Page 1 of 2	Agenda Item # <u>73</u> <del>28</del>
<b>FROM (Department or other point of origin):</b> Human Resources Department		<b>Origination Date</b> October 28, 2010	<b>Agenda Date</b> <del>NOV 17 2010</del> DEC 01 2010
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b>  ALL	
<b>For additional information contact:</b> Omar C. Reid 713-837-9330 Ramiro Cano 713-837-9350		<b>Date and identification of prior authorizing Council action:</b> November 5, 2008 Ord.#2008-980	
<b>RECOMMENDATION: (Summary)</b>  Approve and authorize 14 contracts with Temporary Employee Services and Information Technology Staffing Agencies.			
<b>Amount and Source of Funding:</b> Maximum Contract Authority      \$38,000,000 (1 year plus two 1-year options) Central Services Revolving Fund (1002) FY2011 Allocation - \$9,000,000			
<b>SPECIFIC EXPLANATION:</b> The Human Resources (HR) Department is recommending City Council award 14 temporary employee and information technology staffing agencies' contracts and approve \$38,000,000 in contract authority to cover (3) one-year terms (which includes two option years). Included in this request is \$5,000,000 for contingencies such as new grant funding and/or calamities such as Hurricane Ike. The current contracts expire November 30, 2010. Contracts will be effective December 1, 2010 for the duration of 11 months and may be renewed for two (2) successive one-year terms under the same terms and conditions.  A Request For Proposals (RFP) process was conducted for the purpose of obtaining temporary employees for City departments on an as-needed basis. HR received 54 RFP proposals from temporary employee and information technology staffing agencies.  All 54 proposals were evaluated under a comprehensive set of parameters. The FY11 process selected agencies providing set payrolling and regular agency personnel markups.  The recommended agencies allow the city to continue to utilize the best value pricing and the best low cost bill rate and payrolling percentage within the markup parameters. If the agency can supply our demand, then the city obtains the best low cost. If the agency cannot meet our demands, the next agency with the lowest cost is used. The FY11 evaluation process continues to focus on cost, quality personnel, and processing improvements.  Temporary employee services is a vital component of departments' staffing strategy with expected fiscal year utilization of \$11,000,000 each year which is less than 1 % of total city salary expense.  <b>Background:</b> The HR Department has had responsibility for the temporary employee services program since the early 1980s. HR's Temporary Employee Services (HRTES) section assists customer city departments with the acquisition of temporary employees and information technology staffing resources. HRTES performs all acquisition and ongoing contract administration tasks, which allows city departments to focus on their project tasks and deadlines.			
<b>REQUIRED AUTHORIZATION</b>			
<b>Other Authorization:</b> 		<b>Other Authorization:</b>	<b>Other Authorization:</b>

<b>DATE</b> 10-28-2010	<b>Subject:</b> FY2011 Temporary Employee Services and Information Technology Staffing Resources Contract Program	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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Historical and estimated temporary utilization are included to illustrate comparative data:

	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011 Budget</b>
<b>Budget</b>	\$ 14,500,000	\$ 15,000,000	\$ 15,000,000	\$ 15,000,000
<b>Actual</b>	\$ 14,020,043	\$ 14,653,242	\$ 12,909,842	\$ 3,078,932 (as of 9/30/10)

**Recommendation:** The vendor recommendations for FY2011 continue to give the city the best value with quality temporary personnel.

The evaluation of all proposals submitted by interested agencies resulted in the following recommendation by the HR Department that the City of Houston contract with the following administrative/industrial temporary and information technology staffing agencies.

**Administrative / Industrial (1-7)**

**Information Technology (8-14)**

1	A-1 Personnel of Houston, Inc.	WBE	8	A-1 Personnel of Houston, Inc.	WBE
2	Also Temps, Inc.	W/DBE	9	ExecuTeam Staffing, L.P.	*
3	Bergaila & Associates, Inc.	*	10	Bergaila & Associates, Inc.	*
4	ExecuTeam Staffing, L.P.	*	11	Logan / Britton, Inc.	
5	Lane Staffing, Inc. **	W/DBE	12	ObjectWin Technology, Inc.	
6	Silver & Assoicates Consulting, Inc.	M/DBE	13	Precision Task Group, Inc. **	M/DBE
7	Topp Knotch Personnel, Inc.	W/DBE	14	S&R Professionals, L.P. **	WBE

The MW/DBEs (57%) designated agencies are certified by the Affirmative Action Division. \*indicates that these vendors are "graduates" of the city's MWDBE program. \*\*indicates that these vendors are new to the citywide temporary employee services program.

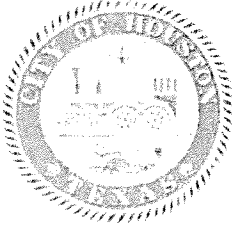
All charges for temporaries are billed back to the departments requesting temporaries. Strict monitoring and reporting procedures are in effect to control normal and ordinary utilization of temporary employees.

The proposed mix of recommended agencies provides a comprehensive set of temporary employee services. Other considerations include:

1. Budget neutral as departments must have budget adequacy to utilize contract authority
2. No operational disruptions to the department
3. Continuity of existing projects
4. Risk management and disaster planning considerations
5. A better socio-economic situation when factors such as employee and agency retention are taken into consideration

Mayor and Council review and approval is requested.

c: Lloyd Waguespack, Chief Administrative Officer  
Marty Stein, Agenda Director



# CITY OF HOUSTON

Human Resources  
Department

## Interoffice

Correspondence

To: Council Member Anne Clutterbuck  
Fiscal Affairs Committee Chair

From: Omar C. Reid  
Human Resources Director

Date: November 9, 2010

Subject: **BUDGET & FISCAL AFFAIRS (BFA)  
PRESENTATION; TEMPORARY  
EMPLOYEE SERVICES**

**The purpose** of this memorandum is to transmit the temporary employees count by department.

**Background:** At the BFA meeting of November 8, 2010, a request was made to obtain the number of temporaries by department.

**Summary:** As of September 30, 2010 the City had 307 temporary employees. Please note:

- **Health Department – 151**

Most of these temporary assignments are grant funded and require specialized skills. Included positions are Counselors, LVN's, Chief Nurse, Epidemiologists, Microbiologists, Public Health Nurses and Site Surveillance Investigators. It should be noted that the H1N1 Preparedness Health Emergency Response project continues to be supported by temporary employees before, during and after the 2009 pandemic event.

- **Houston Emergency Center – 18**

Most of these temporary assignments are the CO-OP Program students working as Police Telecommunicators answering non-emergency calls in the call center.

- **Information Technology – 16**

Highly specialized temporary employees are assigned to technical projects such as Radio Communications Project and CSMART – Municipal Courts Project.

- **Administration and Regulatory Affairs – 14**

These positions are assigned to BARC and are considered difficult to fill. Included positions are Kennel Attendants, Animal Care Technicians and a Staff Veterinarian position which allows the facility to remain open to citizens 7 days a week.

- **Solid Waste Department – 11**

These positions are difficult to fill as they are specialized mechanics, refuse truck drivers, and other semi-skilled workers.

**Conclusion:** Temporary employees augment city personnel and provide services allowing city departments to meet peak load demands, utilize special skills for short term duration situations, and respond to urgent and catastrophic events.

We ask for your favorable consideration.

**Questions** concerning this memorandum may be referred to Omar C. Reid at 713-837-9330

City of Houston

Temporary Employee Services Analysis for FY2011  
for the Period Ended September 30, 2010 (Departments)

Fund	FundName	BusArea	Business Name	Total
<b>General Fund</b>				
1000	General Fund	1000	Police Department	0
1000	General Fund	1200	Fire Department	0
1000	General Fund	1600	Municipal Court Administration	18
1000	General Fund	1700	Municipal Court - Justice	0
1000	General Fund	2000	Public Works & Engineering	1
1000	General Fund	2100	Solid Waste Management	11
1000	General Fund	2500	General Services	1
1000	General Fund	3400	Library	0
1000	General Fund	3600	Parks and Recreation	16
1000	General Fund	3800	Health and Human Services	11
1000	General Fund	5000	Mayor's Office	0
1000	General Fund	5100	Affirmative Action	1
1000	General Fund	5500	City Council	0
1000	General Fund	6000	Controller's Office	0
1000	General Fund	6400	Finance	1
1000	General Fund	6500	Administration & Regulatory Affairs	14
1000	General Fund	6800	Information Technology	7
1000	General Fund	7000	Planning	0
1000	General Fund	8000	Human Resources	0
<b>Total General Fund</b>				<b>81</b>

<b>Enterprise, Grants, and Other Special Funds</b>				
		1000	Police Department	15
		1500	Houston Emergency Center	18
		1600	Municipal Court Administration	0
		2000	Public Works & Engineering	9
		2500	General Services	0
		2800	Houston Airport System	11
		3200	Housing & Community Development	0
		3400	Library	2
		3600	Parks and Recreation	0
		3800	Health and Human Services	140
		4200	Convention & Entertainment	5
		5000	Mayor's Office	8
		6500	Administration & Regulatory Affairs	1
		6800	Information Technology	16
		7000	Planning	0
		8000	Human Resources	1
<b>Total Enterprise/Grants/Other Special Funds</b>				<b>226</b>

<b>Total All Departments</b>				<b>307</b>
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