

AGENDA - COUNCIL MEETING - TUESDAY - FEBRUARY 1, 2011 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Pennington

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 - FEBRUARY 2, 2011 - 9:00 A. M.

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

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

MAYOR'S REPORT - Rebuild Houston: Part Two

CONSENT AGENDA NUMBERS 1 through 33

MISCELLANEOUS - NUMBERS 1 through 4

1. CONFIRMATION of the appointment or reappointment of the following to the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one year terms to expire December 31, 2011:
 - Position One - Mayor Annise Parker
 - Position Two - Council Member Anne Clutterbuck
 - Alternate At-Large Positions - Council Members Melissa Noriega and Sue Lovell

AGENDA - FEBRUARY 2, 2011 - PAGE 2

MISCELLANEOUS - continued

2. CONFIRMATION of the appointment or reappointment of the following to the **HOUSTON READ COMMISSION**, for three-year staggered terms:
 - Position 18 - **MS. MARY ALMENDAREZ**, appointment
 - Position 20 - **MS. AIESHA ODUTAYO**, appointment
 - Position 21 - **MS. MARTY DANIEL**, reappointment
3. REQUEST from Mayor for confirmation of the appointment of **Associate Judge SHERILYN DAVIS EDWARDS** to serve as Municipal Court Judge, for a two-year term
4. REQUEST from Mayor for confirmation of the appointment of **Municipal Court Judge GLADYS T. BRANSFORD** to serve as Associate Judge of Municipal Courts, for a two-year term

ACCEPT WORK - NUMBERS 5 through 9

5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$46,577.00 and acceptance of work on contract with **INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement and Demolition at Langwood Park Maintenance Barn and 830 W. 23rd Street - 4.14% over the original contract amount - **DISTRICTS A - STARDIG and H - GONZALEZ**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,285,097.22 and acceptance of work on contract with **TOTAL SITE, INC** for Paving Extension of West Belfort Road from South Main Street to Buffalo Speedway 1.12% over the original contract amount - **DISTRICT C - CLUTTERBUCK**
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$593,205.77 and acceptance of work on contract with **ISI CONTRACTING, INC** for Construction and Installation of Speed Humps - 4.74% over the original contract amount
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,832,065.72 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, INC** for Generic Citywide Overlay Package #13 (Work Order Contract) - 15.10% under the original contract amount - **DISTRICTS B - JOHNSON: C - CLUTTERBUCK; D - ADAMS and I - RODRIGUEZ**
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,204,989.64 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION CO.** for 42-inch water line along Allum, Player and Tidewater from Hiram Clarke to Candleshade - 1.87% under the original contract amount - **DISTRICT D - ADAMS**

PROPERTY - NUMBERS 10 through 14

10. RECOMMENDATION from Director General Services Department that City Council declare surplus and authorize the sealed bid sale of the following properties:

Parcels SY7-077, SY7-057	801 Gillette Street	<u>DISTRICT I - RODRIGUEZ</u>
Parcel SY9-058	6440 West Belfort	<u>DISTRICT C - CLUTTERBUCK</u>
Parcel SY9-065	10803 Ella	<u>DISTRICT B - JOHNSON</u>
Parcel SY9-057	3100 West Fuqua	<u>DISTRICT D - ADAMS</u>
Parcel SY10-028	1822 Rankin Road	<u>DISTRICT B - JOHNSON</u>
Parcel SY7-127	3300/3400 Main Street	<u>DISTRICT D - ADAMS</u>
Parcel SY11-048	820 Marston	<u>DISTRICT D - ADAMS</u>
Parcel SY11-044	1995, 2001 Dairy Ashford	<u>DISTRICT G - PENNINGTON</u>
Parcel SY11-046	1301 Dart	<u>DISTRICT H - GONZALEZ</u>
Parcel SY11-047	3000 block of West Belfort	<u>DISTRICT C - CLUTTERBUCK</u>

PROPERTY - continued

11. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court and pay the costs of court in connection with eminent domain proceedings styled City of Houston v. LMT Tradewinds L.P., a Texas limited partnership, et al., Cause No. 934,856, for acquisition of Parcel AY3-050; for **KEEGANS' BAYOU BIKEWAY PROJECT - DISTRICT F - HOANG**
12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Brown & Gay Engineers, Inc., on behalf of BGW, Properties, Ltd., [BGW Management, L.L.C., (Bernard S. Woolf, President) General Partner], for sale of ±1,300 square feet of excess fee-owned Commonwealth Street, being a portion of Lots 1, 2 and 8, Block 69, Montrose Addition, out of the Obedience Smith Survey, A-696, Parcel SY11-024 - **DISTRICT D - ADAMS**
13. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Daniel N. Pinnell, The Pinnell Group, on behalf of Fisk Acquisition, Inc. (Larry C. Brookshire, President), for abandonment and sale of a 15-foot-wide prescriptive easement, from T. C. Jester Boulevard to Detering Street, in exchange for the conveyance to the City of 15 feet of right-of-way for the widening of Detering Street, between Schuler Street and Washington Avenue, out of the John Reinerman Survey, A-642, Parcels SY11-013 and AY11-020 - **DISTRICT H - GONZALEZ**
14. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel LY10-002, located at 7515 Cook Road, owned by Sunshine Development One, L.P., a Texas limited partnership [Sunshine GP, LLC, a Texas limited liability company, General Partner, Terry Cheng, Sole Manager and Sole Member], for the **BELLAIRE WEST DRAINAGE IMPROVEMENTS PROJECT - DISTRICT F - HOANG**

PURCHASING AND TABULATION OF BIDS - NUMBERS 15 through 18

15. **CUMMINS SOUTHERN PLAINS, LLC** for Portable and Trailer-Mounted Generators through the Houston-Galveston Area Council for the Houston Department of Health & Human Services \$370,911.00 - Grant Fund
16. ORDINANCE appropriating \$1,156,007.78 out of Equipment Acquisition Consolidated Fund for Purchase of Special Duty Vehicles for the Houston Police Department and Houston Airport System - \$174,916.00 - Enterprise Fund
 - a. **MCCALL-T, INC d/b/a STERLING MCCALL TOYOTA** - \$157,440.00, **HUB BUICK COMPANY, d/b/a HUB HYUNDAI** - \$154,950.00, **PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD** - \$644,129.00, **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY CHEVROLET** - \$315,763.00 and **JOHNSON GRAYSON AUTOMOTIVE, INC d/b/a HOLIDAY CHEVROLET** - \$58,641.78 for Special Duty Vehicles for the Houston Police Department and the Houston Airport System - \$1,330,923.78 - Enterprise and Equipment Acquisition Consolidated Funds
17. **FACILITIES MECHANICAL, INC** to Replace a 225 Ton Air Cooled Chiller for the Department of Public Works & Engineering - \$121,367.00 and contingencies for a total amount not to exceed \$127,435.35 - Enterprise Fund
18. **R & B GROUP, INC** for Replacement of a Pneumatic Ejector System for the Department of Public Works & Engineering - \$140,000.00 and contingencies for a total amount not to exceed \$147,000.00 - Enterprise Fund

ORDINANCES - NUMBERS 19 through 33

19. ORDINANCE **AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to adjudication of parking citations; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing an effective date; providing for severability
20. ORDINANCE **AMENDING SECTION 26-10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, clarifying the fines for parking violations, including the fine for parking in a space designated for persons with disabilities; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability
21. ORDINANCE **AMENDING VARIOUS PROVISIONS OF CHAPTER 18 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to ethical conduct; containing findings and other provision relating to the foregoing subject; providing for severability
22. ORDINANCE **AMENDING CHAPTERS 1, 10, 28, and 34 OF THE CODE OF ORDINANCES** relating to dangerous and other substandard buildings
23. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds in several Series Designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of Certain Outstanding Water and Sewer System First Lien Revenue Bonds; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for Certain Escrowed Securities; authorizing Escrow Verification and Engagement of an Escrow Agent, a Co-Bond Counsel Agreement, and Special Disclosure Co-Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency
24. ORDINANCE approving and authorizing Economic Development Agreement between the City of Houston, Texas, and **DYNAMO STADIUM, LLC** for the development, construction, operation, and maintenance of a Multi-Purpose Sports and Entertainment Facility in the City - **DISTRICT I - RODRIGUEZ**
25. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston, Texas, Harris County, Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone) and the **EAST DOWNTOWN REDEVELOPMENT AUTHORITY** relating to the participation of Harris County in the Reinvestment Zone - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ**
26. ORDINANCE relating to the Fiscal Affairs of the Hardy/Near Northside Redevelopment Authority on behalf of Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Zone); approving the Fiscal Year 2011 Operating Budget for the Authority and the Fiscal Years 2011-2015 Capital Improvements Budget for the Zone; containing findings and other provisions related to the foregoing subject; containing a repealer - **DISTRICT H - GONZALEZ**

ORDINANCES - continued

27. ORDINANCE making findings pursuant to Chapter 26 of the Texas Parks and Wildlife Code concerning the proposed lease of Joplin Street Park by Houston Independent School District for Playground and Green Space Use; approving a certain Lease Agreement to **HOUSTON INDEPENDENT SCHOOL DISTRICT - DISTRICT I - RODRIGUEZ**
28. ORDINANCE disannexing a certain area located within the municipal boundaries of the City of Houston in Harris County, Texas - **DISTRICT E - SULLIVAN**
- a. ORDINANCE amending Ordinance No. 2008-392 relating to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 494** to change the conditions for the City's consent to the creation
29. ORDINANCE approving and authorizing Professional Consulting Services Contract between the City of Houston and **ROGER H. BATES**, for general financial advisory services for the Houston Airport System; providing a maximum contract amount - 1 Year with 1 one-year option \$500,000.00 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
30. ORDINANCE amending License Agreement with **AMERICAN TOWERS, INC**, Licensor, and the City of Houston, Texas, Licensee, approved by Ordinance No. 2009-1131, to allow for an increase of the monthly license fee from \$4,699.50 to \$4,749.50 to accommodate the additional equipment, all in connection with a new Public Safety Radio System, located at 310 Englewood, Houston, Texas - **DISTRICT B - JOHNSON**
31. ORDINANCE approving and authorizing contract between the City of Houston and **SANTA MARIA HOSTEL** providing up to \$294,988.00 in Housing Opportunities for Persons With AIDS Funds for the operation of a Community Residence and the provision of Supportive Services Grant Fund
32. ORDINANCE appropriating \$300,000.00 out of Water & Sewer System Consolidated Construction Fund, \$150,000.00 out of the Drainage Improvement Commercial Paper Series F Fund and \$150,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Materials Engineering Laboratory Contracts between the City of Houston and **ASSOCIATED TESTING LABORATORIES, INC** and **PARADIGM CONSULTANTS, INC** for Engineering and Testing Services
33. ORDINANCE appropriating \$585,000.00 out of Street & Bridge Consolidated Construction Fund awarding contract to **ISI CONTRACTING, INC** for On-Call Bridge Repairs City Wide Work Order Contract; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery and contingencies relating to Construction of facilities financed by the Street & Bridge Consolidated Construction Fund

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 34 through 37

34. MOTION by Council Member Lovell/Seconded by Council Member Costello to adopt recommendation from Director General Services Department to incorporate the Glenbrook Park Pool Project into the Professional Landscape Architectural Task Order Contract with **CLARK CONDON ASSOCIATES, INC** for the Parks and Recreation Department - **DISTRICT I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 6 on Agenda of January 26, 2011
35. MOTION by Council Member Gonzalez/Seconded by Council Member Hoang to adopt recommendation from Purchasing Agent to award to **GRAYBAR** - \$287,099.30, **ELLIOTT ELECTRIC SUPPLY** - \$471,587.30 and **TURTLE AND HUGHES, INC** - \$283,595.40 for Electrical Switchgear and Motor Controls and Various Departments - 5 Years - General and Enterprise Funds - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 13 on Agenda of January 26, 2011
36. ORDINANCE approving and authorizing contract between the City of Houston and **ACCELERATED TECHNOLOGY LABORATORIES, INC** for Laboratory Information Management System for the Department of Public Works & Engineering; providing a maximum contract amount 3 Years with two one-year options - \$159,529.40 - Enterprise Fund
TAGGED BY COUNCIL MEMBER JONES
This was Item 17 on Agenda of January 26, 2011
37. ORDINANCE awarding contract to **SC HYDRAULICS, INC dba SOUTH COAST HYDRAULICS** for Aerial Devices / Bucket Trucks Maintenance and Repair Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$1,051,870.60 General, Enterprise and Fleet Management Funds
TAGGED BY COUNCIL MEMBER JONES
This was Item 18 on Agenda of January 26, 2011

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

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

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

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

**CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - TUESDAY
FEBRUARY 1, 2011 2:00PM**

AGENDA

3MIN 3MIN 3MIN

NON-AGENDA

3MIN 3MIN 3MIN

MR. TERRY FRANKLIN – 17326 Candela Dr. – 77083 – 832-641-2172 – Motorcycles safety and awareness

MR. MICHAEL RAY – 7246 Rio Blanco – 77083 – 281-513-7195 - Motorcycles safety and awareness

MR. MATT PROVENZANO – 6019 Floyd – 77007 – 713-862-4252 – Water bill

MR. DONALD BURNS – 13021 Dongeal – 77047 – 713-882-0307 – Deed Restriction in Shamrock Manor

MR. HAYWOOD WADE – 3939 North Fwy., No. 251 – 77022 – 832-687-6144 – St. Joseph Club house

MR. WILLIAM BEAL – 5814 Overdale – 77033 – no phone – Superman Returns

REV. JOE LOPEZ - 1333 Wellsriver - 77041- 832-891-2724 - Jolanda Jones, I Rev. Lopez want to be your house colored person

MR. KENNETH SCOTT – 1822 Esther Dr. – 77088 – 713-658-5890 - I want a proper hearing from being fired 10yrs ago

PREVIOUS

1MIN 1MIN 1MIN

MS. PATRICIA MARTIN – 3401 Fannin – 77004 – 832-630-3717 – Organized Crime, Corporate Attorneys, HPD, HFD and TDI cover up

PRESIDENT JOSEPH CHARLES - Post Office Box 524373, Ste. 227 - 77052-4373 – 713-928-2871 – Assassination Conspiracy's, Privacy Act C/Corruptions W/Police Brutality – Hate Crime – ER Protection

FEB 02 2011

MOTION NO. 2011 0059

MOTION by Council Member Lovell that nominations for Positions One, Two and Two Alternate At-Large Positions of the Houston-Galveston Area Council Board of Directors, for one year terms to expire December 31, 2011, be closed.

Seconded by Council Member Gonzalez and carried.

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

PASSED AND ADOPTED this 26th day of January 2011.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is February 1, 2011.

City Secretary

Council Member Sue Lovell nominated Mayor Annise Parker for Position 1.

Council Member Melissa Noriega nominated Council Member Anne Clutterbuck for Position 2.

Council Member Anne Clutterbuck nominated Council Member Melissa Noriega for Alternate At-Large Position.

Council Member Brenda Stardig nominated Council Member Sue Lovell for Alternate At-Large Position.

2

FEB 02 2011

MOTION NO. 2011 0066

MOTION by Council Member Gonzalez that nominations for Positions 18, 20 and 21 on the Houston READ Commission, for three-year staggered terms, be closed.

Seconded by Council Member Hoang and carried.

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

PASSED AND ADOPTED this 26th day of January, 2011.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is February 1, 2011.

City Secretary

Council Member Gonzalez nominated Mary Almendarez for Position 18.

Council Member Adams nominated Aiesha Odutayo for Position 20.

Council Member Noriega nominated Marty Daniel for Position 21.

2



OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

3

FEB 02 2011

ANNISE D. PARKER
MAYOR

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 1-20-11
date

COUNCIL MEMBER: _____

January 20, 2011

The Honorable City Council
Houston, Texas

Re: Appointment of Municipal Court Judge

Dear Council Members:

I appoint Associate Judge Sherilyn Davis Edwards to serve as Municipal Court Judge, for a two-year term, subject to and beginning immediately upon Council confirmation.

Résumé is attached for your review.

Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

Attachment

cc: The Honorable Barbara E. Hartle, Presiding Judge of Municipal Courts
Ms. Marty Stein, Agenda Director, Mayor's Office



3



OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

4
FEB 02 2011

ANNISE D. PARKER
MAYOR

COPY TO EACH MEMBER OF COUNCIL:

January 20, 2011

CITY SECRETARY: 1-20-11
date

COUNCIL MEMBER: _____

The Honorable City Council
Houston, Texas

Re: Appointment of Associate Judge of Municipal Courts

Dear Council Members:

I appoint Municipal Court Judge Gladys T. Bransford to serve as Associate Judge of Municipal Courts for a two-year term, subject to and beginning immediately upon Council confirmation.

Résumé is attached for your review.

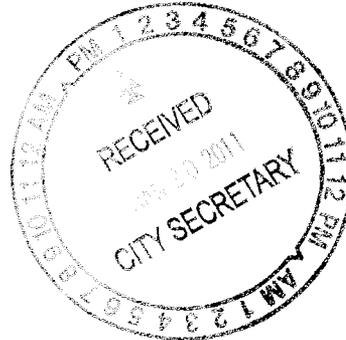
Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

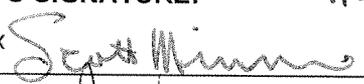
Attachments

cc: The Honorable Barbara E. Hartle, Presiding Judge of Municipal Courts
Ms. Marty Stein, Agenda Director, Mayor's Office



SUBJECT: Accept Work Inland Environments, Ltd. Asbestos Abatement and Demolition at Langwood Park Maintenance Barn and 830 W. 23 rd Street WBS No. F-000509-0070-4	Page 1 of 1	Agenda Item 5
--	-----------------------	---------------------------------

FROM (Department or other point of origin): General Services Department	Origination Date	Agenda Date FEB 02 2011
---	-------------------------	-----------------------------------

DIRECTOR'S SIGNATURE: <i>1/6/11</i> Scott Minnix 	Council Districts affected: A, H
--	---

For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance No. 10-0620 Dated: 08/04/2010
---	--

RECOMMENDATION: Pass a motion approving the final contract amount of \$46,577.00 accept the work and authorize final payment.

Amount and Source of Funding: No Additional Funding Required	Finance Budget:
Previous Funding: \$55,963.35 Parks Consolidated Construction Fund (4502)	

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$46,577.00 or 4.14% over the original contract amount, accept the work and authorize final payment to Inland Environments, Ltd. for asbestos abatement and demolition services at Langwood Park and Wright-Bembry Park.

PROJECT LOCATIONS: Langwood Park - 6311 Saxon, Houston, Texas (Key Map 451-K) District A
Wright-Bembry Park - 830 W. 23rd Street, Houston, Texas (Key Map 452-U) District H

PROJECT DESCRIPTION: The project consisted of the following scope of work:

Langwood Park: Removed and disposed of asbestos containing materials, demolished the maintenance barn and improved the site for expansion of the park. The work also provided hydro-mulch. The existing landscaping shall be maintained for six months.

Wright-Bembry Park: Removed and disposed of asbestos containing materials and demolished a house on adjacent property purchased for future expansion of the park.

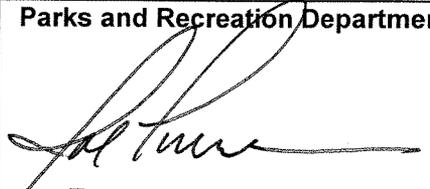
CONTRACT COMPLETION AND COST: The contractor completed the project within the original contract duration of 60 days. The final cost of the project, including Change Order No. 1, is 46,577.00, an increase of \$1,850.00 over the original contract amount.

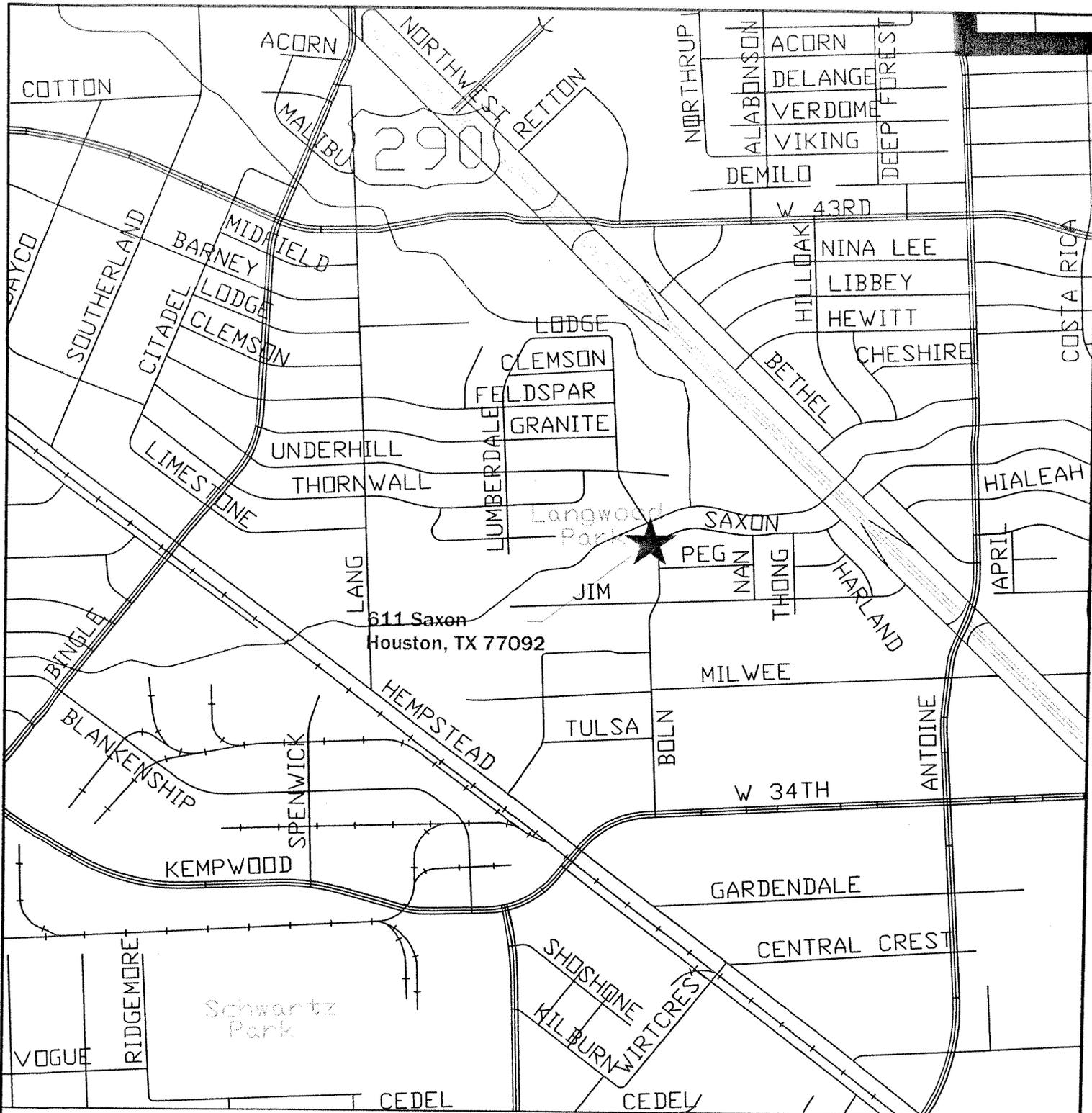
PREVIOUS CHANGE ORDER: Change Order 1 installed ten 6-inch diameter, three feet high bollards along the front of Langwood Park to prevent vehicular traffic entering into the park area.

SM:HB:JLN:GM:MCJ:fk

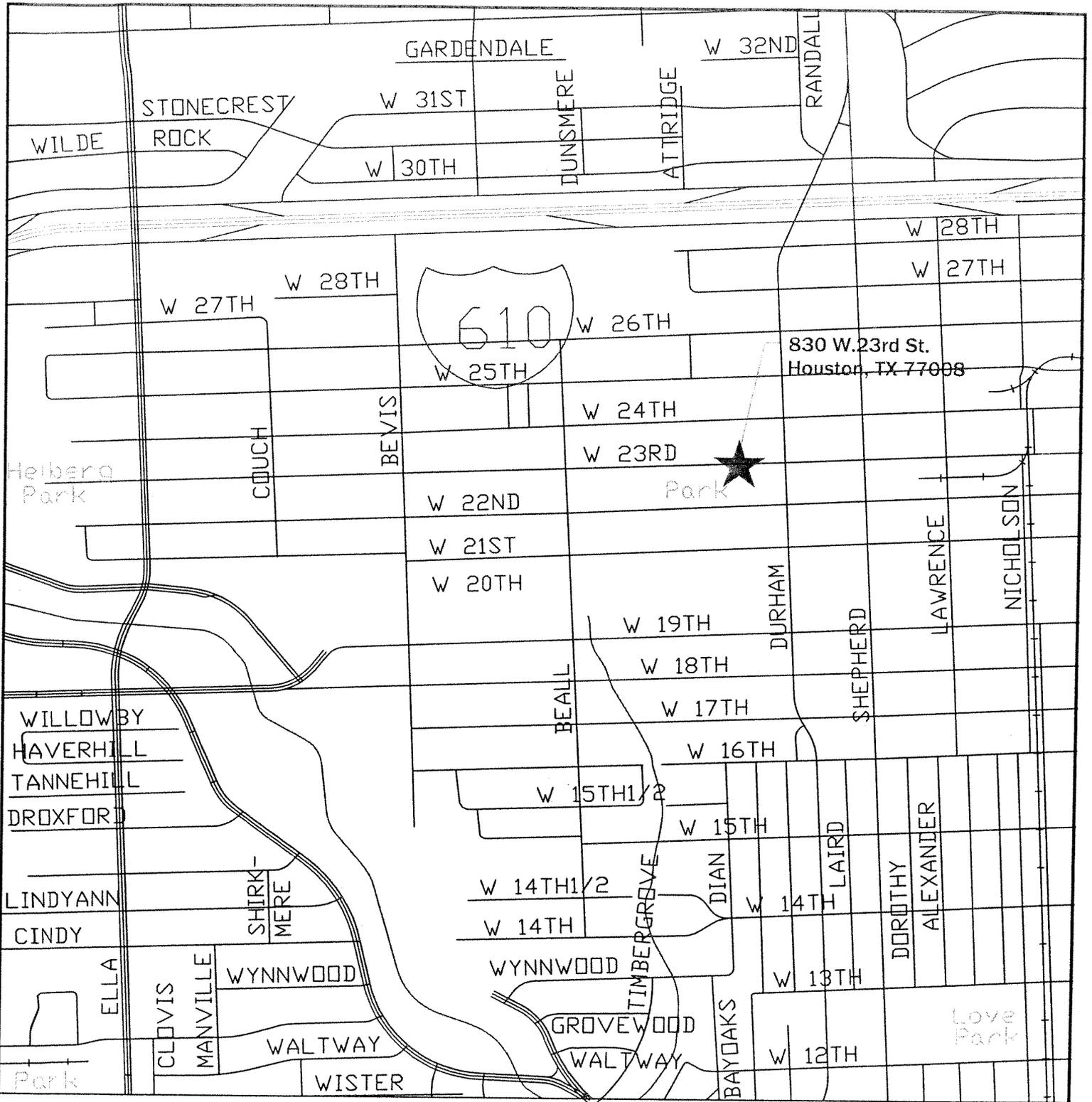
c: Marty Stein, Jacquelyn L. Nisby, Velma Laws, Calvin Curtis, Gabriel Mussio, Lisa Johnson, File.

REQUIRED AUTHORIZATION		CUIC ID # 25GM243
-------------------------------	--	-------------------

General Services Department:  Humberto Bautista, P.E. City Engineer	Other Authorization:	Parks and Recreation Department:  Joe Turner Director
---	-----------------------------	--



**Asbestos Abatement & Demolition at:
Langwood Park Maintenance Barn
6311 Saxon
Houston, TX 77092**



**Asbestos Abatement & Demolition at:
 830 West 23rd St.
 Houston, TX 77008**

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Paving Extension of West Bellfort Road from South Main Street to Buffalo Speedway; WBS No. N-000571-0002-4.	Category #1,7	Page 1 of 1	Agenda Item # 6
---	-------------------------	-----------------------	----------------------------------

FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date FEB 02 2011
--	-------------------------	-----------------------------------

DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: C 
--	--

For additional information contact:  J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (832) 395-2355	Date and identification of prior authorizing Council action: Ord. # 2009-921 dated: 09/30/2009 
--	--

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,285,097.22 or 1.12% over the original Contract Amount, accept the Work and authorize final payment.

Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$1,438,000.00 from Street and Bridge Consolidated Construction Fund No. 4506.

PROJECT NOTICE/JUSTIFICATION: This project was part of the Street and Traffic Capital Improvement project (CIP) and was necessary to improve traffic flow/circulation and reduce traffic congestion and hazards in the service area.

DESCRIPTION/SCOPE: This project consisted of the construction of approximately 2,200 linear feet of dual 24-foot wide concrete roadway with curb and gutter, raised median, necessary underground utilities and street lighting for West Bellfort Road. Kuo and Associates, Inc. designed the project with 210 calendar days allowed for construction. The project was awarded to Total Site, Inc. with an original Contract Amount of \$1,270,891.85.

LOCATION: The project is located in southwest Houston bounded by South Main Street to the west and Buffalo Speedway to the east. The project is located in Key Map Grid 532T.

CONTRACT COMPLETION AND COST: The Contractor, Total Site, Inc., has completed the work under subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1 is \$1,285,097.22, an increase of \$14,205.37 or 1.12% over the original Contract Amount.

The increased cost is a result of difference between planned and measured quantities. This increase is primarily the result of Change Order No. 1, which was necessary to complete the project.

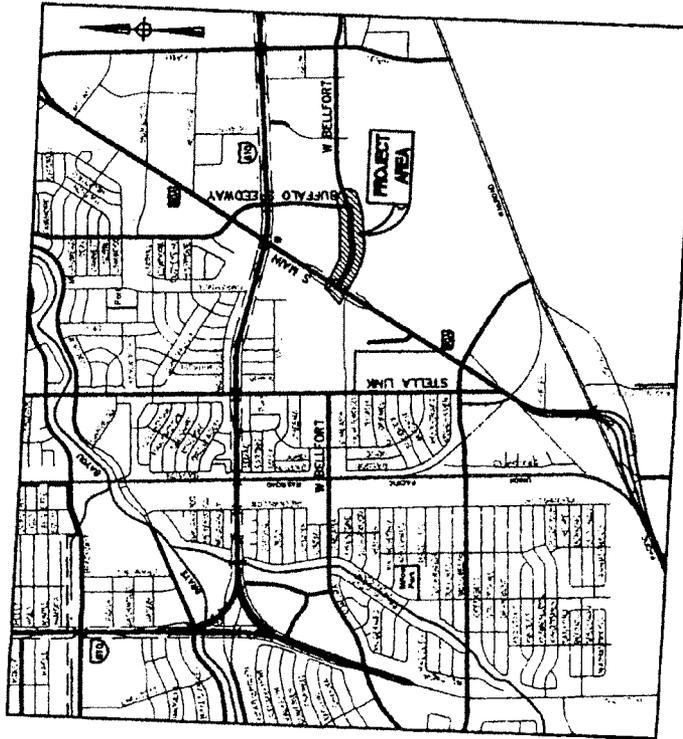
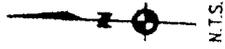
M/WBE PARTICIPATION: The M/W/SBE goal established for this project was 17.00%. According to Affirmative Action and Contract Compliance Division, the participation was 33.53%. Contractor's M/W/SBE performance evaluation was rated Outstanding.


 DWK:DRM:JTL:JAK:JEC:ha
 Z:\E&C Construction\South Sector\PROJECT FOLDER\N-000571-0002-4 (W-Bellfort Ext)\Closeout\RCA\RCA - Closeout.doc
 c: Róbert Callegos Craig Foster File No.:N-000571-0002/21.0

REQUIRED AUTHORIZATION 20HA104

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
----------------------------	-----------------------------	---

**PUBLIC WORKS & ENGINEERING DEPARTMENT
ENGINEERING AND CONSTRUCTION DIVISION**
**WEST BELLFORT ROAD EXTENSION
FROM S. MAIN ST. (U.S. 90-A) TO BUFFALO SPEEDWAY**
WBS NO. N-000571-0002-4



- LEGEND:**
- EXISTING ROAD
 - ROAD DESIGNATED FOR PROPOSED WATER LINE
 - ▨ PROPOSED ROAD

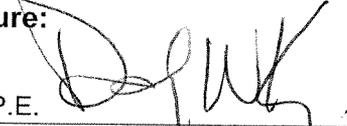
VICINITY MAP
CITY OF HOUSTON
 PUBLIC WORKS AND ENGINEERING DEPARTMENT
 WEST BELLFORT ROAD EXTENSION FROM
 S. MAIN ST. (U.S. 90-A) TO BUFFALO SPEEDWAY
 WBS NO. N-000571-0002-4

KUO
 Consulting Engineers
& Surveyors
 10700 Richmond Ave., Suite 113
 Houston, TX 77042
 Tel: (713) 912-8769
 Fax: (713) 915-0920
 www.kuoassociates.com

**VICINITY MAP
(NOT TO SCALE)**
CITY COUNCIL DISTRICT 'C'
KEY MAP NO. 532 T, GMS MAP #5253 B

SUBJECT: Accept Work for Construction and Installation of Speed Humps WBS No. N-000660-0008-4	Page 1 of 1	Agenda Item # 7
---	-----------------------	---

From: (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date FEB 02 2011
---	-------------------------	-----------------------------------

Director's Signature:  Daniel W. Krueger, P.E.	Council District affected: ALL
--	---------------------------------------

For additional information contact: Jeffrey Weatherford, P.E., PTOE Deputy Director (832) 395-2461	Date and identification of prior authorizing Council action: Ordinance #: 2007-810 Dated: 07/03/07
--	---

Recommendation: (Summary)
 Pass a motion to approve the final Contract Amount of \$593,205.77 or 4.74% over the original Contract amount, accept the work, and authorize final payment.

Amount and Source of Funding: No additional funding required.
 (Original appropriation of \$565,100.00 from Street & Bridge Consolidated Construction Fund No. 4506)

PROJECT NOTICE/JUSTIFICATION: This project was part of the Speed Hump Program.

DESCRIPTION/SCOPE: The project was awarded to ISI Contracting, Inc. with an original Contract Amount of \$565,100.00 and 1095 days allowed for construction and installation of speed humps.

LOCATION: The project is located City-wide. See Exhibit A

CONTRACT COMPLETION AND COST: The Contractor, ISI Contracting, Inc. has completed the work under the subject Contract. The project was completed within the contract time. The final cost of the project, including an overrun of estimated bid quantities previously approved Change Order No. 1 is \$593,205.77 an increase of \$28,105.77 or 4.74% over the original Contract Amount.

The cost overrun is due to Change Order No. 1 and the difference between planned quantities of Base Unit Prices Items and Extra Unit Price Items.

M/WBE PARTICIPATION: There was no M/WBE goal established for this project

DWK:JSW:MYE:lh

c: Marty Stein, Susan Bandy, Robert Gallegos, Michael Y. Ereti, LaVerne Hollins-McGlothen, Craig Foster

REQUIRED AUTHORIZATION CUIC ID# 20JSW45 NDT

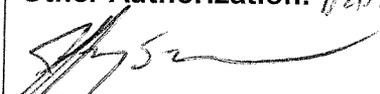
Finance Department:	Other Authorization:	Other Authorization: 1/21/11  Jeffrey Weatherford, P.E., PTOE Deputy Director Traffic & Transportation Division
----------------------------	-----------------------------	---

Exhibit A

LOCATIONS	KEY MAP	COUNCIL DISTRICT
Shady Grove from Dead end to Shady Moss	410 V	A
Stonebrook from Woodfern to Brookstone	411 S	A
W. 14th from Beall to Dian	452 Y	A
Shadow Bende from Hazelhurst to Brinwood	449 V	A
Rariton from Shadowdale to Conrad Sauer	449 V	A
Crownover from Long Point to Willowview	450 U	A
East Wellington from Nordling to Airline	413 W	B
Draco from Sardis to Abinger	411 R	B
Yorkwood from Royal Pine to Foy	414 S	B
Knollcrest from Cimmaron to Uvalde	497 E	B
Charpiot from Old Humble Rd. to Rainforest	375 P	B
Centerwood from Fleming to Dawnwood	496 F	B
Kingfisher from S. Post Oak to Windwood	531 Y	C
Broadmead from Buffalo Speedway to Main	532 P	C
Woodvalley from Kaprin to Timberside	532 T	C
Stoney Brook from Richmond to Westheimer	490 Z	C
Jessamine from Alder to Chimney Rock	531 K	C
Dublin from Hillcroft to Dunlap	571 J	C
Shawnee from Susan to Minnesota	576 E	C
Regg from West Orem to Simsbrook	572 N	D
Tiffany from Hiram Clark to Question	572 N	D
Quail Echo from Quail Hills to Manor Glen	610 C	D
S. MacGregor from Calhoun to Martin Luther King	534 E	D
Woodhead from Marshall to Westheimer	492 V	D
Sanrock from Tavenor to Selinsky	574 J	D
Rosedale from Ennis to Sauer	533 C	D
Camden from Almeda to Gehring	533 F	D
Rodney from Edgebrook to Shawnee	576 E	E
Hardwood from Aldine Westfiled to Shady Lane	414 S	E
W. 23rd from Ella to Couch	452 T	E
Nantucket from Woodway to San Felipe	491 N	E
Monrad from Fuqua to Anderson	572 S	E
Seakale from Ramada to Bay Area	618 L	E
Little Cedar from Plum Valley to Hidden Pines	296 Y	E

LOCATIONS	KEY MAP	COUNCIL DISTRICT
Cherry Valley from East Lake Houston to Strong Pine	338 Y	E
Corpus Christi from Uvalde to Cimarron	497 A	E
Boone from Bissonnet to South Dr.	529 T	F
South Dr. from Kinney to Leawood	529 T	F
Hendon from Gessner to Jorine	530 J	F
Mobud from Albacore to Braewick	530 H	F
Wycliffe from IH-10 to Memorial Dr.	489 B	G
Wycliffe from Memorial Dr. to Indian Creek	489 F	G
Wilchester from Memorial Dr. to Conifer	489 G	G
Hallie from Kimberly to Old Oaks	489 H	G
Bering from Chimney Rock to Woodway	491 K	G
Bramblewood from Ashford to Winter Oaks	488 M	G
Midlane from Richmond to Westheimer	491 V	G
Cedar Creek from Briarstead to Briar Ridge	491 N	G
Cork from Cullen to Donegal	537 Q	G
Briar Ridge from San Felipe to Chevy Chase	491 N	G
Fieldwood from Cedar Creek to Sage	491 Q	G
Banning from Kettering to IH-610	491 V	G
W. 18th from Nicholson to Ashland	452 V	H
Oddo from Fulton to IH-45	453 K	H
Melrose from Apache to Van Molan	453 L	H
Ashville from Reed to Sunbeam	573 B	H
Avenue of Oaks from Robertson to Irvington	453 V	H
Thurrow from Woodridge to Reveille	534 M	I
Lisa from Browncroft to Perry	534 J	I
Hughes from Jefferson to Polk	494 Y	I

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Generic Citywide Overlay Package # 13 (Work Order Contract); WBS No. N-001037-0053-4.	Category #1, 7	Page 1 of 1	Agenda Item # 
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date		Agenda Date FEB 02 2011
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: B, C, D, I		
For additional information contact:  J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (832) 395-2355	Date and identification of prior authorizing Council action: Ord. # 2009-44 dated: 01/28/2009 		

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$3,832,065.72 or 15.10% under the original Contract Amount, accept the Work and authorize final payment.

Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$5,170,975.00 from the Metro Project Commercial Paper Series E Fund No. 4027.

PROJECT NOTICE/JUSTIFICATION: This project was part of the Citywide Overlay Program and was required to improve and maintain a safe road surface and accessibility.

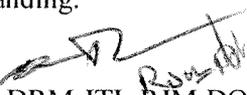
DESCRIPTION/SCOPE: This project consisted of base repair of flexible and rigid pavements; construction of approximately 3.5 inches of hot mix asphaltic concrete pavement; curb ramp repair/ replacement, etc. This was a work order contract. In-house Engineering Branch staff designed the project with 365 calendar days allowed for construction. The project was awarded to Angel Brothers Enterprises Inc. with an original Contract Amount of \$4,513,654.00.

LOCATION: Thoroughfares located in Council Districts B, C, D, I.

CONTRACT COMPLETION AND COST: The Contractor, Angel Brothers Enterprises Inc., has completed the work under subject Contract. The project was completed with an extension of 90 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities is \$3,832,065.72, a decrease of \$681,588.28 or 15.10% under the original Contract Amount.

The decreased cost is a result of difference between planned and measured quantities. This decrease is primarily the result of an underrun in various bid items, including Base Unit Price Items and Extra Unit Price Items, which were not necessary to complete the project.

M/W/SBE PARTICIPATION: The M/W/SBE goal established for this project was 22%. According to Affirmative Action and Contract Compliance Division, the participation was 35.49%. Contractor's M/W/SBE performance evaluation was rated Outstanding.


DWK:DRM:JTL:RJM:DO:ha

Z:\E&C Construction\North Sector\PROJECT FOLDER\N-001037-0053-4\21.0 Close-Out Documentation\RCA\RCA - Closeout.doc
c: Robert Gallegos Craig Foster File No.: N-1037-53/21.0

REQUIRED AUTHORIZATION

20HA112

NOT

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
----------------------------	-----------------------------	---

Project Name: Generic Citywide Overlay #13
 Project No.: WBS No. N-001037-0053-4

STREET LIST

No.	Street	From	To	Key Map	Council District
1	Weaver Road	Union Pacific Railroad	Lockwood	454L, 454-M	B
2	Mandell	Bissonnet	US 59	492-Z	C
3	Schurmier Road	Cullen Blvd	Mykawa Blvd	574-S, 574-N	D
4	Cottingham Rd	Schurmier Rd	Almeda-Genoa	573-V, 574-S, 574-T, 574-U, 574-V	D
5	Bissonnet	Montrose	Mandell	492-Z, 493-W	C
6	Dunlavy	Bissonnet	US 59	492-Z	C
7	Holmes Road	SH 610E	610 South Loop East	533-U, 533-R	D
8	Willowbend	Chimney Rock	Green Willow	531-X, 531-Y, 531-Z	C
9	Hazard Street	North Street	Milford Street	492-Z	C
10	Holmes Road	Belfort	SH 288	533-S, 533-T, 533-U	D
11	Elgin Street	Chartres Street	Scott Street	493-U, 493-Y, 493-Z	I
12	Dowling Street	Preston Street	McGowen Street	493-R, 493-U, 493-V	I

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for 42-inch Water Line along Allum, Player and Tidewater from Hiram Clarke to Candleshade. WBS No. S-000900-00AE-4.

Page 1 of 2

Agenda Item #

9

FROM (Department or other point of origin):

Department of Public Works and Engineering

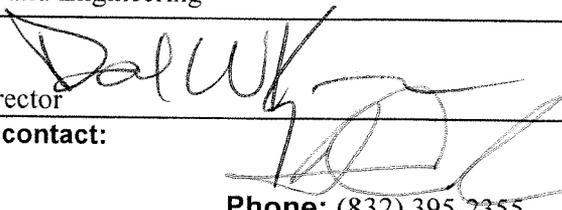
Origination Date

Agenda Date

FEB 02 2011

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E., Director



Council Districts affected:
D

For additional information contact:

J. Timothy Lincoln, P.E.
Senior Assistant Director

Phone: (832) 395-2355

Date and Identification of prior authorizing Council Action:

Ord. #2008-0412 dated 05/07/2008

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$4,204,989.64, which is 1.87% under the original Contract Amount, accept the Work and authorize the final payment.

Amount and Source of Funding: No additional appropriation required.

(Original appropriation of \$5,059,100.00 from the Water and Sewer System Consolidated Construction Fund No. 8500 with \$3,659,297.21 from funds to be de-appropriated from a terminated contract with Boyer. Inc.)

PROJECT NOTICE/JUSTIFICATION: This project was part of the Surface Water Transmission Program. This project is required to increase circulation and availability of water in the Sims Bayou Pump Station service area.

DESCRIPTION/SCOPE: This project consisted of 5,952 linear feet of 42-inch water line, 2,873 linear feet 8-inch water line, valves, and appurtenances, including pavement replacement. Lockwood, Andrews & Newnam, Inc. designed the project with 270 calendar days allowed for construction. The project was awarded to Texas Sterling Construction Co. with an original Contract Amount of \$4,285,135.00.

LOCATION: The project is generally bound by Allum Road on the north, Tidewater Drive on the south, Hiram Clarke Road on the east and Candleshade Lane on the west. The project is located in the Key Map Grids 571-H, L & M.

CONTRACT COMPLETION AND COST: The Contractor, Texas Sterling Construction Co. has completed the Work under subject Contract. The project was completed with an additional 9 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order Nos. 1 and 2 is \$4,204,989.64, a decrease of \$80,145.36 or 1.87% under the original Contract Amount.

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

M/WBE PARTICIPATION: The M/W/SBE goal for this project was 12.94%. According to Affirmative Action and Contract Compliance Division, the actual participation was 12.94%. The Contractor achieved a "Satisfactory" rating for M/W/SBE compliance.

DWK:DRM:JTL:SKF:PK:mq

Z:\E&C Construction\North Sector\PROJECT FOLDER\S-000900-00AE-4 42 inch WL along Allum, Player and Tidewater\21.0 Close Out\RCA\RCA-rev1.DOC

c: File No. S-000900-00AE-4 – Closeout

REQUIRED AUTHORIZATION

CUIC ID# 20MZQ176A

Finance Department:

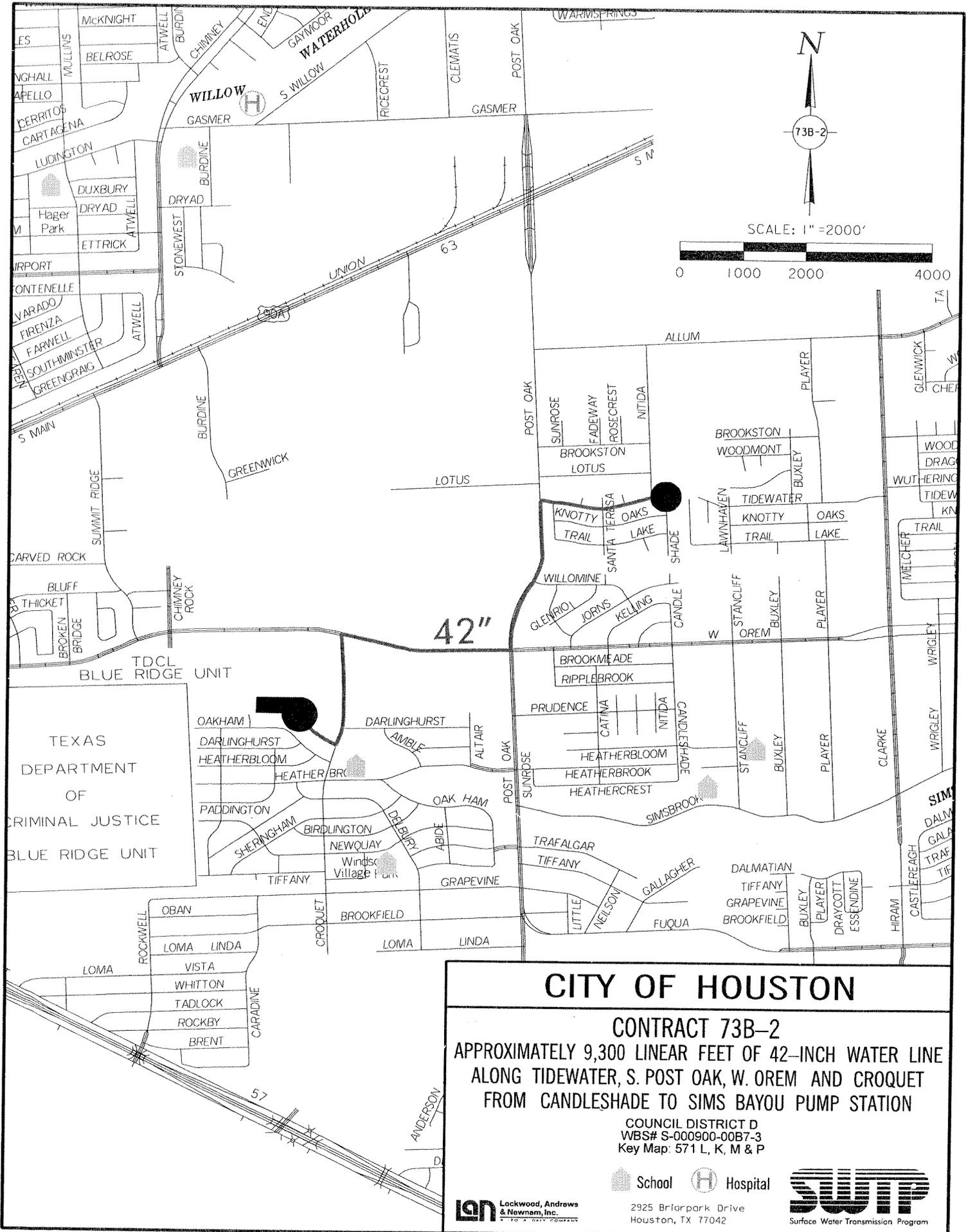
Other Authorization:

Other Authorization:


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

not

9



CITY OF HOUSTON

CONTRACT 73B-2
APPROXIMATELY 9,300 LINEAR FEET OF 42-INCH WATER LINE
ALONG TIDEWATER, S. POST OAK, W. OREM AND CROQUET
FROM CANDLESHADE TO SIMS BAYOU PUMP STATION

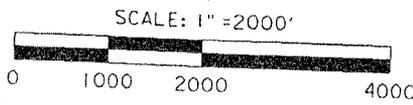
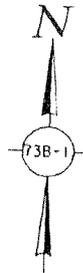
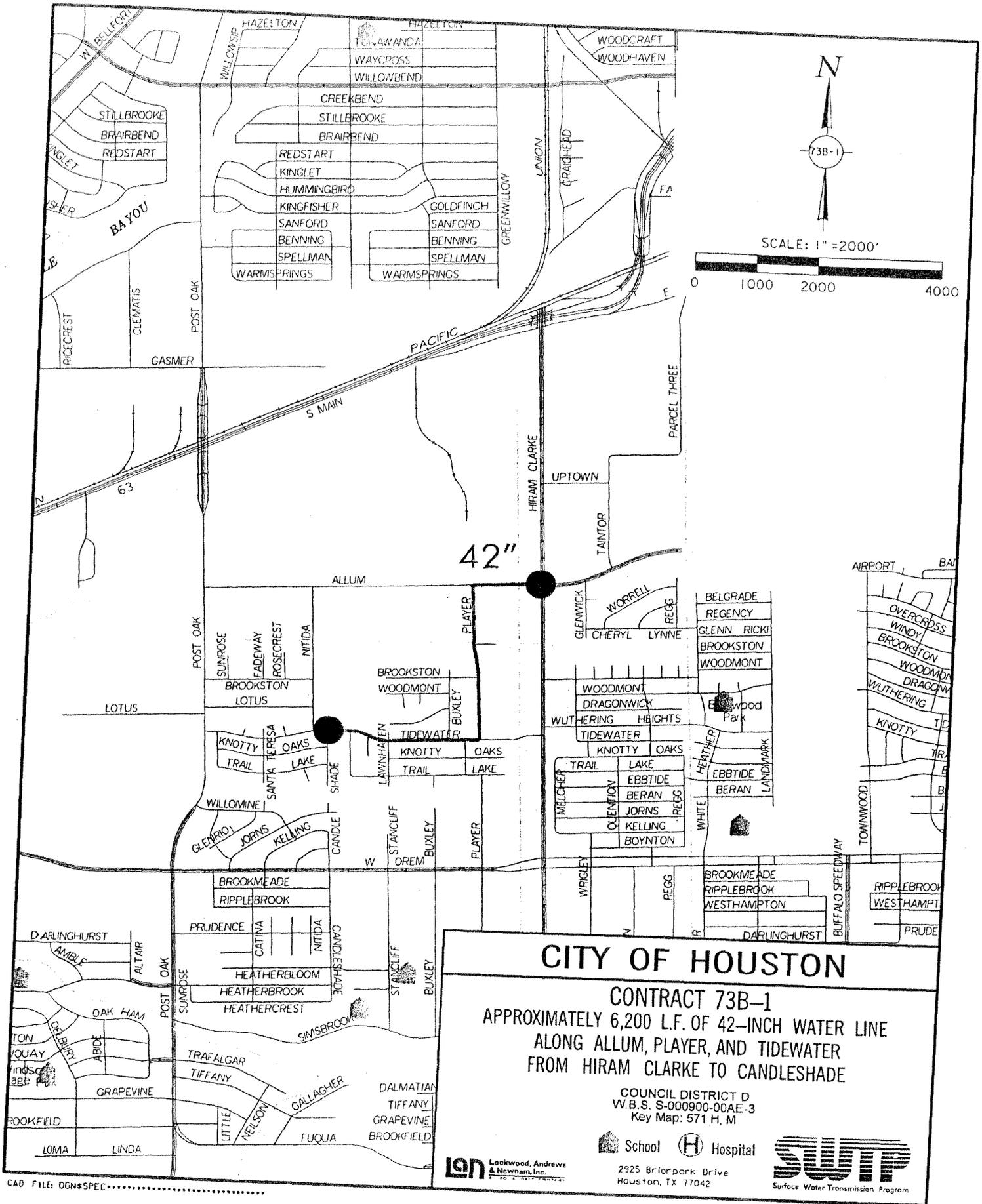
COUNCIL DISTRICT D
 WBS# S-000900-00B7-3
 Key Map: 571 L, K, M & P

School Hospital

2925 Briarpark Drive
 Houston, TX 77042



lan Lockwood, Andrews
 & Newnam, Inc.
 A TAYLOR COMPANY



CITY OF HOUSTON

CONTRACT 73B-1
 APPROXIMATELY 6,200 L.F. OF 42-INCH WATER LINE
 ALONG ALLUM, PLAYER, AND TIDEWATER
 FROM HIRAM CLARKE TO CANDLESHADE

COUNCIL DISTRICT D
 W.B.S. S-000900-00AE-3
 Key Map: 571 H, M

School Hospital

Lockwood, Andrews & Newnam, Inc.
 2925 Briarpark Drive
 Houston, TX 77042

SWTP
 Surface Water Transmission Program

CAD FILE: DGN\$SPEC.....

PLOTTED ON: *****

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Sealed bid sale of various properties		Page 1 of 1	Agenda Item 10
FROM (Department or other point of origin): General Services Department		Origination Date	Agenda Date FEB 02 2011
DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott Minnix</i> 1/26/11		Council Districts affected: B, C, D, G, H and I	
For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023		Date and identification of prior authorizing Council action:	

RECOMMENDATION: Declare surplus and authorize the sealed bid sale of the properties described in Exhibit "A".

Amount and Source Of Funding: N/A	Finance Budget:
--	------------------------

SPECIFIC EXPLANATION: The owning departments have declared the parcels of land described in Exhibit "A" surplus to their needs and available for sale. All City departments with land needs have been canvassed and have indicated no interest in the properties. The properties may now be considered surplus to the City's needs and made available for sealed bid sale to the highest bidder according to Section 272.001(a) of the Local Government Code and Section 2-236 of the Houston Code of Ordinances. The department directors of the owning departments concur in this recommendation.

Therefore, the General Services Department recommends that City Council:

1. Declare surplus and authorize the sealed bid sale of Parcels SY7-077, SY7-057, SY9-058, SY9-065, SY9-057, SY10-028, SY7-127, SY11-048, SY11-044, SY11-045, and SY11-047; subject to the City's billboard restrictions, all easements, all public utilities and the applicable covenants, conditions and restrictions;
2. Authorize the City Secretary to advertise the properties for sealed bid sale to the highest bidder over the established minimum bid amount;
3. Authorize the City Secretary to return the unsuccessful bidders' deposits upon notification by the Director of the General Services Department or his designee;
4. Authorize the Legal Department to prepare the necessary transaction documents; and
5. Appoint two independent real estate appraisers and an alternate to establish the value of Parcel SY7-127, 3300/3400 Main; SY11-048, 820 Marston and SY11-046, 1301 Dart, expected to exceed the \$1 million threshold amount set in the Code of Ordinances (appraisers have been previously approved for Parcels SY7-077 and SY7-057, 801 Gillette Street). The Dart Street property will not be sold until a replacement facility is available for the Houston Police Department impound auto lot.

SM:BC:JLN:FA:fa

xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby and Andrew F. Icken

REQUIRED AUTHORIZATION CUIC ID# 25 FA 25

General Services Department: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Director Real Estate Division	Houston Public Library: <i>Rhea Brown Lawson</i> Rhea Brown Lawson, Ph.D. Director	Houston Police Department: <i>Charles A. McClelland, Jr.</i> Charles A. McClelland, Jr. Chief
Houston Fire Department: Terry A. Garrison Chief	Department of Health & Human Services: Stephen L. Williams, M.Ed., M.P.A. Director	Department of Public Works & Engineering: Daniel W. Krueger, P.E. Director

Exhibit "A"
Surplus Property Available for Disposition

ITEMS	SALE PARCEL NUMBER	SITE LOCATION	DEPT.	FUND ENT/GEN	KEY MAP	COUNCIL DISTRICT	LAND SIZE	ACRE OR SQ FT	Zip Code	HCAD APN	Description
1	SY7-077, SY7-057	801 Gillette Street	PW&E	GEN	493K	I	10.52	ACRES	77019	multiple	Former Fleet Maintenance Facility
2	SY9-058	6440 West Belfort	HPL	GEN	570D	C	53.956	SQFT	77096	1064650000001	Former Library Facility
3	SY9-065	10803 Ella	HFD	GEN	372T	B	62.055	SQFT	77067	1246710010001	Vacant HFD Land
4	SY9-057	3100 West Fuqua	HPL	GEN	572T	D	45.000	SQFT	77045	0441160000017	Former Library Facility
5	SY10-028	1822 Rankin Road	HEALTH	GEN	373L	B	2.88	ACRES	77073	0612170010001	Health Lab and Storage
6	SY7-127	3300/3400 Main Street	PW&E	GEN	493T	D	2.30	ACRES	77002	multiple *	Code Enforcement Building and Parking Lot
7	SY11-048	820 Marston	HPL	GEN	492M	D	1.65	ACRES	77019	0400050000003	Library Facility
8	SY11-044	1995, 2001 Dairy Ashford	HFD	GEN	488V	G	6.67	ACRES	77077	0402250000014**	Vacant HFD Land
9	SY11-046	1301 Dart	HPD	GEN	493G	H	2.65	ACRES	77002	multiple ***	HPD Impound Lot
10	SY11-047	3000 Block of West Belfort	PWE	GEN	532S	C	1.92	ACRES	77054	045190000165	Vacant PWE Land

* 3300/3400 Main HCAD #: 0260050000001
 0260050000003
 0260050000007

*** 1301 Dart HCAD #s:

0131580000001
 0131580000011
 0131580000007
 0131580000018
 0131580000014
 0131580000012
 0131580000002
 0131580000013
 0131580000015

** 1995, 2001 Dairy Ashford
 HCAD #s: 0402250000014
 0402250000015

REQUEST FOR COUNCIL ACTION

SUBJECT: Parcel AY3-050; City of Houston v. LMT Tradewinds L.P., a Texas limited partnership, et al., Cause No. 934,856; Keegans' Bayou Bikeway Project; WBS/CIP No. N-000420-0025-2-01; Legal Department File No. 052-0600011-034.		Page 1 of 2	Agenda Item # 11
---	--	----------------	-------------------------------

FROM (Department or other point of origin): Legal Department - Real Estate Section David Feldman, City Attorney <i>[Signature]</i>	Origination Date 10/22/10	Agenda Date FEB 02 2011
--	------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE: <i>[Signature]</i>	Council District affected: "F" - F "F" Al Hoang, Key Map#569C
---	--

For additional information contact: Joseph N. Quintal Phone: 832.393.6286 <i>[Signature]</i> (alternatively Ondrea U. Taylor 832.393.6280)	Date and identification of prior authorizing Council action: A.O. #2006-729, psd. 6/28/06 B.A.O. #2007-1067, psd. 09/19/07
--	---

RECOMMENDATION: (Summary)
That the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court and pay the costs of court incurred in this matter. Funding will be provided by a previously approved blanket Appropriation Ordinance.

Amount and Source of Funding:
\$245,462.00; No appropriation needed as funding will be provided by previously approved Appropriation Ordinance No. 2007-1067, psd. 09/19/07. Street & Bridge Consolidated Construction Fund 4506 (N-00663A-00RE-2-01) *[Date: 10/12/30/2010]*

SPECIFIC EXPLANATION:
The Keegans' Bayou Bikeway Project will provide a safer route of travel for bicyclist and/or hikers away from street traffic. Various trails will encourage an alternative method of commuting within the City.

This eminent domain proceeding involves the acquisition of a permanent easement in and to 9,535 square feet (0.2189 acre) of land out of a parent tract containing 412,692 square feet (9.4741 acres) of land. The property is located at 11303 South Wilcrest Drive is owned by LMT Tradewinds, L.P., a Texas limited partnership, which is affiliated with Landar Corporation. The property is improved with The Tradewinds Apartments which consists of 21 buildings with a total of 223 apartment housing units and a club house. The City's taking consists of an irregularly shaped rectangular tract of land varying in width from 16 feet to 42 feet for 509.97 feet along Keegans' Bayou. The City's final offer of \$72,595.00, in October 2007, to purchase the needed property was rejected by the landowner's attorney and no counter-offer was submitted. Efforts by Public Works & Engineering to negotiate the purchase were unsuccessful and the matter was referred to the Legal Department to initiate eminent domain proceedings to acquire the property. The Legal Department retained the same appraiser used by Public Works & Engineering in making the City's final offer to value the property and testify at the Special Commissioners' Hearing. The appraiser updated the appraisal report for the hearing, and presented the following conclusions and opinions of market value for the Special Commissioners consideration.

City's Testimony Before the Special Commissioners: \$74,204.00 (i.e. \$6.00 psf for the land being acquired; \$15,830.00 for the improvements thereon and \$1,164.00 for damages in the form of costs to cure)

Landowner's Testimony Before the Special Commissioners: \$599,867.00 (i.e. \$6.00 psf for the land being acquired; \$72,657.00 for the improvements thereon and \$470,000.00 for damages to the remainder)

h:\mark\tradewindsrca.wpd Other Authorization:	REQUIRED AUTHORIZATION	
	Other Authorization: <i>[Signature]</i> Daniel Krueger, P.E. Director, PW&E	Other Authorization: <i>[Signature]</i> 90A #2310 Mark L. Loethen, P.E., CFM, PTOE Deputy Director, PDS Division

Date 10/22/10	SUBJECT: Parcel AY3-050; LMT Tradewinds, L.P.; Cause No. 934,856; Keegans' Bayou Bikeway Project; L.D. File No. 052-0600011-034;	Originator's Initials RGR/JNQ	Page 2 of 2
------------------	--	-------------------------------------	----------------

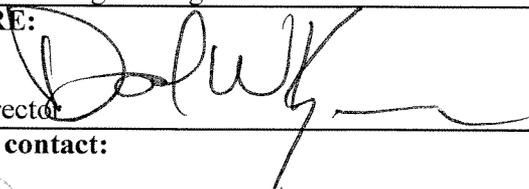
Award of Special Commissioners: \$230,000.00 The Legal Department and the landowner's legal representatives both filed Objections to the Award of Special Commissioners and the matter was placed on the Court's trial docket.

The "**Costs of Court**" are as follows, to wit: \$172.00 filing fee; \$2,400.00 Special Commissioners' fees (i.e. \$800.00 x 3); \$390.00 Service of Process fee; \$12,500.00 Appraiser's fee; **Total:** \$15,462.00. These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed herein.

Upon depositing the amount of the Award of Special Commissioners into the registry of the Court, the City will be legally entitled to physical possession of the needed property for construction purposes.

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

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Request for the sale of ±1,300 square feet of excess fee-owned Commonwealth Street, being a portion of Lots 1, 2, and 8, Block 69, Montrose Addition, out of the Obedience Smith Survey, A-696. Parcel SY11-024	Page <u>1</u> of <u>2</u>	Agenda Item # 12
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date FEB 02 2011
DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E., Director <div style="text-align: center; margin-top: 10px;">  </div>	Council District affected: D Key Map 493S P for BAM	
For additional information contact: Nancy P. Collins (npc) Phone: (713) 837-0881 Senior Assistant Director-Real Estate	Date and identification of prior authorizing Council Action:	

RECOMMENDATION: (Summary) It is recommended City Council approve a Motion authorizing the sale of ±1,300 square feet of excess fee-owned Commonwealth Street, being a portion of Lots 1, 2, and 8, Block 69, Montrose Addition, out of the Obedience Smith Survey, A-696. **Parcel SY11-024**

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:

Brown & Gay Engineers, Inc., 10777 Westheimer, Suite 400, Houston, Texas, 77042, on behalf of BGW, Properties, Ltd., [BGW Management, L.L.C., (Bernard S. Woolf, President) General Partner], requested the sale of ±1,300 square feet of excess fee-owned Commonwealth Street, being a portion of Lots 1, 2, and 8, Block 69, Montrose Addition, out of the Obedience Smith Survey, A-696. The applicant plans to utilize the subject area for parking for its adjacent lighting business.

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

1. The City abandon and sell ±1,300 square feet of excess fee-owned Commonwealth Street, being a portion of Lots 1, 2, and 8, Block 69, Montrose Addition, out of the Obedience Smith Survey, A-696;
2. The applicant be required to provide a 20-foot by 20-foot right-of-way cutback at the Commonwealth Street and Mt. Vernon Street intersection;
3. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
4. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the street right-of-way being sold;
5. The Legal Department be authorized to prepare the necessary transaction documents; and

s:\bam\sy11-024.rc1.doc CUIC #20BAM9174

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization: <div style="text-align: center; margin-top: 10px;">  </div> Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division
----------------------------	-----------------------------	--

Date:	Subject: Request for the sale of ±1,300 square feet of excess fee-owned Commonwealth Street, being a portion of Lots 1, 2, and 8, Block 69, Montrose Addition, out of the Obedience Smith Survey, A-696. Parcel SY11-024	Originator's Initials	Page <u>2</u> of <u>2</u>
--------------	--	------------------------------	-------------------------------------

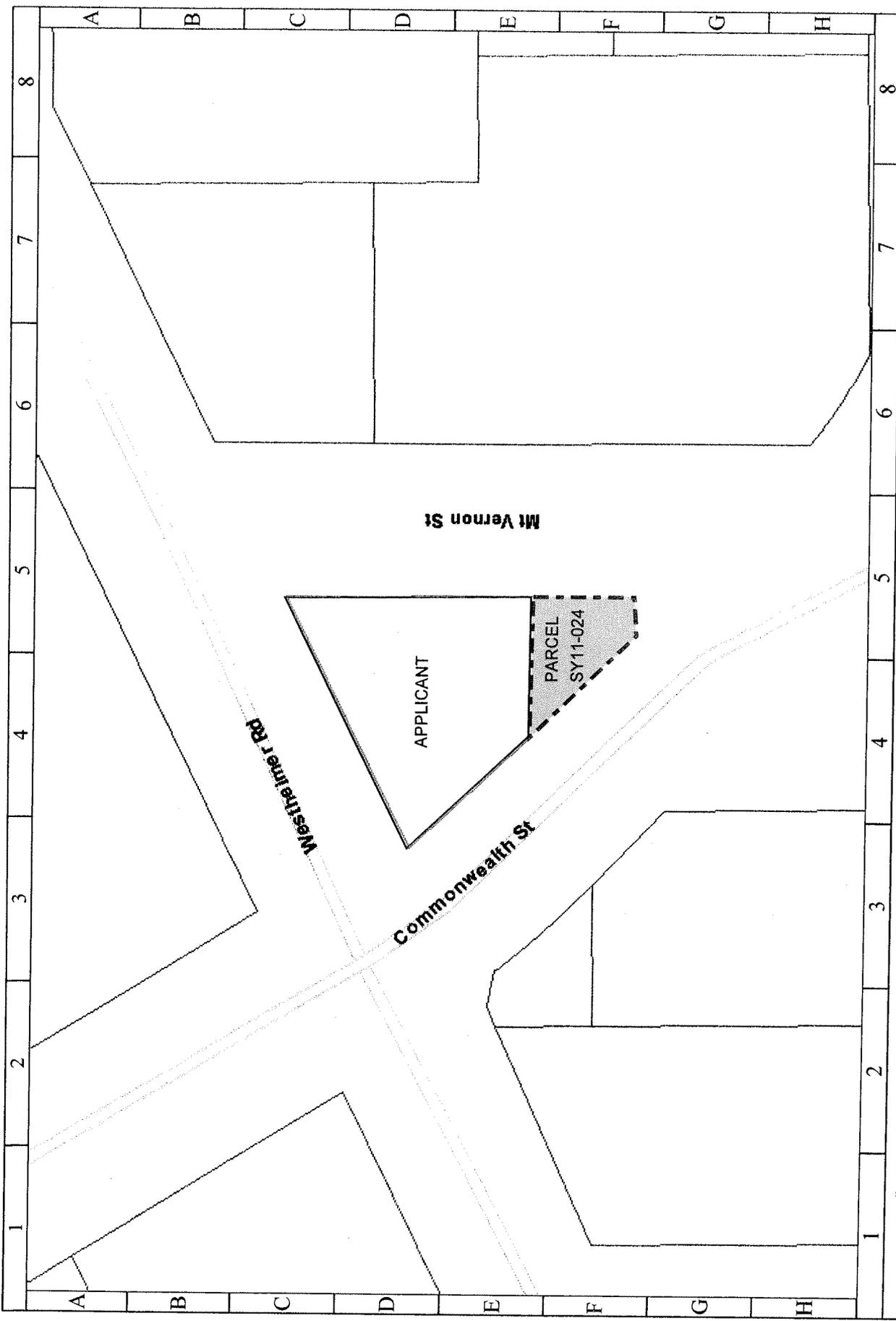
6. Inasmuch as the value of the City's property interest is not expected to exceed \$1,000,000.00, that the value be established by Philip Mushinski, an independent appraiser appointed by the Director, Department of Public Works and Engineering.

NPC:WSB:bam

- c: David Feldman
- Terry A. Garrison
- Marlene Gafrick
- Daniel Menendez, P.E.
- Marty Stein
- Jeffrey Weatherford, P.E., PTOE

SUBJECT: Sale of ±1,300 square feet of excess fee-owned Commonwealth Street, being a portion of Lots 1, 2, and 8, Block 69, Montrose Addition, out of the Obedience Smith Survey, A-696. Parcel SY11-024

PARCEL MAP



1 inch = 40 feet

CITY OF HOUSTON

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



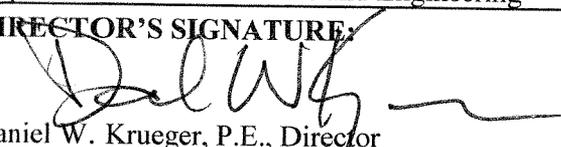
DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY.
THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS.
FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Request for the abandonment and sale of a 15-foot-wide prescriptive easement, from T. C. Jester Boulevard to Detering Street, in exchange for the conveyance to the City of 15 feet of right-of-way for the widening of Detering Street, between Schuler Street and Washington Avenue, out of the John Reinerman Survey, A-642. Parcels SY11-013 and AY11-020	Page <u>1</u> of <u>2</u>	Agenda Item # 13
--	-------------------------------------	--------------------------------

FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date FEB 02 2011
--	-------------------------	-----------------------------------

DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: H <i>PSM LOW BAM</i>
--	---

For additional information contact: Nancy P. Collins <i>RSA L NPC</i> Senior Assistant Director-Real Estate Phone: (713) 837-0881	Date and identification of prior authorizing Council Action:
--	---

RECOMMENDATION: (Summary) It is recommended City Council approve a motion authorizing the abandonment and sale of a 15-foot-wide prescriptive easement, from T. C. Jester Boulevard to Detering Street, in exchange for the conveyance to the City of 15 feet of right-of-way for the widening of Detering Street, between Schuler Street and Washington Avenue, out of the John Reinerman Survey, A-642. **Parcels SY11-013 and AY11-020**

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:
Daniel N. Pinnell, The Pinnell Group, 26730 Interstate 45 North, Spring, Texas 77386, on behalf of Fisk Acquisition, Inc. (Larry C. Brookshire, President), requested the abandonment and sale of Center Street, from T.C. Jester Boulevard to Detering Street, out of the John Reinerman Survey, A-642. The applicant plans to utilize the subject right-of-way for commercial development.

This is Part One of a two-step process in which the applicant will first receive a City Council authorized motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an Ordinance authorizing the sale. Since there was no dedication of Center Street on record and utilities are located within the area designated as Center Street, the Joint Referral Committee reviewed and approved this request as the abandonment and sale of a 15-foot-wide prescriptive easement in place of the abandonment and sale of Center Street, from T.C. Jester to Detering Street, in exchange for the conveyance to the City of 15 feet of right-of-way for the widening of Detering Street, between Schuler Street and Washington Avenue. The 15-foot-wide right-of-way conveyance will bring the total width of this portion of Detering Street to 45 feet. The City will obtain additional right-of-way for the widening of Detering Street as new development in the area occurs. This area is in the Street Width Exception Area as defined in Section 42-123 of the Code of Ordinances, Houston, Texas. Therefore, it is recommended:

1. The City abandon and sell a 15-foot-wide prescriptive easement, from T. C. Jester Boulevard to Detering Street, in exchange for the conveyance to the City of 15 feet of right-of-way for the widening of Detering Street, between Schuler Street and Washington Avenue, out of the John Reinerman Survey, A-642;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;

z:\bam\sy11-013.rc1.doc CUIC #20BAM9159

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division
----------------------------	--

Date:	Subject: Request for the abandonment and sale of a 15-foot-wide prescriptive easement, from T. C. Jester Boulevard to Detering Street, in exchange for the conveyance to the City of 15 feet of right-of-way for the widening of Detering Street, between Schuler Street and Washington Avenue, out of the John Reinerman Survey, A-642. Parcels SY11-013 and AY11-020	Originator's Initials	Page <u>2</u> of <u>2</u>
--------------	--	----------------------------------	-------------------------------------

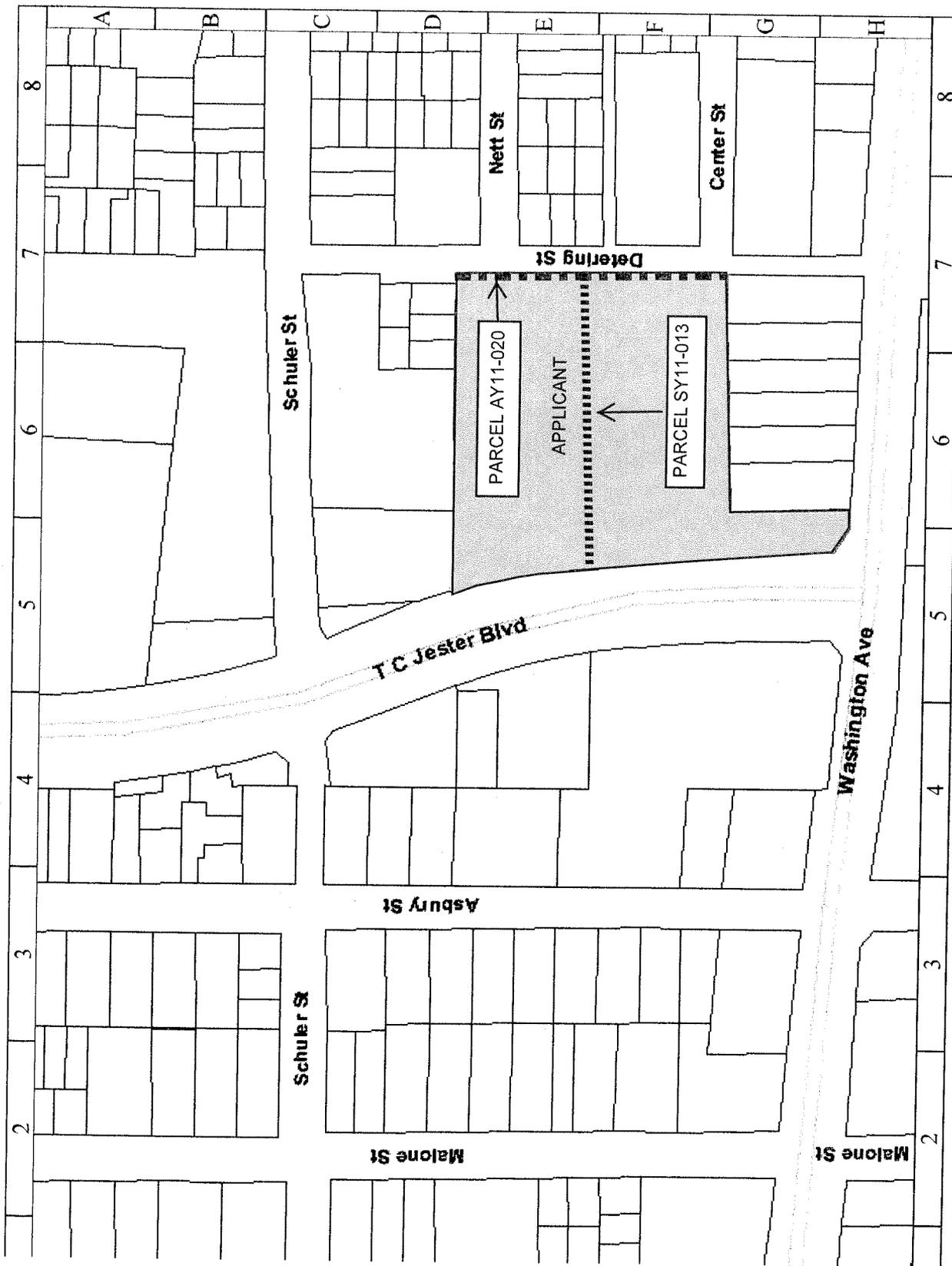
3. The applicant be required to properly cut, plug, and abandon the 6-inch sanitary sewer line within the applicant's property between T. C. Jester Boulevard and Detering Street, at no cost to the City and under the proper permits;
4. The applicant be required to (a) cut, plug, and abandon a 4-inch water line within the applicant's property between T. C. Jester Boulevard and Detering Street and pay the depreciated value for the water line, (b) relocate service connections of the 4-inch water line into the T. C. Jester Boulevard or Detering Street water line, (c) all of the foregoing items must be completed at no cost to the City and under the proper permits;
5. The applicant be required to prepare drawings that show the public utilities (sanitary sewer and water lines) that are being abandoned, relocated, and constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the motion shall be attached to the plan set when it is submitted for plan review;
6. The Legal Department be authorized to prepare the necessary transaction documents; and
7. Inasmuch as the value of the City's property interest is not expected to exceed \$1,000,000.00, that the value be established by Samuel Jarrett, an independent appraiser appointed by the Director of Public Works and Engineering.

MSM:NPC:bam

- c: Jun Chang, P.E.
David Feldman
Terry A. Garrison
Marlene Gafrick
Daniel Menendez, P.E.
Marty Stein
Jeffrey Weatherford, P.E., PTOE

SUBJECT: Abandonment and sale of a 15-foot-wide prescriptive easement, from T. C. Jester Boulevard to Detering Street, in exchange for the conveyance to the City of 15 feet of right-of-way for the widening of Detering Street, between Schuler Street and Washington Avenue, or of the John Reinerman Survey, A-642, Parcels SY11-013 and AY11-020

PARCEL MAP



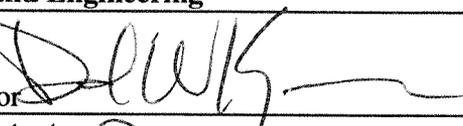
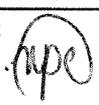
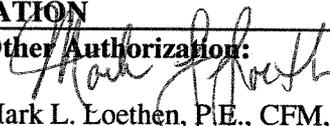
CITY OF HOUSTON
Department of Public Works and Engineering
Geographic Information & Management System (GIMS)

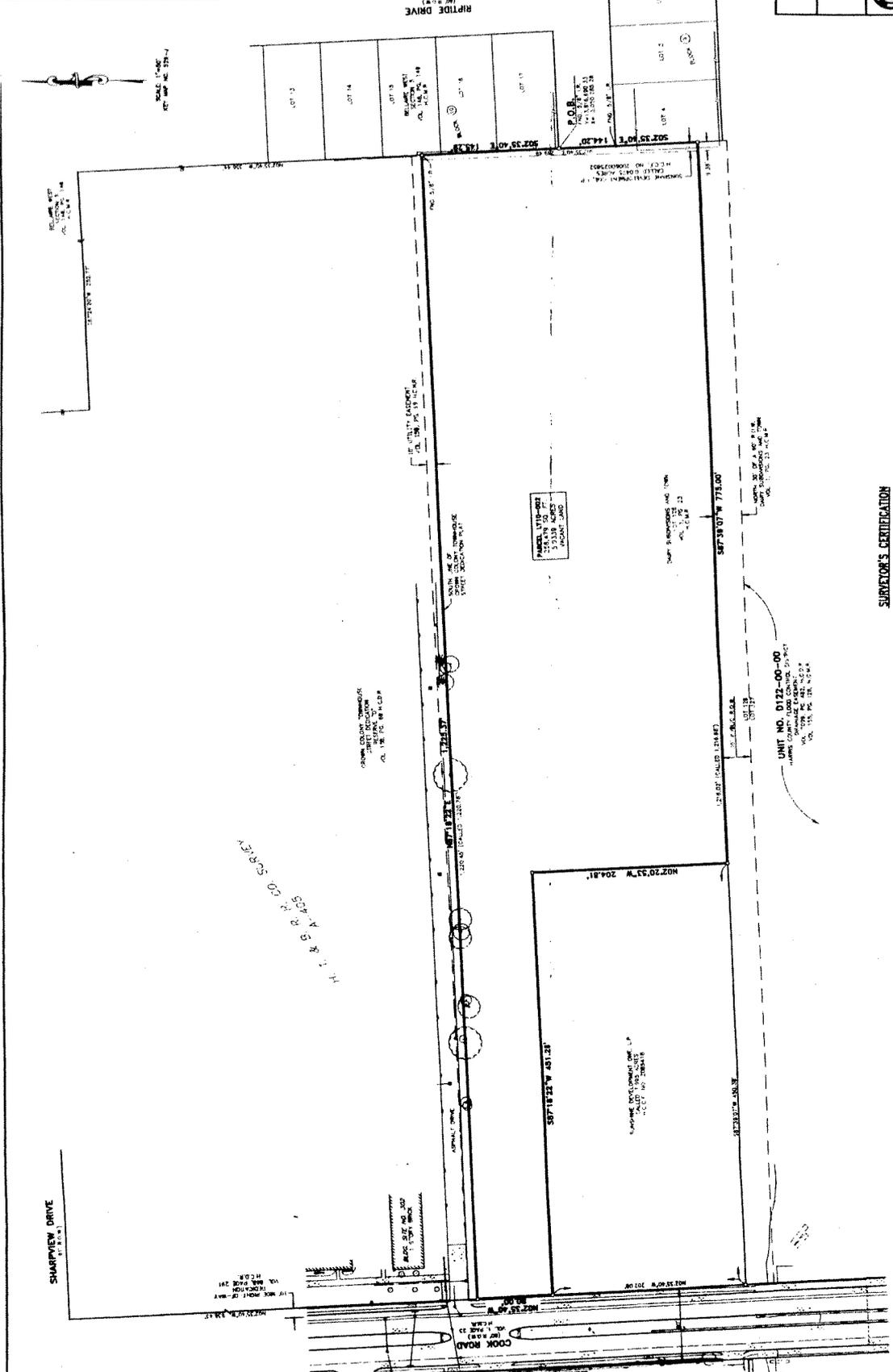
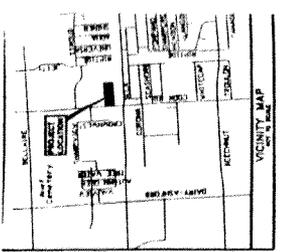
DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY.
 THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS.
 FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.

1 inch = 160 feet

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: CONDEMNATION of Parcel LY10-002, located at 7515 Cook Road for the BELLAIRE WEST DRAINAGE IMPROVEMENTS PROJECT. WBS M-000283-0001-2-01 OWNER: Sunshine Development One, L.P., a Texas limited partnership [Sunshine GP, LLC, a Texas limited liability company, General Partner, Terry Cheng, Sole Manager and Sole Member]		Page 1 of 1	Agenda Item # 14
FROM: (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date FEB 02 2011
DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E., Director 		Council District affected: F  Key Map 529J	
For additional information contact: Nancy P. Collins Senior Assistant Director-Real Estate Planning and Development Services Division Phone: (713) 837-0881 		Date and identification of prior authorizing Council Action: Ordinance 2010-0125, passed February 10, 2010	
RECOMMENDATION: (Summary) Authority be given through Council Motion to CONDEMN Parcel LY10-002.			
Amount and Source of Funding: No additional funding required (covered under Blanket <i>M.F. 12/13/2010</i> Appropriation Ordinance 2010-0125, M-00100A-00RE-2-01 Drainage Improvements Commercial Paper Series F Fund)			
SPECIFIC EXPLANATION: The BELLAIRE WEST DRAINAGE IMPROVEMENTS PROJECT provides for drainage improvements including piping, sheet flow modifications and detention to reduce the risk of structural flooding during 100-year and 1% probability rainfall events. Drainage improvements for this project will serve an area bounded by Kirkwood on the east, Riptide on the west, HCFCD D122-00-00 on the south and Stroud on the north, all within the Brays Bayou watershed. The parcel is located at 7515 Cook Road. PURCHASE: The City desires to acquire 258,479 square feet of unimproved commercial land. Condemnation is being recommended because the record owner has rejected the City's offer. The City's offer was based on an appraisal by Frank Flores, Independent Fee Appraiser. This valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows: LAND: Parcel LY10-002 (Fee) 258,479 square feet @ \$4.00.....\$1,033,916.00 TOTAL CONSIDERATION \$1,033,916.00			
It is recommended that authority be given through Council Motion to CONDEMN Parcel LY10-002, owned by Sunshine Development One, L.P. The property is to be used as a detention pond. This parcel contains 258,479 square feet (5.9339 acre) tract of land in the H.T.& B.R.R. Company Survey, Abstract No. 405 in Harris County, Texas. Said 5.9339-acre tract being out of a called 7.995-acre tract conveyed unto Sunshine Development One, L.P. by deed recorded under Harris County Clerk's File No. Z085418 of the Official Public Records for Real Property in said Harris County, Texas. Said 5.9339-acre tract being more particularly out of Lot 126 of Dairy Subdivision and Town, a subdivision according to the plat thereof recorded in Volume 1, Page 23 of the Map Records of said Harris County, Texas. Said 5.9339-acre tract being more particularly described by metes and bounds according to City of Houston field notes. DWK:NPC:hht .Tyler/LY10-002RCA			
CUIC #20HHT199			
REQUIRED AUTHORIZATION			
Finance Department:	Other Authorization:  Daniel Menendez, P.E., Deputy Director Engineering and Construction Division	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning and Development Services Division	



SHARPVIEW DRIVE
BT 810-1

H 1 1 R 5 R 2 R 20 S 8 R 1

OWNER: COUNTY TARRANT
SHEET 200-10-1
D. 138 7/10 8/1/2009

PARCEL 1010-001
TARRANT HOMES
MOUNT LAMM

PROPERTY ENCUMBRANCE
CALL FOR RECORDS
1010-001-001

UNIT NO. D122-00-00
HARRIS COUNTY COMMISSION
NO. 1000, PC. 482, N. 204
NO. 1010, PC. 482, N. 204

Western Geomatics Consultants
1111 KATY FREEDWAY, SUITE 520
HOUSTON, TEXAS 77059
(713) 865-4444
WWW.WESTGEO.COM

BELLARINE WEST CHAMBERLAIN IMPROVEMENTS
PROPOSED DETENTION POND
HARRIS COUNTY, TEXAS
PARCEL MAP



CITY OF HOUSTON
PUBLIC WORKS AND
ENGINEERING DEPARTMENT

LEGEND

○	POWER POLE
○	POLE WITH SIGN
○	POLE
○	WATER METER
○	WATER VALVE



SURVEYOR'S CERTIFICATION

I, JAMES C. WILLIAMS, A PROFESSIONAL ENGINEER, HAVE CONDUCTED A SURVEY OF THE PROPERTY SHOWN ON THIS PLAN AND HAVE FOUND THAT THE INFORMATION CONTAINED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THE DATE OF THIS CERTIFICATION.

DATE: 8/1/2009
BY: JAMES C. WILLIAMS
PROFESSIONAL ENGINEER, STATE OF TEXAS
NO. 10000

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8960

Subject: Purchase of Portable and Trailer-Mounted Generators Through the Houston-Galveston Area Council for the Houston Department of Health and Human Services
S34-E23874-H

Category #
4

Page 1 of 1

Agenda Item

15

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

Origination Date
January 20, 2011

Agenda Date
FEB 02 2011

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Kathy Barton Phone: (832) 393-5045
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)
Approve the purchase of portable and trailer-mounted generators through the Houston-Galveston Area Council (H-GAC) in the amount of \$370,911.00 for the Houston Department of Health and Human Services.

Award Amount: \$370,911.00

Finance Budget

\$370,911.00 - Public Health Emergency Preparedness Discretionary Projects Grant (Fund 5030)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of five portable and two trailer-mounted generators through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the amount of \$370,911.00 for the Houston Department of Health and Human Services, and that authorization be given to issue a purchase order to the H-GAC contractor, Cummins Southern Plains, LLC. These generators will be used citywide by the Department to provide power to Multi-Service and Health Centers, as needed, in response to extended power outages.

This new equipment will meet the EPA's current emission standards for equipment with diesel engines. The portable and trailer-mounted generators will come with a full two-year/1,500-hour warranty and the trailers will come with a full one-year warranty. The life expectancy of this new equipment is seven years.

Buyer: Larry Benka
PR No. 10118304

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NOT

ED

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8902

Subject: Formal Bids Received for Special Duty Vehicles for the Houston Police Department and the Houston Airport System S38-N23742

Category #
1 & 4

Page 1 of 2

Agenda Item

16th 16A

FROM (Department or other point of origin):

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

Origination Date

January 14, 2011

Agenda Date

FEB 02 2011

DIRECTOR'S SIGNATURE

Calvin D. Wells

For additional information contact:

Joseph Fenninger *JFF 1/20/11* Phone: (713) 308-1708
Ray DuRousseau Phone: (832) 393-8726

Council District(s) affected

All

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$1,156,007.78 out of the Equipment Acquisition Consolidated Fund (Fund 1800), and approve various awards, as shown below, in the total amount of \$1,330,923.78 for special duty vehicles for the Houston Police Department and the Houston Airport System.

Award Amount: \$1,330,923.78

Finance Budget

\$1,156,007.78 - Equipment Acquisition Consolidated Fund (Fund 1800)
\$ 174,916.00 - HAS- AIF Capital Outlay Fund (Fund 8012)

\$1,330,923.78 - Total Funding

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$1,156,007.78 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council approve various awards, as shown below, in the total amount of \$1,330,923.78 for special duty vehicles for the Houston Police Department and the Houston Airport System, and that authorization be given to issue purchase orders. These special duty vehicles will be used citywide and at the George Bush Intercontinental Airport by Houston Police Department officers for patrol, surveillance and investigative operations. The vehicles being purchased with funding from the Equipment Acquisition Consolidated Fund is included in the adopted Equipment Acquisition Plan.

This bid was advertised in accordance with the requirements of the State of Texas bid laws. Ten prospective bidders downloaded the solicitation document from Strategic Purchasing Division's e-bidding website, and eight bids were received as shown in Attachment No. 1, Vehicle Award Details.

McCall-T, Inc., d/b/a Sterling McCall Toyota: Award on its low bid for Item No. 1, ten 4-door compact sedans, in the amount of \$157,440.00.

Hub Buick Company, d/b/a Hub Hyundai: Award on its low bid for Item No. 2, ten 4-door compact sedans, in the amount of \$154,950.00.

Philpott Motors, Ltd., d/b/a Philpott Ford: Award on its low bid for Item No. 3, thirteen 4-door mid-size sedans; and Item No. 7, seventeen 4-door utility vehicles, in the amount of \$644,129.00.

Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Chevrolet: Award on its low bid for Item No. 4, seven extended cab, 2-wheel drive, pickup trucks; and Item No. 6, seven 2-wheel drive utility vehicles, in the amount of \$315,763.00.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Calvin D. Wells 1/20/11

Other Authorization:

16A

Date: 1/14/2011	Subject: Formal Bids Received for Special Duty Vehicles for the Houston Police Department and the Houston Airport System S38-N23742	Originator's Initials LF	Page 2 of 2
--------------------	---	--------------------------------	-------------

Johnson Grayson Automotive, Inc., d/b/a Holiday Chevrolet: Award on its low bid for Item No. 5, two 2-wheel drive pickup trucks, in the amount of \$58,641.78.

These new vehicles will come with a full three-year/36,000-mile bumper-to-bumper warranty and the life expectancy is seven years or 100,000 miles. See Attachment No. 2, Vehicle Usage Summary, for vehicle usage and replacement details. The vehicles being replaced have reached their life expectancy and will be sent to auction for disposition. These new vehicles will meet the EPA's current emission standards for low emission vehicles.

Buyer: Lena Farris

- Attachments:
1. Vehicle Award Details
 2. Vehicle Usage Summary
 3. Revised M/WBE Zero Percent Goal Document approved by the Affirmative Action Division

**VEHICLE AWARD DETAILS
FOR
SPECIAL DUTY VEHICLES
FOR
THE HOUSTON POLICE DEPARTMENT AND HOUSTON AIRPORT SYSTEM
BID N23742
RCA 8902**

McCall-T, Inc., d/b/a Sterling McCall Toyota: Award on its low bid for Item No. 1, ten 4-door compact sedans, in the amount of \$157,440.00.

<u>Company</u>	<u>Amount</u>
1. <u>McCall-T, Inc., d/b/a Sterling McCall Toyota</u>	\$157,440.00
2. Philpott Motors, Ltd., d/b/a Philpott Ford	\$161,160.00

Hub Buick Company, d/b/a Hub Hyundai: Award on its low bid for Item No. 2, ten 4-door compact sedans, in the amount of \$154,950.00.

<u>Company</u>	<u>Amount</u>
1. <u>Hub Buick Company, d/b/a Hub Hyundai</u>	\$154,950.00
2. Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Chevrolet	\$177,880.00
3. Philpott Motors, Ltd., d/b/a Philpott Ford	\$179,710.00

Philpott Motors, Ltd., d/b/a Philpott Ford: Award on its low bid for Item No. 3, thirteen 4-door mid-size sedans; and Item No. 7, seventeen 4-door utility vehicles, in the amount of \$644,129.00.

<u>Company</u>	<u>Amount</u>
1. <u>Philpott Motors, Ltd., d/b/a Philpott Ford</u>	\$644,129.00
2. Tommie Vaughn Motors, Inc.	\$674,157.00
3. Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Ford	\$684,487.00
4. Johnson Whitesboro Ford, Inc., d/b/a Holiday Ford	\$704,349.00

Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Chevrolet : Award on its low bid for Item No. 4, seven extended cab 2-wheel drive, pickup trucks; and Item No. 6, seven 2-wheel utility vehicles in the amount of \$315,763.00.

<u>Company</u>	<u>Amount</u>
1. <u>Caldwell Automotive Partners, LLC d/b/a Caldwell Country Chevrolet</u>	\$315,763.00
2. Johnson Grayson Automotive, Inc., d/b/a Holiday Chevrolet	\$321,041.00

Johnson Grayson Automotive, Inc., d/b/a Holiday Chevrolet: Award on its low bid for Item No. 5, two 2-wheel drive pickup trucks, in the amount of \$58,641.78.

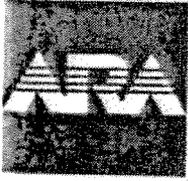
<u>Company</u>	<u>Amount</u>
1. <u>Johnson Grayson Automotive, Inc., d/b/a Holiday Chevrolet</u>	\$58,641.78
2. Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Chevrolet	\$63,952.00

**VEHICLE USAGE SUMMARY
RCA 8902
SPECIAL DUTY VEHICLES
FOR
HOUSTON POLICE DEPARTMENT AND HOUSTON AIRPORT SYSTEM
S38-N23742**

Item No. Requisition No./Description	Department/Fleet Usage	Qty	Vehicle Replacement		
Item No. 1 PR 10109157/Sedan, 4 Door Compact	Houston Police Department These vehicles will be used citywide by the Department's police officers as undercover vehicles.	10	<u>Shop No.</u> 25641 26942 29606 29796 29797 29799 30026 35561 30952 35020	<u>Age-Yrs.</u> 14 13 11 11 11 11 11 11 10 5	<u>Mileage</u> 67,584 89,642 170,231 96,680 98,738 99,679 99,914 115,072 150,724 155,094
Item No. 2 PR10109118/Sedan, 4 Door Compact	Houston Police Department These vehicles will be used citywide by the Department's police officers as undercover vehicles.	10	<u>Shop No.</u> 25704 28308 30462 30942 30946 33360 31842 35578 33927 33928	<u>Age-Yrs.</u> 14 12 11 10 10 10 9 9 6 6	<u>Mileage</u> 82,744 142,162 98,379 96,248 109,951 114,213 110,664 113,025 115,470 116,050
Item No. 3 PR10109089/ 4 Door Mid-Size Sedan	Houston Police Department These vehicles will be used citywide by the Department's police officers as undercover vehicles.	13	<u>Shop No.</u> 24765 28579 28585 25589 28924 30328 30914 31795 31788 31780 31778 31776 31789	<u>Age-Yrs.</u> 15 12 12 14 12 10 10 9 9 9 9 9 9	<u>Mileage</u> 123,958 125,980 117,413 151,000 101,938 144,809 121,142 126,486 121,817 129,110 125,175 118,340 117,413
Item No. 4 PR10109088/Pick-up Truck, 2-WD Extended Cab	Houston Police Department These vehicles will be used citywide by the Department's police officers as undercover vehicles.	7	<u>Shop No.</u> 29266 28621 32209 32208 30956 30910 38668	<u>Age-Yrs.</u> 12 12 9 9 9 9 6	<u>Mileage</u> 131,087 169,593 199,135 125,677 186,640 161,200 133,827

VEHICLE USAGE SUMMARY
RCA 8902
SPECIAL DUTY VEHICLES
FOR
HOUSTON POLICE DEPARTMENT AND HOUSTON AIRPORT SYSTEM
S38-N23742

Item No. Requisition No./Description	Department Usage	Qty	Vehicle Replacement		
Item No. 5 PR 10109170/Utility Vehicle, 2-WD	Houston Police Department These vehicles will be used citywide by the Department's police officers for patrol duties and operations.	2	<u>Shop No.</u> 34456 34479	<u>Age-Yrs.</u> 5 5	<u>Mileage</u> 140,639 113,853
Item No. 6 PR 10111939/ Utility Vehicle, 2-WD	Houston Airport System These vehicles will be used at the George Bush Intercontinental Airport by Houston Police Department officers to transport personnel and K-9 dogs for patrolling and for the search and detection of explosives, weapons and narcotics.	7	<u>Shop No.</u> 29226 34302 34303 34304 34305 35035 35465	<u>Age-Yrs.</u> 10 5 5 5 5 4 4	<u>Mileage</u> 121,186 140,026 170,922 140,477 186,537 109,265 135,785
Item No. 7 PR10109114/ Utility Vehicle, 2-WD	Houston Police Department These vehicles will be used citywide by the Department's SWAT Team officers to transport personnel and specialized equipment to crime scenes involving barricaded suspects and hostage situations.	17	<u>Shop No.</u> 34436 34437 31767 34439 34440 34441 34442 31800 34466 34467 34468 31789 35022 35023 35278 35279 34485	<u>Age-Yrs.</u> 5 5 10 5 5 5 5 10 5 5 5 10 5 5 4 4 5	<u>Mileage</u> 142,894 137,050 122,237 142,378 139,601 144,256 149,156 141,691 127,600 132,970 153,325 146,723 155,094 155,965 120,241 158,571 130,098



Memorandum

To: Robert Gallegos, Deputy Assistant Director
Affirmative Action Division

From: Lena Farris
Procurement Specialist

Date: December 7, 2010

Subject: MWBE Participation Form

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

I am requesting a MWBE goal below 11% Yes No _____ %

I am requesting a revision of the MWBE Goal: Yes No Original Goal: 5% New Goal: 0%

If requesting a revision, how many solicitations were received: 8

Solicitation Number: S38-N23742 Estimated Dollar Amount: \$1,330,923.78

Anticipated Advertisement Date: 09/24/2010 Solicitation Due Date: 10/28/2010

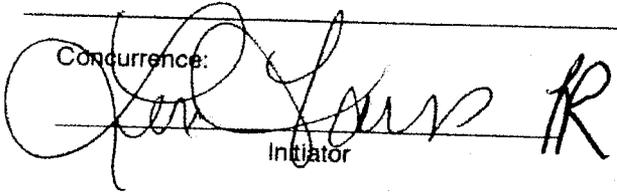
Goal On Last Contract: N/A Was Goal met: Yes No

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

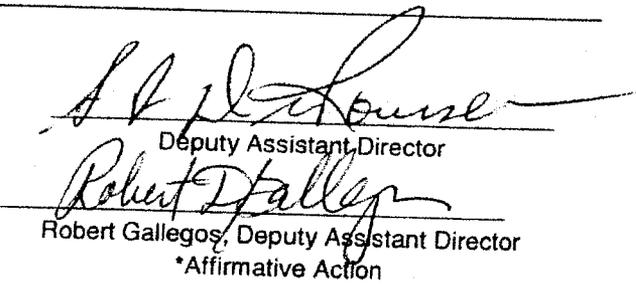
Name and Intent of this Solicitation: **Special Duty Vehicles for HPD and Houston Airport System**

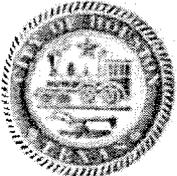
Rationale for requesting a Waiver or Revision:

These vehicles are manufactured and delivered by the vehicle manufacturers to their authorized dealers, which are the City's bidders. The only potential for MWBE participation is the purchase and installation of aftermarket equipment such as lightbars, sirens, LED lights, etc. The aforementioned equipment was not requested by the City Departments for all bid items; therefore, some bid items did not have any MWBE potential for aftermarket equipment. Bid Item Nos. 5 and 7 did have MWBE potential for aftermarket equipment that was requested. For Bid Item No. 5, the recommended bidder (Holiday Chevrolet) requested and received aftermarket equipment pricing from a certified MWBE supplier the pricing received from a non-M/WBE supplier was approximately 51% lower than the MWBE. Holiday Chevrolet made a business decision to accept the lower pricing to provide a greater cost savings to the City. For Bid Item No. 7, the recommended bidder (Philpott Motors) requested and received aftermarket equipment pricing from a certified M/WBE supplier but pricing received from a non-M/WBE supplier was approximately 10.6% lower than the MWBE. Philpott Motors made a business decision to accept the lower pricing to provide a greater cost savings to the City.

Concurrence: 
Initiator

Calvin D. Wells, Deputy Director
City Purchasing Agent


Deputy Assistant Director
Robert Gallegos, Deputy Assistant Director
*Affirmative Action



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8914

Subject: Received Formal Bids to Replace a 225 Ton Air Cooled Chiller for the Public Works and Engineering Department
S50-C23781

Category #
4

Page 1 of 2

Agenda Item

17

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

Origination Date
January 05, 2011

Agenda Date
FEB 02 2011

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
F

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 an award to Facilities Mechanical, Inc. on its low bid in the amount of \$121,367.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$6,068.35 for a total amount not to exceed \$127,435.35 for the replacement of a 225 ton air cooled chiller for the Public Works and Engineering Department.

Award Amount: \$127,435.35

Finance Budget

\$127,435.35 Combined Utility System General Purchasing Fund (8305)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Facilities Mechanical, Inc. on its low bid in the amount of \$121,367.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$6,068.35 for a total amount not to exceed \$127,435.35 for the replacement of a 225 ton air cooled chiller for the Public Works and Engineering Department and that authorization be given to issue purchase orders as necessary. The replacement chiller shall provide chilled water to the laboratory HVAC system. This is necessary to provide an appropriate climate controlled environment for laboratory analysis.

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

<u>Company</u>	<u>Total Amount</u>
1. Facilities Mechanical, Inc.	\$121,367.00
2. Gowan, Inc.	\$122,629.00
3. Mesa Mechanical, Inc.	\$131,735.00
4. KRC Enterprises Inc. dba Mabry Mechanical	\$175,740.00
5. Rincon Air & Heat Company, LLC	\$182,777.00
6. American Mechanical Services, LLC	\$183,654.00
7. Vossler Plumbing Company	\$186,400.00
8. Tekplan Solutions	\$219,726.00

The scope of works requires the construction contractor to provide all materials, labor, equipment, transportation, insurance, permits, bonds and other services necessary to remove and properly dispose of an existing 215 ton, air cooled chiller and furnish and install a new 225 ton, air cooled chiller at the City's Wastewater Operations, Beltway Central Laboratory, located at 10500 Bellaire Boulevard. The new chiller will replace an eleven year old unit that is beyond economical repair. The compressor is burnt and the

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

20

Date: 1/5/2011	Subject: Received Formal Bids to Replace a 225 Ton Air Cooled Chiller for the Public Works and Engineering Department S50-C23781	Originator's Initials AL	Page 2 of 2
-------------------	---	--------------------------------	-------------

condenser coils are corroded. Materials and workmanship for this project are warranted for five and the life expectancy is 20 years. The contractor shall have 120 calendar days to complete all work associated with and required after receipt of the written 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 provides health benefits to eligible employees in compliance with City policy.

Buyer: Art Lopez

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8922

Subject: Formal Bids Received for the Replacement of a Pneumatic Ejector System for the Public Works and Engineering Department. S50-C23778

Category #
4

Page 1 of 1

Agenda Item

18

FROM (Department or other point of origin):

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

Origination Date

January 11, 2011

Agenda Date

FEB 02 2011

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

1

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 an award to R & B Group, Inc. on its low bid in the amount of \$140,000.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$7,000.00 for a total amount not to exceed \$147,000.00 for the replacement of a pneumatic ejector system for the Public Works and Engineering Department.

Award Amount: \$147,000.00

Finance Budget

\$147,000.00 - PW&E Combined Utility System General Purchasing Fund (8305)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to R & B Group, Inc. on its low bid in the amount of \$140,000.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$7,000.00 for a total amount not to exceed \$147,000.00 to replace a pneumatic ejector system for the Public Works and Engineering Department, and that authorization be given to issue purchase orders as necessary. The new pneumatic ejector system will replace a thirty-six plus year old unit that is beyond economical repair. The pneumatic ejector system transports sewage from pits to the holding/disposal area and ensures uninterrupted sanitary service at Plant No. 2 and associated buildings at the East Water Purification Plant.

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

<u>Company</u>	<u>Total Amount</u>
1. R & B Group, Inc.	\$140,000.00
2. Boyer, Inc.	\$188,400.00

The scope of work requires the construction contractor to provide all materials, labor, equipment, supervision, tools and transportation necessary to remove and properly dispose of the existing thirty-six plus year old pneumatic ejector system and furnish and install a new pneumatic ejector system (unit) at the City's East Water Purification Plant, located at 2300 Federal Road. Materials and workmanship for this project are warranted for twenty-five years and the life expectancy of the new unit is thirty years. 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 provides health benefits to eligible employees in compliance with City policy.

Buyer: Art Lopez

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NOT

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA#

Subject: An Ordinance Amending Chapter 16 of the Code of Ordinances, Houston, Texas, Relating to Adjudication of Parking Citations

Category #

Page 1 of 1

Agenda Item

19

FROM (Department or other point of origin):

Barbara Hartle, Director and Presiding Judge
Municipal Courts Department

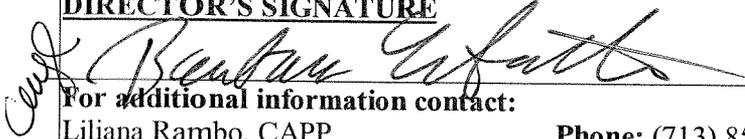
Origination Date

January 19, 2011

Agenda Date

FEB 02 2011

DIRECTOR'S SIGNATURE

Cygl


Council District(s) affected

All

For additional information contact:

Liliana Rambo, CAPP
Tracy Calabrese

Phone: (713) 853-8193
Phone: (832) 393-6448

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance amending Chapter 16 of the Code of Ordinances related to adjudication of parking citations.

Amount of Funding: N/A

Finance Budget

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

SPECIFIC EXPLANATION:

The Municipal Courts Department recommends that Council approve an ordinance to revise Chapter 16 of the Code of Ordinances ("the Code") to provide an online process whereby persons who have received parking citations may contest the citations within seven days of issuance of the citation.

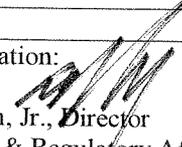
Providing an online process by which individuals may contest parking citations will increase the efficiency of the parking citation adjudication process and improve customer service. Users of the online process will be able to submit written statements and evidence, such as photographs.

The recommended ordinance will also reduce the time period in which a parking citation must be paid or contested in person before an adjudication officer without incurring a fine from 45 days to 30 days. A survey of the delinquency grace period granted by the Cities of Austin, Dallas, Fort Worth and San Antonio indicates that the average grace period is 24.8 days, a figure which is biased upward by the City of Houston's grace period of 45 days. Data provided by MCD, Parking Management, and other Texas cities indicates that reducing the time period will facilitate more timely payment of parking fines.

These recommendations were presented to the Transportation, Infrastructure and Aviation Committee on January 24, 2010.

REQUIRED AUTHORIZATION

Other Authorization:

Cygl

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

Other Authorization:

Other Authorization:

ARTICLE IV. ADJUDICATION OF PARKING CITATIONS

Sec. 16-61. Jurisdiction.

The municipal courts department shall have original jurisdiction over cases involving violations of city ordinances enumerated in articles II, IV and VI and division 1 of article III of chapter 26 of this Code and of offenses involving the parking or stopping of a vehicle that arise under the Fire Code of the city.

Sec. 16-62. Procedures.

The presiding judge shall establish and implement appropriate procedures to effect the policy of this article, which may include procedures for online adjudication.

Sec. 16-63. Adjudication hearing officers.

(a) The municipal courts department shall employ one or more adjudication hearing officers who shall be appointed by the mayor. Staff required for the support of the adjudication hearing officer's functions shall be provided by the clerk of the municipal courts.

(b) Adjudication hearing officers shall have the authority to administer oaths and to issue orders compelling the attendance of witnesses and production of documents.

(c) An order compelling the attendance of witnesses or production of documents may be enforced by the municipal courts department.

Sec. 16-64. Parking citations.

(a) The administrative adjudication process for parking, standing or stopping of vehicle violations that are subject to adjudication under this article shall be initiated by the issuance of a parking citation. A citation may be issued by a peace officer or other authorized parking enforcement agent designated by or upon authority of the city.

(b) If the owner or operator of the vehicle is not present at the time of issuance of the citation, the citation may be issued by affixing the citation to the vehicle in a conspicuous place.

(c) The citation shall provide that the person charged with a parking, stopping or standing offense shall have the right of an instanter hearing to determine the issue of liability for the charged offense. Such right to a hearing shall be exercised by appearing in person before an adjudication hearing officer within 30 45 days from the date of issuance of the citation at such convenient and reasonable hours as may be specified by the adjudication hearing officer, which hours shall be printed on the parking citation. In lieu of an instanter hearing the person charged may appear in person or through legal counsel before an adjudication hearing officer within 30 45 days from the date of issuance of the citation, post a cash bond for fines, costs and fees in an amount to be established by the adjudication hearing officer and shall then be scheduled for a hearing before the adjudication hearing officer at a date and time certain within 30 days of such appearance.

(d) The original or any copy of the citation is a record kept in the ordinary course of business in the city and is rebuttable proof of the facts it contains.

Sec. 16-64.1. Online adjudication.

In addition to the information required in section 16-64(c), a citation shall provide that the person charged with a parking, stopping or standing offense may, within seven days of the issuance of the citation, contest the citation online in accordance with procedures established by the director of the municipal courts department. Such procedures will allow the person charged to submit written statements and evidence.

* * *

Sec. 16-66. Hearings.

(a) At the hearing before the adjudication hearing officer, the person charged may either admit, admit with explanation, or deny the alleged infraction.

(b) The issuing peace officer or other authorized parking enforcement agent shall not be required to attend the hearing.

(c) It is not required that the prosecuting attorney attend the hearing. Provided, however, that if the person charged is represented by legal counsel at the hearing, the adjudication hearing officer shall notify the prosecuting attorney who shall have a right to appear on behalf of the city at said hearing.

(d) No formal or sworn complaint shall be necessary. The adjudication hearing officer shall examine the contents of the citation and the evidence related to ownership of the vehicle in question, and shall hear and review the testimony and evidence presented by the person charged. If the adjudication hearing officer determines by the preponderance of the evidence that the violation was committed by the person charged, he shall find the person charged liable therefor.

(e) At the conclusion of the hearing, the adjudication hearing officer shall issue an order stating whether or not the person charged is liable for violation of the parking, standing or stopping ordinance and the amount of any fine, costs, or fees assessed against him. The order and all other records of the proceeding shall be filed with the clerk of the municipal court. All such orders shall be kept in a separate index or file by the clerk of the municipal court. The filing of the order and other records of the proceeding shall be kept in accordance with Section 682.009 of the Texas Transportation Code.

(f) Failure of a person charged with the offense to appear before an adjudication hearing officer within 30 45 days from the issuance of the citation shall be considered an admission of liability for the charged offense and a default notice ~~an order~~ shall be issued on that basis. In the event that the person charged elects to appear by posting a bond and obtaining a scheduled hearing at a date and time certain, the failure of the person charged to appear in person or through counsel at the hearing as scheduled shall also be considered an admission of liability and an order may be issued on that basis.

(g) Fines for violations shall be as provided in section 26-10 of this Code. The presiding judge shall establish fines for persons who do not wish to contest their citations and for persons who admit liability under subsection (f), above. The presiding judge shall establish the amount of any added fine that shall be payable if a citation or fine ordered by an adjudication hearing officer is not fully satisfied or a bond is not posted within 30 ~~45~~ days from the date of issuance of the citation.

(h) Court costs shall be payable on all citations in the amounts required by law including, but not limited to, the fees payable under section 16-8 of this Code. The court costs shall be disposed of as provided in section 16-8, or as otherwise provided by law. All other fines and fees shall be deposited in the city treasury as general revenues of the city.

(i) The clerk of the municipal courts shall cause a video or audio tape record to be made of each hearing and shall retain the tape and any documents introduced at the hearing until the time for an appeal to be filed has expired.

Sec. 16-67. Appeal.

(a) A person who is found liable after an administrative adjudication hearing or online adjudication process may appeal that finding of liability to the municipal courts by filing a notice of appeal with the clerk of the municipal courts. The notice of appeal must be filed not later than ten days after the date on which the adjudication hearing officer entered the finding of liability and shall be accompanied by the payment of a nonrefundable appellate filing fee of \$10.00 for the first citation and \$5.00 for each additional citation that is appealed. Unless the person, on or before the date of filing of the notice of appeal, posts a bond in the amount of the civil penalty and any late fees, an appeal does not stay the enforcement of the civil penalty. An appeal shall be decided by the municipal court under the substantial evidence rule and on the basis of the evidence adduced at the hearing before the adjudication hearing officer. The clerk's office shall provide or cause to be provided a copy of the record to the municipal court. If the municipal court finds the record to be materially incomplete, the court may upon its own motion or upon the motion of the defendant or the prosecuting attorney refer the case back to the adjudication hearing officer for further proceedings; however, no evidence may be adduced at the appeal hearing.

* * *

Sec. 16-68. Enforcement.

In addition to the added fine amount for delayed payment as provided in section 16-66(g) of this Code, the failure to comply with an order or default notice issued under this article may be enforced in any of the other manners provided in Section 682.010 of the Texas Transportation Code.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA#

Subject: An Ordinance Amending Section 26-10 of the Code of Ordinances, Houston, Texas, Relating to Fines for Parking Violations

Category #

Page 1 of 1

Agenda Item

20

FROM (Department or other point of origin):

Barbara Hartle, Director and Presiding Judge
Municipal Courts Department

Origination Date

January 19, 2011

Agenda Date

FEB 02 2011

DIRECTOR'S SIGNATURE

Barbara Hartle

Council District(s) affected

All

For additional information contact:

Liliana Rambo, CAPP
Tracy Calabrese

Phone: (713) 853-8193

Phone: (832) 393-6448

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance amending Section 26-10 of the Code of Ordinances relating to fines for accessible parking violations.

Amount of Funding: N/A

Finance Budget

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

SPECIFIC EXPLANATION:

The Municipal Courts Department recommends that Council approve an ordinance to revise Section 26-10 of the Code of Ordinances ("the Code") to reflect a revision in State law and to clarify Section 26-10's civil fines for parking violations.

As background, Section 26-88 of the Code provides that the punishment for the unauthorized use of parking spaces designated for the exclusive use of vehicles transporting persons with disabilities shall be as provided by Chapter 681 of the Texas Transportation Code. Chapter 681 of the Transportation Code was revised in the last legislative session to provide that the fine for unauthorized use of such parking spaces shall be not less than \$500.00 or more than \$750.00. The code revision will revise the penalty so that it is consistent with state law.

Section 26-10(b) of the Code prescribes the schedule of civil penalties for various violations of the parking ordinance (Chapter 26). The addition of a chart is intended to clarify the civil penalties.

This proposed revision was presented to the Transportation, Infrastructure and Aviation Committee on January 24, 2010.

REQUIRED AUTHORIZATION

Other Authorization:

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

Other Authorization:

Other Authorization:

Sec. 26-10. Penalty for violation of chapter.

(a) It is a criminal offense for any person to violate any of the provisions of this chapter other than the provisions of articles II, IV or VI of this chapter or of division 1 of article III of this chapter. Every person convicted of violating any of those provisions of this chapter for which another penalty is not specifically provided shall be punished by a fine of not less than \$1.00 nor more than \$200.00; provided that the penalty for violation of any provision of article X (Immobilization ('Booting') of Vehicles) of this chapter shall be a fine of not less than \$300.00 nor more than \$500.00; further provided, however, that no penalty shall be greater or less than the penalty for the same offense under the laws of this state.

(b) It is a civil offense for any person to violate any of the provisions of article II (Stopping, IV or VI Standing, Parking and Operation of this chapter or of Vehicles), division 1 of article III (Parking Meters), article IV (Commercial Vehicle Loading Zones) or article VI (Residential Parking Permits) of this chapter. ~~The penalty for violation of any of the provisions of division 1 of article III or of article II or VI of this chapter for which Unless another fine is not specifically provided by this Code or by state law, shall be a civil fine of not less than \$1.00 nor more than \$200.00; provided, however, that the penalty for violation of any provision of article IV of this chapter shall be a civil fine of not less than \$200.00 nor more than \$500.00; provided further, that the penalty for violation of section 26-88 of this Code shall be a civil fine of not less than \$250.00 nor more than \$500.00. of the aforesaid civil offense provisions shall be as follows:~~

<u>Violation Of</u>	<u>Civil Fine</u>
<u>Article II (except for Sec. 26-88)</u> <u>Article III, Division 1</u> <u>Article VI</u>	<u>\$1.00 - \$200.00</u>
<u>Article II, Section 26-88</u>	<u>\$500.00- \$750.00</u>
<u>Article IV</u>	<u>\$200.00 - \$500.00</u>

(c) For violations under this chapter that are of a continuing nature, each day that the violation shall continue shall constitute a separate offense.

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

SUBJECT: An ordinance amending various provisions of Chapter 18 of the Code of Ordinances, Houston, Texas, relating to ethical conduct		Category #	Page 1 of 1	Agenda Item # 21
FROM (Department or other point of origin): David M. Feldman, City Attorney Legal Department		Origination Date	Agenda Date FEB 02 2011	
DIRECTOR'S SIGNATURE: 		Council District affected: All		
For additional information contact: Mary Frances Clark Phone: 832.393.6318		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) That City Council pass an ordinance amending various provisions of Chapter 18 of the Code of Ordinances relating to transparency, awareness, and standards of accountability concerning the ethical responsibilities incumbent upon city officials, lobbyists, and citizens.				
Amount of Funding: N/A		F & A Budget: N/A		
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund				
<input type="checkbox"/> Other (Specify)				
SPECIFIC EXPLANATION: Chapter 18 of the City of Houston Code of Ordinances contains the city's ethical conduct standards for city officials, lobbyists, and citizens. The proposed amendments clarify the non-application of the lobbyist registration requirements to owners of small businesses lobbying on their own behalf and exclude subcontractors from the limitations on campaign contributions that apply to City contractors. Subcontractors had been added to the definition of "contractor" for the purposes of Section 18-3, "Standards of Conduct," but it was not intended to extend to campaign contributions, as their identification cannot be commonly ascertained for enforcement during the contract award period applicable to the receipt of such contributions. The City Attorney recommends passage of these amendments, which are intended to facilitate application of the newly revised Chapter 18.				

Sec. 18-31. Scope.

(a) The provisions of this article shall be applicable to all candidates and persons making contributions to candidates and to such additional matters as are addressed herein.

(b) Each candidate shall file with his application, consent and affidavit of candidate, a written statement acknowledging that he has received a copy of this chapter.

(c) As used in this article the term *contract award period* shall mean the period commencing at the time of posting of the city council meeting agenda including an item for the award of the contract and ending upon the 30th day after the award of the contract by city council or a determination by city council or the mayor that the contract will not be awarded to a contractor.

(d) As used in this article the term *contractor* shall not include a subcontractor.

Sec. 18-71. Definitions.

The definitions established in section 18-2 of this Code shall not apply in this article unless expressly indicated below. In this article, the following words and terms shall have the meanings provided in this section, unless the context clearly indicates another meaning:

Administrative action means rulemaking, licensing, or any other matter that may be the subject of action by a city official, city department or other city agency, including the proposal, consideration, or approval of the matter. The term does not include the day-to-day application, administration or execution of city programs and policies such as permitting, platting, and design approval matters related to or in connection with a specific project or development.

Benefit shall have the meaning provided in section 18-2 of this Code.

Candidate means a person who knowingly and willingly takes affirmative action for the purpose of gaining election to city office or for the purpose of satisfying financial obligations incurred by the person in connection with the campaign for election. Examples of affirmative action include:

- (1) The filing of a campaign treasurer appointment;
- (2) The filing of an application for a place on a ballot;
- (3) The filing of a declaration of write-in candidacy;

- (4) The making of a public announcement of definite intent to run for city office in a particular election, regardless of whether the specific office is mentioned in the announcement;
- (5) Before a public announcement of intent, the making of a statement of definite intent to run for city office and the soliciting of support by letter or other mode of communication; and
- (6) The soliciting or acceptance of a campaign contribution or the making of a campaign expenditure.

City elective office has the meaning provided in section 18-2 of this Code.

Communicates directly with, or any variation of the phrase, means contact in person or by telephone, telegraph, letter, facsimile, electronic mail, or other electronic means of communication.

Compensation means money, service, facility, or other thing of value or benefit that is received or is to be received in return for or in connection with services rendered or to be rendered.

Expenditure means a payment, distribution, loan, advance, reimbursement, deposit, or gift of money or any thing of value, including a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

Member of the executive branch means the mayor, city controller, mayor-elect, city controller-elect, candidate for mayor or controller, employee of the city, or member of the Archaeological and Historical Commission, Automotive Board, Board of Public Trusts, Boiler Code Review and Licensing Board, Building and Standards Commission, Civil Service Commission, Deferred Compensation Committee, Electrical Board, Ethics Commission as created by section 18-11 of this Code, Fire Board of Appeals, General Appeals Board, Helicopter Facilities Licensing and Appeals Board, Houston Parks Board, Mechanical Code Review Board, Planning Commission, or Plumbing Code Review Board.

Member of the legislative branch means a council member, council member-elect, or candidate for the office of council member.

Municipal legislation means:

- (1) An ordinance, resolution, motion, amendment, nomination, or other matter pending before the city council; or

- (2) Any matter that is or may be the subject of action by the city council or a council committee, including drafting, placing on the agenda, consideration, passage, defeat, approval, or countersignature of the matter.

Owner means a person who is a sole proprietor of a business, a majority shareholder of a corporation, or a general partner of a partnership and who communicates directly with one or more members of the legislative or executive branch to influence municipal legislation or administrative action on behalf of such business, corporation, or partnership.

Person means an individual, corporation, association, firm, partnership, committee, club, organization, or group of persons who are voluntarily acting in concert.

Registrant means a person required to register under section 18-72 of this Code.

Reimbursement shall have the same meaning as "compensation" defined above.

Sec. 18-72. Persons required to register.

(a) A person must register with the city secretary under this article if the person communicates directly with a member of the legislative or executive branch to influence municipal legislation or administrative action and:

- (1) Makes or reasonably expects to make a total expenditure of \$200.00 or more in a calendar quarter, or \$800.00 or more in a calendar year, not including the person's own travel, food, or lodging expenses or the person's own membership dues, on activities described in section 18-75 of this Code to communicate directly with one or more members of the legislative or executive branch to influence municipal legislation or administrative action; or
- (2) Receives or may reasonably expect to receive from another person compensation or reimbursement, not including reimbursement for the person's own travel, food, or lodging expenses or the person's own membership dues, of \$200.00 or more in a calendar quarter, or \$800.00 or more in a calendar year, to communicate directly with one or more members of the legislative or executive branch to influence municipal legislation or administrative action; or
- (3) As part of the person's regular employment, communicates directly with one or more members of the legislative or executive branch to influence municipal legislation or administrative action on behalf of the employer by

whom the person is compensated or reimbursed, whether or not the person receives any compensation for the communication in addition to the salary for that regular employment.

(b) A person otherwise required to register under subsection (a)(1) or (a)(2) who communicates directly with a member of the executive branch to influence administrative action is not required to register if:

- (1) The person is performing an act that may be performed only by a licensed attorney; or
- (2) The person is a representative of a city employee union whose only direct communication concerning administrative action is on behalf of an individual member of the union; or
- (3) The person is an owner as defined in section 18-71 of this Code.

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending Chapters 1, 10, 28, and 34 of the Code of Ordinances relating to dangerous and other substandard buildings and related conditions.	Page	Agenda Item <i>22</i>
---	-------------	------------------------------

FROM (Department or other point of origin): Office of the Mayor	Origination Date	Agenda Date FEB 02 2011
---	-------------------------	-----------------------------------

DIRECTOR'S SIGNATURE: <i>[Signature]</i> Andrew F. Icken Chief Development Officer	Council District(s) affected: ALL
--	---

For additional information contact: Tom Allen, Special Counsel for Risk Management Legal Department 832-393-6411	Date and identification of prior authorizing Council action: Ords. 93-1570, 12-8-93; 94-674, 7-6-94; 94-1268, 11-22-94; 95-228, 3-1-95; 95-994, 9-13-95; 98-613, 8-5-98; 02-399, 5-15-02; 02-528, 6-19-02; 03-159, 2-12-03; 03-1238, 12-10-03; 04-1075, 10-20-04; 06-1093, 10-24-06; 07-1259, 11-7-07; 07-1001, 9-5-07; 09-1033, 10-21-09; 09-1050, 11-4-09; 2010-1016, 12-15-2010
--	---

RECOMMENDATION: (Summary) Approve an ordinance amending Chapters 1, 10, 28, and 34 of the Code of Ordinances relating to dangerous and substandard buildings.

Amount and Source of Funding: N/A

EXPLANATION: In response to Mayor Parker's desire to ensure the safety of those living in the City of Houston and to strengthen neighborhoods, the administration requests the approval of ordinance changes in Chapters 1, 10, 28 and 34. The main focus of the changes is Chapter 10. The processes established will be managed by the newly created Office of Neighborhood Services a Division within the Mayor's Office. Significant features of the proposed ordinance include the following:

- The Neighborhood Protection Corps ("NPC") continues to enforce Article IX with regard to single-family residential structures ("SFR") but reports to the Office of Neighborhood Services, which coordinates NPC with Citizens Assistance.
- The ordinance amends sections of Chapters 1 and 34 of the Code of Ordinances to reflect the transfer of NPC from HPD to the Mayor's Office of Neighborhood Services. Relieving HPD of supervision of NPC frees police resources for traditional law enforcement functions.
- PWE, which has expertise in evaluating the safety and soundness of commercial structures, assumes responsibility for enforcement of Article IX with regard to multi-family and commercial structures.
- Non-dangerous violations of Minimum Standards are addressed by criminal citations and civil summons only, allowing labor-intensive administrative processes to be concentrated on dangerous structures.
- The Building & Standards Commission (BSC) composed of volunteers, as prescribed by statute focuses on dangerous conditions in SFR. Dangerous conditions in other structures are considered by a hearing officer.
- Sections 8 and 9 terminate the present Building & Standards Commission ("BSC") on the effective date of the ordinance, except that all current provisions of Article IX (including the composition and operation of the BSC) continue to apply to any administrative or judicial proceeding initiated by COH prior to the effective date of the ordinance.
- Property owners' interests are better protected by (1) detailed procedures for COH's entry onto private property; (2) court reporters for administrative proceedings involving properties valued at ≥ \$250K; and (3) requiring all action taken by COH to be proportionate to the threat presented.
- Attorneys from COH Legal are authorized to represent the City at proceedings to enforce Article IX.
- Detailed procedures allow the City to respond promptly to serious emergencies (but only after the joint approval of at least two experienced COH professionals).
- The ordinance amends Section 28-26 of the Code of Ordinances to make unlawful the removal of any notice or placard placed by a City employee pursuant to the Code.
- COH Legal believes the ordinance complies with all applicable statutes (primarily, Local Government Code Chapters 54 and 214) and with due process requirements.

The proposed ordinance changes have been reviewed and approved by the Mayor's Task Force on Building and Standards and were presented to Council's Neighborhood Protection & Quality of Life Committee on January 18, 2011.

Other Authorization:	Other Authorization:	
-----------------------------	-----------------------------	--

Red-Line Comparison of Current Code of Ordinances
to Proposed Ordinance Amending Chapters 1, 10, 28, and 34

From **Section 1-2(a)**:

Neighborhood protection official ~~shall mean~~ the chief of police or such other person as the chief of police may designate to act ~~the individual designated by the mayor in writing as the official primarily responsible for the enforcement of article V and articles IX through XIV of chapter 10 of this Code and related laws and the said official's designees, to the extent and in the manner described in the said articles, and such other individuals as the neighborhood protection official may designate in writing to act on his behalf.~~

Added to **ARTICLE V. NUMBERING:**

Sec. 10-218. Responsibility for enforcement.

The neighborhood protection official is primarily responsible for the enforcement of this article with regard to dwellings, as "dwelling" is defined in article IX of this chapter. The building official is primarily responsible for the enforcement of this article with regard to all other properties.

Chapter 10:

**ARTICLE IX. ~~COMPREHENSIVE URBAN REHABILITATION
AND BUILDING MINIMUM STANDARDS~~**

DIVISION 1. GENERALLY

Sec. 10-316. Title.

This article is, and may be cited as, the "Houston ~~Comprehensive Urban Rehabilitation and Building Minimum Standards Code.~~"

Sec. 10-317. Definitions.

~~The following words, terms and phrases, w~~When used in this article, shall the following words and phrases have the meanings ascribed to them in this section meaning stated, except where unless the context of their usage clearly indicates a different another meaning:

~~—— *Approved* means approved by the building official for the purposes of this article. Approvals under this article shall be issued in the same manner as provided in the Building Code.~~

~~—— *Balcony* means a landing or porch projecting from the wall of a building that serves as a required exit.~~

~~—— *Basement* means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a first story if the floor level is not more than four feet below grade for more than 50 percent of the total perimeter, or not more than eight feet below grade at any point.~~

~~—— *Bathroom* means an enclosed space containing one or more bathtubs, showers, or both, that may also contain toilets, lavatories, or fixtures serving similar purposes.~~

~~—— *Building* means any structure used or intended for supporting or sheltering any use or occupancy.~~

Building standards official means either the neighborhood protection official or the building official, according to their respective enforcement responsibilities as provided in this article.

~~——— *Certificate of compliance* means a document issued by the building official after inspections have been performed verifying compliance with all applicable provisions of the Construction Code or other laws.~~

~~——— *City employee* means any employee of the department, the city fire department, police department, health department, or any other city department if the employee has the ability to evaluate the condition of buildings or structures subject to this article, or to perform a function specified herein, as applicable.~~

~~——— *Commission* means the building and standards commission, or, as applicable, any panel thereof created by this article.~~

~~——— *Congregate residence living facility* means any building or portion thereof that contains containing facilities for living, sleeping, and sanitation, and may also contain facilities for eating and cooking, intended or used for habitation for occupancy by other than a family. A congregate residence may include a dormitory, or fraternity or sorority house, but, for purposes of overcrowding only, does not include a jail, hospital, nursing home, hotel, shelter, convent, monastery, seminary, orphanage or foster home. Examples of congregate living facilities include shelters, convents, monasteries, dormitories, boarding and rooming houses, and fraternity and sorority houses. Notwithstanding the foregoing, the following buildings are not congregate living facilities:~~

~~——— (a) Jails;~~

~~——— (b) Hotels (as defined by article III of chapter 44 of this Code); and~~

~~——— (c) Buildings providing sleeping facilities primarily for the purpose of rendering services regulated by a department or agency of the federal government or of the State of Texas (including, but not limited to, the Texas Department of State Health Services).~~

~~——— *Court* means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.~~

~~——— *Dangerous building* means a substandard, damaged or deteriorated building or improvement that has one or more of the defects or conditions listed in section 10-361 of this Code.~~

~~——— *Department* means the police department or its successor.~~

~~——— *Director* means the director of the department or any other person who is specifically designated in writing by the director to perform any function under this chapter on behalf of the director of the department.~~

~~Dwelling means any building or portion thereof that contains a property containing not more than two dwelling units.~~

~~Dwelling unit means the same as provided for the term in the Building Code a single unit providing complete independent living facilities for one or more individuals, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Notwithstanding the foregoing, units in the following buildings are not dwelling units:~~

~~(a) Jails;~~

~~(b) Hotels (as defined by article III of chapter 44 of this Code); and~~

~~(c) Buildings providing sleeping facilities primarily for the purpose of rendering services regulated by a department or agency of the federal government or of the State of Texas (including, but not limited to, the Texas Department of State Health Services).~~

~~Family means an individual; or two or more persons individuals related by blood; or by marriage, adoption, or legal guardianship; or a group of not more than six than persons (excluding servants) ten individuals, who need not be related by blood; or marriage, or adoption living together in a dwelling unit.~~

~~Floor space means the area included within the surrounding exterior walls of a building, or portion thereof, exclusive of vent shafts and courts. The floor space of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.~~

~~Garage means a building or portion thereof in which a motor vehicle containing flammable or combustible liquids or gas in its tank is stored, repaired, or kept.~~

~~Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food, or any other putrescent waste.~~

~~Good operating condition means free of leaks, safe, sanitary, and operating in substantially the manner intended.~~

~~Grade means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or, when the property line is more than five feet from the building, between the building and a line five feet from the building.~~

~~Guest room means a room intended or used for sleeping or other living purposes but not as the permanent residence of the occupant.~~

~~Habitable floor-space~~ means floor a room or other interior space in a structure lawfully occupied for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, rooms, closets, halls, storage rooms, and or utility rooms space, and similar areas are not considered habitable floor-space habitable spaces.

~~Habitation~~ means the occupation of a building for sleeping or other living purposes.

~~Hearing official officer~~ means an employee of the department individual, whether one or more, designated by the director for purposes of carrying out the functions described for the hearing official in this article mayor to conduct administrative hearings as provided by this article, to consider evidence of violations of this article, and to enter orders as are supported by the evidence.

~~Imminent danger to health or safety or imminent danger~~ means a condition violating the terms of this article which the director has determined (i) currently constitutes a hazard to the health or safety of the occupant of a building or any other person, and (ii) requires immediate action to abate or cure such condition. Without limitation, specific examples of imminent danger to health or safety are (A) a building, or any portion of a building, which is reasonably expected to collapse at any time; (B) conditions which could reasonably be expected to lead directly to the transmission of serious disease; (C) a dangerous building that is within 1,500 feet (as measured in a direct line from the closest point of the property line of each relevant property) of a school, park, church, synagogue, temple, mosque, or licensed day care facility; (D) unoccupied structures used for criminal activity, which is evidenced by but not limited to, any of the following factors: (1) interior graffiti, (2) discarded food wrappers, (3) food waste, (4) discarded liquor or beer containers, (5) abandoned campfires, partially burned candles or matches, or other similar detritus, (6) drug paraphernalia or similar detritus, (7) any sign of entry by a person, or (E) an attractive nuisance to children. Evidence of these conditions can be determined by personal observation or circumstantially.

~~Kitchen~~ means a space area used, or designated to be used, for cooking or the preparation of food.

~~Life Safety Appendix~~ means Appendix L of the Building Code.

~~Manager~~ means an individual authorized by the owner of property to control or supervise the property.

~~Occupancy~~ means the purpose for which a building, or part thereof, is used or intended to be used.

~~Occupant means a resident of a building or any person~~ an individual having lawful possession of a building or any portion thereof, including a tenant of the building and his invitees.

~~Operator means a property manager or any other person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.~~

Overcrowded describes:

(1) A dwelling unit or a congregate living facility not containing at least 150 square feet of net floor area for the first resident and at least 100 square feet of additional net floor area for each additional resident; or

(2) A dwelling unit or a congregate living facility of two or more rooms not containing at least 70 square feet of net floor area in each room occupied by one resident for sleeping purposes; or

(3) A dwelling unit or a congregate living facility of two or more rooms not containing at least 50 square feet of net floor area per resident in each room occupied by more than one resident for sleeping purposes;

provided that, in a calculation of net floor area for the purposes of this article, children younger than one year old shall not be considered residents; children at least one year old but younger than six years old shall be considered one-half of one resident; and floor area in a room with a ceiling height of less than seven feet shall not be included in the calculation.

~~Owner means a person claiming, or in whom is vested, or in possession of the ownership, dominion, or title of real property, including, but not limited to:~~

~~(1) The holder of fee simple title;~~

~~(2) The holder of a life estate;~~

~~(3) The holder of a leasehold estate, unless the context differentiates between owner and tenant or resident, in which case "owner" shall include lessees with a lease term of five or more years;~~

~~(4) The owner's attorney-in-fact;~~

~~(5) The buyer in a contract for deed;~~

~~(6) A mortgagee, receiver, executor, or trustee in control of real property.~~

~~Permit means a current and valid official city document or certificate authorizing the construction, remodeling, use or performance of a specified activity, function or occupancy.~~

~~Plumbing means and includes all of the following supplied facilities, equipment and devices: gas pipes, water pipes, toilets, lavatories, sinks, laundry tubs, installed dishwashers, garbage disposal units, installed clothes-washing machines, catch basins, wash basins, bathtubs, shower baths, wastewater pipes, sewer pipes and sewage systems, septic tanks, drains, vents, traps and any other fuel-burning or water-using fixtures and appliances together with all connections to water, wastewater, sewer or gas pipes.~~

~~Premises or property means a lot, plot, or parcel of land, including and any structures on the parcel; for the purposes of this article, real property to which one account number has been assigned by the appraisal district in which the land is located constitutes one parcel of land.~~

~~Record proceeding refers to an administrative proceeding conducted pursuant to this article, if the proceeding is related directly to a property with an appraised value exceeding \$250,000 (including improvements), according to the most recent information available at a public website maintained by the appraisal district in which the property is located, and if the proceeding:~~

~~(1) Includes a request by the building standards official for entry of an order, declaration, or directive; or~~

~~(2) Is a hearing conducted pursuant to section 10-394 of this article.~~

~~Required means required by some provision of this article or by any other applicable law or ordinance.~~

~~Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.~~

~~Rubbish means combustible and non-combustible waste materials, except garbage; rubbish shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, construction debris, wood excelsior, rubble, rubber, leather, tree branches, yard trimmings, cans, metals, mineral matter, glass, plastic, crockery, tires and containers.~~

~~Serious and immediate hazard means a condition that violates this article and that in the absence of immediate corrective action presents a reasonable likelihood of causing bodily injury to a human being. For purposes of illustration only,~~

examples of serious and immediate hazards include (a) a condition presenting a reasonable likelihood of electrocution or asphyxiation; (b) a structure reasonably likely to collapse; and (c) a vacant structure in which there is a reasonable likelihood that an individual with no right of entry may commit a violent criminal act while shielded from public view. The existence of a serious and immediate hazard may be determined from the personal observation of any person or from circumstantial evidence.

Sleeping unit means a room or other interior space occupied, with the permission of the owner of the property, for sleeping and other living purposes, which space may include sanitation or kitchen facilities but not both. Notwithstanding the foregoing, spaces in the following buildings are not sleeping units:

- (1) Jails;
- (2) Hotels (as defined by article III of chapter 44 of this Code); and
- (3) Buildings providing sleeping facilities primarily for the purpose of rendering services regulated by a department or agency of the federal government or of the State of Texas (including, but not limited to, the Texas Department of State Health Services).

~~Stairway means any stairs or steps having two or more risers serving any building or portion thereof.~~

~~Story means that portion of a building included between the upper surface of any floor and the upper surface of any floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.~~

~~Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.~~

~~Substandard, in connection with a structure, means being in violation of the terms of division 3 of this article.~~

Substandard building means a building characterized by any of the conditions described in Section 214.001(a), Texas Local Government Code.

Vacant describes a structure in which there is no lawful residential, commercial, recreational, charitable, religious, or construction activity.

~~— Vacant dangerous building means any structure that was intended for supporting or sheltering any use or occupancy and that is not presently occupied or in other daily use by the owner, the owner's lessees or other legal invitees and that has been determined to be a dangerous building under this article or by other legal process. The term shall also include a structure that has been ordered secured pursuant to section 10-411 of this Code.~~

~~— Vector conditions means conditions caused by the accumulation of refuse, vegetation, water or other matter creating breeding and living places for insects, ectoparasites, rodents or other pests.~~

~~— Ventilation means the process of moving or circulating air by natural or mechanical means to or from any space, regardless of whether such air may have been conditioned.~~

~~— Watertight means made or assembled so that water cannot enter or escape.~~

Weatherproof means able to withstand exposure to weather without damage. describes a structure able to protect occupants from exposure to precipitation, wind, and direct sunlight.

Sec. 10-318. Scope; responsibility for enforcement.

~~(a) The provisions of this This article shall apply applies to the construction, reconstruction, alteration, repair, renewal, equipping, use and occupancy, maintenance, removal, securing, vacating and demolition of every all structures, or building or any appurtenances connected or attached thereto.~~

~~— (b) Without limitation of the above, the provisions of this article shall apply to all buildings regardless of when they were constructed, altered, or repaired, except as otherwise may be otherwise provided herein by this Code.~~

(b) The neighborhood protection official is primarily responsible for the enforcement of this article with regard to dwellings. The building official is primarily responsible for the enforcement of this article with regard to all other properties.

Sec. 10-319. Article supplemental.

The provisions of this article ~~shall be~~ are cumulative of all other ordinances, laws, and applicable regulations. Without limitation of the ~~generality of the foregoing~~, any ~~action~~ act to secure, repair, or demolish a structure that is ordered pursuant to this article must comply with all applicable requirements of this Code, specifically including the

Construction Code and division 4 of article VII of chapter 33 of this Code. Furthermore, this article shall not be construed to limit the enforcement authority of officers of the police department, specifically including members of the police department's Differential Response Team.

Sec. 10-320. ~~Penalty for violations:~~ Authority to enter property; warrants; emergencies.

(a) For purposes related to the enforcement of this article, the building standards official may enter:

(1) Vacant property, provided that

a. The building standards official does not alter or damage the property; and

b. No owner of the property has denied the building standards official permission to enter the property; and

(2) Occupied property, but only with written or verbal permission from an owner, manager, or other person who reasonably appears to be in control of the property, unless otherwise provided by this article.

(b) If the building standards official is denied permission to enter a property, entry shall be made only under authority of a warrant issued by a magistrate.

(1) In applying for a warrant, the building standards official shall submit to the magistrate an affidavit, which may be based on information supplied by others, describing with reasonable specificity the property into which entry is sought, stating facts giving rise to the building standards official's reasonable belief that the property is in violation of this article, and, to the extent known by the building standards official after reasonable inquiry, the name and contact information of the owner, manager, or other person in control of the property.

(2) If the magistrate finds that probable cause exists for entry into the property by the building standards official, the magistrate shall issue a warrant authorizing the entry. The warrant shall constitute authority for the building standards official to enter and to inspect the property, to gather evidence by any reasonable means, including photography and videography, and to procure samples and specimens as reasonably necessary to determine the existence and extent of a violation of this article. It is unlawful for a person to interfere or to refuse compliance with a warrant issued pursuant to this section.

(c) Notwithstanding anything to the contrary in this section, if the building standards official reasonably believes that a serious and immediate hazard exists on a property, the building standards official may enter the property at any time. In such circumstances the building standards official:

- (1) May be accompanied by other city employees, including officers of the police department;
- (2) Shall make every reasonable effort to present proper identification to the owner, manager, or other persons who appear to have a right to occupy or to control the property;
- (3) Shall remain on the property only for such time as is reasonably necessary to conduct inspections and to gather evidence required to determine whether a serious and immediate hazard exists on the property; and
- (4) As soon as reasonably possible, shall memorialize the circumstances of his entry into the property. The memorialization may be typed, handwritten, or in electronic form and shall be preserved in the records of the building standards official.

After expiration of the time prescribed in subsection (c)(3) of this section, the building standards official may enter a property only under the authority of subsections (a) or (b) of this section.

Sec. 10-321. ~~_____ Powers and duties of neighborhood protection official:~~

~~_____ (a) The neighborhood protection official has responsibility for the enforcement of this article, as more particularly provided herein:~~

~~_____ (b) The neighborhood protection official, upon presentation of proper identification to the owner, agent or tenant in charge of a property, may enter the premises at any reasonable time; provided that, in cases of emergency where extreme hazards are known to exist that may involve imminent injury to persons, loss of life or severe property damage, the neighborhood protection official may enter the premises at any time upon presentation of proper identification. Whenever the neighborhood protection official is denied admission to inspect any premises, inspection shall be made only under authority of a warrant issued by magistrate authorizing the inspection for violations of this article. In applying for such a warrant, the neighborhood protection official shall submit to the magistrate an affidavit setting forth the reason to believe that a violation of this article exists with respect to the property sought to be inspected and the reasons for such belief. The affidavit shall designate the location of the property sought to be inspected and the name of the person believed to be the owner, operator or occupant thereof. If the magistrate finds that probable cause exists for a search of the premises in question the magistrate shall issue a warrant authorizing the search, and describing the premises with sufficient certainty~~

to identify it. Any warrant so issued shall constitute authority for the neighborhood protection official to enter and inspect and gather evidence by any reasonable means including photography, video tape, and procuring samples and specimens of the premises described therein. It shall be unlawful for any person to interfere with or refuse to permit entry or inspection pursuant to a warrant.

Sec. 10-322. Alternative notices posted means of posting notice.

If ~~the~~an official ~~charged with~~responsible for posting a notice or placard on property ~~or other notice pursuant to this article~~ reasonably believes ~~it~~posting the notice in the manner prescribed will present a danger to ~~post any notice or placard in the manner otherwise required,~~ the official charged with posting such notice or placard may post such notice or placard ~~in any~~any individual, the official may post the notice in another manner reasonably likely to accomplish the intent of ~~such~~the notice or placard.

Sec. 10-32322. Landlord/tenant No alteration of lease or other agreement.

The terms of this article shall not be construed to alter the terms of any lease or other agreement between landlord and tenant or others relating to property that is ~~the~~a subject of this article; provided that no provision of any lease or other agreement shall be construed to excuse compliance with this article by any person. It is the intent of this article to identify the parties the city will hold responsible for compliance with and violations of this article, rather than to determine the rights and liabilities of persons under agreements to which the city is not a party.

Sec. 10-323. Responsibilities of the city attorney.

(a) The city attorney and attorneys acting at the direction of the city attorney shall:

(1) Provide legal advice and assistance as requested by the building official or by the neighborhood protection official related to the discharge of their respective duties under this article, which assistance may include the presentation of evidence, the examination of witnesses, and written and oral advocacy;

(2) Provide legal advice and assistance as requested by the hearing officer or by a member of the commission related to the discharge of their respective duties under this article; and

(3) Take all legal action reasonable and necessary to carry out the terms and provisions of this article, which action may include, but is not limited to, prosecution in the municipal courts of criminal citations issued for violations of this article and prosecution of civil lawsuits as authorized by this Code, by statute, or by common law.

(b) In the event the city attorney is requested by the building official or the neighborhood protection official and the hearing officer or a member of the commission to provide legal advice or assistance related to the same proceeding or to the same property, the city attorney shall take all actions reasonably necessary to protect the fairness of the proceeding, especially with regard to the rights of alleged violator(s).

Sec. 10-320324. Penalty for violations.

Unless a different penalty is specifically provided elsewhere in this article Code, any person violating any provision of this article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$200.00 nor more than \$2,000.00. Each day a violation continues shall constitute a separate offense. It shall be an affirmative defense to prosecution under this article that compliance with this article or any order issued pursuant hereto was prevented as a result of the time for review and appeal following application for a certificate of appropriateness for mandatory repair pursuant to section 33-249 of this Code.

Secs. 10-324325--10-330. Reserved.

~~DIVISION 2. OVERCROWDED RESIDENTIAL HABITATION~~

~~Sec. 10-331. Overcrowding defined.~~

~~(a) A congregate residence or dwelling unit is considered overcrowded and a violation of this division if it is a hazard to the public health, safety, or welfare and it does not meet the following standards:~~

~~(1) *Habitable floor space per person.* Each congregate residence or dwelling unit shall contain at least 150 square feet of habitable floor space for the first resident and at least 100 square feet of additional habitable floor space for each additional resident.~~

~~(2) *Sleeping space per person.* In each congregate residence or dwelling unit of two or more rooms, each room occupied for sleeping purposes by one resident shall contain at least 70 square feet of habitable floor space, and each room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of habitable floor space for each resident.~~

~~(b) For purposes of this section only, (i) children under 12 months of age shall not be considered residents, and children under six years of age shall be considered as one-half of one resident; and (ii) a room must have a ceiling height of at least seven feet to be considered habitable floor space.~~

~~Sec. 10-332. Notice of hearing.~~

~~— The neighborhood protection official shall give notice of a hearing to be held under section 10-333 of this Code in the same manner as required for hearings under section 10-364 of this Code, at least five days prior to the hearing, provided that notice is required to be given only to the record owner of the affected property and to the residents of each affected dwelling unit. The notice shall set forth:~~

- ~~— (1) The specific conditions reported to cause overcrowding constituting a violation of the terms of this division;~~
- ~~— (2) That a hearing will be held before a hearing official designated pursuant to this division in which the city will seek an order consistent with the terms of this division;~~
- ~~— (3) The date, time and place of the hearing;~~
- ~~— (4) That any persons having an interest in the property may appear in person and/or be represented by an attorney and may present testimony and may cross-examine all witnesses; and~~
- ~~— (5) That the owner or any resident may present evidence of any efforts taken or proposed to be taken to alleviate any overcrowded conditions that violate the provisions of this division.~~

~~The notice of the hearing shall be placed in a conspicuous place on the building and on each dwelling unit and congregate residence that is subject to the hearing. The posting of such notice shall constitute notice to any person having an interest in the property who does not receive personal notice or notice by mail, including specifically the residents thereof and any owner whose address is not known or for whom notice has been returned unopened.~~

~~Sec. 10-333. Hearing:~~

~~— (a) A public hearing to consider reduction of resident load or vacating of a congregate residence or dwelling unit shall be held before the hearing official in the same manner as provided in section 10-365 of this Code. The neighborhood protection official shall present evidence of the overcrowded condition of the congregate residence or dwelling unit and any owner, sublessor, lessee, resident, mortgagee, or lienholder may present evidence on relevant issues.~~

~~— (b) Upon consideration of the evidence presented, the hearing official shall issue an order that (i) determines the maximum resident load of the dwelling unit pursuant to the terms of this division, (ii) requires reduction of the resident load of the dwelling unit to the load so determined if the dwelling unit is found to exceed the maximum resident load, and (iii) establishes a reasonable period of time for the ordered reduction to be accomplished, giving due consideration to the degree of hazard presented by the overcrowded condition;~~

~~such period not to be less than 30 days nor more than 45 days unless, based upon the extent of the risks imposed and the time required to cure, the hearing official determines a longer or shorter period is warranted. The director shall mail a copy of the order promptly after the decision is rendered to the owner of the affected building and to the residents of each affected dwelling unit or congregate residence.~~

~~Sec. 10-334. Placarding overcrowded buildings; offenses.~~

~~(a) As soon as practicable following a hearing and determination by the hearing official of a violation of this division, the neighborhood protection official shall place a placard on a building and on each dwelling unit or congregate residence that is determined to be overcrowded. The placard shall warn of the hazardous condition, advise the public of the finding and provide notice of the order requiring the abatement of the overcrowded condition. The neighborhood protection official shall not remove the placard until the congregate residence or dwelling unit has been found to be in compliance with this division.~~

~~(b) A person commits an offense if the person:~~

~~(1) Without authority from the director removes, defaces or destroys a placard placed by the neighborhood protection official by authority of this division;~~

~~(2) Continues to be a resident of a congregate residence or dwelling unit that remains in violation of an order requiring reduction of resident load following the expiration of the period required, a tenant shall be relocated or evicted by legal means; or~~

~~(3) As owner of a congregate residence or dwelling unit authorizes or allows the congregate residence or dwelling unit to be occupied in violation of an order requiring reduction of resident load following the expiration of the period required for compliance specified in the order.~~

~~Sec. 10-335. Relocation of displaced occupants.~~

~~(a) Whenever vacating of residents of a congregate residence or dwelling unit is required to comply with an order requiring reduction of the occupancy load, the neighborhood protection official may provide such residents the following assistance:~~

~~(1) A list of dwelling units in the same general area of the applicable congregate residence or dwelling unit, that are of adequate size to comply with this Code and that are known to be available and affordable within such residents' economic means; and~~

~~(2) Assistance in arranging and negotiating the rental of replacement housing including referral to moving contractors who are prequalified by the city and who will provide their services at low bid costs.~~

~~(b) Any assistance provided pursuant to this section may be provided by the neighborhood protection official during the period established for accomplishing the ordered resident load reduction.~~

DIVISION 2. ADMINISTRATIVE HEARINGS BEFORE HEARING OFFICER

Sec. 10-331. Authority of the hearing officer.

For the enforcement of this article the hearing officer is authorized to conduct public administrative proceedings and to enter orders to the extent and in the manner authorized by Subchapter A of Chapter 214, Texas Local Government Code, and by this article.

Sec. 10-332. Hearings before the hearing officer.

(a) The city attorney may recommend to the hearing officer rules and procedures as are reasonable and necessary for the enforcement of this article.

(b) The building official shall designate a city employee to maintain the office of the hearing officer and to preserve all records of the hearing officer for at least three years after the records are created and as otherwise required by law.

(c) Notice of all hearings before the hearing officer shall be given as required by Subchapter A of Chapter 214, Texas Local Government Code, and by this Code.

(d) In each public proceeding before the hearing officer, the first order of business shall be for the building standards official to state whether or not he intends to request entry of an order, declaration, or directive related to a subject of the proceeding. The building standards official's statement shall be noted in the minutes or other record of the proceeding. Subject to subsection (f) of this section, if the building standards official states that he intends to request entry of an order, declaration, or directive related to a subject of the proceeding, the hearing officer shall cause the proceeding to be recorded by a court reporter, a video recorder, or other means sufficient to ensure the availability of a record for judicial review.

(e) Any person who complies with the requirements of this subsection may record a public proceeding before the hearing officer by any reasonable method that does not disrupt, delay, or otherwise burden the proceeding. Otherwise, the proceeding may not be recorded. In each public proceeding before the hearing officer, the second order of business shall be for the hearing officer to ask if any person present intends to record the proceeding. Any person who answers in the affirmative shall state his name and mailing address and tender to the hearing officer for review a valid, government-issued

identification document, which document must include the person's photograph. The names and addresses of all persons answering in the affirmative shall be noted in the minutes or other record of the proceeding. This subsection is not applicable to persons recording the proceeding at the request of the hearing officer.

(f) A record proceeding conducted by the hearing officer shall be recorded by a court reporter certified by the Texas Court Reporters Certification Board. The building standards official shall pay a reasonable and customary fee to the court reporter for the recording services. Any person, including an employee of the city, may purchase a transcript of the proceeding (or a physical or electronic copy of a transcript of the proceeding, if available) after payment of a reasonable and customary fee to the court reporter. Notwithstanding anything to the contrary in this subsection, the building standards official shall not pay any fee to a court reporter who is an employee of the city.

(g) A proceeding conducted by the hearing officer may be postponed once for good cause shown; the existence of "good cause" shall be determined by the hearing officer in the exercise of his sole but reasonable discretion.

(h) Unless otherwise provided by this article, in a proceeding before the hearing officer in which the building standards official requests entry of an order, declaration, or directive, the factual and legal basis for the request shall be presented to the hearing officer by a person designated by the building standards official, which person may be an assistant city attorney. During the proceeding, the following persons may present testimony and other evidence on relevant issues and may cross-examine witnesses:

- (1) The building standards official;
- (2) An owner, resident, sublessor, or lessee of the property that is the subject of the proceeding;
- (3) A person who has a lien against, or other legal interest in, the property that is the subject of the proceeding, according to:
 - a. The real property records of the county in which the property is located; or
 - b. A publicly available database maintained by the appraisal district in which the property is located;
- (4) An owner, resident, sublessor, or lessee of a property adjoining the property that is the subject of the proceeding;
- (5) A licensed attorney authorized to represent a person listed in subparts (1)–(4) of this subsection; and

(6) Any other person whom the hearing officer reasonably concludes is likely to further his understanding of the evidence or to assist his determination of a fact in issue.

(i) Before testifying, each witness shall be required to declare that he will testify truthfully, by an oath or affirmation administered by the hearing officer and in a form calculated to awaken the witness's conscience and to impress the witness's mind with his duty to testify truthfully.

(j) If no person having a possessory or other legal interest in the property appears before the hearing officer on the date and at the time for which the proceeding has been noticed, the building standards official shall proceed with the presentation of the evidence of the alleged violation(s).

(k) Upon consideration of the evidence and arguments presented at the proceeding, the hearing officer shall issue a written order that sustains one or more of the allegations of the building standards official or that dismisses one or more of the allegations and that orders relief, if and as authorized by this article, provided that any relief ordered by the hearing officer shall be reasonably proportionate to the threat to human health or safety presented by the violation. The order may include findings by the hearing officer, but findings are not required.

(l) Promptly after the hearing officer has issued a written order under this section, the building standards official shall give notice of the order in the manner required by Subchapter A of Chapter 214, Texas Local Government Code, and by this Code.

Secs. ~~10-336333~~--10-340. Reserved.

DIVISION 3. ADMINISTRATIVE HEARINGS BEFORE BUILDING AND STANDARDS COMMISSION

Sec. 10-341. Building and standards commission created.

The building and standards commission of the city is hereby created. The commission shall function in the manner authorized by Subchapter C of Chapter 54, Texas Local Government Code. The commission shall conduct administrative hearings as provided by this article, to consider evidence of violations of this article, and to enter orders as are supported by the evidence.

Sec. 10-342. Members of the commission; terms.

(a) The commission consists of two commission panels, each of which shall be composed of five regular members appointed by the mayor and confirmed by the city council. At least one member of each commission panel shall be generally familiar with housing for low-income or homeless persons.

(b) The mayor also shall appoint eight alternate members to the commission, which members shall be confirmed by the city council. At the request of the neighborhood protection official, which request shall be noted in the records of the commission, in the absence of a regular member an alternate member may serve on either commission panel.

(c) Each regular and alternate member shall serve for a term of two years and, absent unusual circumstances as determined by the mayor's office of boards and commissions, shall hold over until the member's successor is appointed and confirmed. Each regular panel position shall be numbered consecutively within each panel as positions one through five, and each alternate position shall be numbered consecutively as positions one through eight. Each member of the commission, regular or alternate, shall be appointed to a specific numbered position. The terms of each even-numbered position shall begin on the first day of each even-numbered year and end on the last day of each odd-numbered year, and the terms of each odd-numbered position shall begin on the first day of each odd-numbered year and end on the last day of each even-numbered year. A vacancy in any position shall be filled for the remainder of the unexpired term.

(d) At its first meeting of each calendar year, the commission as a whole shall elect a chairman to preside over its meetings. A quorum of the commission as a whole consists of a total of fourteen members, whether regular members or alternates.

(e) A quorum of a commission panel consists of three members. An affirmative vote of three members of each commission panel is required for the issuance of an order by the commission panel. A tie vote shall be treated as a vote to deny the relief requested. No member of the commission may abstain from a vote unless before the vote the member publicly announces the factual basis for his reasonable belief that he has a conflict of interest related to the subject of the vote.

(f) Each commission panel shall elect a chairman and vice chairman at its first meeting of each calendar year and may convene at other times as necessary to function in the manner authorized by this article.

(g) A member of the commission, regular or alternate, may be removed as provided in Section 54.033(c), Texas Local Government Code.

Sec. 10-343. Authority of the commission.

For the enforcement of this article the commission is authorized to conduct public administrative proceedings, to enter orders, and to take actions to the extent and in the manner authorized by Subchapter C of Chapter 54, Texas Local Government Code.

Sec. 10-344. Hearings before the commission.

(a) The city attorney may recommend to the commission rules and procedures as are reasonable and necessary for the operation of the commission and the enforcement

of this article. The commission as a whole shall adopt rules as required by Section 54.034, Texas Local Government Code.

(b) The neighborhood protection official shall designate a city employee to maintain the office of the commission and to preserve all records of the commission for at least three years after the records are created and as otherwise required by law. The city employee designated pursuant to this subsection may be the same city employee designated by the building official pursuant to section 10-332(b) of this Code.

(c) Notice of all proceedings before the commission shall be given as required by Section 54.035, Texas Local Government Code, or by Subchapter A of Chapter 214, Texas Local Government Code, and by this Code, as applicable to the proceeding.

(d) Proceedings before the commission shall be conducted essentially in the same manner prescribed by division 2 of this article for administrative hearings before the hearing officer.

(e) Promptly after the commission has issued a written order under this division, the neighborhood protection official shall give notice of the order in the manner required by Section 54.035, Texas Local Government Code, or by Subchapter A of Chapter 214, Texas Local Government Code, and by this Code, as applicable to the proceeding.

Secs. 10-345--10-360. Reserved.

DIVISION 34. MINIMUM STANDARDS

Sec. 10-3461. Minimum standards generally; ~~penalty~~; responsibilities of owners and occupants.

~~(a) It shall be~~ is unlawful for ~~any person to~~ knowingly to allow or suffer a building, structure or property of which ~~he~~ the person has ownership; or control or possession to be kept or used in violation of this division.

~~(b) Both owners and occupants are subject to all penal provisions of this division as they apply to such parties.~~

~~(c) Every owner of a building shall be~~ Each person who owns or otherwise has control of a property is responsible for maintaining in a ~~clean and~~ sanitary condition the shared or public areas of the ~~building~~ property and the premises thereof.

~~(d) Every~~ Each occupant of a dwelling unit or ~~dwelling~~ a sleeping unit shall keep in a ~~clean,~~ sanitary condition ~~that~~ the part of the ~~dwelling,~~ dwelling unit and premises thereof that the occupant occupies or controls.

~~(ed) The owner~~ No person who owns, controls, or occupant of a building or occupies real property shall not use the building or property for the open storage of any dead trees, trash, or refuse, or of any glass or building material, or of any inoperable icebox motor vehicle, boat, refrigerator, stove, motor vehicle or boat, or other object or any a reasonably similar itemssize. For the purposes of this sectiondivision, "inoperable" means being in a state of disrepair or otherwise reasonably incapable of being usedeither incapable of use for its intended purpose, and in the case of a motor vehicle, unlicensed: It shall be the duty and responsibility of every owner or occupant to keep the property clean and to remove from the premises all such items described above: or reasonably appearing to be incapable of use for its intended purpose. It is an affirmative defense to prosecution for storage of an inoperable vehicle or other prohibited item hereunder that a person is licensed by the violation of this subsection that the person to whom the citation was issued was licensed by a proper authorities, pursuant to applicable statute, ordinance or regulation, authority to store such vehicle orthe item in the manner in which it was being stored at the time ofthe citation thereforwas issued.

(fe) A violation of this division shalldoes not of itself create a negligence per se standard or otherwise expand existing liability in tort for either landlord or tenant.

~~(g) No person shall occupy or let to another for occupancy, any building, structure or portion thereof that has been ordered vacated pursuant to this division.~~

(hf) ~~The provisions of this~~ This division shall applyapplies to manufactured homes and house trailers to the extent allowed by law.

Sec. 10-3462. Congregate residenceliving facilities.

(a) Each building designed or ~~intended to be used as a congregate residence~~ living facility shall contain, ~~as~~ at a minimum, the sanitary facilities and equipment shown below:

Water Closets <u>Toilets</u>	<i>Lavatories</i>	<i>Tubs or Showers</i>
1 for each 8 individuals	1 for each 12 individuals	1 for each 8 individuals

(b) Except as otherwise provided ~~in~~ by this ~~section~~ Code, the minimum standards ~~as set forth~~ stated in section 10-3463 of this Code shall apply to each ~~rooming~~ sleeping unit within a congregate residence, ~~unless otherwise stated~~ living facility.

Sec. 10-3463. Responsibilities of owner.

(a) *General maintenance.* ~~All buildings, both existing and new, and all parts thereof, Each property shall be maintained by its owner in a safe and sanitary condition and in compliance with the standards of this division. All devices or safeguards required~~

~~by this division in a building that is altered, repaired or constructed in accordance with this division does not equate to compliance with the Construction Code shall thereafter be maintained in good operating condition, or vice versa.~~

(b) *Property standards.* An owner of property shall:

- (1) Eliminate any unprotected hole, open excavation, sharp protrusion from the ground or walls, and any other object or condition ~~that exists on the land that is~~ premises reasonably capable of causing likely to cause injury to a person individual;
- (2) Securely seal or plug any unused water well; secure ~~the area;~~ any pump house and electrical service for operating water wells; remove an unused septic tank or grease trap, or pump the effluent and fill the tank or trap with soil or sand; remove or fill an unused cesspool or cistern with soil or sand; and securely cover all septic tanks or grease traps ~~still in service;~~
- (3) Remove dead trees, tree limbs, and other debris ~~that are reasonably capable of causing vector conditions or injury to a person~~ likely to cause injury to an individual or to provide living or breeding places for insects, ectoparasites, or rodents, provided that a reasonably-sized accumulation of compost shall not constitute a violation of this subsection; and
- (4) ~~Keep the doors and windows of a vacant building or~~ any vacant portion of a building ~~securely closed to prevent unauthorized entry~~ secured.

(c) *Structural standards.* An owner of property shall:

- (1) Protect the exterior surfaces ~~of a building~~ reasonably subject to decay by application of a protective covering; or coating or other surface preservative;
- (2) Fill any unprotected or unenclosed hollow masonry piers, foundation holes, and ~~any other openings that may be accessible~~ reasonably likely to children or adults cause injury to an individual;
- (3) Provide and maintain handrails ~~on~~ for stairways, ramps, balconies, and porches ~~that are~~ more than 30 inches above grade;
- (4) ~~Maintain a building intended for human occupancy and a building used as an accessory to a building~~ buildings intended for human occupancy in a weatherproof ~~and watertight~~ condition;
- (5) Maintain floors, supporting walls, ceilings, and all supporting structural members in a sound and safe condition, capable of bearing imposed loads safely;

- (6) Maintain ~~every~~each inside and outside ~~stair~~stairway, porch, and appurtenance thereto in a sound and safe condition, ~~and in good repair~~ capable of ~~supporting the~~bearing imposed load ~~that normal use may cause to be placed thereon~~ safely;
- (7) Provide cross-ventilation of not less than one and one-half square feet for each 25 linear feet of wall in each basement or crawl space ~~that is not mechanically ventilated~~;
- (8) Repair or replace any chimney flue ~~and~~or vent attachments ~~that are unsafe or do not function properly~~;
- ~~(9) Repair holes, cracks, breaks and loose surface materials that are~~attachment reasonably likely to constitute a health or safety hazards ~~in or on floors, walls, ceilings, porches, steps and balconies~~;
- ~~(10) Provide~~hazard;
- ~~(9) In a floor, wall, ceiling, porch, step, or balcony, repair any hole, crack, break, or loose material reasonably likely to constitute a health or safety hazard~~;
- ~~(10) For the flooring or subflooring of each bathroom and other room containing a toilet, provide and maintain a moisture-resistant finish or material, such as ceramic tile or vinyl, for the flooring or subflooring of each bathroom, or room containing a toilet; and~~
- (11) Maintain all fences and accessory structures, including detached garages and sheds, in a structurally sound condition and in good repair.
- (d) *Utility standards.* An owner of property shall:
 - (1) ~~P~~In each non-vacant dwelling unit and congregate living facility, provide and maintain in good operating condition on or more connections to discharge sewage from ~~a~~the building into a public sanitary sewer system, where service is available, or into an approved septic system where public sanitary sewer service is not available;
 - (2) In each non-vacant dwelling unit and congregate living facility, provide and maintain in good operating condition a toilet located in a room affording privacy to the user; and connected to a water source and to a public sanitary sewer system, where service is available, or to an approved septic system where public sanitary sewer service is not available;

- (3) In each non-vacant dwelling unit and congregate living facility, provide and maintain in good operating condition connections and pipes to supply potable water at adequate pressure to a building intended for human habitation;
- (4) In each non-vacant dwelling unit and congregate living facility, provide and maintain in good operating condition a device to supply hot water of at a minimum temperature of 120 degrees Fahrenheit;
- (5) Provide, maintain~~In each non-vacant dwelling unit and connect to a cold and hot water source~~congregate living facility, provide a bathtub or shower in a room affording privacy to the user and a lavatory in dwelling unit;
- ~~(6) Provide, maintain and connect connections to a sources of cold and hot water source for each bathtub, shower, a kitchen sink innd lavatory;~~
- (6) In each kitchen;
- ~~(7) Provide, provide and maintain for dwelling units and guest rooms heating equipment connections to sources of cold and hot water for a sink;~~
- (7) In each habitable space, provide and maintain in good operating condition so that it is heating equipment capable of maintaining a minimum inside temperature of 70 degrees Fahrenheit when it is 20 degrees Fahrenheit outside, such the inside temperature to be measured at a point three feet above the floor in each room intended for human habitation;
- (8) ~~f~~In each habitable space, if screens are not provided as required in subsection (e)(2) of this section, provide and maintain in good operating condition refrigerated air equipment capable of maintaining a maximum inside temperature that is 20 degrees Fahrenheit lower than the outside temperature or 850 degrees Fahrenheit, whichever is warmer, in each room intended for human habitation;
- ~~(9) Connect every dwelling or dwelling unit or guest room;~~
- (9) In each non-vacant building (except for buildings lawfully used exclusively for storage), provide and maintain in good operating condition such electrical circuits and outlets as are sufficient to carry safely an electrical load imposed by the normal use of equipment, appliances, and fixtures;
- (10) In each habitable space, connect the space to an approved electrical service: Each habitable room shall contain at least and provide and maintain in good operating condition either two wall-type convenience outlets or one such wall-type convenience outlet and one ceiling-type light fixture with a wall switch: Every;

- ~~(11) In each bathroom, room containing a toilet room, laundry room, and furnace room shall be supplied with at least in a non-vacant building, connect the room to an approved electrical service and provide and maintain in good operating condition one ceiling or wall-type light fixture or one wall-type convenience outlet;~~
- ~~(10) In all buildings not covered by the preceding provision, provide and maintain in good operating condition electrical circuits and outlets sufficient to safely carry a load imposed by normal use of equipment, appliances and fixtures;~~
- ~~(1112) Provide everyeach public hall and stairway in a building with adequate illumination; and~~
- ~~(12) Connectwith illumination sufficient to allow occupants who are not visually impaired to use the hall or stairway without an unreasonable risk to safety; and~~
- ~~(13) In each non-vacant dwelling unit and congregate living facility, connect each heating and/or cooking device that burns solid fuel to a chimney or flue.~~

~~For purposes of this division, existing plumbing and electrical equipment and heating and cooling facilities that were originally installed at the time of installation were in compliance with the then-existing Construction Code are permissible under this division, provided the equipment or facility is still in good operating condition and capable of being used in a safe manner.~~

- (e) *Health standards.* An owner of property shall:
- (1) ~~Take effective action to s~~Substantially eliminate insects, rodents, ectoparasites or other pests, and rodents in or on the premises, except as may be limited in section 10-3464(b) of this Code;
 - (2) Provide any dwelling, dwelling unit or guest room with maintain a screen for keeping out insects at each opening of the building if the building is exterior opening of each non-vacant dwelling unit, congregate living facility, and sleeping unit not cooled with refrigerated air;
 - (3) Maintain the interior of a each vacant building or vacant portion of a building free from rubbish and garbage refuse;
 - (4) Properly grade the property surrounding a building to obtain thorough drainage and to prevent the accumulation of stagnant water;
 - (5) Provide ~~everyeach non-vacant dwelling unit or guest room, congregate living facility, and sleeping unit~~ with means of egress as required by the

Construction Code in effect at the time of construction and as required by Appendix L to the Building Code; and

(6) Provide a kitchen in each dwelling unit, ~~provided that a kitchen shall not be required in a rooming unit of a congregate residence.~~

(f) *Light and ventilation standards.* An owner of property shall:

(1) Provide ~~every~~each habitable ~~room~~space with at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for ~~every habitable room~~each such space shall be ten percent of the floor space of the room. Whenever walls or other portions of structures face a window of any such room and ~~such~~ light-obstructing structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, ~~such a~~the window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of ~~such~~the room, the total window area of ~~such~~the skylight shall equal at least 15 percent of the total floor space of ~~such~~the room. For purposes of this section, a sliding glass doors shall be considered equivalent to a windows;

(2) Provide ~~every~~each habitable space with at least one window or skylight that can be opened easily, with a total openable window area in each such space equal to at least 40 percent of the minimum window area size or minimum skylight size, as required; or, where the Construction Code does not require windows, provide an approved ventilation system; and

~~(3) Provide each bathroom and toilet compartment~~room with facilities meeting the light and ventilation requirements~~standards~~ for habitable rooms~~spaces~~, except that no window or skylight ~~shall be~~is required in an adequately ventilated bathrooms ~~and or~~ toilet rooms equipped with an approved ventilation system;

~~(3) Provide every habitable room with ventilation in either of the following manners:~~

~~a. By providing every habitable room with at least one window or skylight that can easily be opened, with total openable window area in every habitable room equal to at least 40 percent of the minimum window area size or minimum skylight size, as required; or~~

~~b. In lieu of openable window area, by providing other approved mechanical ventilation (except windows required by the Construction Code).~~

(g) It is an affirmative defense to a prosecution of an owner for violation of this section that (i) the ~~premises concerned~~property is the site of new construction and reasonable and continuous progress is being made to complete the construction; (ii) with respect to subsections (d)(3), ~~(d)(4), (7), (8)~~ and ~~(9d)(7) through (d)(11)~~ of this section, that (A) the applicable utilities were disconnected from the premises ~~if by or at the instruction of the owner, who~~ was legally authorized to cause the termination of utility service ~~to an applicable rental unit~~ because of non-payment of rent, and (B) the tenant did not pay the utilities directly to the utility company, and (C) the premises otherwise were in substantial compliance with this division; or (iii) the ~~standard condition~~violation was not capable of discovery by the owner upon reasonable investigation or inspection.

Sec. 10-3464. Responsibilities of occupant.

(a) An occupant, ~~in connection with the~~regard to any portion of a building under the occupant's control, shall:

- (1) Keep the premises free from ~~rubbish, garbage~~refuse and other conditions ~~that would likely to~~ encourage infestation ~~of by~~ insects, ectoparasites, ~~rodents or pests;~~
- ~~(2) Remove any animal over which the occupant has ownership, control or possession from the premises if the presence of the animal is a health hazard;~~
- ~~(3) Install or rodents;~~
- ~~(2) Install in accordance with applicable codes and laws any plumbing fixtures, heating equipment, electrical equipment, and mechanical equipment that the occupant supplies, in accordance with applicable codes and laws; and~~
- ~~(4) Not alter a building or its facilities supplied by the occupant; and~~
- ~~(3) Not alter the property so as to create a violation of this division Code.~~

(b) With ~~respect~~regard to ~~single-family residential buildings~~dwellings, if the owner shows that the building was treated to eliminate insects, ectoparasites, and rodents ~~and other pests~~ by a duly licensed exterminator within either (i) two weeks before the date the resident took occupancy; or (ii) the preceding six months if there has been more than one residential lease during the preceding six months, ~~then the resident of the building shall~~ be ~~structure is~~ responsible for keeping the interior of the building structure free from insects, ectoparasites, and rodents ~~and other pests~~.

Sec. 10-3465. Retaliation against residents prohibited.

~~It is unlawful for an owner or operator commits an offense by retaliating manager of a property to retaliate~~ against a resident for reporting potential violations of this division. Without limitation of the foregoing, the actions constituting retaliation set forth in ~~section 92.057~~ Subchapter H of the Chapter 92, Texas Property Code, as may be amended from time to time, are hereby incorporated by reference and ~~shall constitute events of retaliation under this section. In addition, the defenses to prosecution set forth under section 92.057 of the Texas Property Code shall constitute defenses to prosecution hereunder.~~

Sec. 10-346. Enforcement of minimum standards.

Upon discovery of a violation of this division, the ~~neighborhood protection building standards~~ official may issue ~~a municipal citation to the violator;~~

~~(1) A criminal citation enforceable in municipal court. The neighborhood protection official shall first issue, provided that the violation remains after the building standards official has issued to the violator a written warning to the violator instructing the violator of the violation and providing an affording a reasonable opportunity to cure the violation, unless it is determined, based upon the nature of the violation, that immediate action is required to protect the health, safety, and welfare of the public. Failure to give such notice shall not preclude the issuance of a municipal citation for the violation; or~~

~~(2) An administrative citation or summons issued pursuant to article XVIII of this chapter.~~

Sec. 10-347. Notice of hearing.

~~As an alternative to the process described in the preceding section 10-346 of this Code, if a premises, building, structure, or portion thereof has, upon inspection, been discovered to be in violation of this division, the neighborhood protection official may schedule a hearing concerning the violation to be held before either the commission or the hearing official. The neighborhood protection official shall serve written notice of the hearing, in the manner prescribed by § 54.035(a)(1) of the Texas Local Government Code, on all persons having an interest in the property as shown by the real property records of the county in which the property is located and all occupants thereof. The notice shall be mailed at least ten days prior to the date set for the hearing and shall inform such persons that a hearing will be held regarding the violation. Notice shall set for the specific conditions that render the premises, building, structure, or portion thereof to be in violation of the standards set forth in this division. Notice of the hearing shall also be posted on the building, or if no building, on the premises.~~

Sec. 10-348. Hearings.

~~(a) Commission hearings relating to violations of this division shall be carried out in accordance with the applicable provisions of division 5 of this article. Unless otherwise~~

~~provided in section 10-347 of this Code, the notice for commission hearings shall comply with the provisions of section 10-393 of this Code. At commission hearings, the city may seek an order requiring the premises, building, structure or portion thereof to be vacated, secured, repaired, demolished or cleaned up or otherwise requiring action appropriate to remedy the conditions constituting a violation of this division upon a finding that the premises, building, structure, or portion thereof is in violation of this division. Consistent with the provisions of section 10-394 of this Code, the commission by order may:~~

- ~~———— (1) ———— Declare a building substandard in violation of this division;~~
- ~~———— (2) ———— Order the repair, within a fixed period, of buildings found to be in violation of this division;~~
- ~~———— (3) ———— Order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of this division, and order action to be taken as necessary to remedy, alleviate, or remove any substandard building found to exist;~~
- ~~———— (4) ———— Issue orders or directives to any peace officer of the state, including a sheriff, constable, or the chief of police, to enforce and carry out the lawful orders or directives of the commission; and~~
- ~~———— (5) ———— Determine the amount and duration of the civil penalty the city may recover as provided by section 54.017 of the Texas Local Government Code.~~

~~———— The provision of notice, the finality of commission orders, and the duties of the city attorney at commission hearings shall be governed by the provisions of sections 10-393, 10-394 and 10-396 of this Code.~~

~~———— (b) ———— Hearings of the hearing official relating to violations of this division shall be carried out in accordance with the applicable provisions of division 4 of this article, other than section 10-368 thereof, provided that all references therein to violations of the standards set forth on section 10-361 of this Code shall be construed to refer to violations of this division. Unless otherwise provided in section 10-347 of this Code, the notice for hearings of the hearing official shall comply with the provisions set out in section 10-364 of this Code. At hearings of the hearings official, the city may seek an order requiring the premises, building, structure or portion thereof to be vacated, secured, repaired, demolished or cleaned up or otherwise requiring action appropriate to remedy the conditions constituting a violation of this division upon a finding that the premises, building, structure, or portion thereof is in violation of this division. The provision of notice, the finality of orders of the hearings official, and the duties of the city attorney at hearings of the hearing official shall be governed by the provisions of sections 10-364, 10-372 and 10-376 of this Code.~~

~~_____ (c) _____ In the event a determination is made pursuant to either (a) or (b) above that a building is in violation of this division, the order issued with respect to the building hereunder shall allow for no less than 180 days to correct the violation if the owner of the building shows to the commission or the hearing official, as applicable, that the owner~~

~~_____ (1) _____ Is disabled within the meaning of such term under Texas Property Tax Code, section 11.13(m);~~

~~_____ (2) _____ Is at least 65 years of age, or~~

~~_____ (3) _____ Resides in the building with one or more of the person's minor children;~~

~~provided that, the building giving rise to the order qualifies as the owner's lawful homestead under applicable state law and the owner's annual family income is considered "very low income," as such term is defined in 24 CFR section 813.102 as computed for the city for purposes of Section 8 of the United States Housing Act of 1937. A person so qualified may be represented at hearings by the person's duly authorized representative, in the same manner as provided for other property owners. This section shall not be applicable in cases in which the commission or the hearings official determines an imminent danger to health and safety exists with respect to the applicable building. In addition, as soon as practicable following the issuance of an order, the neighborhood protection official shall provide an owner qualifying under this subsection with any available information regarding the availability of assistance for housing renovation through the city's department of housing and community development.~~

Sec. 10-349. _____ Placarding:

~~_____ Following a hearing and determination of a violation of this division, the neighborhood protection official shall cause to be posted at an entrance to the premises a notice containing the following or substantially similar language:~~

~~THESE PREMISES HAVE BEEN DETERMINED TO BE IN VIOLATION OF THE MINIMUM BUILDING STANDARDS OF THE CITY OF HOUSTON, AND THEIR USE OR OCCUPANCY IN VIOLATION OF THE ORDER OF (here the notice shall set forth the applicable ordering authority) IS PROHIBITED.~~

~~_____ The notice shall remain posted until the actions required in the order are performed or demolition is completed. It shall be unlawful for any person to remove the notice without written permission of the neighborhood protection official, if the building or structure is ordered vacated, for any person to enter the building or structure in violation of the order except for the purpose of securing, carrying out the ordered actions, or demolishing the building or structure. If the building or structure is ordered to be vacated, the director may order a utility hold on its utilities to take effect at the time the vacating is ordered to take place.~~

Sec. 10-350. ~~————~~ Certificate of compliance:

~~————~~ The building official shall issue a certificate of compliance after receipt by the building official of an inspection report that shows no violation exists or that violations previously found to exist have been eliminated. A certificate of compliance shall be effective and continue in force thereafter until the neighborhood protection official makes further inspection and determines that a violation of this division exists.

Sec. 10-351. ~~————~~ Action by city authorized; administrative expenses; lien:

~~————~~ If a person fails, neglects or refuses to comply with an order issued pursuant to this division, the city may perform any and all work as may be required to bring the property into compliance with the applicable order, and the city's expenses related to such work shall constitute a lien against the property in the same manner as provided in section 10-373 of this Code. In addition, it shall be unlawful for any person to fail to comply with an order issued pursuant to this division. Administrative expenses and liens for city work done pursuant to this division shall be governed by the provisions of section 10-373 of this Code.

Sec. 10-352. ~~————~~ Division cumulative:

~~————~~ The remedies provided in this division are cumulative of all other available remedies, including, but not limited to, criminal prosecution, the initiation of civil suits by the city for the abatement of violations of this division, and the issuance of municipal citations.

Secs. 10-353367--10-360370. Reserved.

DIVISION 45. DANGEROUS BUILDINGS

Sec. 10-3671. Dangerous buildings defined; existence unlawful.

(a) ~~All buildings, structures, dwellings, dwelling units, and accessory~~ For the purposes of this article, the following are dangerous buildings, regardless of their date of construction, that have any or all of the following defects ~~are deemed to be dilapidated, substandard or unfit for human habitation and a danger to the public health, safety and welfare, and are further declared to be dangerous buildings:~~

- (1) ~~WA~~ building with walls or other vertical structural members that list, lean, or buckle in excess of one-quarter inch of horizontal measurement for each foot of vertical measurement;
- (2) ~~FA~~ building with thirty-three percent or more damage or deterioration of theits supporting members, or ~~50~~fifty percent or more damage or deterioration of theits non-supporting members or outside walls or coverings;
- (3) ~~Roofs or walls that are not weathertight and waterproof;~~

- ~~(4) Improperly distributed loads upon the floors or roofs or in which the floors are overloaded, or which floors or roofs have~~ A building with a floor or a roof of insufficient strength to be reasonably safe for the purpose used;
- ~~(54) Parts that are~~ A building with a part not properly attached so that they ~~the part may fall on or otherwise injure occupants of the building or members of the public or property;~~
- ~~(65) A building with light, or air or sanitation facilities that are inadequate to protect the life, safety or the general health and welfare~~ safety of the structure's building's occupants or inhabitants of the city;
- ~~(76) A building with unsafe or defective electrical wiring, devices or equipment, or unsafe or defective gas piping or appliances that are liable to cause or promote fires;~~
- ~~(8) Damage by fire, explosion, wind, vandalism, elements of nature or otherwise so as to be dangerous to the life, safety or the general health and welfare of the structure's occupants or inhabitants of the city;~~
- ~~(9) Dilapidated, decayed, unsafe, unsanitary or substandard conditions or any conditions that fail to provide amenities essential to decent living so that the premises are unfit for human habitation or are likely to cause sickness or disease so as to cause injury to the public health, safety or welfare;~~
- (7) A building with unsafe natural gas piping or equipment;
- (8) A vacant building, regardless of its structural condition, that has been unsecured for more than seven days (which days need not be consecutive) in any thirty-day period;
- (9) Even if secured from unauthorized entry, two or more vacant buildings under common ownership situated near one another in a manner as to allow criminal acts to be shielded from public view;
- (10) An overcrowded dwelling unit or congregate living facility;
- (11) A pool or other aquatic structure not enclosed as required by chapter 43 of this Code; and
- (12) A property with a condition causing the building to be unfit for human occupancy and a danger to the public health, safety, and welfare.

~~———— (10) Conditions that violate any provision of this Code, the Construction Code or the Fire Code to such an extent as to be a danger to the public health, safety, and welfare; or~~

~~———— (11) Buildings and structures, regardless of their structural condition, that have during times that they were not actually occupied by their owners, lessees or other legal invitees, been left unsecured from unauthorized entry to the extent that they may be entered by vagrants or other uninvited persons as a place of harborage or could be entered by children:~~

~~———— (b) A building that is boarded up, fenced or otherwise secured in any manner is nevertheless declared to be a dangerous building under the foregoing criteria if:~~

~~———— (1) The building constitutes a danger to the public even though secured from entry;~~

~~———— (2) The building's roof, walls or floor contains holes that would allow insects, ectoparasites, rodents or other pests to gain access to the building for harborage to the extent constituting a present hazard to health or safety; or~~

~~———— (3) It is found that the means used to secure the building are inadequate to prevent unauthorized entry or use of the building:~~

~~(eb) It shall be is unlawful for any person to knowingly permit, to allow or suffer any building a property under that e person's ownership or control to be or remain in such a condition as to constitute a dangerous building. The issuance of an order by the hearing official under this division establishing times for the securing, vacating, repairing or demolishing of any building shall not be construed to condone the violation of this section prior to the deadlines therefor established in such order. No testimony or other evidence provided by any person in a hearing conducted under this division may be used in any criminal prosecution against that person under this section. No person shall be prosecuted under both this section and section 10-375 of this Code for the same offense involving the same building or structure on the same day.~~

~~(c) It is unlawful for a person to occupy, or to let to another person for occupancy, property that has been ordered vacated pursuant to this article.~~

Sec. 10-367.2. Dangerous buildings declared nuisances.

All dangerous buildings ~~within the terms of this division~~ are hereby declared to be public nuisances and shall be vacated, secured, repaired, removed, or demolished as hereinafter provided or otherwise abated by this article.

~~**Sec. 10-363. Duties of neighborhood protection official.**~~

~~_____ The neighborhood protection official shall:~~

- ~~_____ (1) Inspect any building or structure that may be in violation of the terms of section 10-361 of this Code, whether based upon public complaint or determination by city employee;~~
- ~~_____ (2) Report the existence of buildings or structures discovered upon inspection to be dangerous so that hearings may be scheduled pursuant to this division; and~~
- ~~_____ (3) Appear at hearings conducted pursuant to this division and testify about the conditions existing in the dangerous building.~~

Sec. 10-373. Duty of city employees to report dangerous buildings.

It is the duty of each city employee whose job responsibilities include the enforcement of any aspect of this Code, the Construction Code, or the Fire Code to report to the 3-1-1 Houston Service Helpline the existence of a property that reasonably appears to be a dangerous building.

Sec. 10-364. Notice of hearing:

~~_____ If a building has, upon inspection, been discovered to be a dangerous building, then the neighborhood protection official shall serve written notice on all persons having an interest in the property as shown by the real property records of the county in which the property is located and in the manner prescribed by § 54.035(a)(1) of the Texas Local Government Code. This notice shall inform the persons that a hearing will be held in which the city will seek an order requiring the building to be vacated and/or requiring the building to be repaired and/or demolished and/or secured upon a finding that the building is a dangerous building. The notice shall also set forth:~~

- ~~_____ (1) The specific conditions that render the building a dangerous building within the standards set forth in section 10-361 of this Code;~~
- ~~_____ (2) That a hearing will be held before a hearing official designated pursuant to this division in which the city will seek an order that the building be vacated, secured, repaired, and/or demolished as provided in section 10-366 of this Code;~~
- ~~_____ (3) The date, time and place of the hearing;~~
- ~~_____ (4) That all persons having an interest in the property may appear in person and/or be represented by an attorney and may present testimony and cross-examine all witnesses; and~~

~~———— (5) ——— That the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this division and the time it will take to reasonably perform the work.~~

~~———— If the address of any person having an interest in the property as shown in the deed records is unknown, or if notice to any person having an interest in the property is returned undelivered, a copy of such notice shall be posted in a conspicuous place on the property on which the building is located. The posting of such notice shall constitute notice to any person having an interest in the property who does not receive personal notice or notice by mail. In addition, the city may file notice of the hearing in the real property records of the county in which the property is located. The notice must contain the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, a legal description of the affected property, and a description of the hearing. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire an interest after the filing of the notice, and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.~~

Sec. 10-374. Administrative hearing.

(a) If a property other than a dwelling is in violation of this division, the building official shall schedule a public hearing before the hearing officer to present evidence of the violation and to request any relief authorized by this article.

(b) If a dwelling is in violation of this division, the neighborhood protection official shall schedule a public hearing to present evidence of the violation and to request any relief authorized by this article. The hearing shall be scheduled before the commission unless the commission is unable to conduct the hearing on a date and at a time reasonably necessary to protect the health and safety of any occupants of the property or of the public in general, in which case the hearing shall be scheduled before the hearing officer.

Sec. 10-365. Hearings.

~~———— (a) ——— All hearings shall be held by a person designated by the chief of police. The person so designated shall be referred to as the hearing official. The chief of police shall not designate as hearing official any person who has participated in the inspection of a building that is a subject of the hearing at which the hearing official presides or who has had prior knowledge of the conditions of such building, except the hearing official may, prior to the hearing, receive a copy of any notice given in connection with the proceeding.~~

~~———— (b) ——— All hearings shall be conducted under rules reviewed for legal form and substance by the city attorney and adopted by the hearing official consistent with the nature of the proceedings; provided, however, the following rules shall apply to hearings:~~

~~———— (1) All parties shall have the right to representation by an attorney, though an attorney is not required;~~

~~———— (2) Each party may present witnesses in the party's own behalf;~~

~~———— (3) Each party has the right to cross-examine all witnesses; and~~

~~———— (4) Only evidence presented to the hearing officer at the hearing may be considered in rendering the order.~~

~~———— (c) The owner has the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.~~

~~———— (d) If no person having an interest in the building appears before the hearing official at the date and time specified for the hearing, the neighborhood protection official shall proffer evidence showing the building to be a dangerous building within the standards set forth in section 10-361 of this Code.~~

Sec. 10-366. Findings; order.

~~———— (a) After completion of the presentation of testimony by the neighborhood protection official and all parties appearing, the hearing official shall make written findings of fact as to whether or not the building is a dangerous building within the standards set forth in section 10-361 of this Code.~~

~~———— (b) If the hearing official finds that the building is a dangerous building, the hearing official shall issue an order directing the owner, occupant and all other persons having an interest in the building as shown by the real property records of the county in which the property is located that:~~

~~———— (1) The building be vacated if it is occupied and the hearing official finds that the building is in a condition that makes it dangerous to the health, safety or welfare of its occupants;~~

~~———— (2) The building be lawfully secured, repaired, renovated or demolished if it can reasonably be brought into compliance by one or more of these actions;~~

~~———— (3) The building be demolished if it cannot reasonably be repaired or renovated; and/or~~

~~———— (4) If the building is unoccupied and the condition of the building is such that it may be brought into compliance by securing it from unauthorized entry, then the order may provide that the building be lawfully secured and be kept secured and may include or adopt written specifications that must be~~

complied with in securing the building and may provide that the building be demolished if it is not secured in compliance therewith.

~~———— (c) ——— Where authorized by section 214.0015 of the Texas Local Government Code, the hearing official shall determine and assess the civil penalty the city may recover. If the owner shows that the property is the owner's lawful homestead, the penalty shall not exceed \$10.00 a day for each violation. A certified copy of a homestead designation from the county appraisal district shall constitute prima facie evidence of the homestead status, and a certified letter sent to the property owner shall constitute prima facie evidence that the owner was notified of the requirements of this article and the owner's need to comply.~~

Sec. 10-367. ——— Time allowed for action:

~~———— If the hearing official determines that a building is a dangerous building, the order shall state the date by which the action ordered must be completed, and that the neighborhood protection official shall cause the building to be secured, vacated, repaired and/or demolished if the persons having an interest in the property do not comply with the order. The order shall require the owner, lien holder, or mortgagee of a dangerous building to comply with the order within 30 days; provided that, if the owner, lien holder, or mortgagee establishes at the hearing that the work cannot reasonably be performed within 30 days, and the hearing official determines from the record that a greater period of time is warranted, the hearing official may provide for a specified period greater than 30 days as provided below.~~

~~———— If the hearing official allows the owner, lien holder, or mortgagee more than 30 days to comply with the order, the hearing official shall establish specific time schedules for the commencement and performance of work and shall require the owner, lien holder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed.~~

~~———— The hearing official may not allow the owner, lien holder, or mortgagee more than 90 days to perform fully all work required to comply with the order unless the owner, lien holder, or mortgagee: (i) submits a detailed plan and time schedule for the work at the hearing; and (ii) establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work. If the hearing official allows the owner, lien holder, or mortgagee more than 90 days to comply with the order, or any part of the work required to comply with the order, the hearing official shall require the owner, lien holder, or mortgagee to submit regular progress reports to the city to demonstrate that the owner, lien holder, or mortgagee has complied with the time schedules established for the commencement and performance of the work. The order may require that the owner, lien holder, or mortgagee appear before the hearing official to demonstrate compliance with specified time schedules.~~

Sec. 10-368375. Placarding Public notice of dangerous buildings.

(a) If pursuant to this article the hearing official officer or the commission finds that the building is a property constitutes a dangerous building and in a condition that makes it dangerous to the health, safety or welfare of its occupants or to the citizens, the hearing that its occupancy is reasonably likely to result in an injury to or the illness of a human being, the building standards official shall order that post on the city place a notice structure or in another conspicuous places on such building. The notice shall state the following, or words substantially similar thereto, sufficient to be visible from the nearest public street at least two copies of a brightly colored placard, the text of which shall be in a typeface no smaller than 28 points and include the following:

THE BUILDING OFFICIAL [OR THE NEIGHBORHOOD PROTECTION OFFICIAL]
OF THE CITY OF HOUSTON POSTED THIS NOTICE ON
_____, 20____, AT _____: _____ m.

**THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS BUILDING.
OCCUPANCY OF THIS BUILDING IS PROHIBITED BY LAW AS SUCH
OCCUPANCY IS DANGEROUS TO THE HEALTH, SAFETY AND WELFARE OF
ITS OCCUPANTS. THIS NOTICE IS POSTED (here the notice shall set forth the
date and hour such notice is posted)., AND ITS OCCUPANCY IS
REASONABLY LIKELY TO RESULT IN INJURY OR ILLNESS.**

**NO LATER THAN 48 HOURS AFTER THE POSTING OF THIS NOTICE, ALL
PERSONS MUST VACATE THIS BUILDING AND NOT LATER THAN RE-ENTER.**

EFFECTIVE 48 HOURS AFTER THE TIME OF POSTING AND SHALL NOT RE-
ENTER THE SAME UNTIL THE CITY FINDS THAT THE BUILDING HAS BEEN
REPAIRED SO AS TO BE IN COMPLIANCE WITH THE ORDINANCES OF THIS
NOTICE, ENTRY INTO THIS BUILDING IS PROHIBITED, EXCEPT (1) BY
AUTHORIZED EMPLOYEES AND AGENTS OF THE CITY OF HOUSTON. THIS
NOTICE SHALL REMAIN ON THIS BUILDING UNTIL IT IS REPAIRED OR
DEMOLISHED. OR (2) BY PERSONS AUTHORIZED BY THE BUILDING OWNER
TO PERFORM WORK FOR WHICH THE CITY HAS ISSUED ALL REQUIRED
PERMITS.

IT IS A VIOLATION OF MUNICIPAL LAW TO ALTER OR REMOVE THIS NOTICE.

Each placard also shall include the date and time of its posting by the building standards
official.

(b) If pursuant to this article the hearing official finds that, in addition to requiring vacation as described above, the building is in such condition that it is dangerous for anyone to enter other than to carry out work in compliance with the order, the hearing officer or the commission finds that a property constitutes a dangerous building and presents a serious and immediate hazard, instead of posting the placard required by

subsection (a) of this section, the building standards official shall order that post on the city place a notice structure or in another conspicuous place on the building, stating the following, or words substantially similar thereto, sufficient to be places visible from the nearest public street at least two copies of a brightly colored placard, the text of which shall be in a typeface no smaller than 28 points and include the following:

THE BUILDING OFFICIAL [OR THE NEIGHBORHOOD PROTECTION OFFICIAL]
OF THE CITY OF HOUSTON POSTED THIS NOTICE ON
_____, 20____, AT _____:_____.m.

**THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS BUILDING
BY PRESENT A SERIOUS AND IMMEDIATE HAZARD TO HUMAN LIFE.**

**ENTRY INTO THIS BUILDING IS PROHIBITED, EXCEPT (1) BY AUTHORIZED
EMPLOYEES AND AGENTS OF THE CITY OF HOUSTON. NO PERSON SHALL
ENTER THIS BUILDING EXCEPT OR (2) BY PERSONS AUTHORIZED BY THE
BUILDING OWNER WHO ENTER SOLELY FOR THE PURPOSE OF
CORRECTING THE HAZARDOUS CONDITIONS THEREIN AND INSPECTORS
OF THE CITY OF HOUSTON. THIS NOTICE SHALL REMAIN ON THIS BUILDING
UNTIL IT IS REPAIRED OR DEMOLISHED TO PERFORM WORK FOR WHICH
THE CITY HAS ISSUED ALL REQUIRED PERMITS.**

IT IS A VIOLATION OF MUNICIPAL LAW TO ALTER OR REMOVE THIS NOTICE.

Each placard also shall include the date and time of its posting by the building standards official.

(c) No person shall occupy, let to another person for occupancy, or otherwise make available for use by any person a property if the occupancy or use violates the terms of a placard placed by the building standards official pursuant to this section.

(d) It shall be unlawful to remove a placard to which this section refers except upon the written instruction of the building standards official who posted the placard, which instruction shall not be issued unless the condition(s) that caused the placard to be posted has been abated.

Sec. 10-369. — Notice of order.

(a) After the hearing, the city shall promptly provide, in the manner prescribed by § 214.001(g) of the Texas Local Government Code, a copy of the order to the owner of the building, and if the owner does not take the ordered action within the allotted time, the city shall promptly personally deliver, mail by certified mail, return receipt requested, or deliver by United States Postal Service using signature confirmation service a copy of the order to any lienholder or mortgagee of the building. The city shall use the real property records of the county in which the building is located to determine, if possible, the identity

and address of any owner, lienholder, or mortgagee of the building. If the address of a person having an interest in the property as shown on the deed records is unknown, or if the order is returned undelivered, a copy of the order shall be posted in a conspicuous place on the building subject to the order. The posting of the order shall constitute notice to any person having an interest in the property who does not receive personal service.

—— (b) —— Within ten days after the date that the order is issued, the city shall publish in a newspaper of general circulation in the city a notice containing (i) the street address or legal description of the property; (ii) the date of the hearing; (iii) a brief statement indicating the results of the order; and (iv) instructions stating where a complete copy of the order may be obtained. A copy of the order of the hearing official shall also be filed in the deed records of the county in which the property is located.

Sec. 10-370. —— Action by city authorized.

—— If the persons having an interest in the property fail to comply with the order of the hearing official within the time specified in the order for compliance, the neighborhood protection official shall cause the building to be vacated, repaired, secured, and/or demolished pursuant to the order.

Sec. 10-371. —— Reconvened hearings.

—— In any instance in which an order has been issued pursuant to item (4) of subsection 10-366(b) of this Code, providing that a building be secured and the owner complies with the order by securing the building, the hearing official's case file shall, nevertheless, remain active for a period of three years from the date of the order. The neighborhood protection official may request the hearing official to reconvene the hearing if the neighborhood protection official receives evidence that the building has not remained secured and is in contravention of section 10-361(a)(11) of this Code. Upon notice of the unsecured condition of the building to the owner, lienholders, occupants and other persons having an interest in the property, the hearing official shall reconvene the hearing. If the hearing official finds that the building remains a dangerous building notwithstanding the owner's efforts to secure it, the hearing official may issue a revised order that the building be demolished. An order of the hearing official ordering the securing of the building shall not be released until the owner of the building requests a release, and the building official issues a certificate of compliance certifying that the building is in full compliance with applicable minimum standards for the contemplated use of the building.

Sec. 10-372. —— Judicial review.

—— Unless a judicial review petition is timely filed as provided by under chapter 214 of the Texas Local Government Code, the orders of the hearing official shall in all things be final and binding.

Sec. 10-373. —— Administrative expenses; lien.

~~———— (a) ——— The city council hereby finds and declares that the general administrative expenses of inspecting buildings, locating owners, conducting hearings, issuing notices and orders, together with all associated administrative functions, require the charge of not less than \$450.00 for each lot, adjacent lots under common ownership, or tract of land for which an order is issued under this division, and such minimum charge is hereby established and declared to be the charge for such administrative expenses to be assessed in each instance where the city secures, demolishes or performs other work in connection with an order or contracts for such services thereon. Notwithstanding any tabulation of recorded costs, a charge of not less than \$450.00 is hereby expressly stated to be a minimum charge. Further, the costs of securing, demolishing or performing other work in connection with an order either by the city or by persons doing so under contract with the city, shall be separately calculated and assessed in each instance in which the city takes the described action pursuant to this division.~~

~~———— (b) ——— The neighborhood protection official shall certify all administrative expenses and costs of vacating, securing, repairing or demolishing a building or buildings incurred by the city or by persons doing so under contract with the city as a charge that shall be assessed the owners thereof, and shall constitute a lien on the land on which the building or buildings are or were situated, privileged over all other liens to the maximum extent allowed by law. Upon the filing of the lien statement with the county clerk, the charges shall bear interest at the rate of ten percent per annum until paid.~~

~~———— (c) ——— If the city has let a contract for demolition of a building pursuant to a valid order issued under this division and the building is subsequently repaired or demolished by persons other than the city or its contractors prior to completion of the contract let by the city, or such demolition is not carried out due to events beyond the city's control, the administrative expenses and all costs for cancellation of the demolition contract shall be certified as a charge that shall be assessed against the owner thereof, and that shall constitute a lien on the land on which the building or buildings are or were situated, privileged over all other liens to the maximum extent allowed by law. Upon the filing of the lien statement with the county clerk, the charges shall bear interest at the rate of ten percent per annum until paid.~~

~~**Sec. 10-374. ——— Execution of written release of lien upon payment of charges or where lien placed on property through error; execution of written notice of compliance.**~~

~~———— (a) ——— Upon full payment of the charges assessed against any property and upon the compliance of the property with all applicable orders as well as the terms of this division, or in the event the lien is placed on the property through error, the director is hereby authorized to execute, for and on behalf of the city, a written release of lien approved in each case by the legal department. A fee shall be imposed for such release of lien provided hereunder as specified in section 2-125 of this Code. The fee shall be waived upon written authorization of the director, if the director determines that the lien was placed through error of the city or its officers, agents or employees.~~

~~— (b) — Upon compliance with an order of the hearing official hereunder, the neighborhood protection official shall be and is hereby authorized to execute a written notice setting forth the date the notice of compliance is issued, the date the city found the building to be secured, repaired or demolished or otherwise in compliance with the order; and if the building had not been demolished, whether or not the building is in such condition that it may be occupied. An order to secure a building will be released only upon issuance of a certificate of compliance by the building official.~~

~~Sec. 10-375. — Violations; penalty for disregarding or removing notices or orders:~~

~~— (a) — It shall be unlawful for the owner, occupant or lessee in possession of any building subject to an order issued under this division, or anyone having an interest in the building as shown by the real property records of the county in which the building is located, and under a legal duty to take the ordered actions with respect to the building, to fail to comply with any applicable order issued pursuant to this division:~~

~~— (b) — It shall be unlawful for any person to remove any notice posted under the provisions of this division. Violations of this subsection shall be punishable as provided in section 1-6 of this Code.~~

~~Sec. 10-376. — Duties of city attorney:~~

~~— The city attorney shall:~~

~~— (1) — Prosecute all persons failing to comply with the terms of the notices and orders provided for in this division;~~

~~— (2) — Appear at all hearings before a hearing official in regard to dangerous buildings;~~

~~— (3) — Bring suit to collect all municipal charges, liens or costs incurred by the city in preparing or causing to be vacated, demolished, secured, or repaired dangerous buildings;~~

~~— (4) — Be authorized to bring and prosecute civil actions pursuant to subchapter B of chapter 54 of the Texas Local Government Code and under any other applicable law for the enforcement of the ordinances provided for in this division in any court of competent jurisdiction; and~~

~~— (5) — Take such other legal action as is necessary to carry out the terms and provisions of this division.~~

~~Sec. 10-377. — Secure and notify:~~

~~—— (a) Under the provisions of this section, the neighborhood protection official may secure or cause to be secured any dangerous building as defined in this division that is unoccupied or is occupied only by persons who do not have a right of possession of the building.~~

~~—— (b) Before the eleventh day after the building is secured, the neighborhood protection official shall cause notice of the action to be given by personal delivery, mail, publication or posting to the owners and others who may have an interest in the building as provided in section 214.0011(c) of the Texas Local Government Code. The notice shall contain the information specified in section 214.0011(d) of the Texas Local Government Code.~~

~~—— (c) If within 30 days after the date the neighborhood protection official secures the building or causes the building to be secured, the owner files with the director a written request for a hearing, then a hearing shall be conducted within 20 days after the date the request is filed. The hearing shall be conducted in the same manner as provided elsewhere in this division, and the owner may testify or present witnesses or written information about any matter relating to the city's securing of the building.~~

~~—— (d) If either (i) no hearing is requested or (ii) a hearing is requested and the hearing officer decides that the action taken to secure the building was justified under the criteria of this division, the city may place a lien against the property upon which the building is situated for the costs and expenses incurred by the city in securing the building in the same manner as provided in section 10-373 of this Code.~~

~~—— (e) The provisions of this section are cumulative of all other remedies. Without limitation, the neighborhood protection official may cause a building to be secured under this section and still schedule and conduct a hearing in the same manner as provided elsewhere in this division, if there is reason to believe that repair or demolition of the property is necessary or desirable to protect further the life, health and safety of the public.~~

~~Sec. 10-378. Duty of city employees to report dangerous buildings:~~

~~—— It shall be the duty of all city employees whose responsibility it is to enforce this Code, the Construction Code, or the Fire Code to make a report in writing to the neighborhood protection official of all buildings they believe are dangerous buildings. Such reports are to be made within a reasonable time after the discovery of such building.~~

~~Secs. 10-379--10-390. Reserved:~~

~~DIVISION 5. BUILDING AND STANDARDS COMMISSION~~

~~Sec. 10-391. Commission created:~~

~~—— The building and standards commission of the city is hereby created. The commission shall function pursuant to subchapter C of chapter 54 of the Texas Local Government Code for the purpose of hearing and determining cases concerning alleged violations of ordinances relating to dangerously damaged or deteriorated buildings or improvements, or conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents.~~

Sec. 10-392. ~~Members; terms.~~

~~—— (a) The commission shall consist of four commission panels with each panel composed of six regular and four alternate members who shall be appointed by the mayor and confirmed by the city council. At least one member of each commission panel so appointed shall be familiar with low-income housing or housing for the homeless issues.~~

~~—— (b) Each member shall serve for a term of two years and shall hold over until the member's successor is qualified. Each regular panel position shall be numbered consecutively within each panel as positions One through Six, and each alternate panel position shall be numbered consecutively within each panel as positions One through Four. The members of each panel, regular and alternate, shall be appointed to a specific numbered position. The terms of each even-numbered position shall begin on the first day of each even-numbered year and end on the last day of each odd-numbered year, and the terms of each odd-numbered position shall begin on the first day of each odd-numbered year and end on the last day of each even-numbered year. Persons serving as alternates shall be first considered to fill any vacancy in a regular member's position if written notice of the alternate's desire to serve has been provided to the mayor.~~

~~—— (c) A member may be removed as provided in section 54.033(c) of the Texas Local Government Code.~~

~~—— (d) A vacancy in any position shall be filled for the remainder of the unexpired term, giving first consideration to any current alternate then serving on the panel on which the vacancy occurs and, if not filled from such alternates, giving second consideration to any other alternate who has given the notice of interest provided in subsection (b) of this section.~~

~~—— (e) A quorum of a commission panel consists of four members, and no case before a panel shall be heard by fewer than four members. Alternate members shall serve in the absence of regular members when requested to do so by the mayor or his designee. The concurrence of four members of each commission panel is required for the issuance of an order of the commission panel. A tie vote shall be treated as a negative vote on the issue or matter under consideration. A quorum of the entire commission consists of 19 members and/or alternates, and the vote of a majority of a quorum of the entire commission is required for the approval of action by the commission as a whole. It shall be the responsibility of the commission secretary to timely determine the availability of a quorum for each meeting of the panel and, should a quorum of regular members be~~

~~unavailable, to ensure that alternates are scheduled so that a quorum is present. Alternates shall be provided from those assigned to the panel, provided, however, that if no alternates assigned to the panel are available to serve, alternates from other panels may serve as necessary to provide a quorum.~~

~~— (f) — Each commission panel shall elect a chairman and vice chairman at its first meeting of each calendar year, and may reconvene from time to time to remove or replace officers by majority vote of the regular and alternate members of such panel.~~

~~— (g) — The commission as a whole shall elect a presiding chairman and vice chairman to preside over meetings of the commission as a whole at its first meeting of each calendar year.~~

~~Sec. 10-393. — Hearings.~~

~~— (a) — The city attorney shall review for legal form and substance and the commission as a whole shall adopt rules in accordance with this division for the conduct of the meetings of the entire commission, and of any panel's hearings and other proceedings. The rules shall be consistent with applicable law, this division and the duties of the commission. Without limitation, the rules shall ensure that persons required to appear before a commission panel receive notice as provided by law, have the right to legal counsel (although legal counsel shall not be required) and have the right to present evidence and cross-examine witnesses presented against them.~~

~~— (b) — All cases before the commission panels shall be presented by the director or the director's designee.~~

~~— (c) — The mayor shall designate a city employee who shall function as the recording secretary, maintain the office of the commission and keep the minutes, records and files of the commission panels as required by law.~~

~~— (d) — Meetings of a commission panel shall be held at the call of the chairman of each panel and at other times as determined by the commission. All meetings shall be open to the public to the extent required by applicable law.~~

~~— (e) — Each chairman of a panel, or in the chairman's absence, each acting chairman, may administer oaths and issue subpoenas to compel the attendance of witnesses. Any request for a subpoena shall be in writing and state the purpose for and relevancy of the intended witness and any documents requested. Requests for subpoenas may be denied by each chairman or acting chairman for valid cause noted upon the minutes of the commission panel.~~

~~— (f) — Notice of all proceedings before the commission panels shall be given by mail, posting and publication as provided by section 54.035 of the Texas Local Government Code.~~

~~—— (g) — The commission panels shall have the full authority to issue orders as provided in section 54.036 of the Texas Local Government Code relating to alleged violations of ordinances relating to dangerously damaged or deteriorated buildings or improvements, or conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents.~~

~~—— (h) — No testimony or other evidence provided by any person in a hearing conducted under this division may be utilized in any criminal prosecution against that person under this Code.~~

~~—— (i) — Hearings conducted by the commission panels shall be recorded by court reporter, video recorder or such other means as the commission may determine to ensure that a record is available for judicial review under section 54.039 of the Texas Local Government Code.~~

Sec. 10-394. — Orders; appeals:

~~—— (a) — The commission panels may:~~

~~—— (1) — Order the repair, within a fixed period of time, of buildings found to be dangerous buildings in violation of city ordinances;~~

~~—— (2) — Declare a building to be substandard in accordance with the powers granted by sub-chapter C of chapter 54 of the Texas Local Government Code;~~

~~—— (3) — Order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard and dangerous building found to exist;~~

~~—— (4) — Issue orders or directives to any peace officer of the state, including a sheriff, constable or the chief of police, to enforce and carry out the lawful orders or directives of the commission panels; and~~

~~—— (5) — Determine the amount and duration of the civil penalty the city may recover as provided by section 54.017 of the Texas Local Government Code.~~

~~—— (b) — Notice of each order issued by the commission panels shall be given by mail and by publication as provided in section 54.039(a) of the Texas Local Government Code.~~

~~—— (c) — Unless a judicial review petition is timely filed as provided by section 54.039 of the Texas Local Government Code, the orders of the commission panels shall in all things be final and binding.~~

Sec. 10-395. — Lien for city work:

~~— If the city causes any dangerous building or vector conditions to be abated with its own employees or through contractors, the cost of the work and the administrative expenses incurred for the work performed under this division shall constitute a lien on the property. The director shall determine the amount of the lien and cause a statement to be filed in the real property records of the county in which the property is located. Upon the filing of the lien statement, the city shall have a lien, privileged to the maximum extent allowed by law, upon the land described therein to secure the payment of the expenditure so made. Such charges shall bear interest at the rate of ten percent interest until paid.~~

Sec. 10-396. — Duties of the city attorney:

~~— (a) — The city attorney shall attend commission meetings and hearings and render legal counsel to the chairmen:~~

~~— (b) — In accordance with section 54.037 of the Texas Local Government Code, the city attorney may initiate and prosecute suits to enforce civil penalty orders issued by the commission panels:~~

~~— (c) — The city attorney shall defend all appeals initiated by a person aggrieved by an order of a commission panel:~~

~~— (d) — The city attorney shall render such other services, consistent with this article and subchapter C of the Texas Local Government Code necessary or desirable to ensure the prompt and efficient utilization of this division:~~

Sec. 10-397. — Division cumulative:

~~— This division is cumulative of all other available remedies, including but not limited to criminal prosecution, the initiation of civil suits by the city for the abatement of dangerous building conditions, and the administrative hearing process conducted under this article:~~

Secs. 10-398376--10-410380. Reserved.

DIVISION 6. SECURING A VACANT SUBSTANDARD OR DANGEROUS BUILDING

Sec. 10-411. — Notice by neighborhood protection official:

~~— (a) — The neighborhood protection official may issue to each owner of a building notice that the building must be secured under this division, if all of the following conditions exist:~~

~~— (1) — The structure is a vacant dangerous building as defined in section 10-361 of this Code;~~

- ~~———— (2) ——— The structure has a watertight roof and does not appear to be unstable, in danger of collapse or otherwise in a rapidly deteriorating condition;~~
- ~~———— (3) ——— The structure does not have exterior structural wall(s) containing fire, water, or wind damage of more than 50 percent of any such wall;~~
- ~~———— (4) ——— The structure does not contain or promote vector conditions; and~~
- ~~———— (5) ——— The condition of the structure appears to be such that the structure may reasonably be secured and, as secured, would not present any significant risk to the health, safety and welfare of the public.~~

~~———— (b) ——— Each notice shall advise the owner that the owner may file a protest of the notice within ten days of its receipt. The notice shall also advise the owner of the place and manner in which the protest may be filed. If any owner of a building timely files a protest, the neighborhood protection official shall withdraw the notice and immediately refer the matter for a hearing under division 4 of this article or to the commission under division 5 of this article.~~

~~———— (c) ——— If a building is required to be secured under this article, the owner may secure it by either (i) obtaining a securing permit pursuant to the requirements of this division and securing such building in conformity therewith, or (ii) if reasonably possible, obtaining an appropriate repair permit and, pursuant thereto, repairing or replacing all doors, windows and other openings such that they remain closed and locked.~~

~~Sec. 10-412. ——— Offense:~~

~~———— It shall be unlawful for any person to secure a vacant dangerous building without the necessary permit, regardless of whether the securing is done pursuant to an order issued under this article:~~

~~Sec. 10-413. ——— Application for permit, amendments:~~

~~———— (a) ——— Any person required to secure a building pursuant to an order issued under this article shall obtain a securing permit issued pursuant to this division. Any person requiring or desiring a securing permit shall make written application to the neighborhood protection official. The application shall include an affidavit by the applicant stating the full name(s) of the legal owner(s) of the building, the current residence and business mailing addresses and telephone numbers of the owner(s), and of the applicant, if different from the owner, and the city's ad valorem tax account number(s) for the property. A separate application and permit shall be required for each vacant building.~~

~~———— (b) ——— Not less than 30 days nor more than 60 days prior to the expiration date of the permit, application may be made for a renewal of the permit. If the application is not~~

timely filed, then the permit shall not be subject to renewal, and the owner must file an original permit application:

~~———— (c) ——— Each permittee shall immediately notify the neighborhood protection official of any change of the permittee's residence or business address or telephone number. The neighborhood protection official shall cause the information to be placed into the permit file without charge:~~

Sec. 10-414. ——— Fees; non-refundable:

~~———— (a) ——— The fee for a permit, whether original or renewal, shall be \$190.00 provided that the fee shall be reduced to \$100.00 for the second and each subsequent building where applications are simultaneously filed for two or more buildings under common ownership that are situated on the same tract or parcel of land. The fee shall be paid to the neighborhood protection official at the time of the filing of the application. The fee for a certificate of compliance for a secured building shall be \$55.00 and shall be paid to the building official:~~

~~———— (b) ——— A replacement fee of \$15.00 shall be charged for replacement or reissuance of each permit, sticker, tag or token that is lost, mutilated or otherwise rendered unusable:~~

~~———— (c) ——— No refund of any permit fee paid hereunder shall be made by the city for any cause whatsoever:~~

Sec. 10-415. ——— Issuance:

~~———— (a) ——— Upon proper application, a permit to secure shall be provided the applicant in unvalidated form. A permit to secure is not considered "issued" unless signed and validated by the neighborhood protection official, even if an unvalidated permit is given the applicant upon application. As soon thereafter as is practicable, the neighborhood protection official shall inspect the vacant building to determine whether it is secure. If so, the permit shall be validated and issued. If not, the neighborhood protection official shall advise the owner of the deficiencies and shall reinspect the building upon receipt of a written request for reinspection and payment of a reinspection fee of \$25.00:~~

~~———— (b) ——— A permit shall be effective for a period of one year from the date of its validation and issuance. In any instance in which the neighborhood protection official determines that the condition of the vacant building has deteriorated to the extent that it cannot be made secure, then the neighborhood protection official may take immediate action to bring the vacant building to a hearing before the hearing official designated under division 4 of this article or before the commission under division 5 of this article:~~

~~———— (c) ——— If the neighborhood protection official refuses to issue the permit on the grounds that the materials or means used are insufficient or inadequate to maintain the vacant building so that it is secure, then the neighborhood protection official shall so notify~~

~~the owner in writing of the reasons for the denial. The owner of a vacant building may appeal a decision of the neighborhood protection official denying a permit on those grounds within ten days after notice of the decision is mailed to the owner by filing a written notice of appeal in the office of the director. Within ten days of receipt of the owner's written request for a hearing, the director shall convene a hearing to consider the decision and the owner's response thereto. The director shall give written notice to the owner by first class mail at least three days prior to the hearing. Notice shall be considered given on the day it is placed in the mail. The notice shall state the time and place of the hearing and generally the subject of the hearing. The hearing shall be conducted by the director. The director shall promulgate rules for the conduct of hearings that are consistent with this division and the principles of due process. The decision of the director shall be final.~~

Sec. 10-416. Contents of permits:

~~— A permit issued hereunder shall set forth the location of the permitted vacant building by legal description or commonly known street address, the name of the person to whom the permit is issued and any other information the director may deem necessary.~~

Sec. 10-417. Non-transferable:

~~— Permits issued as herein provided shall be deemed personal to the permittee and the permitted vacant building and shall not be assigned or transferred to any other person or vacant building.~~

Sec. 10-418. Permit does not bar prosecution under or enforcement of ordinances:

~~— No permit granted as herein provided shall ever be held to bar prosecution for violation of any ordinance of the city, or to prevent the enforcement of any ordinance or inhibit the exercise of any powers and duties of any officer under the terms of any ordinance. Without limiting the foregoing, no provision of this division shall be construed to prohibit the demolition of any building pursuant to any order of the hearing official, the commission or a district court.~~

Sec. 10-419. Identification of buildings:

~~— In addition to any legal requirements regarding the posting of numbers on structures, every vacant building for which a permit is required hereunder shall have affixed on the front door thereof or on some other location adjacent thereto so as to be conspicuous and identifiable from an adjacent public street an individually numbered sticker, tag or token provided by the city. Failure by the permittee to maintain the sticker, tag or token on the vacant building so as to be conspicuous and identifiable from an adjacent public street shall be grounds for permit revocation.~~

Sec. 10-420. Annual inspections of permittee's buildings:

~~———— In addition to the initial inspection provided for in section 10-415, the neighborhood protection official shall, at a frequency of at least once every year, cause an inspection to be made of any permitted vacant building to determine whether or not the vacant building remains secure. The neighborhood protection official shall further cause an investigation and inspection to be made forthwith upon being advised by any person that any vacant building is not secure. If the written report of any inspection establishes that a permitted vacant building is not secure, then the neighborhood protection official shall commence a revocation proceeding under section 10-421 of this Code or refer the matter to the commission or hearing official, as applicable.~~

Sec. 10-421. ~~————~~ Revocation of permit:

~~———— (a) ——— If the neighborhood protection official determines that any permitted vacant building is not secure or that any other grounds for revocation of a permit exist, the neighborhood protection official shall notify the permittee in writing of the determination, pointing out the grounds and requiring that the deficiencies be remedied within the time designated. The notice may be given in writing or by telephone to the permittee at the address or telephone number provided in the application or any amendment thereto. In establishing the amount of time to be given the permittee to remedy the deficient conditions, the neighborhood protection official shall consider the type and extent of the deficiencies and the degree of risk posed to the public by the conditions.~~

~~———— (b) ——— A permittee may appeal the determination of the neighborhood protection official by filing a written notice of appeal in the office of the director. Within ten days of receipt of the permittee's written request for a hearing, the director shall convene a hearing to consider the determination and the permittee's response thereto. The director shall give written notice to the owner by first class mail at least three days prior to the hearing. Notice shall be considered given on the day it is placed in the mail. The notice shall state the time and place of the hearing and generally the subject of the hearing. The director shall conduct the hearing. The director shall promulgate rules for the conduct of hearings that are consistent with this division and the principles of due process. The decision of the director shall be final.~~

~~———— (c) ——— The director, within ten days after the hearing, shall render a decision on the hearing, which decision may be to affirm, modify or reverse the determination of the neighborhood protection official. If the permittee does not fully prevail, the director shall grant the permittee a brief period of time (consistent with the nature of the work to be done) not to exceed five days to make any required corrections, provided that the director finds that (i) the appeal was not filed frivolously or for purposes of delay, (ii) the permittee is otherwise in compliance with this division, and (iii) the vacant building is in such condition that it is capable of being secured. The neighborhood protection official shall notify the permittee in writing of the decision of the director. If no additional time is granted as provided above for the performance of any work, or if the time granted expires without the work having been fully performed, then the neighborhood protection official shall take immediate action to bring the vacant building to a hearing before the hearing official~~

designated under division 4 of this article or before the commission under division 5 of this article, as applicable, with the department's recommendation that the building be either repaired or demolished:

~~_____ (d) _____~~ If the permittee does not request a hearing before the director during the time designated by the neighborhood protection official for remedying the deficient conditions, and the matters complained of are not remedied by the permittee within the time designated by the neighborhood protection official, the permit shall be automatically revoked, and the building shall be scheduled for a hearing before the hearing official designated under division 4 of this article or before the commission under division 5 of this article:

Sec. 10-381. Authority of building standards official to secure and notify.

The building standards official shall cause to be secured a vacant building that in the sole but reasonable judgment of the building standards official appears to be (a) in violation of division 5 of this article and (b) capable of being secured by a means and at an expense reasonably proportionate to the threat to human health or safety presented by the vacant building. After securing such building, the building standards official shall comply with Section 214.0011, Texas Local Government Code. A hearing conducted pursuant to this division shall be conducted by the hearing officer.

Sec. 10-382. Permit to secure; fees.

Unless otherwise provided by this article, a person other than the building standards official causing a building to be secured must obtain a permit from the code enforcement branch of the planning and development services division of the department of public works and engineering. The application for and administration of the permit shall be handled as prescribed by section 105 of the Building Code. The fee for the permit, whether original or renewal, is \$190.00.

Secs. 10-422383--10-430390. Reserved.

DIVISION 7. EMERGENCIES

Sec. 10-431. Imminent dangers:

~~_____~~ In cases where the neighborhood protection official reasonably believes that a building or structure constitutes an imminent danger to health or safety, the neighborhood protection official shall report the building and the conditions creating the imminent danger to the director. If the director finds that imminent danger to health or safety exists, the director, without the necessity of any notice to the owner of the building or any other person having an interest in the building or structure where the imminent danger exists, shall order immediate appropriate action taken with respect to the building or structure. For purposes of this division, the term "appropriate action" means vacating, repairing, or demolishing the

building or structure, or other action reasonably calculated to eliminate the conditions that create the imminent danger.

Sec. 10-432. Notice; hearing.

~~_____ (a) _____ Whenever the director takes action under this division, the hearing official shall convene a hearing to consider the emergency action taken and, if the building or structure was not demolished, to order further action regarding the building or structure in accordance with the provisions of division 4 of this article. The hearing shall be held no later than 180 days after the director has taken action under this division, unless all persons of record having either an ownership interest or a possessory interest in the building or structure consent to a longer period.~~

~~_____ (b) _____ At the hearing, the city shall show that the building or structure was an imminent danger to health or safety necessitating the immediate action at the time the action was taken. After completion of the presentation of the testimony by all parties appearing, the hearing official shall make written findings of fact as to whether or not the building, structure or condition was an imminent danger to health or safety necessitating the action taken by the director, and whether the building or structure constituted a dangerous building within the provisions of this article.~~

~~_____ (c) _____ If the hearing official finds that there was an imminent danger to public health or safety that required the action that was taken, all administrative expenses and any cost of the action taken shall be calculated and assessed against the owners of the building, and shall constitute a lien on the land on which the building stands or stood, which lien shall be filed and bear interest as provided in section 10-373 of this Code. If the building or structure was not demolished, and the hearing official finds that the building, at the time of the hearing, continues to constitute a danger within the provisions of this article, the hearing official shall issue an order for its abatement as set out in division 4 of this article.~~

Sec. 10-391. Definitions.

_____ In this division, "corrective action" means any one or more of the following:

- _____ (1) _____ Ordering the property vacated;
- _____ (2) _____ Repairing all or part of a structure or other fixture on the property;
- _____ (3) _____ Demolishing a structure or other fixture on the property, specifically including a vacant building not capable of being secured by a means and at an expense reasonably proportionate to the threat to human health or safety presented by the building; or
- _____ (4) _____ Taking any other action reasonably calculated to alter the condition so that it no longer constitutes a serious and immediate hazard;

provided that all corrective action shall be reasonably proportionate to the threat to human health or safety presented by the hazard.

Sec. 10-392. Immediate corrective action.

(a) If after an investigation appropriate to the circumstances the building standards official concludes that a condition of a property constitutes a serious and immediate hazard, the building standards official, as soon as reasonably possible, shall confer with the hearing officer regarding the condition. The conference may be in person, by telephone, or by electronic means but will not constitute a proceeding within the meaning of this article. The conference may be *ex parte*.

(b) If, as a result of the conference to which subsection (a) of this section refers, the building standards official and the hearing officer agree that the condition constitutes a serious and immediate hazard, as soon as reasonably possible the building standards official, at the city's expense, but without the necessity of prior notice to any person, shall cause corrective action to be taken so that the condition no longer constitutes a serious and immediate hazard.

(c) As soon as reasonably possible after the conclusion of the conference to which subsection (a) of this section refers, the hearing officer shall memorialize the date and time of the conference; the circumstances as described during the conference by the building standards official; whether the building standards official and the hearing officer agreed or disagreed that the condition constituted a serious and immediate hazard; and the reasons for the agreement or disagreement, as understood by the hearing officer. The memorialization may be typed, handwritten, or in electronic form and shall be preserved in the records of the hearing officer. The hearing officer promptly shall provide a copy of the memorialization to the building standards official.

Sec. 10-393. Notice to vacate.

If the building standards official orders that a property be vacated pursuant to this division, he shall post on the property a placard whose contents and manner of posting shall not vary materially from that prescribed by section 10-375(b) of this Code.

Sec. 10-394. Notice of Corrective Action; hearing.

(a) Pursuant to Section 214.002, Texas Local Government Code, before the fifteenth day after the last day on which the building standards official takes corrective action as authorized by this division, the building standards official shall give a Notice of Corrective Action to the owner and to any mortgagee of the property in the manner described in Section 214.0011(c), Texas Local Government Code. The Notice of Corrective Action shall include the following:

- (1) The date on which the building standards official issued the Notice of Corrective Action;
 - (2) An identification of the property that was the subject of the corrective action, which identification need not be a legal description;
 - (3) A brief description of the corrective action taken and the dates of the action;
 - (4) A good-faith estimate of the funds expended by the city to take the corrective action;
 - (5) A statement that the city intends to impose a lien against the property in an amount equal to the funds expended by the city to take the corrective action, which lien shall be imposed in the manner described in subsections (d)–(i) of Section 214.0015, Texas Local Government Code; and
 - (6) A statement that any owner or mortgagee of the property may file with the building standards official (whose address shall be included in the notice) a written request for an administrative hearing regarding the corrective action, which request must be received by the building standards official within thirty days after the day on which the building standards official issued the Notice of Corrective Action, and that, in the absence of such a request for hearing:
 - a. The corrective action will be deemed to have been duly authorized by this division; and
 - b. The city will make a final calculation of the funds expended by the city to take the corrective action and impose the lien to which subsection (a)(5) of this section refers.
- (b) No later than thirty days after the building standards official's receipt of a request to which subsection (a)(6) of this section refers, the building standards official shall give a notice of hearing to the owner and to any mortgagee of the property in the manner described in Section 214.0011(c), Texas Local Government Code. The notice of hearing shall include the following information:
- (1) That a hearing will be held on a stated date and at a stated time and place, which date shall be as soon as reasonably possible but in any case no later than ninety days after the day on which the building standards official receives a request to which subsection (a)(6) of this section refers;
 - (2) That the hearing will be held before a panel of the commission to consider whether the corrective action was duly authorized by this division; and

(3) That any person having a legal interest in the property (as evidenced by the real property records of the county in which the property is located) may appear in person, may be represented by an attorney, may present testimony and other evidence, and may cross-examine all witnesses.

(c) A panel of the commission shall conduct the hearing to which subsection (b) of this section refers.

(1) If the hearing is a record proceeding, the hearing shall be recorded by a court reporter certified by the Texas Court Reporters Certification Board.

(2) The hearing may be postponed once for good cause shown; the existence of "good cause" shall be determined by the commission panel in the exercise of its sole but reasonable discretion.

(3) If no person having a legal interest in the property appears before the commission on the date and at the time for which notice was given, the commission shall proceed with the hearing, and building standards official shall present the evidence.

(4) After consideration of the evidence presented at the hearing, the commission shall issue a written order, the substance of which order shall be limited to the following:

a. A statement of the date, time, and place of the hearing and of the authority pursuant to which the hearing was conducted;

b. A list of all persons who attended all or part of the hearing, to the extent known by the commission;

c. A general description of the evidence considered by the commission;

d. A declaration of whether the corrective action was duly authorized by this division; and

e. If the commission has declared that the corrective action was duly authorized by this division, a declaration of (i) the city's right to impose the lien to which subsection (a)(5) of this section refers and (ii) the amount of the lien.

Secs. 10-433394--10-440.

Reserved.

From **ARTICLE IV. HOUSTON MULTI-FAMILY HABITABILITY CODE:**

Sec. 10-156. Powers and duties of building official.

(a) Except for applicable provisions of the Fire Code incorporated herein by reference, the building official has primary responsibility for the enforcement of this Habitability Code.

~~(b) With regard to MFRBs only, the terms "director" and "neighborhood protection official" as used in article V and in divisions 3 and 4 of article IX of chapter 10 of this Code refer to the building official.~~

~~(c) With regard to MFRBs only, the building official has powers and duties equal to and concurrent with the health officer for the enforcement of sections 43-18 through 43-20 and section 43-23 chapter 43 of this Code (which provisions pertains to swimming pools).~~

Added to **Chapter 28 MISCELLANEOUS OFFENSES AND PROVISIONS**
ARTICLE I. IN GENERAL:

Sec. 28-26. Alteration or removal of public notices.

It shall be unlawful for any person to alter or to remove any order, notice, or placard placed by a city employee pursuant to this Code.

From **Chapter 34 POLICE AND FIRE PROTECTION**
ARTICLE II. POLICE DEPARTMENT:

Sec. 34-21. Created; general duties.

There is hereby created a police department, which together with its officers and employees, is charged with the duties of preserving the public peace; detecting and preventing crimes; arresting violators of the law; protecting the rights of persons and property; preserving the peace at all public meetings and public places; preventing and removing, whenever possible, all nuisances on or in the streets, highways, alleys, waters, and all other places; regulating and controlling vehicular and pedestrian traffic on the streets and alleys; investigating traffic accidents and determining the cause and responsibility for such accidents; enforcing the Texas Penal Code; enforcing the penal ordinances of the city, and performing and discharging such other duties as are herein or which may hereafter be imposed upon it or them or any of them by the laws of the state, by the ordinances of the city, by the mayor or by the city council.

~~Without limitation of other assigned duties, the department shall be responsible for the enforcement of the neighborhood protection functions established in chapter 10 of this Code.~~

SUBJECT: Approve an ordinance supplementing the City of Houston, Texas Master Ordinance authorizing the issuance of City of Houston, Texas Combined Utility System First Lien Revenue Refunding Bonds, Series 2011A.	Category #	Page 1 of <u>1</u>	Agenda Item# <i>23</i>
---	-------------------	------------------------------	----------------------------------

FROM (Department or other point of origin):
Department of Finance and Office of the City Controller

Origination Date:
1/24/2011

Agenda Date
FEB 02 2011

DIRECTOR'S SIGNATURE:



Council District Affected:
All

For additional information contact:

James Moncur
Shawnell Holman-Smith

Phone: 832-393-1009
Phone: 832-393-3513

Date and identification of prior authorizing Council action:
April 21, 2004 - Ord. No. 2004-299

RECOMMENDATION: (Summary) Approve an ordinance supplementing the City of Houston, Texas Master Ordinance authorizing the issuance of City of Houston, Texas Combined Utility System First Lien Revenue Refunding Bonds, Series 2011A in an aggregate amount not to exceed \$300 million.

Amount of Funding: Not Applicable

Finance Budget:

Source of Funding: General Fund Grant Fund Other (Specify) Enterprise Fund

SPECIFIC EXPLANATION:

In May 2008 the City remarketed the Series 2004C-1 and Series 2004C-2 Combined Utility System (CUS) First Lien Revenue Refunding Bonds into a 3-year term rate mode with a mandatory tender date of May 15, 2011. These bonds must be remarketed, refunded or defeased by this mandatory tender date. The recommended issuance of the Combined Utility System First Lien Revenue Refunding Bonds, Series 2011A, in an amount not to exceed \$300 million, will refund this debt with fixed rate bonds, fund any debt service reserve fund if required, and pay any costs of issuance.

The Finance Working Group recommends the CUS Series 2011A Bonds be issued through a negotiated financing with Rice Financial Products Company serving as book running manager along with Morgan Stanley and Piper Jaffray & Company as co-senior managers. Fidelity Capital Markets, Ramirez & Company, Inc., and Wells Fargo Securities are recommended as co-managers. Andrews Kurth LLP and Burney & Foreman are recommended as co-bond counsel along with Greenberg Traurig and Chevalier Helms PLLC as co-disclosure counsel.

This transaction was presented to Budget & Fiscal Affairs Committee on January 10th, 2011 and reported out favorably.

Recommendation:

The Finance Working Group recommends the approval of this item.

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary		RCA #	
SUBJECT: Ordinance approving an economic development agreement between the City and Dynamo Stadium, LLC pursuant to Chapter 380, Texas Local Government Code.		Category #	Page 1 of 1
			Agenda Item# 24
FROM: (Department or other point of origin): Andy Icken, Chief Development Officer Mayor's Office		Origination Date January 22, 2011	
SIGNATURE: 		Agenda Date FEB 02 2011	
For additional information contact: Tim Douglass Phone: 713-837-9857 Keith R. Phillips Phone: 713-837-0610		Council Districts affected: CM Rodriguez, District "I"	
		Date and identification of prior authorizing Council Action: Ordinance No. 99-674 dated 6/30/99	

RECOMMENDATION: (Summary) Ordinance approving an economic development agreement between the City and Dynamo Stadium, LLC pursuant to Chapter 380, Texas Local Government Code.

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

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

SPECIFIC EXPLANATION:

In 1989, the State legislature enacted Chapter 380 of the Texas Local Government Code to create a mechanism by which municipalities could make grants or loans of public funds to be used for public economic development purposes. Subsequently, by Ordinance No. 99-674, the City established a Chapter 380 loan/grant program to provide the City with an additional tool to encourage development in targeted areas to help stimulate new business growth.

Dynamo Stadium, LLC ("Developer") intends to construct, operate, and maintain a multi-purpose sports and entertainment stadium just east of Houston's Central Business District. The City believes that the proposed stadium will promote local economic development, stimulate new business and commercial opportunities, diversify the economy, create new jobs, and result in positive global media reporting for the City. The proposed stadium will be used by Houston's Major League Soccer Team, the Texas Southern University Tiger football team, and for other sporting and entertainment events.

In consideration for Developer's significant investment (approximately \$60 million) in the proposed stadium and agreement to maintain a lease in accordance with the provisions of the Lease and Development Agreement approved pursuant to Ordinance No. 2010-1035 concerning the proposed stadium, the City will agree to rebate to Developer the City's portion of the sales and use taxes (including taxes on mixed beverages) that will be generated by the proposed stadium. This agreement will be in effect for the current duration of the approved Dynamo lease (30 years).

This agreement is an essential ingredient of the prolonged negotiations between the City and the Dynamo and is consistent with similar arrangements the Houston Texans.

Approval is recommended.

- cc: Marta Crinejo, Acting 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: Authorize and Approve an Interlocal Agreement between the City of Houston, Harris County, Reinvestment Zone Number Fifteen (East Downtown Zone), and the East Downtown Redevelopment Authority

Category #

Page
1 of 1

Agenda Item#

25

FROM: (Department or other point of origin):

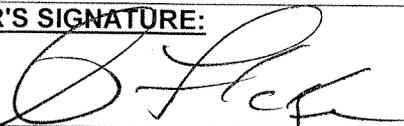
Andrew F. Icken, Chief Development Officer

Origination Date

Agenda Date

FEB 02 2011

DIRECTOR'S SIGNATURE:



Council Districts affected:

H, I

For additional information contact:

Ralph De Leon
Tim Douglass

Phone: (713) 837-9573
(713) 837-9857

Date and identification of prior authorizing Council Action:

Ord. 1999-0708 on 7/7/99, Ord. 1999-0757 on 7/21/99,
Ord. 1999-0913 on 8/18/99, Res. 2000-0027 on 6/7/00,
Ord. 2000-0663 on 7/19/00, Ord. 2010-0265 on 4/7/10

RECOMMENDATION: (Summary)

City Council approve an Ordinance approving and authorizing an Interlocal Agreement between the City of Houston, Harris County, Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), and the East Downtown Redevelopment Authority.

Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund

N/A

EXPLANATION:

On January 24, 2011, Harris County Commissioners Court adopted an Interlocal Agreement between the City, Harris County ("County"), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), and the East Downtown Redevelopment Authority. The Interlocal contains the following provisions:

- 1.) The County will participate in the East Downtown Zone at one-hundred percent (100%) of the County's tax increment attributable to the East Downtown Zone. Eighty-five percent of the funds from Harris County's participation in the East Downtown Zone shall be limited to the payment of project costs related to the proposed stadium in the following manner:
 - (a) Fifty-seven (57%) of these funds will be used to pay project cost related to infrastructure at the Proposed Stadium ("Stadium Infrastructure Increment"),
 - (b) Forty-three percent (43%) of these funds will be used to pay ½ the land Cost for the proposed stadium ("Land Increment"). Additionally, the County will contribute five (5%) percent of the County's tax increment for project costs related to Homeless Housing Programs inside and outside the Zone, ten (10%) percent of the County's tax increment will be returned for Harris County Administrative Fees.
- 2.) County stadium infrastructure increment contribution will be limited to an aggregate overall participation equal to \$21,000,000, which the County agrees has a net present value of \$10,000,000.
- 3.) County land increment contribution will be limited to an aggregate overall participation equal to \$15,800,000, which the County agrees has a net present value equal to \$7,500,000 or the stadium land price.
- 4.) Only tax increments generated by the tax rate of Harris County, Texas will be contributed to the East Downtown Zone. At the time at which that County has paid the maximum stadium commitment and the maximum land commitment, the County will no longer be obligated to participate in the East Downtown Zone.

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:



City:

City of Houston
901 Bagby, 4th Floor
Houston, TX 77002
Attn: Andy Icken
Chief Development Officer

Harris County:

Harris County
Community Services Department
8410 Lantern Point
Attn: David Turkel
Director, Harris County Community Services
Department

East Downtown Zone and Authority:

Reinvestment Zone Number Fifteen / East
Downtown Redevelopment Authority
c/o Vinson & Elkins LLP
First City Tower
1001 Fannin Street, Suite 2500
Houston, TX 77002
Attn: Clark Lord
Public Finance/Municipal Bonds

II. DEFINITIONS

As used in this Agreement, the following terms shall have the meanings set out below:

“Agreement” means this agreement between the City, the County, the Authority and the TIRZ.

“Agreement Term” is defined in Section VI.

“Cap” means the Cumulative Maximum County Participation in dollars.

“Captured Appraised Value” means the increase in taxable appraised value within the Zone boundaries, as defined by Chapter 311, Texas Property Tax Code.

“City” is defined in Section I of this Agreement and includes its successors and assigns.

“County” is defined in Section I of this Agreement and includes its successors and assigns.

“County Tax Increment Participation” means the County’s annual ad valorem tax increment payments to the TIRZ pursuant to Section IV of this Agreement.

“Dynamo Stadium Project” means the construction of a soccer stadium on the Project Site.

“HCAD” means Harris County Appraisal District.

“Interlocal Agreement” means the Interlocal Agreement between the City, the County, and the Harris County-Houston Sports Authority approved by the Harris County Commissioners Court on April 13, 2010, concerning terms of participation in the Dynamo Stadium Project, a copy of which is attached hereto as Exhibit 2 and incorporated by reference for all purposes.

“Zone” means the area within the boundaries of the East Downtown Zone, also known as the Tax Increment Reinvestment Zone Number Fifteen, City of Houston, Texas,

as created by the City by Ordinance No. 1999-708, and as subsequently amended. Attached hereto as Exhibit 1 is a map outlining the present boundaries of the Zone.

“Plan” means the Project Plan and Reinvestment Zone Financing Plan adopted by the TIRZ and approved by City Council by Ordinance No. 1999-757, and as subsequently amended. The second amendment to the Plan, dated November 15, 2010, is attached hereto as Exhibit 3 and incorporated by reference for all purposes.

“Project Site” means the land described in Exhibit A of the Interlocal Agreement, being the land upon which is proposed that the Dynamo Stadium Project will be constructed.

“Tax Increment Fund” means the fund or account created by the City in the City Treasury for accumulating tax increment revenues associated with value increases in the Zone.

“Base Year” means tax year 2007, the base year for Harris County’s participation

“Base Value” means the certified appraised value within the Zone as established by HCAD for the 2007 Base Year.

Otherwise, the terms used herein have the meanings ascribed to them in Chapter 311, Texas Tax Code.

III. BACKGROUND

On July 7, 1999, the City created the Zone pursuant to City Ordinance No. 1999-708 for the purposes of development and redevelopment in the East Downtown Area. The Board of Directors of the Zone adopted the Plan, which was then approved by the City by City Ordinance 1999-757. The Zone and the City have subsequently amended the project plan and reinvestment zone financing plan. The City authorized the creation of the Authority to aid, assist and act on behalf of the City in the performance of the City's governmental and proprietary functions with respect to the common good and general welfare of the Zone and neighboring areas. The City, the Zone and the Authority subsequently entered into the East Downtown Zone Agreement to administer the Zone on August 3, 2000, by City Ordinance No. 2000-663. The City has agreed to participate in the Zone by contributing City tax increments collected in the Zone to the Tax Increment Fund. Now the County desires to participate in the Zone in consideration for the agreements set forth below.

IV. OBLIGATIONS OF THE COUNTY

All obligations of the County under this Agreement are contingent on delivery of the fully executed Special Warranty Deed by the City to the County for an undivided one-half interest in the land included in the Project Site as required by the Interlocal Agreement.

A. County Tax Increment Participation

For and in consideration of the agreements of the parties set forth herein, and subject to the remaining subsections of this section, the parties agree that the County's participation in the TIRZ is a payment, to the extent authorized by law, to the Tax Increment Fund during the term of this Agreement equal to one hundred per cent (100%) of the tax increment attributed to the Captured Appraised Value in the Zone attributable to the County. The County shall participate so that eighty five percent (85%) of its contribution to the Tax Increment fund will be used only for the project costs incurred by the Zone for the proposed Dynamo Stadium Project. Of this eighty five percent, fifty seven percent (57%) will be used to pay the project costs for the construction of infrastructure for or in support of the proposed stadium on the Project Site. The remaining forty three per cent (43%) of the eighty five per cent will be used to pay the City pursuant to the terms of the Interlocal Agreement for the County's share of the price of the land in the Project Site acquired for the Dynamo Stadium Project.

This Agreement becomes effective as of the date of the final signature hereto and only after receipt of the fully executed Special Warranty Deed by the County, as described in the first paragraph of this Section. The term of this Agreement shall commence with the tax year beginning on January 1, 2010. This Agreement shall

terminate on the earlier of the tax year ending December 31, 2040 or when the County has reached the Cap for the Harris County Tax Increment Participation, whichever occurs first. It is the intent of the parties that Harris County's participation in the East Downtown Zone, or any expansion thereof, is limited to the term stated herein. The payments by the Port of Houston Authority of Harris County, Texas ("the Port"), the Harris County Flood Control District ("Flood Control"), the Harris County Hospital District ("the Hospital"), the Harris County Department of Education ("Education"), and any other taxing entity for whom the County imposes taxes, either now or in the future, shall be zero percent (0%) of the tax increment attributed to the Captured Appraised Value in the TIRZ boundaries, attributable to the Port, Flood Control, the Hospital, Education, and any other taxing entity for whom the County imposes taxes, either now or in the future.

Eighty five per cent of the County's participation and use of funds is limited to the Dynamo Stadium Project, up to an aggregate overall maximum participation (also known as the Cap) equal to THIRTY SIX MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$36,800,000.00). Of this amount, TWENTY ONE MILLION DOLLARS (\$21,000,000.00) is the maximum participation by the County for up to one-half the cost of the infrastructure built for the Dynamo Stadium Project, which the parties agree has a net present value of TEN MILLION DOLLARS (\$10,000,000.00), and the FIFTEEN MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$15,800,000.00) is the maximum participation that the County will pay to the City for the County's share of the cost of land for the Project Site acquired for the Dynamo Stadium Project, which the parties agree has a net present value of SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$7,500,000.00). The types of infrastructure for which the

County Tax Increment Participation must be used include, but are not limited to: streets, sidewalks, water, sewer, drainage, and utilities. The County Tax Increment Participation shall be restricted for use only on those infrastructure projects that are a direct part of the Dynamo Stadium Project. In the event of bond or other financing, the County's Tax Increment Participation may be dedicated to bond or loan repayment; however, in that event, if the bond or loan proceeds exceed the County's Tax Increment Participation, the dedication of the County's Tax Increment Participation shall be limited to the amount of the County's Tax Increment Participation.

In addition, the County shall participate so that five per cent (5%) of its total contribution shall be utilized by the County for the Homeless Housing Programs in accordance with the provisions and limitations set out in Article II.E of the Interlocal Agreement. The contribution of the County to the Tax Increment Fund dedicated to the Homeless Housing Programs shall be paid to the Harris County Community Services Department annually for use in its Homeless Housing Programs. Such payment shall be disbursed by the City to the County for the applicable year within 30 days after the City receives the County Tax Increment Participation.

In the event the City or TIRZ or the Authority expends funds inconsistent with the Plan or this Agreement, the County shall notify the City and TIRZ of such breach, and the defaulting party shall have sixty (60) days to cure the breach. In the event the breach is not cured within the sixty (60) day period, the County shall suspend all tax increment payments until the breach is cured. In the event that the breach is not cured within one hundred and eighty (180) days and/or if there is a default associated with bonds or any other indebtedness for any portion of the Zone during the term of this Agreement, or for

one year in the event of a natural disaster, then the County's participation in that portion of the Tax Increment Fund in which the breach occurs shall terminate.

B. Tax Increment Limitation

The County shall make payments once each year, by August 31st, for the prior tax year, beginning with tax year 2010 (calendar year 2011). The County is not obligated to pay its County Tax Increment Participation from any source other than taxes collected by the County on the Captured Appraised Value attributable to the Zone. Furthermore, the County has no duty or obligation to pay the County Tax Increment Participation from any other County tax collections or revenues, or until the County Tax Increment Participation in the Zone is actually collected. Any portion of the taxes representing the County Tax Increment Participation that are paid to the County and subsequently refunded pursuant to the provisions of the Texas Tax Code shall be offset against future payments to the Tax Increment Fund. The obligation to pay the County Tax Increment Participation accrues, as ad valorem taxes representing the County Tax Increment Participation are collected by the County, and payment shall be due as provided in the Texas Tax Code. No interest or penalty will be charged to the County for any late payment received from the County by the TIRZ or the City.

C. Expansion of the TIRZ

The obligation of the County to participate in the TIRZ is limited to the area of the Zone described in the map of which is attached hereto as Exhibit 1. The County's participation does not extend to the tax increment on any additional property that may be added to the Zone or any amendment to the Plan by the TIRZ and the City that would increase the total amount of project costs after the date of this Agreement, unless the

County specifically agrees to participate in the additional area or amendment to the Plan. In addition, the County's participation does not extend to any dedication of revenue from the Tax Increment Fund by the TIRZ for projects other than those specified herein unless the County specifically agrees to participate in the dedication.

D. Reconciliation of Accounts

Each year after calendar year 2011, the County Tax Increment Participation is due on August 31st for the year and shall include any retroactive adjustments that may be due for the prior year over or under payments. In any year, beginning with calendar year 2011, that the County payment is determined to have been ten per cent (10%) greater than the amount actually due, the amount of overpayment by the County shall be refunded by the City within forty-five (45) days of written notification from the County that such overpayment occurred. Alternatively, in the event that the County payment is determined to be ten percent (10%) less than the amount actually due, the amount of underpayment by the County shall be disbursed by the County to the City within forty-five (45) days of written notification from the City that such underpayment occurred.

E. Board of Directors

Notwithstanding anything to the contrary in Ordinance No. 1999-708 and subsequent amendments, which created the TIRZ, pursuant to the provisions of Chapter 311 of the Texas Tax Code, the County shall have the unequivocal right to appoint and thereafter at all times maintain one (1) member on the TIRZ Board of Directors. The County may also appoint and maintain as many non-voting ex officio members on the TIRZ Board of Directors as the County may desire.

V. OBLIGATIONS OF THE CITY AND THE TIRZ

A. Project Plan and Financing Plan

Any member of the County Commissioners Court may review and comment upon any amendment to the Plan before any amendments thereto are submitted to the City Council for approval. The City agrees to make a formal presentation to the County Commissioners Court of any proposed amendments or expansions to Zone at least sixty (60) days prior to their submission to the City Council for approval. County participation in such an amendment or expansion requires a favorable vote by the County Commissioners Court and an amendment to the terms of this Agreement, prior to any approval by City Council. Failure of the City and/or the TIRZ to receive County Commissioners Court approval will result in the County's non-participation in such amendment and/or alteration.

B. Disposition of Tax Increment

Upon termination of the TIRZ, and after all bonded or other indebtedness of the TIRZ has been paid, the City and the TIRZ shall refund to the County, within thirty (30) days of said termination, all monies remaining in the Tax Increment Fund that are attributable to the County Tax Increment Participation paid by the County into the Tax Increment Fund.

C. Audits

The City shall provide to the County a copy of each audit, as may be required by any present or future agreement entered into by or on behalf of the TIRZ and/or the Authority, within thirty (30) days of receipt of each audit. In addition, the City shall

provide to the County a copy of all reports, studies and analyses prepared by the City, the TIRZ, the Authority, or others that concern the expenditure of Tax Increment Funds or repayment of bonded indebtedness of said TIRZ or the Authority.

The County shall have the right to audit the City's Tax increment Fund and/or the books and records of the TIRZ or the Authority upon thirty (30) days written notice to the City, the TIRZ or the Authority. Any such audit shall be at the County's expense.

D. Administrative Fees

Neither the City, the TIRZ, the Board, nor the Authority will receive any type of fee, whether administrative or otherwise, from any amounts paid into the Tax Increment Fund by the County. The City shall forego acceptance of any fee that may be permitted by current or future federal, state, or local statute, whether deducted from tax increment funds as received or reimbursed by the TIRZ at a later date out of the County's Tax Increment Participation. An administrative fee equal to ten per cent (10%) of the County's total tax increment payment to the Tax Increment Fund will be paid annually by the City to the County for administrative costs related to Homeless Housing Programs and TIRZ #15 participation. Such payment shall be disbursed by the City to the County for the applicable year within 30 days after the City receives the County Tax Increment Participation.

E. Minority and Women-Owned Business Enterprise

The City, the TIRZ and the Authority shall make every effort to stimulate the growth of minority and women-owned businesses by encouraging their full participation in all phases of procurement activities undertaken directly by them and use of best efforts in awarding contracts and subcontracts and aid to minority, women-owned, and

disadvantaged business enterprises to the best extent possible, for implementation of the Plan. The TIRZ and the Authority will make good faith efforts to award a percentage of the value of contracts which they award to minority, women-owned, and disadvantaged businesses. While it is not a requirement of this Agreement that the TIRZ or the Authority meet or exceed any particular set of goals, it is a requirement that the TIRZ and the Authority demonstrate that it has exerted good faith efforts by maintaining records showing that it has adequately considered awarding of contracts, supply agreements, and support services with and to minority, women-owned, and disadvantaged business enterprises. It is not intended that this provision impose any affirmative duties upon the Harris County-Houston Sports Authority or Dynamo Stadium, LLC.

VI. TERM AND TERMINATION

A. Agreement Term

This Agreement becomes effective as of the date of the final signature hereto and only after receipt of the fully executed Special Warranty Deed by the County, as described in the first paragraph of Section IV. The term of this Agreement shall commence with the tax year beginning on January 1, 2010 (calendar year beginning January 1, 2011). This Agreement shall terminate on the earlier of the tax year ending December 31, 2040 (calendar year ending December 31, 2041), or when the cumulative Dynamo Stadium Project-related County Tax Increment Participation equals the total Cap of \$36.8 million (\$21 million for the project costs and \$15.8 million for the land costs), or when County contributions are no longer required to cover bond or other debt service, unless earlier terminated by the parties hereto, whichever occurs first. In the event bonds or other debt

are issued, the County's participation shall not increase. It is the intent of the parties that the County's participation in the Zone, or any expansion thereof, is limited to the term stated herein. Nothing in this Agreement, however, limits the authority of the County Commissioners Court to extend the term of this Agreement or increase the amount of the County Tax Increment Participation in the TIRZ, as set forth in Section IV of this Agreement. Upon termination of this Agreement, the obligation of the County to contribute to the Tax Increment Fund for the TIRZ shall end. However, the obligations of the City and the TIRZ to refund any overpayment by the County shall survive such termination.

B. Early Termination

The TIRZ may terminate pursuant to the provisions of Texas Tax Code Chapter 311. If the City's participation ceases or is decreased, then the County's participation shall automatically cease or be decreased by the same pro rata percentage.

VII. MISCELLANEOUS

A. Severability

In the event any term, covenant or condition herein contained is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect any other term, covenant or condition herein contained.

In the event any term, covenant or condition shall be held invalid and affects in any manner the limitations on Harris County's, or any other party's, contributions or participation, then neither Harris County, nor any other party, shall have any liability for any incremental or other payments as may otherwise be provided for in this Agreement.

B. Entire Agreement

This Agreement merges the prior negotiations and understandings of the parties hereto and embodies the entire agreement of the parties, and there are no other agreements, assurances, conditions, covenants (express or implied) or other terms with respect to the covenants, whether written or verbal, antecedent or contemporaneous, with the execution hereof.

C. Written Amendment

Unless otherwise provided herein, this Agreement may be amended only by written instrument duly executed on behalf of each party.

D. Notices

All notices required or permitted hereunder shall be in writing and shall be deemed delivered when actually received or, if earlier, on the third (3rd) day following deposit in a United States Postal Service post office or receptacle with proper postage affixed (certified mail, return receipt requested) addressed to the respective other party at the address prescribed in Section I of this Agreement or at such other address as the receiving party may have theretofore prescribed by notice to the sending party.

E. Non-Waiver

Failure of any party hereto to insist on the strict performance of any of the agreements herein or to exercise any rights or remedies accruing hereunder upon default or failure of performance shall not be considered a waiver of the right to insist on, and to enforce by any appropriate remedy, strict compliance with any other obligation hereunder or to exercise any other right or remedy occurring as a result of any future default or failure of performance.

F. Assignment

No party shall assign this Agreement at law or otherwise without the prior written consent of the other parties. No party shall delegate any portion of its performance under this Agreement without the written consent of the other parties.

G. Successors

This Agreement shall bind and benefit the parties and their legal successors. This Agreement does not create any personal liability on the part of any officer, agent or employee of the City, the City Council, the TIRZ, the Board, the Authority, the County, or the County Commissioners Court.

H. No Waiver of Immunity

No party hereto waives or relinquishes any immunity or defense on behalf of itself, officers, employees, and agents as a result of its execution of this Agreement and performance of the covenants contained herein.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the City, County, the Authority and the TIRZ have made and executed this Agreement in multiple copies, each of which is an original.

ATTEST/SEAL:

CITY OF HOUSTON

By: _____
Name: ANNA RUSSELL
City Secretary

By: _____
ANNISE PARKER
Mayor, City of Houston

Date Signed: _____

Date Signed: _____

APPROVED AS TO FORM:

**EAST DOWNTOWN
REDEVELOPMENT AUTHORITY**

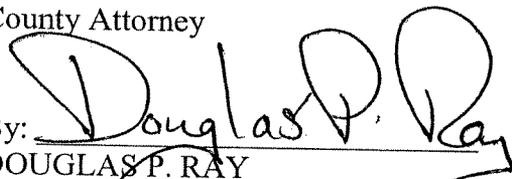
By: _____
Name: DAVID M. FELDMAN
City Attorney

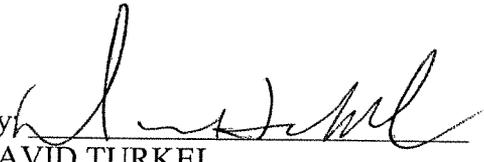
By: _____
Name:
Title:

APPROVED AS TO FORM:

HARRIS COUNTY

VINCE RYAN
County Attorney

By: 
DOUGLAS P. RAY
Assistant County Attorney

By: 
DAVID TURKEL
Director, Harris County Community
Services Department

Date Signed: _____

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

ATTEST/SEAL:

By _____
GORDON QUAN
Chairperson, Board of Directors

By: _____
Name: _____
Secretary, Board of Directors

Date Signed: _____

Date Signed: _____

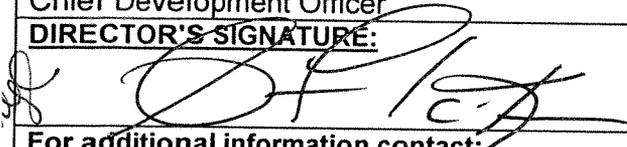
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: An Ordinance approving a Fiscal Year 2011 Operating Budget for Hardy/Near Northside Redevelopment Authority and a Fiscal Years 2011-2015 Capital Improvements Plan Budget for Reinvestment Zone Number Twenty-One, Houston, Texas (Hardy Near/Northside Zone).	Category #	Page 1 of 1	Agenda Item# 26
--	-------------------	-----------------------	-------------------------------

FROM: (Department or other point of origin): Andrew F. Icken Chief Development Officer	Origination Date	Agenda Date FEB 02 2011
---	-------------------------	-----------------------------------

DIRECTOR'S SIGNATURE: 	Council Districts affected: H
--	---

For additional information contact: Ralph De Leon Tim Douglass	Phone: (713) 837-9573 Phone: (713) 837-9857	Date and identification of prior authorizing Council Action: Ord. No. 2010-575, 7/14/10
---	--	---

RECOMMENDATION: (Summary)
City Council adopt an ordinance approving a Fiscal Year 2011 Operating Budget for the Hardy/Near Northside Redevelopment Authority and a Fiscal Years 2011-2015 Capital Improvements Plan Budget for Reinvestment Zone Number Twenty-One (Hardy/Near/Northside Zone), and repealing the ordinance that approved the current FY 2011 Operating Budget.

Amount of Funding: No Funding Required	Finance Budget:
---	------------------------

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

EXPLANATION:
On November 11, 2009, City Council authorized the creation of the Hardy/Near Northside Redevelopment Authority ("Authority") and approved a Tri-Party Agreement, an Amended Project Plan, and a Fiscal Year 2010 Operating Budget for the Authority. On July 14, 2010, City Council approved a Fiscal Year 2011 Operating Budget for the Authority. The Zone and the Authority have approved and the Administration now desires to adopt a Capital Improvements Plan ("CIP") Budget for Fiscal Years 2011-2015 for the Hardy Near/Northside Zone. Approval of the CIP Budget also requires modification of the FY 2011 Operating Budget to conform to the CIP Budget.

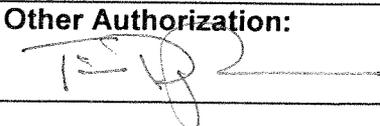
- Total Operating Budget for FY11 is \$957,422, which includes \$93,705 for required fund transfers and \$750,350 for Project Costs.
- The FY11-FY15 CIP Budget for Hardy/Near Northside Redevelopment Authority totals \$600,000. Projects included in the CIP include pedestrian and bikeway access trails on unimproved public right-of-way Pickney Street, Gargan Street, and Myrtle Street, and pedestrian improvements on Hogan Street between Main Street and Glaser Drive.
- The FY11 Operating Budget includes \$600,000 for capital expenditures and \$35,300 for administration and overhead. The redevelopment authority must advise the Finance Director of any budget amendments. Adjustments to the Project Costs in the budget of the lesser of \$400,000 or 5% or more require City Council approval.

It is also recommended that Ordinance No. 2010-575, which approved the original FY 2011 Operating Budget be repealed so that all Council action with respect to the Budgets is reflected in one ordinance.

Attachments: TIRZ Profile, Fiscal Year 2011 Operating Budget, and FY11-FY15 CIP Budget.

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: 
--------------------------	-----------------------------	--

CITY OF HOUSTON
 FINANCE DEPARTMENT
 ECONOMIC DEVELOPMENT DIVISION
 FISCAL YEAR 2011 BUDGET PROFILE
 AS AMENDED

Fund Summary
 Fund Name: Hardy/Near Northside
 TIRZ: 21
 Fund Number: 7569 / 64

P R O F I L E	Base Year:	2003
	Base Year Taxable Value:	\$ 40,313,080
	Projected Taxable Value (TY2010):	\$ 78,983,763
	Current Taxable Value (TY2009):	\$ 85,489,535
	Acres:	326.1
	Administrator (Contact):	City of Houston
Contact Number:	713.837.9573	

N A R R A T I V E	Zone Purpose:
	The primary focus of the Zone is to facilitate affordable housing, transit orientated mixed-use development, and the extension and potential grade separation of San Jacinto Street. Additional efforts will focus on improvements to public utility systems, parks and the repositioning of distressed infrastructure conditions.
	Accomplishments in FY10 (Projects Underway):
	• Approved First Amended Project Plan and Reinvestment Zone Financing Plan.
	• Approved Articles of Incorporation and Bylaws for the Hardy/Near Northside Redevelopment Authority.
	• Approved Tri-Party Agreement by and between the City of Houston, TIRZ No. 21, and the Hardy/Near Northside Redevelopment Authority.
	• Approved Affordable Housing Agreement.
	• Approved Developer Reimbursement Agreement with CR V Hardy Yards, L.P.

P R O J E C T		Cumulative Expenses		
		Total Plan	(to FY09)	Variance
	Capital Projects:			
	Roadway and Sidewalk Improvements	37,692,000	\$ -	\$ 37,692,000
	Public Utility Improvements	1,929,000	-	-
	Parks Plazas and Recreational Facilities	1,440,000	-	-
	Land Acquisition	4,820,000	-	4,820,000
	Total Capital Projects	\$ 45,881,000	\$ -	\$ 42,512,000
P	Affordable Housing	17,500,000	230,447	17,269,553
L	Education Facilities	-	-	-
A	Financing Costs	1,700,000	-	1,700,000
N	Creation/Administration Costs	2,200,000	73,931	2,126,069
	Total Project Plan	\$ 67,281,000	\$ 304,378	\$ 63,607,622

D E B T	Additional Financial Data		
	FY2010 Budget	FY2010 Estimate	FY2011 Budget
	Debt Service		
	\$ -	\$ -	\$ -
	Principal	-	-
	Interest	-	-
	Balance as of 6/30/09	Projected Balance as of 6/30/10	Projected Balance as of 6/30/11
	Year End Outstanding (Principal)		
	Bond Debt	\$ -	\$ -
	Bank Loan	\$ -	\$ -
	Developer Agreement	\$ -	\$ -
	Other	\$ -	\$ -

CITY OF HOUSTON
 FINANCE DEPARTMENT
 ECONOMIC DEVELOPMENT DIVISION
 FISCAL YEAR 2011 BUDGET DETAIL
 AS AMENDED

Fund Summary
 Fund Name: Hardy/Near Northside
 TIRZ: 21
 Fund Number: 7569 / 64

TIRZ Budget Line Items	FY2010 Budget	FY2010 Estimate	FY2011 Budget
RESOURCES			
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ 532,946	\$ 532,946	\$ 695,874
Beginning Fund Balance	\$ 532,946	\$ 532,946	\$ 695,874
City tax revenue	\$ 281,901	\$ 291,741	\$ 244,448
ISD tax revenue	\$ -	\$ -	\$ -
County tax revenue	\$ -	\$ -	\$ -
Community College tax revenue	\$ -	\$ -	\$ -
Incremental property tax revenue	\$ 281,901	\$ 291,741	\$ 244,448
Miscellaneous revenue	\$ -	\$ -	\$ -
COH TIRZ Interest	\$ 17,100	\$ 17,100	\$ 17,100
Other Interest Income	\$ 17,100	\$ 17,100	\$ 17,100
Developer Advances	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Special assessment bond proceeds	\$ -	\$ -	\$ -
Proceeds from bank loan	\$ -	\$ -	\$ -
TOTAL AVAILABLE RESOURCES	\$ 831,947	\$ 841,787	\$ 957,422

CITY OF HOUSTON
 FINANCE DEPARTMENT
 ECONOMIC DEVELOPMENT DIVISION
 FISCAL YEAR 2011 BUDGET DETAIL
 AS AMENDED

Fund Summary
 Fund Name: Hardy/Near Northside
 TIRZ: 21
 Fund Number: 7569 / 64

TIRZ Budget Line Items	FY2010 Budget	FY2010 Estimate	FY2011 Budget
EXPENDITURES			
Accounting	\$ -	\$ -	\$ 10,000
Administration Consultant	\$ 7,000	\$ 5,509	\$ 15,500
Administration Salaries & Benefits	\$ -	\$ -	\$ -
Auditor	\$ -	\$ -	\$ 7,000
Financial Advisor	\$ -	\$ -	\$ 1,800
Insurance	\$ -	\$ 897	\$ 900
Office Expenses	\$ -	\$ -	\$ 150
TIRZ Administration and Overhead	\$ 7,000	\$ 6,406	\$ 35,350
Construction Audit	\$ -	\$ -	\$ -
Engineering Consultants	\$ -	\$ -	\$ -
Legal	\$ 40,000	\$ 27,673	\$ 15,000
Project Consultant	\$ -	\$ -	\$ 100,000
Program and Project Consultants	\$ 40,000	\$ 27,673	\$ 115,000
Management consulting services	\$ 47,000	\$ 34,079	\$ 150,350
Capital Expenditures	\$ -	\$ -	\$ 600,000
TIRZ Capital Expenditures	\$ -	\$ -	\$ 600,000
Developer / Project Reimbursements	\$ -	\$ -	\$ -
Bond Debt Service	\$ -	\$ -	\$ -
Principal - Infrastructure	\$ -	\$ -	\$ -
Interest - Infrastructure	\$ -	\$ -	\$ -
Loan debt service	\$ -	\$ -	\$ -
Principal	\$ -	\$ -	\$ -
Other Debt Items	\$ -	\$ -	\$ -
Line of Credit Repayment	\$ -	\$ -	\$ -
Loan fees	\$ -	\$ -	\$ -
System debt service	\$ -	\$ -	\$ -
TOTAL PROJECT COSTS	\$ 47,000	\$ 34,079	\$ 750,350
Payment/transfer to ISD - educational facilities	\$ -	\$ -	\$ -
Administration Fees:	\$ -	\$ -	\$ -
City	\$ 14,095	\$ 14,587	\$ 12,222
County	\$ -	\$ -	\$ -
ISD	\$ -	\$ -	\$ -
Affordable Housing:	\$ -	\$ -	\$ -
City *	\$ 78,944	\$ 97,247	\$ 81,483
ISD to City of Houston	\$ -	\$ -	\$ -
Transfer to Harris County	\$ -	\$ -	\$ -
Municipal Services (Payable to COH)	\$ -	\$ -	\$ -
Total Transfers	\$ 93,039	\$ 111,834	\$ 93,705
Total Budget	\$ 140,039	\$ 145,913	\$ 844,055
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ 691,908	\$ 695,874	\$ 113,367
Total Ending Fund Balance	\$ 691,908	\$ 695,874	\$ 113,367
Total Budget & Ending Fund Balance	\$ 831,947	\$ 841,787	\$ 957,422

Notes:

The TY09/FY10 Estimate for incremental property tax revenue and transfers from the City of Houston, all ISDs, Harris County, and Community Colleges is based on the Harris County Tax Office collections report dated April 27, 2010.

The TY10/FY11 Budget for incremental property tax revenue and transfers is based on the TY09/FY10 Estimate and Harris County's preliminary estimate of 2010 taxable value by property use category.

2011 - 2015 CAPITAL IMPROVEMENT PLAN
 TIRZ No. 21 - Hardy Near/Northside Redevelopment Authority
 CIP by Project - AS AMENDED

CITY OF HOUSTON - TIRZ PROGRAM
 Finance Department
 Economic Development Division

Council District	CIP No.	Project	Fiscal Year Planned Appropriations								FY11 - FY15 Total	Cumulative Total (To Date)	
			Through 2009	Projected 2010	2011	2012	2013	2014	2015				
C	T-2101	Pedestrian Pathways/Hike and Bike Trails	\$ -	\$ -	\$ 300,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	300,000	300,000
C	T-2102	Hogan Street Pedestrian Improvements	\$ -	\$ -	\$ 300,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	300,000	300,000
C	T-2103	FUTURE CIP PROJECT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	-
					600,000							600,000	600,000

2011 - 2015 CAPITAL IMPROVEMENT PLAN
 TIRZ No. 21 - Hardy Near/Northside Redevelopment Authority
 CIP by Sources of Funds AS AMENDED

CITY OF HOUSTON - TIRZ PROGRAM
 Finance Department
 Economic Development Division

Source of Funds	Fiscal Year Planned Appropriations							Cumulative Total (To Date)	
	Through 2009	Projected 2010	2011	2012	2013	2014	2015		FY11 - FY15 Total
TIRZ funds	-	-	600,000	-	-	-	-	600,000	600,000
Revenue bond proceeds	-	-	-	-	-	-	-	-	-
Proceeds from bank loan	-	-	-	-	-	-	-	-	-
Developer Advance/Reimbursement	-	-	-	-	-	-	-	-	-
City of Houston	-	-	-	-	-	-	-	-	-
Grants	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-
Project Total			600,000					600,000	600,000

SUBJECT: Ordinance making findings and approving the proposed lease to HISD of Joplin Street Park, located at 7401 Joplin (Key Map 535N); Lum Terrace Subdivision, J.R. Harris Survey, A-27.		Category #	Page 1 of 1	Agenda Item # 27
FROM (Department or other point of origin): Parks and Recreation Department 		Origination Date Jan. 4, 2011	Agenda Date FEB 02 2011	
DIRECTOR'S SIGNATURE: Joe Turner, Director		Council District affected: District I		
For additional information contact: Renissa Garza-Montalvo 832-395-7037 Daniel Pederson 832-395-7062		Date and identification of prior authorizing Council action: June 9, 2010 – Public Hearing		
RECOMMENDATION: (Summary) <p>That an ordinance be passed making findings and approving the lease authorizing the exclusive use of Joplin Street Park by Houston Independent School District for a playground and green space for the students and staff of Golfcrest Elementary.</p>				
		Finance Budget:		
SOURCE OF FUNDING: No Funding Required				
SPECIFIC EXPLANATION: Houston Independent School District ("HISD") has requested that the City of Houston enter into an interlocal agreement for the lease to HISD of the entirety of Joplin Street Park, being approximately 35,690 square feet out of the Lum Terrace Subdivision, 7401 Joplin, Houston, Harris County (Key Map 535N). The proposed lease provides that HISD has the exclusive use of the land, and that the land be used as a playground and green space area for the students and staff of Golfcrest Elementary. Ch. 26 of the Texas Parks & Wildlife Code requires a public hearing before City Council may approve a change in use of land previously used for public park purposes. City Council held such a hearing on this matter on June 9, 2010. Following the hearing a successful community meeting was held by HISD, CM Rodriguez and HPARD on September 28, 2010. The proposed ordinance makes findings and approves a lease granting the exclusive use by HISD of Joplin Street Park as a playground and green space area for the students and staff of Golfcrest Elementary.				
Finance Director:		Other Authorization:		Other Authorization:

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance disannexing 127.93 acres from the City of Houston's corporate boundaries and amending Ordinance 2008-392 relating to the creation of Harris County Municipal Utility District No. 494.	Category #	Page 1 of 1	Agenda Item # <i>28-28A</i>
--	-------------------	--------------------	---------------------------------------

FROM (Department or other point of origin): Planning and Development	Origination Date January 19, 2011	Agenda Date FEB 02 2011
--	---	-----------------------------------

DIRECTOR'S SIGNATURE: <i>MS</i> <i>Margaret Wallace</i>	Council District affected: District E
---	---

For additional information contact: Margaret Wallace Phone: 713-837-7826	Date and identification of prior authorizing Council action: Ordinance to consent to the creation of the district: May 7, 2008; 2008-392
--	---

RECOMMENDATION: (Summary)
That Council passes an Ordinance disannexing 127.93 acres of land from the City of Houston's corporate boundaries and amend Ordinance #2008-392 consenting to the creation of Harris County Municipal Utility District No. 494.

Amount of Funding:
NA

SPECIFIC EXPLANATION:

In 2007, the Texas Legislature created Harris County MUD 494, which is comprised of 331.7 acres of land located east of West Lake Houston Parkway at the terminus of Will Clayton Parkway. One hundred twenty-seven (127.93) acres of the District is located within the corporate limits of the City of Houston.

The Development is planned as a single family residential development, including approximately 535 home sites, with approximately 52.9 acres designated for commercial use. Due to topographic constraints, as well as mobility and infrastructure requirements, less than half of the property in the City limits is developable.

Since its creation by the legislature in 2007, several City Departments have been working with District representatives and the Developer to identify a successful development strategy that would include leaving the property within the City limits. None has been found. The District has now requested the City of Houston disannex the 127.93 acres that are located inside the City. The intent is to develop the property as an ETJ District and ask the City to re-annex portions of the development for limited purposes, thereby allowing the City to reap the rewards of the sales tax revenue from the commercial development. The Department recommends this action for three primary reasons:

1. The City has no available water or sewer utilities to serve the property, nor are any planned in the foreseeable future. As an ETJ MUD, the District will contract with Harris County MUD 153, located immediately to the north, for water and sewer utilities service.
2. The District is located well beyond any reasonable fire, emergency or police service boundaries. The closest fire station is Station 105, located more than four miles to the south.
3. Financing the District development, as well as the ad valorem tax structure for the ultimate property owners make successful development a near impossibility under the current configuration.

Upon disannexation of the property, and by end of year 2011, the City of Houston will enter into a Strategic Partnership Agreement with HC MUD 494 and reannex the 52.9 acres planned for commercial use and a strip of land adjacent to Lake Houston for limited purposes. The MUD has expressed its intent to enter into an SPA through written communication and via a Resolution from the MUD Board. In addition, the developer will execute a Declaration of Restriction, which gives the City the ability to regulate construction of certain improvements near Lake Houston.

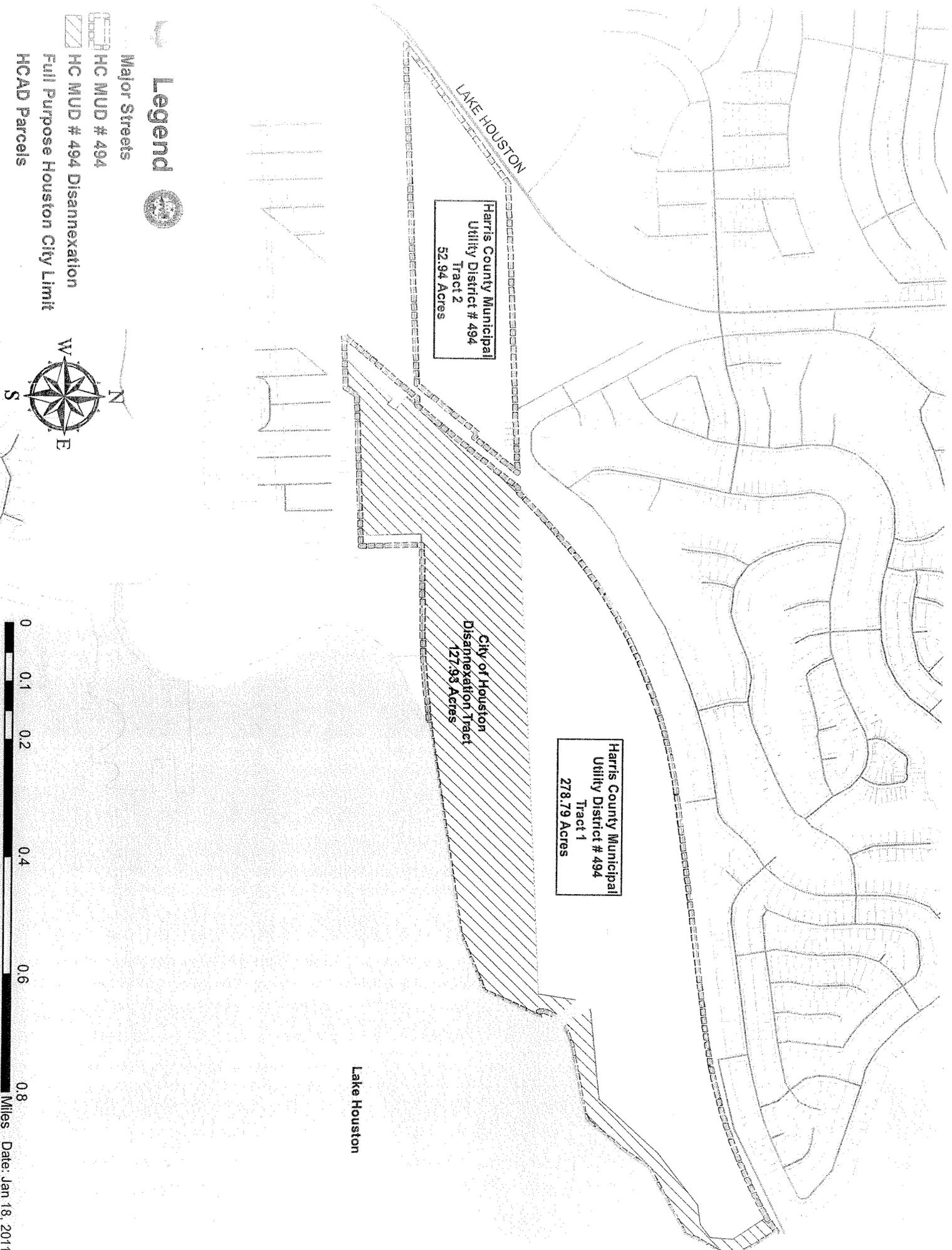
In addition, the District requests that upon disannexation of the property, the existing in-city municipal utility district consent conditions be amended to the City's standard extraterritorial jurisdiction consent conditions by amending Ordinance 2008-392 which sets forth the terms and conditions granting the City's consent to the creation of the district.

cc: David Feldman, City Attorney Sameera Mahendru, Legal Department Andy Icken, Mayor's Office
Daniel Krueger, P.E., Director, Public Works and Engineering Kelly Dowe, Acting Director, Finance

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization: <i>[Signature]</i>
----------------------------	-----------------------------	--

HC MUD # 494 Disannexation



Legend



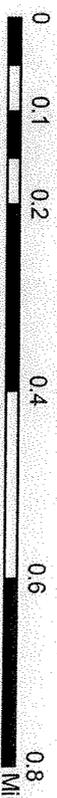
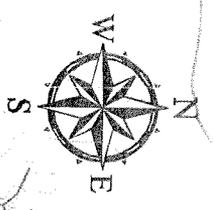
Major Streets

HC MUD # 494

HC MUD # 494 Disannexation

Full Purpose Houston City Limit

HCAD Parcels



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract for Professional Consulting Services with Roger H. Bates, a sole proprietor, to provide general financial advisory services for the Houston Airport System.	Category #	Page 1 of 2	Agenda Item # <i>29</i>
--	-------------------	-----------------------	-----------------------------------

FROM (Department or other point of origin): Houston Airport System	Origination Date December 2, 2010	Agenda Date FEB 02 2011
--	---	-----------------------------------

DIRECTOR'S SIGNATURE: <i>[Signature]</i>	Council District affected: B, E, I
---	--

For additional information contact: Ian Wadsworth Phone: 281/233-1682 Michael Lee Phone: 281/233-1571	Date and identification of prior authorizing Council action: N/A
--	--

AMOUNT & SOURCE OF FUNDING: \$125,000 FY2011 \$375,000 Out Years \$500,000 Total - HAS Revenue Fund (8001)	Prior appropriations: N/A
--	-------------------------------------

RECOMMENDATION: (Summary)
Enact an Ordinance approving and authorizing a Contract for Professional Consulting Services between the City of Houston and Roger H. Bates, a sole proprietor, to provide general financial advisory services for the Houston Airport System.

SPECIFIC EXPLANATION:

A Request for Qualifications (RFQ) was advertised in accordance with the requirements of the state bid laws. In response to the RFQ, five firms (Roger H. Bates, a sole proprietor; Jacobs Consultancy; MAC Consulting, LLC; Ricondo & Associates; and Ambrogio Consulting Services) submitted Statements of Qualifications to provide general financial advisory services for the Houston Airport System (HAS). The evaluation committee, consisting of HAS professionals and management staff, evaluated and ranked the proposals based on Knowledge and Experience, Fee Structure, Time Commitment of Staff, References, and M/WBE Participation. Four short-listed firms were interviewed and Roger H. Bates was selected as the best respondent.

Financial consulting services to be provided under this contract include economic and air traffic analyses/forecasts, updating the existing comprehensive financial model that was used in connection with the Series 2009A bond financing, financial analysis, sensitivity analysis, Report of the Airport Consultant (included in the official statement for bonds), participation in the finance working group, presentations to rating agencies and bond insurers, development of capital project financing strategies, and development and revisions of Passenger Facility Charge models.

In light of the recent events that have occurred in the airline industry, HAS intends to update the Traffic and Earnings study for which services of this contract will be required. In addition, the consultant will be training HAS staff in the techniques used for our long-term financial modeling so that HAS may reduce its requirements for external resources.

The term of the contract is one year with an additional one-year option that can be exercised by the Director.

REQUIRED AUTHORIZATION		
Finance Department:	Other Authorization: <i>[Signature]</i>	Other Authorization:

Date December 2, 2010	Subject: Contract for Professional Consulting Services with Roger H. Bates, a sole proprietor, to provide general financial advisory services for the Houston Airport System.	Originator's Initials	Page 2 of 2
---------------------------------	--	------------------------------	-----------------------

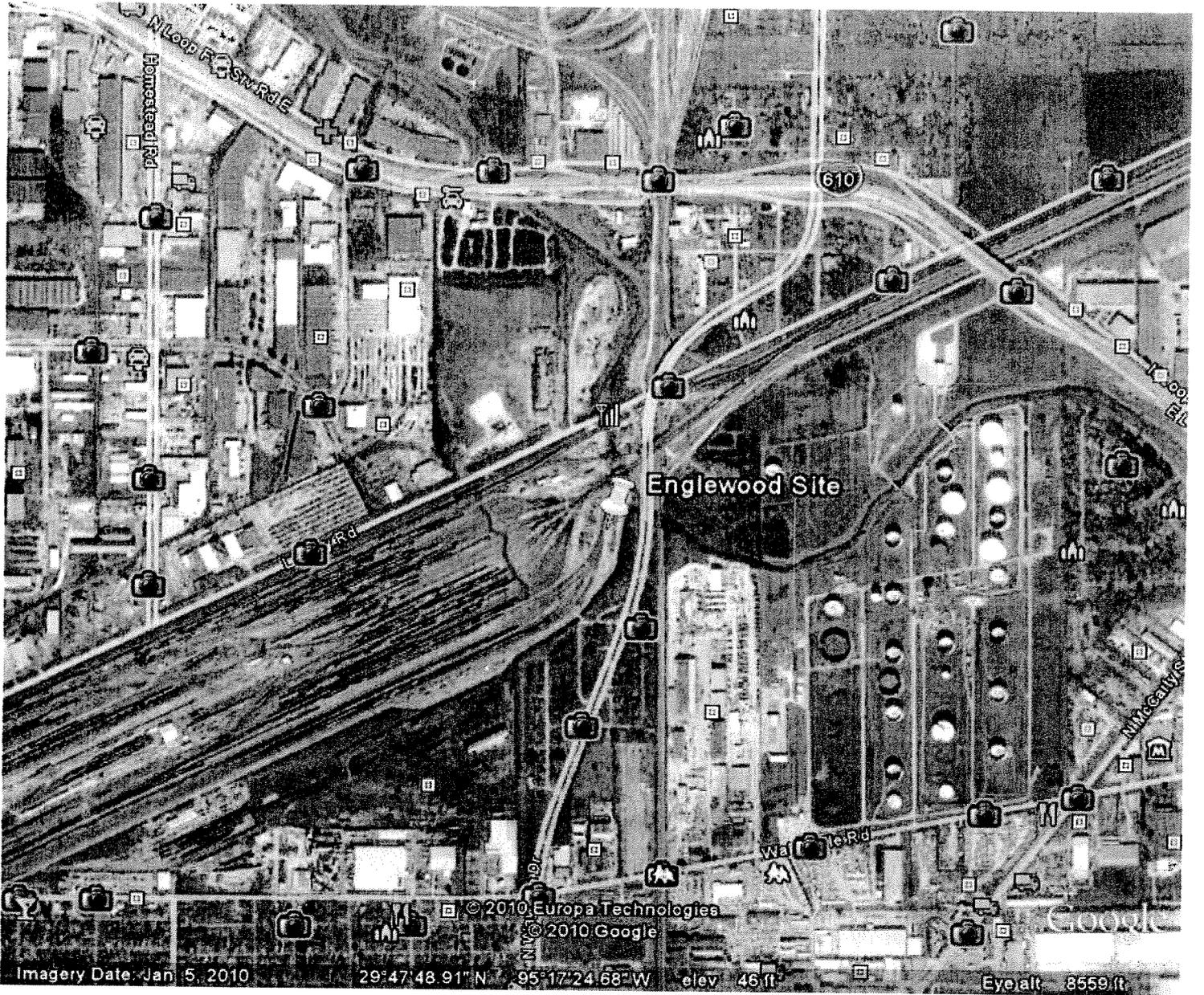
Roger H. Bates and his sub-consultants have significant experience working on airport financial engagements and developing models for analysis. In addition, Mr. Bates has established relationships with the airlines and bond financing community.

M/WBE PARTICIPATION: The M/WBE goal for this project is twenty percent (20%) and will be met by the following certified firms:

Firms	Type of Work
MFR PC	Accounting Services
Virtual Intelligence Providers, LLC	Computer Systems Design Consulting Services

The amount of work for each proposed sub-consultant will be determined as the project progresses and the services required by each sub-consultant are further defined.

SUBJECT: First Amendment to License Agreement with American Towers, Inc. at 310 Englewood, Houston, Texas for the Radio Communications Division of the Information Technology Department		Page 1 of 1	Agenda Item 30
FROM (Department or other point of origin): General Services Department		Origination Date	Agenda Date FEB 02 2011
DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott D. Minnix</i> 1/26/11		Council District affected: B	
For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023		Date and identification of prior authorizing Council action: Ordinance No. 2009-1131; 11/18/2009	
RECOMMENDATION: Approve and authorize a First Amendment to a License Agreement with American Towers, Inc., for communication tower and ground space at 310 Englewood, Houston, Texas for the Radio Communications Division of the Information Technology Department.			
Amount and Source Of Funding: FY2011 - \$57,598.94 Police Consolidated Construction Fund (4504) – (previously appropriated by Ordinance 2009-0713 and 2010-0648)		Finance Budget:	
SPECIFIC EXPLANATION: The City of Houston recently purchased a new radio system to replace the current outmoded Public Safety Radio system. The new radio system will have more channels, allowing radio service used by local government to serve the needs of a growing community. The new technology will be interoperable, allowing Fire, Police and Public Works to communicate more effectively with each other within the City and with other public safety entities. To facilitate this project, the Radio Communications Division of the Information Technology Department has entered into various license agreements to lease communication tower and ground space for the installation, operation and maintenance of antennas and other telecommunications equipment. It has now been determined that additional dish capacity is required to provide adequate coverage for public safety purposes. The proposed First Amendment will allow for placement of a heavier High Performance microwave dish to replace one of the two dishes currently slated for placement on the tower. As consideration for the additional weight on the tower, the current monthly license fee of \$4,699.50 will increase by \$50.00 per month, or \$4,749.50 monthly, with an annual escalator of 3% during the license term. The original License Agreement commenced on December 15, 2009, for a ten-year lease term with two ten-year automatic renewal options. All other terms and conditions of the original License Agreement remain the same. The General Services Department recommends approval of a First Amendment to the License Agreement with American Towers, Inc. for additional dish capacity for the Radio Communications Division of the Information Technology Department. SM:JLN:RB:npb xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby and Tom Sorley			
REQUIRED AUTHORIZATION		CUIC ID# 25 RB 102	
General Services Department: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Director Real Estate Division		Information Technology Department: <i>Richard F. Lewis</i> Richard F. Lewis Director	



Imagery Date: Jan 5, 2010

29°47'48.91" N 95°17'24.68" W

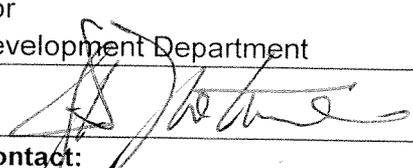
elev 46 ft

Eyealt: 8559 ft

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION-Santa Maria Hostel

SUBJECT: An ordinance authorizing the execution of a contract between the City of Houston and Santa Maria Hostel, Inc. for the administration and operation of a Community Residence.	Category #	Page 1 of 1	Agenda Item # 31
	FROM (Department or other point of origin): James D. Noteware, Director Housing and Community Development Department		Agenda Date FEB 02 2011

DIRECTOR'S SIGNATURE: 	Origination Date 9/14/10
---	------------------------------------

For additional information contact: Melody Barr Phone: (713) 868-8329	Council District affected: ALL
--	--

RECOMMENDATION: (Summary)	Date and identification of prior authorizing Council action: NA
----------------------------------	---

Approval of an ordinance authorizing the execution of a contract between the City of Houston and Santa Maria Hostel, Inc. for the administration and operation of a community residence, child care services, along with providing supportive services under the Housing Opportunities for Persons with AIDS ("HOPWA") Act.

Amount of Funding: \$294,988.00	Finance Budget:
---	------------------------

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify) **HOPWA Grant**

SPECIFIC EXPLANATION:
The Housing and Community Development Department ("HCDD") recommends approval of a contract execution between the City of Houston and Santa Maria Hostel, Inc. for the administration and operation of a Housing Opportunities for Persons with AIDS ("HOPWA") funded community residence, child care facility and supportive services.

Santa Maria Hostel, Inc. is a Texas 501(c)(3) non-profit corporation. The organization was founded in 1957 as a halfway house for abused women and parolees. Santa Maria's Bonita House HOPWA Program will provide stable transitional housing and supportive services to 14 homeless women with HIV/AIDS and up to 32 children. Santa Maria Hostel, Inc. took over the ownership of the Bonita Street House of Hope in January 2009. Santa Maria Hostel, Inc. continues to provide services to HOPWA clients residing at the facility.

This request for funding was presented and approved by the Housing Committee on October 28, 2010. The term of this contract shall begin on February 1, 2011 to July 31, 2011 and include Pre-contract services from August 1, 2010 to January 31, 2011. HCDD requests City Council approval of a contract between the City of Houston and Santa Maria Hostel, Inc. for the operation and administration of the 14-HOPWA designated units of the 64-unit apartment complex.

Administration	\$ 20,640.80	7.0%
Support Services	\$178,577.08	60.54%
Operating	\$ 95,770.14	32.46%
Total	\$294,988.00	100.00%

JN:RB:MB:mr
City Secretary
Mayor's Office
Legal Department
Finance & Administration

NDT

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Miscellaneous Professional Materials Engineering Laboratory Contracts between the City and Associated Testing Laboratories, Inc. and Paradigm Consultants, Inc. WBS No. R-000019-0065-4, WBS No. S-000019-0065-4, M-000100-0014-4, & WBS No. N-000668-0019-4	Category	Page 1 of 1	Agenda Item # 321
--	-----------------	-----------------------	-----------------------------

FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date FEB 02 2011
--	-------------------------	-----------------------------------

DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: ALL MP
--	--

For additional information contact: Mike Pezeshki, P.E. MP Interim Managing Engineer Phone: 832-395-2262	Date and identification of prior authorizing Council action:
---	---

RECOMMENDATION: (Summary)
An ordinance approving and authorizing a contract for miscellaneous engineering and testing services with Associated Testing Laboratories, Inc. and Paradigm Consultants, Inc. and appropriate funds.

Amount and Source of Funding: \$600,000 Total Appropriation
\$300,000 from Water & Sewer System Consolidated Construction Fund No. 8500, \$150,000.00 from Drainage Improvement C Paper Series F Fund No. 4030 and \$150,000.00 from Street & Bridge Consolidated Construction Fund No. 4506

PROJECT NOTICE/JUSTIFICATION: These Professional Materials Engineering Laboratory Contracts will support the construction of Capital Improvement Plan (CIP) and maintenance projects. The Contracts will provide for quality control testing for City projects on an as-needed basis.

DESCRIPTION/SCOPE: The scope of services provided by these testing laboratory contracts will include construction materials testing services for various projects on an as-needed basis. The aforementioned testing services company will be paid for the tests performed based on the established City of Houston Schedule of Fees approved on November 3, 2008. It is recommended that the City Council appropriate funds to these testing laboratories: **Associated Testing Laboratories, Inc. \$300,000.00** (M/DBE Laboratory) and **Paradigm Consultants, Inc. \$300,000.00** for miscellaneous engineering and testing services as described above.

LOCATION: The contract covers various locations throughout the City.

PAY OR PLAY PROGRAM:
Associated Testing Laboratories, Inc: 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.
Paradigm Consultants, Inc: 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.

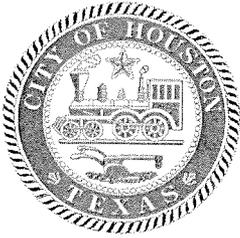
M/WBE:
Due to the unique nature of the work to be performed under these contracts, there are no sub-contracting opportunities. Therefore, in accordance with consultations with the Affirmative Action and Contract Compliance Division, no M/DBE goal has been established.

DWK:DRM:MP:kd
Z:\constr\A-ENV-SBI\Const_Mat_Test\PWE\ALL_Labs\RCA\20MP48 - Misc Contract - 2 testing labs\RCA_misc contract for Paradigm & Associated Testing.doc

Attachments
cc: Marty Stein Velma Laws Susan Bandy

REQUIRED AUTHORIZATION CUIC ID#20MP48

Finance Department:	Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
----------------------------	--	---



CITY OF HOUSTON

Public Works and Engineering
Department

Interoffice

Correspondence

To: Robert Gallegos
Deputy Assistant Director
Affirmative Action

From: Interim Managing Engineer
Geo-Environmental Services Branch
Engineering and Construction Division

Date: October 13, 2010

Via: Tony Henshaw

Subject: **REQUESTING A WAIVER FOR MWBE
PARTICIPATION FOR: MISCELLANEOUS
PROFESSIONAL MATERIALS ENGINEERING
LABORATORY CONTRACTS**

The Public Works and Engineering Department (PW&E) is requesting a waiver of the MWBE goal for miscellaneous engineering and testing services contracts with Associated Testing Laboratories, Inc. and Paradigm Consultants, Inc.

The subject contracts will include construction materials testing services for various projects on an as-needed basis. The estimated four (4) year amount is \$300,000 for each testing laboratory company as mentioned above and may be renewed for one-year term upon the same terms and conditions.

There are no sub-contracting opportunities due to the unique nature of the work to be performed under these contracts. The unique nature of the work consists of each testing laboratory that is responsible for quality control during the construction of the project and issuance of 100% project completion letter when the project is completed. The contracts will provide quality control testing for City projects on an as-needed basis.

These contracts will be used by:

- Engineering and Construction Division
- Public Utilities Division
- Right-of-Way and Fleet Maintenance Division
- Traffic & Transportation Division

If you need additional information, please contact me at 832.395.2262 or Ms. Kate Dang at 832.395.2267.

Mike Pezescki P.E.

Tony Henshaw: Approved

Disapproved _____

for Velma Laws: Approved

Disapproved _____

MP:GP:kd

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for On-Call Bridge Repairs City Wide Work Order Contract WBS No. N-00445N-0026-4	Page 1 of 2	Agenda Item # 33
--	-----------------------	----------------------------

FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date:	Agenda Date: FEB 02 2011
---	--------------------------	------------------------------------

DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E.	Council District affected: All <i>89 JK</i>
--	--

For additional information contact: <i>Ravi Kaleyatodi 1/10/11</i> Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action:
---	---

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

Amount and Source of Funding:
\$585,000.00 from the Street and Bridge Consolidated Construction Fund No. 4506 *M.P. 1/11/2011*

PROJECT NOTICE/JUSTIFICATION: This is an on-call bridge related repair project primarily for miscellaneous type of bridge repair work throughout the City of Houston. The scope of the work will include mobilization, traffic control and removal and replacement of minor bridge structures including approach slabs, guard rails, slope paving etc. The Public Works Engineering Department will issue work order(s) over a one-year period.

DESCRIPTION/SCOPE: Work of the contract is for bridge related repairs in various locations throughout the City of Houston. The scope of Work will be determined by work orders on as-needed basis.

The Contract duration for this project is 365 calendar days. The Contract was prepared in house by Public Works and Engineering Department. Public Works and Engineering will issue work order(s) with specific scope of work and location(s) for Contractor's execution as appropriated.

LOCATION: The project is located throughout the City of Houston.

BIDS: Bids were received on November 4, 2010. Three (3) bids received based on the adjustment factor are as follows:

<u>Bidder</u>	<u>Adjustment Factor</u>
1. ISI Contracting, Inc.	1.150
2. NBG Contractors	1.385
3. SCR Construction Co, Inc.	3.000

REQUIRED AUTHORIZATION **CUIC ID #20SG04**

Finance Department	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
---------------------------	-----------------------------	---

Date	Subject: Contract Award for On-Call Bridge Repairs City Wide Work Order Contract WBS No. N-00445N-0026-4	Originator's Initials <i>sg</i>	Page 2 of 2
------	---	------------------------------------	----------------

AWARD: It is recommended that this construction contract be awarded to ISI Contracting, Inc. with total contract amount not to exceed \$500,000.00 (Adjustment Factor 1.150) and that Addendum Number 1 and 2 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$585,000.00 to be appropriated as follows:

- Bid Amount \$500,000.00
- Contingencies \$ 25,000.00
- Engineering and Testing Services \$ 25,000.00
- CIP Cost Recovery \$ 35,000.00

Engineering and Testing Services will be provided by Aviles Engineering Corporation under a previously approved contract.

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

M/WBE PARTICIPATION: M/WBE participation for this project is not required.

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

pu JK sg

DWK:DRM:RK:JHK:TC:SG

Z:\design\A-SB-DIV\WPDATA\TC-SG\Project\ONCALL Bridge Repairs CITY WIDE\Construction\RCA construction.docx

ec: Robert Gallegos, Acting Director
Mike Pezeshki, P.E.
Craig Foster
WBS No. N-00445N-0026-4_(3.7 CONST_RCA)

34

FEB 02 2011

MOTION NO. 2011

MOTION by Council Member Lovell that the recommendation of the Director of General Services Department, to incorporate Glenbrook Park Pool Project into the Professional Landscape Architectural Task Order Contract with Clark Condon Associates, Inc., for the Parks and Recreation Department, WBS No. F-00504B-0002-3, be adopted, and the Glenbrook Park Pool Project is hereby added to the Contract with Clark Condon Associates, Inc., for Professional Landscape Architectural Task Order services.

Seconded by Council Member Costello

On 1/26/11 the above motion was tagged by Council Member Jones.

cr

SUBJECT: A Motion to incorporate Glenbrook Park Pool Project into the Professional Landscape Architectural Task Order Contract with Clark Condon Associates, Inc. for the Parks and Recreation Department (PARD) WBS No. F-00504B-0002-3	Page 1 of 1	Agenda Item 34/16
	[Handwritten box around page and agenda item info]	

FROM (Department or other point of origin): General Services Department	Origination Date 1/18/11	Agenda Date JAN 20 2011
---	------------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott D. Minnix</i> 1/12/11	Council District affected: 1	FEB 02 2011
---	--	-------------

For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance No. 2008-0455, 05/28/08 Ordinance No. 2008-1016, 11/12/08 Ordinance No. 2010-0605, 07/28/10
--	--

RECOMMENDATION: Adopt a Motion to incorporate the Glenbrook Park Pool Project into the Professional Landscape Architectural Task Order Contract with Clark Condon Associates, Inc.

Amount and Source of Funding: Maximum Contract Amount: \$3,394,350.00 \$300,000.00 Federal Government – Grant Funded (5000) CDBG (previously allocated) Previous Funding: \$ 1,899,251.13 Parks Consolidated Construction Fund (4502) \$ 537,000.00 Parks Special Fund (4012) \$ 500,000.00 Federal Government – Grant Funded (5000) CDBG \$ 2,936,251.13 Total Funding	Finance Budget:
--	------------------------

SPECIFIC EXPLANATION: The General Services Department recommends that City Council adopt a motion incorporating Glenbrook Park Pool design services into the professional landscape architectural task order contract with Clark Condon Associates, Inc. The requested motion allows Clark Condon to provide landscape architectural, architectural and engineering services for the Glenbrook Park Pool. Funding for this project was previously allocated in the 2009 Consolidated Action Plan to the United States Department of the HUD for the 35th Program Year of the CDBG Program.

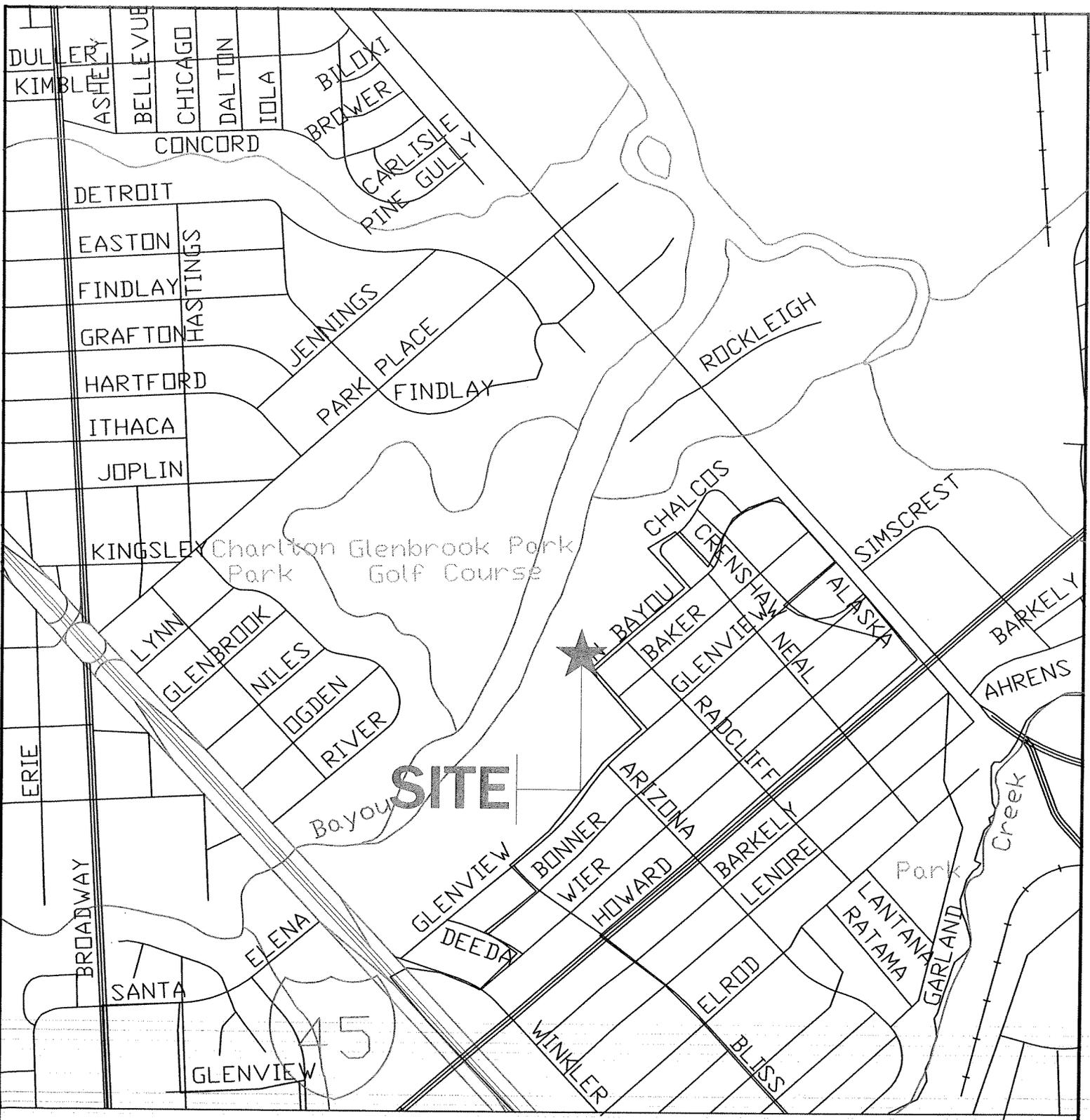
PROJECT LOCATION: Glenbrook Park Pool – 8201 North Bayou Drive (535Q)

PROJECT DESCRIPTION: The scope of work consists of demolition to the existing pool and bathhouse and replacement with a new swimming pool, spray features, lap lanes, shade canopy, chairlift, lifeguard stands and benches. A new poolhouse will be constructed to include an office, restrooms, shower facilities, storage rooms, mechanical room and chemical room. The complex will be secured with access gates for patrons and maintenance. Site improvements will include sidewalks, landscape improvements, site lighting, detention and parking lot modifications.

PREVIOUS HISTORY AND PROJECT SCOPE: On May 28, 2008, City Council approved a landscape architectural task order contract with Clark Condon Associates, Inc. to perform design services for 11 PARD CIP projects. On November 12, 2008, City Council approved a First Amendment and appropriated additional funds to allow Clark Condon to continue design services for PARD. On July 28, 2010, City Council approved a Second Amendment to set a maximum contract amount and incorporate CDBG requirements relating to the use of CDBG funds.

SM:RAV:JLN:LJ:CFP
 cc: Marty Stein, Mark Ross, Jacquelyn L. Nisby, David Godwin, Brenda Scott, Gayve Anklesaria, Dan Pederson, File

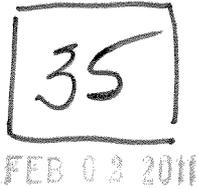
REQUIRED AUTHORIZATION		CUIC ID# 25PARK141	MDI
General Services Department: <i>[Signature]</i> Richard A. Vella Chief of Design & Construction Division		Housing & Community Development Department: <i>[Signature]</i> James Noteware Director	



Glenbrook Park Pool

8201 North Bayou Drive

Houston, TX 77017



MOTION NO. 2011

MOTION by Council Member Gonzalez that the recommendation of the Purchasing Agent, on bids received for Electrical Switchgear and Motor Controls for Various Departments, S32-S23457, be adopted, and authority is hereby given to make purchases, as needed, for a 60-month period from the following firms in an amount not to exceed \$1,042,282.00 on their bids as shown below:

Graybar: on their low bid for Group No. 1, (Square D Company alpha numeric price list which includes, but is not limited to, circuit breakers, ground bar kits, and safety switches) in an amount not exceed \$287,099.30; and

Elliott Electric Supply: on their low bid for group Nos. 2 - 4, (Eaton Cutler Hammer price list which includes, but is not limited to, lighting contactor poles and circuit breakers) in an amount not to exceed \$471,587.30 and

Turtle and Hughes, Inc.: on their low bid for Group Nos. 5 - 7, (General Electric Consumer and Industrial Distribution price list which includes, but is not limited to, pole overload relay blocks, circuit breakers, and rating plugs) in an amount not to exceed \$283,595.40.

Seconded by Council Member Hoang

On 01/26/2011 the above motion was tagged by Council Member Jones.

mla

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8802

Subject: Formal Bids Received for Electrical Switchgear and Motor Controls for Various Departments
S32-S23457

Category #
4

Page 1 of 2 Agenda Item

35 ~~13~~

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

Origination Date
December 08, 2010

Agenda Date
FEB 02 2011
~~JAN 26 2011~~

DIRECTOR'S SIGNATURE
Calvin D. Wells

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 various awards, as shown below, in an amount not to exceed \$1,042,282.00 for electrical switchgear and motor controls for various departments.

Estimated Spending Authority: \$1,042,282.00

Finance Budget

- \$ 10,566.00 HAS Revenue Fund (8001)
- \$ 117,957.00 General Fund (1000)
- \$ 913,759.00 PWE - Water & Sewer System Operating Fund (8300)

\$1,042,282.00

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve various awards, as shown below, in an amount not to exceed \$1,042,282.00 for electrical switchgear and motor controls for various departments. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. This award consists of various types of electrical switchgear and motor controls to be utilized citywide by the Houston Airport System, and the Public Works & Engineering and Parks and Recreation Departments for a vast array of electrical equipment repair and installations. These electrical switchgear and motor control components are also utilized at the emergency pumping stations located throughout the City. The pump stations remove high water from freeway underpasses and feeder roads after heavy rains and/or flood conditions, in addition to assisting water over-flow and distribution throughout the City's storm water drains, bayous and tributaries.

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

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

Graybar: Award on its low bid for Group No. 1, (Square D Company alpha numeric price list which includes, but is not limited to, circuit breakers, ground bar kits, and safety switches) in an amount not to exceed \$287,099.30.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Handwritten marks and signatures: "CWS" on the left margin, "MCA" and "1/4" on the right margin, and "2011" at the bottom right corner.

Date: 12/8/2010	Subject: Formal Bids Received for Electrical Switchgear and Motor Controls for Various Departments S32-S23457	Originator's Initials VD	Page 2 of 2
--------------------	--	--------------------------------	-------------

COMPANY

SAMPLE PRICING TOTAL

- | | |
|--------------------------------------|------------------|
| 1. Graybar | \$ 563.00 |
| 2. Turtle and Hughes, Inc. | \$ 616.49 |
| 3. Chavez Service Companies, Inc. | \$ 637.96 |
| 4. Amerimex Motor and Controls, Inc. | \$1,407.50 |

Elliott Electric Supply: Award on its low bid for Group Nos. 2 - 4, (Eaton Cutler Hammer price list which includes, but is not limited to, lighting contactor poles and circuit breakers) in an amount not to exceed \$471,587.30.

COMPANY

SAMPLE PRICING TOTAL

- | | |
|--------------------------------------|--------------------|
| 1. Elliott Electric Supply | \$ 6,926.25 |
| 2. Summit Electric Supply | \$ 7,180.83 |
| 3. Turtle and Hughes, Inc. | \$ 7,519.39 |
| 4. Chavez Service Companies, Inc. | \$ 9,135.56 |
| 5. Amerimex Motor and Controls, Inc. | \$11,543.75 |

Turtle and Hughes, Inc.: Award on its low bid for Group Nos. 5 - 7, (General Electric Consumer and Industrial Distribution price list which includes, but is not limited to, pole overload relay blocks, circuit breakers, and rating plugs) in an amount not to exceed \$283,595.40.

COMPANY

SAMPLE PRICING TOTAL

- | | |
|--------------------------------------|-------------------------|
| 1. Chavez Service Companies, Inc. | \$490.73 (withdrew bid) |
| 2. Turtle and Hughes, Inc. | \$636.87 |
| 3. Amerimex Motor and Controls, Inc. | \$791.50 |

M/WBE Subcontracting:

This bid was issued with an 11% goal for M/WBE participation.

Graybar has designated the below-named company as its certified M/WBE subcontractor:

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>
Veritas Supply, Inc.	Electrical Supplies	\$31,580.92

Elliott Electric Supply has designated the below-named company as its certified M/WBE subcontractor:

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>
Chavez Service Companies, Inc.	Electrical Supplies	\$51,874.60

Turtle and Hughes, Inc. has designated the below-named company as its certified M/WBE subcontractor:

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>
Rabbit Run Delivery Service	Delivery Services	\$31,195.49

The Affirmative Action Division will monitor this award.

Buyer: Veronica Douglas, CPPB, PSCMC

Estimated Spending Authority

<u>Department</u>	<u>FY11</u>	<u>Out Years</u>	<u>Total</u>
Parks and Recreation	\$ 17,957.00	\$100,000.00	\$ 117,957.00
Public Works & Engineering	\$208,456.40	\$705,302.60	\$ 913,759.00
Houston Airport System	\$ 1,600.00	\$ 8,966.00	\$ 10,566.00
Total	\$228,013.40	\$814,268.60	\$1,042,282.00

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8645

Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for a Laboratory Information Management System for the Public Works & Engineering Department/S33-T23140

Category #
4

Page 1 of 2 Agenda Item

36 #7

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

Origination Date
November 22, 2010

Agenda Date
FEB 02 2011
~~JAN 26 2011~~

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
David Guernsey Phone: (832) 395-3640
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to Accelerated Technology Laboratories, Inc., in an amount not to exceed \$159,529.40 for a laboratory information management system for the Public Works & Engineering Department.

Maximum Contract Amount: \$159,529.40

Finance Budget

\$159,529.40 - PWE-W&S System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options to Accelerated Technology Laboratories, Inc. in an amount not to exceed \$159,529.40 for a laboratory information management system (LIMS) for the Public Works & Engineering Department (PWE). The City Purchasing Agent or the Department Director may terminate this contract at any time upon 30-days written notice to the contractor.

LIMS are used industry wide for the storage, annotation, tracking of water samples. Its chain of custody reporting capability helps ensure adequate security and quality control of samples throughout the water testing process. LIMS also allows for electronic data transfer from testing instruments into spreadsheets, provides graphing and charting capabilities and can ensure proper maintenance of laboratory equipment and certification of staff. PWE believes implementation of the LIMS will provide a secure, efficient automated laboratory management process for our approximately 180,000 tests of drinking water and source water annually. The capability of the LIMS to better track and report results will assist with maintaining our National Environmental Laboratory Accreditation Program (NELAP) accreditation, as required by the TCEQ. Currently PWE manages testing data with an outdated database system that, due to its age and the amount of data it houses, has become slow and cumbersome, has limited graphing capabilities, and no longer meets the needs of the department

The scope of work requires the contractor to provide all personnel, management, supervision, labor, equipment and incidentals necessary to implement the LIMS. The implementation process will include the following:

- Installation of LIMS software modules on the PWE architecture
- Installation of LIMS Result Point software for client remote web access which will provide access to orders, test results and analytical data
- Installation and configuration of the LIMS Mobile Unit software for mobile data management and collection

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NOT

✓

Date: 11/22/2010	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for a Laboratory Information Management System for the Public Works & Engineering Department/S33-T23140	Originator's Initials CJ	Page 2 of 2
---------------------	--	--------------------------------	-------------

- Installation and integration of a barcode reader starter package that will enable automated entry of water samples
- On-site training for laboratory staff, analyst and system administrators

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws. Seventy-eight prospective bidders downloaded the solicitation document from the SPD's e-bidding website and as a result, proposals were received from A&B Labs, Accelerated Technology Laboratories, Inc., and Perkin Elmer Corp. The evaluation committee consisted of three PWE expert staff members. The proposals were evaluated based upon the following criteria:

- Organizational staff knowledge and experience
- System capabilities
- System integration capabilities
- Ability to achieve required goals
- Cost
- Ability of system to perform w/o continual external programming
- Ability to assume and complete the project in a timely manner
- MWBE Participation

Accelerated Technology Laboratories, Inc. received the highest overall score.

M/WBE Subcontracting:

This RFP was issued as a goal-oriented contract with an 11% M/WBE participation level. However, the goal was reduced to 5.3% due to the majority of this contract requires complex software installation; high degree of specialization in maintenance; advanced technical skills; and sophisticated knowledge in safety procedures, lab workflows, and testing procedures. There are currently a limited number of qualified M/WBE subcontractors certified with the City who can perform this type of work. **Accelerated Technology Laboratories, Inc.** has designated the below-named company as its certified M/WBE subcontractor:

Subcontractor	Type of Work	Percentage	Amount
Sentigy, Inc.	Instrument Integration	5.3%	\$8,455.06

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.

Buyer: Conley Jackson

Estimated Spending Authority

Department	FY11	Total Amount
Public Works & Engineering	\$159,529.40	\$159,529.40

Attachment: MWBE Reduced-Percentage Goal Document Approved by the Affirmative Action Division.



Memorandum

To: Robert Gallegos, Deputy Assistant Director
Affirmative Action Department

From: Conley Jackson
Strategic Purchasing Division

Date: June 16, 2010

Subject: MWBE Participation Form

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

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

I am requesting a revision of the MWBE Goal: Yes No Original Goal: 11% New Goal: 5.3%

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

Solicitation Number: S33-T23140 Estimated Dollar Amount: \$138,000 Goal On Last Contract: N/A

Anticipated Advertisement Date: 02-13-2009 Solicitation Due Date: 03-27-09 Was Goal met: Yes No

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

Name and Intent of this Solicitation: Laboratory Information Management System for Public Works & Engineering. The contract will be used to ensure adequate quality control during the water sample testing process.

Rationale for requesting a Waiver of Revision (Zero percent goal or revision after advertisement): The winning vendor has diligently sought out vendors on the City of Houston MWBE list but has not been able to secure one that would have the experience and knowledge to understand the safety procedures, lab workflows, test procedures, SOPs, GALP, ISO, NELAC and other regulatory requirements. However, Sentigy, Inc a registered COH M/WBE will be able to provide training to end-users and Laboratory Information Management administrators.

Concurrence:

Conley Jackson

SPD Initiator

Robert Gallegos

Robert Gallegos, Deputy Assistant Director

*Affirmative Action

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

Paula Lisa

Division Manager

[Signature]



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8903

Subject: Approve an Ordinance Awarding a Contract for Aerial Devices, Bucket Trucks Maintenance and Repair Services for Various Departments
S10-L23735

Category #
4

Page 1 of 2 Agenda Item

37 ~~18~~

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

Origination Date
December 06, 2010

Agenda Date
FEB 02 2011
~~JAN 26 2011~~

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
David Guernsey Phone: (832) 395-3640
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)
Approve an ordinance awarding a contract to SC Hydraulics, Inc., d/b/a South Coast Hydraulics on its low bid in an amount not to exceed \$1,051,870.60 for for aerial devices, bucket trucks maintenance and repair services for various departments.

Maximum Contract Amount: \$1,051,870.60

Finance Budget

\$787,206.00 - Fleet Management Fund (1005)
\$259,664.60 - General Fund (1000)
\$ 5,000.00 - PW&E W & S System Operating Fund (8300)

\$1,051,870.60 - Total

SPECIFIC EXPLANATION:
The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract with two one-year options, to SC Hydraulics, Inc., d/b/a South Coast Hydraulics on its low bid in an amount not to exceed \$1,051,870.60 for aerial devices, bucket trucks maintenance and repair services for various departments. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

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

<u>Company</u>	<u>Total Amount</u>
1. SC Hydraulics, Inc., d/b/a South Coast Hydraulics	\$1,051,870.60
2. Altec Industries, Inc.	\$1,495,957.95

The scope of work requires the contractor to provide all equipment, labor, materials, parts, supervision, tools and transportation necessary to perform complete visual and operational inspections and preventative maintenance on various types of aerial devices and bucket trucks for various departments. Inspections shall be performed in compliance within all federal and state regulations and manufacturers specifications. Inspections shall include, but will not be limited to, the turret, pedestal, rotation bearing and system, boom(s), boom pins and bushings, hydraulic cylinders, pumps, valves, baskets, power take off, outriggers, stabilizer bar, stabilizing components, placards and any and all other components and/or attachments which may affect the operation and/or safety of aerial devices/bucket trucks. In addition, inspection procedures shall consist of bi-annual inspections in conjunction with the preventive maintenance schedule, as required.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MC

Date: 12/6/2010	Subject: Approve an Ordinance Awarding a Contract for Aerial Devices, Bucket Trucks Maintenance and Repair Services for Various Departments S10-L23735	Originator's Initials GB	Page 2 of 2
--------------------	---	--------------------------------	-------------

M/WBE Subcontracting:

This invitation to bid was issued as a goal-oriented contract with an 11% goal for M/WBE participation level. **SC Hydraulics, Inc., d/b/a South Coast Hydraulics** has designated the below-named company as its certified M/WBE subcontractor.

NAME	TYPE OF WORK	DOLLAR AMOUNT	PERCENT
Custom Precision Sheet Metal	Repair of Aerial Components	\$115,705.77	11%

The Affirmative Action Division will monitor this award.

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.

Buyer: Greg Hubbard

Estimated Spending Authority:

Department	FY 2011	Out Years	Total
Public Works & Engineering	\$ 89,418.07	\$ 702,787.93	\$ 792,206.00
General Services	\$ 9,475.00	\$ 77,634.60	\$ 87,109.60
Parks and Recreation	\$ 12,715.00	\$ 159,840.00	\$ 172,555.00
TOTAL:	\$ 111,608.07	\$ 940,262.53	\$ 1,051,870.60