

**AGENDA - COUNCIL MEETING - TUESDAY - FEBRUARY 8, 2011 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

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

**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 9, 2011 - 9:00 A. M.**

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

**MAYOR'S REPORT** - Administration & Regulatory Affairs Department

**CONSENT AGENDA NUMBERS 1 through 29**

**MISCELLANEOUS** - NUMBER 1

1. RECOMMENDATION from Director Department Public Works & Engineering to accept the January 2011 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$4,148,293.67 for Revenue Bond Debt Service as recommended in the Report

## AGENDA - FEBRUARY 9, 2011 - PAGE 2

### ACCEPT WORK - NUMBERS 2 through 4

2. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$4,820,046.37 and acceptance of work on contract with **WEBBER, LLC (formerly W. W. WEBBER, LLC)** for Reconstruction of Taxiways A, D, F and Drainage Improvement at Ellington Airport; Project No. 655 - 0.73% over the original contract amount - **DISTRICT E - SULLIVAN**
3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$17,086,999.40 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for Storm Drainage Improvements in the Fonn Villas Subdivision - 4.99% over the original contract amount - **DISTRICT G - PENNINGTON**
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$23,471,913.65 and acceptance of work on contract with **PEPPER-LAWSON CONSTRUCTION, L.P.** for Capacity Expansion to 350 MGD and Plant Improvements at East Water Purification Plant - 3.05% over the original contract amount - **DISTRICT E - SULLIVAN**

### PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 8

5. **THE BARBOSA GROUP, INC dba EXECUTIVE SECURITY** for Professional Security Guard Services for the Houston Airport System - \$585,000.00 - Enterprise Fund
6. ORDINANCE appropriating \$164,466.94 out of C & E Construction Fund for Purchase of Re-Upholstery Services for Convention & Entertainment Facilities Department
  - a. **OFFICE DESIGN CONCEPTS, LLC** for Re-Upholstery Services from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Convention & Entertainment Facilities Department
7. **PUMPS & EQUIPMENT OF TEXAS, INC** to Repair a 48' Fairbanks Morse Pump for the Department of Public Works & Engineering - \$94,063.00 - Enterprise Fund
8. **SOUTHERN FOREST PRODUCTS, LLC dba INTERNATIONAL FOREST PRODUCTS** for Treated Timber and Pilings for the Department of Public Works & Engineering - \$289,455.00 General Fund

### RESOLUTIONS AND ORDINANCES - NUMBERS 9 through 29

9. RESOLUTION supporting and authorizing Harris County's request to place a segment of El Camino Real from 500 feet north of Bay Area Boulevard to Gemini Avenue on Harris County's County Road Log
10. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2010-526 by adding one Senior Captain Position and Three Captain Positions; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance
11. 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

**RESOLUTIONS AND ORDINANCES** - continued

12. ORDINANCE authorizing sale of 1.001 acres of land being the former Kendall Branch Library Site at 14330 Memorial Drive; approving Purchase and Sale Agreement with **SPRING BRANCH INDEPENDENT SCHOOL DISTRICT, As Buyer - DISTRICT G - PENNINGTON**
13. ORDINANCE authorizing the sale of 16.019 acres of land out of Ellington Airport and approving an Option Agreement to purchase Real Property by the **UNITED STATES OF AMERICA (As Buyer)** and the City of Houston, Texas (As Seller) - **DISTRICT E - SULLIVAN**
14. ORDINANCE approving and authorizing the submission of an application for grant assistance to the **OFFICE OF THE GOVERNOR CRIMINAL JUSTICE DIVISION**, for the After-School Achievement Program; declaring the City's eligibility for such grant; authorizing the Director of the Houston Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program
15. ORDINANCE approving and authorizing the submission of an application for grant assistance to the **OFFICE OF THE GOVERNOR CRIMINAL JUSTICE DIVISION**, for the After-School & Summer Achievement Program; declaring the City's eligibility for such grant; authorizing the Director of the Houston Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program
16. ORDINANCE approving and authorizing Lease Agreement by and between the City of Houston, Texas ("Lessor") and the **HONORABLE SHEILA JACKSON LEE**, as ("Lessee") for space in the Acres Homes Multi-Service Center located at 6719 W. Montgomery Road, Houston, Harris County, Texas - **DISTRICT B - JOHNSON**
17. ORDINANCE approving and authorizing contract between the City of Houston and **BICKERSTAFF HEATH DELGADO ACOSTA, LLP** for Legal Services relating to redistricting issues; providing a maximum contract amount - \$100,000.00 - General Fund
18. ORDINANCE approving and authorizing a third amendment to the Interlocal Agreement (Ordinance No. 2005-956, approved August 10, 2005) between the City of Houston and **HARRIS COUNTY** for support of the Joint City-County Commission on Children
19. ORDINANCE approving and authorizing third amendment to Contract C56654 between the City of Houston and **OCE' BUSINESS SERVICES** for Printing and Copying Services
20. ORDINANCE approving and authorizing second amendments to four contracts between the City of Houston and **PAYLESS INSULATION INC, DIRECT ENERGY LP, STANDARD RENEWABLE ENERGY LP**, and **PMG PROJECT MANAGEMENT LLC** (Ordinances 2009-1362 & 2010-161) for the Residential Energy Efficiency Program
21. ORDINANCE approving and authorizing amendment to Residential Weatherization Home Inspection Agreement between the City of Houston and the **NELROD COMPANY d/b/a FOX ENERGY SPECIALISTS** (Ordinance 2009-1363) for the Residential Energy Efficiency Program
22. ORDINANCE approving and authorizing amendment to Residential Weatherization Home Inspection Agreement between the City of Houston and **YOUR HOME CHECK** (Ordinance 2010-0619) for the Residential Energy Efficiency Program
23. ORDINANCE consenting to the addition of 10.044 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 37**, for inclusion in its district

**RESOLUTIONS AND ORDINANCES** - continued

24. ORDINANCE consenting to the addition of 20.131 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 393**, for inclusion in its district - **DISTRICT D - ADAMS**
25. ORDINANCE consenting to the addition of 8.807 acres of land to **MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1**, for inclusion in its district
26. ORDINANCE appropriating \$10,000.00 out of Contribution for Capital Projects Fund as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **TERRACON CONSULTING INC** for Environmental Assessment Work through the City of Houston's Brownfield Redevelopment Program (Approved by Ordinance Nos. 2008-0051 and 2010-0060)
27. ORDINANCE appropriating \$6,186,000.00 out of Drainage Improvement Commercial Paper Series F Fund and \$1,036,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **SER CONSTRUCTION PARTNERS, LTD.** for Brays Village Drainage Improvements; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, CIP Cost Recovery and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT F - HOANG**
28. ORDINANCE appropriating \$3,039,983.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Busting Methods; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
29. ORDINANCE granting to **SOS LIQUID WASTE HAULERS, LTD, A Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING**

**END OF CONSENT AGENDA**

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

**AGENDA - FEBRUARY 9, 2011 - PAGE 5**

**MATTERS HELD** - NUMBERS 30 through 32

30. 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 - **TAGGED BY COUNCIL MEMBER ADAMS**
- a. RECOMMENDATION from Purchasing Agent to award to **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  
**TAGGED BY COUNCIL MEMBER ADAMS**  
These were Items 16 and 16A on Agenda of February 2, 2011
31. 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  
**TAGGED BY COUNCIL MEMBER COSTELLO**  
This was Item 21 on Agenda of February 2, 2011
32. ORDINANCE **AMENDING CHAPTERS 1, 10, 28, and 34 OF THE CODE OF ORDINANCES** relating to dangerous and other substandard buildings  
**TAGGED BY COUNCIL MEMBERS ADAMS and BRADFORD**  
This was Item 22 on Agenda of February 2, 2011

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Rodriguez first

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

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

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

**CITY COUNCIL CHAMBER - CITY HALL 2<sup>nd</sup> FLOOR - TUESDAY  
FEBRUARY 8, 2011 2:00PM**

**AGENDA**

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3MIN

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**NON-AGENDA**

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MR. TIMOTHY BRANDLEY – 4414 Oak Shadow – 77091 – 713-859-6387 – Neighborhood Protection

MR. WILLIAM BEAL – 5814 Overdale – 77033 – no phone – President Michael Corleone and Trinity Broadcast Company

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

MS. KATHERYN VAN DER POL – 4610 N. Shepherd – 77018 – 713-695-5071 – Code of Ordinance Chapter 8 Section 22 (Wrecker)

MR. ROLAND CURRY – 8707 Cowart – 77029 – 832-613-7301 – HPD violated Civil Rights

**PREVIOUS**

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MS. PATRICIA MARTIN – 3401 Fannin – 77004 – 832-630-3717 – Consumer Fraud Corporate Conspiracy cover up involving City, State, Local Government

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

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

**SUBJECT:** Acceptance of the Semiannual Report of the Capital Improvements Advisory Committee relating to the implementation of the water and wastewater impact fees program and transfer of revenues and interest generated by water and wastewater impact fees in the amount of \$4,148,293.67 to the Combined Utilities System Operating Fund (Fund #8301) for revenue bond debt service.

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1 of 1

Agenda Item  
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1

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

**Origination Date**

**Agenda Date**

Department of Public Works and Engineering

FEB 09 2011

**DIRECTOR'S SIGNATURE**

**Council District affected:**

*ms*  
Daniel W. Krueger, P.E.

All

**For additional information contact:**

Rudy Moreno, Jr., E.I.T., Deputy Assistant Director (832) 395-4355

**Date and identification of prior authorizing**

**Council action: CM 2010-0577 / 08-04-2010**

**RECOMMENDATION: (Summary)**

Approval of a motion accepting the January 2011 semiannual report of the Capital Improvements Advisory Committee relating to the implementation of the water and wastewater impact fees program and transferring impact fee revenues and interest generated by the program to the Combined Utilities System Operating Fund (Fund #8301) for revenue bond debt service as recommended in the report.

**Amount and Source of Funding:** \$4,148,293.67 (revenue)

**SPECIFIC EXPLANATION:**

Pursuant to Chapter 395 of the Local Government Code and the rules of procedures adopted by City Council, the Capital Improvement Advisory Committee (CIAC) must file semiannual reports on the implementation of the impact fee program and its supporting components. The Planning Commission, acting as the CIAC, approved the January 2011 semiannual report at its meeting on January 20, 2011. The Committee hereby now conveys the report to Council for consideration. This report contains documentation of impact fee administration from May 1, 2010 through October 31, 2010. The Committee recommends that City Council accept the report and authorize the transfer of revenues and interest generated by water and wastewater impact fees, **\$4,148,293.67**, to revenue bond debt service.

Attachment:

- CC: David M. Feldman, City Attorney
- Agenda Director
- Daniel W. Krueger, Director, Public Works and Engineering
- Mark L. Loethen, Deputy Director, Public Works and Engineering

**REQUIRED AUTHORIZATION**

**20UPA91**

Finance Director

**Other Authorization:**

*Mark L. Loethen*  
Mark L. Loethen, P.E., CFM, PTOE,  
Deputy Director  
Planning and Development Services  
Division

**Other Authorization:**

*Susan Bandy*  
Susan Bandy, CPA  
Deputy Director  
Resource Management Division

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**January 2011**

**Semiannual Report of the  
Capital Improvements Advisory  
Committee  
On Impact Fees**

**Planning Commission  
Acting as the  
Capital Improvements Advisory Committee**

**Mark A. Kilkenny, Chair**

**City of Houston  
Planning and Development Department  
Planning Services Division**

**JANUARY 2011 SEMIANNUAL REPORT OF THE  
CAPITAL IMPROVEMENTS ADVISORY COMMITTEE  
ON IMPACT FEES**

**A. Purpose of this Review**

Cities imposing impact fees on new development must comply with Chapter 395 of the Texas Local Government Code. In accordance with Chapter 395, City Council adopted Ordinances 90-675 and 90-676 to establish procedures to administer the City's water and wastewater impact fees programs, respectively. Approval of Motion 90-0614 by the City Council appointed the Planning Commission as the Capital Improvements Advisory Committee. Under State law, the Committee is charged with the following responsibilities:

- Assisting and advising the City in adopting land-use assumptions;
- Reviewing the IFCIP and filing written comments;
- Monitoring and evaluating the implementation of the IFCIP;
- Filing semiannual reports on the progress of the plan;
- Reporting actual or perceived inequities in plan implementation or the application of impact fees; and
- Recommending updates or revisions to the plan or any impact fees

This documentation fulfills the State requirement of the semiannual report on the progress of the plan. Preparation and conveyance of this report complies with City Council Motion 90-0614 to file a report by January and July of each year. This report documents changes that occurred between the period of **May 1, 2010 and October 31, 2010**, the end of the 2000-2010 Impact Fees Program and the beginning of the 2010-2020 Impact Fees Program.

**I. FINDINGS AND RECOMMENDATIONS**

The Planning Commission, acting in its capacity as the Capital Improvements Advisory Committee, finds the following for this period:

- A total of **353** single-family residence (SFR) building permit application exemptions (from paying impact fees) were granted to single-family residences below the median housing price for the City of Houston between **May 1, 2010 and October 31, 2010**. The unit cost range for considering residences below the median housing price was from **\$151,633 - \$152,875**. The range is published by **the Real Estate Center at Texas A & M University**. A total of **20,590** exemptions have been applied for since the ordinance was adopted in 1997.
- A total of **\$4,148,293.67** generated from revenues and interest for water and wastewater impact fees accrued in the impact fees accounts between **May 1, 2010 and October 31, 2010**, the **tenth and final** year of the 2000-2010 Impact Fees Program, and the first year of the 2010-2020 Impact Fees Program. The program has an all-time total income of **\$230,568,395.67**.

**Based on these findings, the CIAC recommends the following actions:**

- The total amount of the revenues and interest generated from water and wastewater impact fees during the reporting period in the sum of **\$4,148,293.67** should be authorized for appropriation to debt retirement.

**B. Background**

The City of Houston established an impact fees program in June 1990, and adopted updates beginning in July of 2010 in compliance with State legislative requirements. The Planning Commission, acting in the capacity of the Capital Improvements Advisory Committee, oversees the program. The program institutes a method to collect fees for new development applications for water and/or sanitary sewer service. The fees offset a portion of costs associated with capital improvements for providing water and wastewater facilities to meet the new demand.

According to State legislation, estimates of new demand and needed facilities must be based on approved land-use assumptions. Maximum chargeable impact fees, the maximum fees the City can charge, are calculated from the estimated cost of the facilities and the capacity of the system. City Council determines the impact fees collection rates, which cannot exceed the maximum chargeable fees. These are the actual rates paid by the developer upon request for service. The City applies collected fees to the cost of the capacity needed by new development for designated water and wastewater capital improvements. These capital improvements are identified in the IFCIP. (Note that the IFCIP is not the City's five year Capital Improvement Plan.)

**II. EVALUATION OF IMPACT FEE PROGRAM COMPONENTS**

**A. Land Use Assumptions**

Review of the Land Use Assumptions (LUA) consists of monitoring the following components: population and employment, and water and wastewater service units. Population and employment projections were distributed among census tracts, followed by calculation of water demand and wastewater generation for the projected growth within each census tract.

**1. Population and Employment**

Population and employment projections provide the foundation to develop forecasts of future land use. The 2010-2020 Impact Fee Program is based on population and employment projections from the City of Houston's Planning & Development Department. In April 2010, the City's land-use assumptions projected that the total population and employment annual growth rate are 2.0% and 1.9% respectively. The Planning & Development Department's current population projection for 2020 is 3,602,627. The 2000-2010 program population projection of 2,292,625 was 23.8% less than the actual population of 3,007,079 in April 2010.

**2. Service Units**

The second method of analysis involves a comparison of service units projected in IFCIP to service units generated by actual development. Service units provide a method for converting demand from

different land uses to a common unit of measure. Adopted units of measure are based on the average daily demands for a single-family residence, which were 420 gallons for water and 315 gallons for wastewater in the previous program, and are now 250 gallons for water and 250 gallons for sewer in the current 2010-2020 Impact Fee Program. Service unit analysis compares prorated ten-year growth projections in service units with service units generated by actual development. The number of projected service units was calculated for each ten-year planning period.

The maximum impact fee for each service unit calculated in the IFCIP is based on the prorated cost of projects divided by the capacity of the system. For both water and wastewater, the maximum rate is not time sensitive since it was calculated as the average cost per gallon for the entire system. Without a change to project costs or capacities in that IFCIP, maximum fees per service unit will not change.

### 2000-2010 Program

Growth projections anticipated citywide demands would increase to 307,143 service units for water and 295,238 service units for wastewater between 2000 and 2010. Using an interpolation of proportionate service unit consumption, **308,400** service units for water and **296,450** service units for wastewater were projected to be consumed through this period of the end of the program (**May 1, 2010 and June 30, 2010**). Service unit data were compiled from actual permit applications and totaled for the entire service area. Actual service units generated during this 2-month period totaled **1,161** water service units and **1,151** wastewater service units, for a cumulative total of **159,015** water service units and **136,846** wastewater service units (See Table 1).

Table 1 shows the percentage of cumulative actual growth slower than projected through this reporting period. With current consumption of service units only **52%** for water and **46%** for wastewater, significant capacity remains in these systems for new development. While actual service units are below projected levels, adjustment of projected service units for the ten-year period will have no affect on the maximum impact fees.

**TABLE 1**  
**May 1, 2010 and June 30, 2010**  
**Percent of Actual to Prorated Projected Service Units (s.u.)**

Semiannual Report	Duration (months)	Water			Wastewater		
		Prorated s.u.	Actual s.u.	%*	Prorated s.u.	Actual s.u.	%*
January 2010	112.5	287,925	154,456	54	276,769	132,387	48
July 2010	118.5	303,281	157,854	52	291,530	135,695	47
January 2011	120.5	308,400	159,015	52	296,450	136,846	46

### 2010-2020 Program

Growth projections anticipate citywide demands will increase to 217,461 service units for water and 108,384 service units for wastewater between 2010 and 2020. Using an interpolation of proportionate service unit consumption, **7,255** service units for water and **3,613** service units for

wastewater were projected to be consumed through this period of the updated program (**July 1, 2010 and October 31, 2010**). Service unit data was compiled from actual permit applications and totaled for the entire service area. Actual service units generated during this 4-month period totaled **1,471** water service units and **1,516** wastewater service units (See Table 2).

Table 2 shows the percentage of actual growth slower than projected through this reporting period. With current consumption of service units only **20%** for water and **42%** for wastewater, significant capacity remains in these systems for new development. While actual service units are below projected levels, adjustment of projected service units for the ten-year period will have no effect on the maximum impact fees.

**TABLE 2**  
**July 1, 2010 and October 31, 2010**  
**Percent of Actual to Prorated Projected Service Units (s.u.)**

Semiannual Report	Duration (months)	Water			Wastewater		
		Prorated s.u.	Actual s.u.	%*	Prorated s.u.	Actual s.u.	%*
January 2011	4	7,255	1,471	20	3,613	1,516	42

### 3. Impact Fees Capital Improvement Plan (IFCIP)

#### 2000-2010 Program

Changes to the original 1990-2000 IFCIP have been made as a result of updates in the years 2000 and 2002. The majority of the facilities were in place at adoption of the impact fees program update. Examination of data regarding service unit consumption from May 1, 2010 and June 30, 2010, indicates significant capacity remains in the water and wastewater systems to support future demand. June 30, 2010 officially ended the 2000-2010 Impact Fees Program.

#### 2010-2020 Program

Examination of data regarding service unit consumption from **July 1, 2010 and October 31, 2010**, indicates significant capacity remains in the water and wastewater systems to support future demand. A review of State of Texas procedures regarding Impact Fees has been completed. An update of the IFCIP has been completed. The Water and Wastewater Impact Fees Update 2010-2020 report has been accepted by the City of Houston. The combined Water and Wastewater impact fee of \$1,537.15 per service unit has been effective since July 1, 2010 under the program.

### 4. Maximum Chargeable Impact Fees

The maximum fees are derived by using the formula given in Chapter 395 of the Texas Local Government Code. The City of Houston has evaluated the changes in the 2010-2020 Impact Fee Program and determined that the maximum allowable fees have increased, and that the fees the City has adopted are sufficiently below the maximum as proscribed by Chapter 395.

## 5. Findings:

- The 2000-2010 Impact Fee Program has ended, and the 2010-2010 Impact Fee Program has been implemented. The 2010-2010 Impact Fee Program is acceptable for continued administration through the next reporting period.
- Review of service unit data indicates excess capacity in both the water and wastewater systems sufficient to accommodate new development through the next scheduled report in July of 2011.
- Water and wastewater facilities identified in the IFCIP are adequate to meet anticipated demand through **April 30, 2011**, the end of the next reporting period.

## III. SUMMARY OF IMPACT FEE ACCOUNTS

### A. Impact Fees Rates:

Impact Fee rates are set by City Council in accordance with Chapter 395 of the Texas Local Government Code. A summary of the maximum allowable Impact Fees collectable, the rates adopted by City Council for the 2000-2010 Impact Fee Program, and the rates adopted for the 2010-2020 Impact Fee Program is provided in Table 3. For the 2000-2010 Impact Fee Program, the last increase in July 2009 was 3.3% based upon the annual adjustment in the Consumer Price Index (CPI) between the year 2008 and 2009. The current Water/Wastewater impact fee has been effective since July 1, 2010 with the implementation of the 2010-2010 Impact Fee Program. The current Water/Wastewater impact fee of \$1,537.15 per service unit for water and wastewater is 21.17% of the maximum fees allowed by current law.

**TABLE 3**  
Maximum and Adopted Impact Fees

<b>2000-2010 Program</b>	<b><u>Wastewater</u></b>	<b><u>Water</u></b>	<b><u>Total</u></b>
Maximum Impact Fee/Residential Equivalent	<b>\$1,495.59</b>	<b>\$2,121.89</b>	<b>\$3,617.48</b>
<b>Adopted Fee</b>	<b>\$1,195.52</b>	<b>\$337.03</b>	<b>\$1,532.55</b>
<b>2010-2020 Program</b>	<b><u>Wastewater</u></b>	<b><u>Water</u></b>	<b><u>Total</u></b>
Maximum Impact Fee/Residential Equivalent	<b>\$3,427.07</b>	<b>\$3,835.44</b>	<b>\$7,262.51</b>
<b>Adopted Fee</b>	<b>\$1,199.11</b>	<b>\$338.04</b>	<b>\$1,537.15</b>

### B. Current Status of Fees:

The City maintains separate accounts for recording revenues received from water and wastewater impact fees. The funds may be expended for design and construction services, and/or retiring debt service. As of **October 31, 2010**, the City has accrued **\$230,568,395.67** since implementing the impact fees ordinances in 1990. A total of **\$226,420,102.00** has been transferred to the revenue bond debt service fund. The amount of **\$4,148,293.67** is available for transfer to the debt service fund from impact fees accounts. Table 4 provides a summary of impact fee revenues and account balances.

**TABLE 4**  
**Status of Impact Fees Accounts**

	<u>Wastewater</u>	<u>Water</u>	<u>Totals</u>
<i>1990-2000 Program</i>			
<i>Total Income</i>	\$44,115,871.05	\$19,557,816.07	\$63,673,687.12
<i>Transfers to Debt Service:</i>	\$44,115,871.05	\$19,557,816.07	\$63,673,687.12
<i>2000-2010 Program</i>			
<i>Total Income</i>	\$121,439,622.12	\$43,094,284.12	\$164,533,906.24
<i>Transfers to Debt Service</i>	\$120,047,548.66	\$42,698,866.22	\$162,746,414.88
<i>Not Transferred to Debt Service</i>	\$1,392,073.46	\$395,417.90	\$1,787,491.36
<i>2010-2020 Program</i>			
Collections Income (7-1-2010 - 10/31/2010)	\$1,818,173.81	\$497,361.94	\$2,315,535.75
Interest Income (7-1-2010 - 10/31/2010)	\$35,543.60	\$9,722.96	\$45,266.56
<i>Total Income</i>	\$1,853,717.41	\$507,084.90	\$2,360,802.31
<i>Transfers to Debt Service:</i>	\$0	\$0	\$0
<i>Not Transferred to Debt Service:</i>	\$1,853,717.41	\$507,084.90	\$2,360,802.31
<b>Total Income (6-15-2000 - 10-31-2010)</b>	<b>\$123,293,339.53</b>	<b>\$43,601,369.02</b>	<b>\$166,894,708.55</b>
Transfers to Debt Service:			
Transferred	\$120,047,548.66	\$42,698,866.22	\$162,746,414.88
Not transferred	\$3,245,790.87	\$902,502.80	\$4,148,293.67
<b>All-Time Total Income (6/1/1990-10/31/2010)</b>	<b>\$167,409,210.58</b>	<b>\$63,159,185.09</b>	<b>\$230,568,395.67</b>
<b>TOTAL AVAILABLE FOR TRANSFER</b>	<b>\$3,245,790.87</b>	<b>\$902,502.80</b>	<b>\$4,148,293.67</b>

**C. Finding:**

- A total of \$4,148,293.67 in the impact fee requires authorization for transfer to the revenue bond debt service fund.

## IV. REVIEW OF PROGRAM IMPLEMENTATION

### A. Analysis of Inequities

- Implementation: The Committee finds no inequitable implementation of the plan during this reporting period.
- Application of Fees: Impact fees for water and wastewater are based on a uniform usage standard calculated in single-family residential equivalents, i.e. 250 gallons per day (gpd) for water and 250 gpd for wastewater. City Council adopted the current single-family residential equivalent unit, and a standard conversion table (Impact Fee Service Unit Equivalent Table) which applies to the types of land uses, with the implementation of the 2010-2020 Impact Fee Program on July 1, 2010.

### B. Reporting Period Activity

Provided by Ordinance 97-442, applicants qualify for a single-family residence (SFR) impact fee exemption as approved by the Department of Public Works and Engineering if the purchase price of the house does not exceed the latest available average of median prices for the past twelve months for single-family housing in the city as published by the Real Estate Center at Texas A&M University. The Maximum Exempt Unit Cost for the reporting period ranged from **\$151,633 - \$152,875**.

### C. Findings:

- The Impact Fees Program continues to be implemented in an equitable manner.
- For this reporting period, **353** exemptions from impact fees have been applied for, and **20,590** impact fee exemptions for SFR building permits have been applied for since Ordinance 97-442 was enacted in April 1997.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>Subject:</b> Accept Work – Webber, LLC for Reconstruction of Taxiways A, D, F and Drainage Improvement at Ellington Airport (EFD); Project No. 655, (WBS# A-000578-0001-4-01, A-000578-0001-4-02 ; Contract No. 4600009804)	<b>Category # 7</b>	<b>Page 1 of 1</b>	<b>Agenda Item # 2</b>
	<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> January 21, 2011

<b>DIRECTOR'S SIGNATURE:</b> <i>[Signature]</i>	<b>Council District affected:</b> E
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<b>For additional information contact:</b> Eric R. Potts <i>[Signature]</i> Phone: 281-233-1999 Robert Bielek <i>[Signature]</i> Phone: 281-233-1941	<b>Date and identification of prior authorizing Council action:</b> 07/29/2009 (O) 2009-700
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> N/A <i>[Signature]</i> INW	<b>Prior appropriations:</b> 07/29/2009 .....\$4,785,225.50 ARRA Reimbursement Fund (8021) 07/29/2009 .....\$ 382,818.05 Arpt Improvemt Fd (8011) Total .....\$5,168,043.55
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**RECOMMENDATION: (Summary)**  
Pass a motion to approve the final contract amount of \$4,820,046.37 or 0.73 percent more than the original contract amount, and authorize final payment.

**SPECIFIC EXPLANATION:**

The contractor, Webber, LLC (formerly W. W. Webber, LLC), has completed all the work required under their contract in the amount of \$4,785,225.50. The final contract amount, including Change Order Nos. 1 and 2 in the amount of \$147,614.42 and line item under-runs in the amount of \$112,793.13, will be \$4,820,046.79, which is 0.73 percent more than the original contract amount. Change orders were for unforeseen changes in permit fee charges and design changes that resulted in additional electrical duct bank work, re-design changes of pavement type, and removal and cleaning of existing concrete joints on Taxiways F and D. The under-runs were due to overestimated quantities for work at Taxiway D.

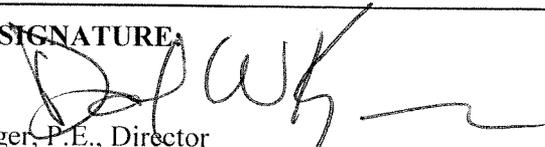
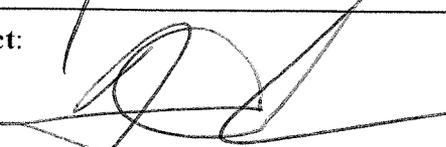
Webber, LLC, achieved 22.12% DBE participation on a 21.80% goal. The Office of Affirmative Action and Contract Compliance and the HAS Small Business Development and Contract Compliance Office gave Webber, LLC a "Satisfactory" rating.

REQUIRED AUTHORIZATION

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work for Storm Drainage Improvements in the Fonn Villas Subdivision; WBS No. M-000249-0002-4.	<b>Category</b> #1, 7	<b>Page</b> 1 of 2	<b>Agenda Item</b> # <b>3</b>
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>		<b>Agenda Date</b>  FEB 09 2011
<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b>  G 		
<b>For additional information contact:</b>  J. Timothy Lincoln, P.E. Senior Assistant Director  <b>Phone:</b> (832) 395-2355	<b>Date and identification of prior authorizing Council action:</b>  Ord. # 2008-335 dated: 04/16/2008 		

**RECOMMENDATION:** (Summary) Pass a motion to approve the final Contract Amount of \$17,086,999.40 or 4.99% 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 \$18,524,000.00 with \$12,274,000.00 from the Drainage Improvements Commercial Paper Series F Fund No. 4030, \$6,250,000.00 from the Water and Sewer Consolidated Construction Fund No. 8500.

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the Storm Drainage Capital Improvement Plan (CIP) and was required to provide drainage improvements to alleviate flooding due to insufficient pipe capacity in this subdivision.

**DESCRIPTION/SCOPE:** This project consisted of the construction of approximately 5,915 linear feet of reinforced concrete box storm sewer; 12,427 linear feet of 60-inch, 54-inch, 48-inch, 42-inch, 36-inch, 30-inch and 24-inch storm sewer; 2,275 linear feet of 10-inch and 6-inch sludge force main; 1,690 linear feet of 15-inch, 12-inch, 10-inch, 8-inch and 6-inch sanitary sewer; 5,820 linear feet of 54-inch, 15-inch, 12-inch, 10-inch, 8-inch and 6-inch sanitary sewer rehabilitation; 27,315 linear feet of 12-inch, 8-inch and 6-inch waterline; roadway construction and sidewalk. Van DeWiele Engineering Inc. designed the project with 700 calendar days allowed for construction. The project was awarded to Reytec Construction Resources, Inc. with an original Contract Amount of \$16,274,537.10.

**LOCATION:** The project is generally bounded by Interstate Highway 10 east Feeder Road on the north, Old Oaks Street on the south, West Bough Street on the west and Tallowood Street and Attingham Drive on the east. The project is located in Key Map Grids 489D and 489H.

**CONTRACT COMPLETION AND COST:** The Contractor, Reytec Construction Resources, Inc., has completed the work under subject Contract. The project was completed with an additional 150 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 No. 1 is \$17,086,999.40, an increase of \$812,462.30 or 4.99% 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 and overrun in various bid items, including Basic Items, Paving Items, Storm Items, Wastewater Items and Water Items, which were necessary to complete the project.

REQUIRED AUTHORIZATION

20HA101

NDX

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>   Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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<b>Date</b>	<b>SUBJECT:</b> Accept Work for Storm Drainage Improvements in the Fonn Villas Subdivision; WBS No. M-000249-0002-4.	<b>Originator's Initials</b> <i>AG</i>	<b>Page</b> 2 of 2
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**M/W/SBE PARTICIPATION:** The M/W/SBE goal established for this project was 22.00%. According to Affirmative Action and Contract Compliance Division, the participation was 23.35%. Contractor's M/W/SBE performance evaluation was rated Outstanding.

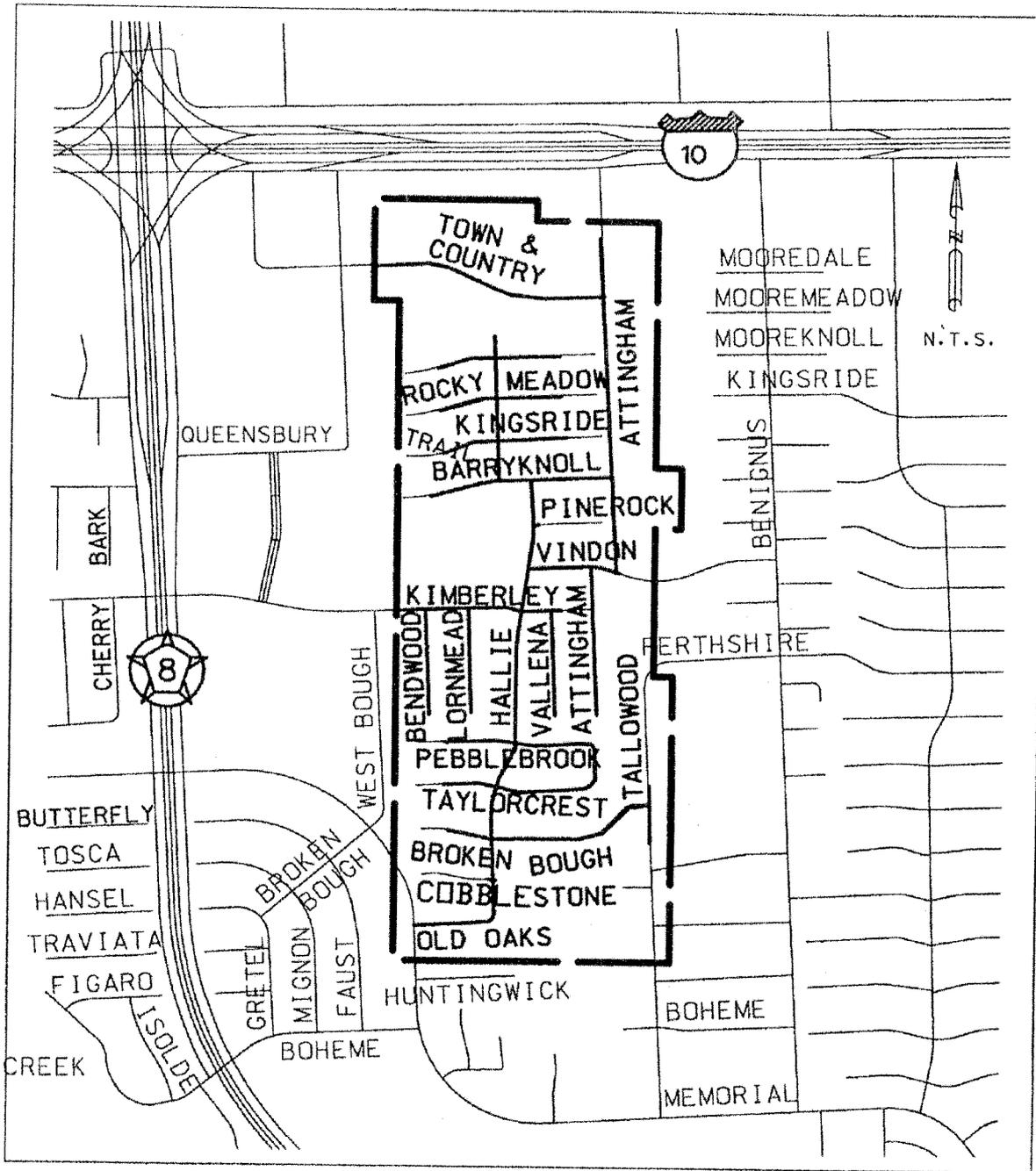
*AG*  
DWK:DRM:JTL:JAK:JEC:ha

Z:\E&C Construction\South Sector\PROJECT FOLDER\M-000249-0002-4(Fonn Villas)\RCA\RCA - Closeout.doc

c: Robert Gallegos

Craig Foster

File No.:M-0249-02/21.0



VICINITY MAP

N.T.S.

KEY MAP 489 D & H  
 GIMS MAP #4957a & #4957b  
 #4958c & #4958d  
 COUNCIL DISTRICT 'G'

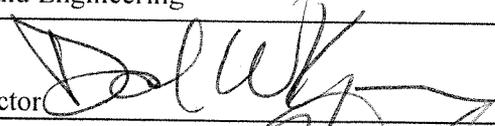
**O: Mayor via City Secretary      REQUEST FOR COUNCIL ACTION**

**SUBJECT:** Accept Work for Capacity Expansion to 350 MGD and Plant Improvements at East Water Purification Plant (EWPP).  
WBS No. S-000056-0034-4.

Page 1 of 1      Agenda Item # **4**

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

**Origination Date:**      **Agenda Date:**  
FEB 09 2011

**DIRECTOR'S SIGNATURE:**  
  
Daniel W. Krueger, P.E., Director

**Council Districts affected:**  
E

**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. #2002-507 dated 06/12/2002

**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$23,471,913.65, which is 3.05% over the original Contract Amount, accept the Work and authorize the final payment.

**Amount and Source of Funding:** No additional appropriation required.  
Original appropriation of \$26,214,000.00 from Water and Sewer System Consolidated Construction Fund No. 755.

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's rehabilitation and upgrade of the Surface Water Treatment Facilities Program. This project is required to increase the plant capacity to 350 million gallons per day (MGD). This project will improve plant reliability and facilitate efficient operation and maintenance at this complex. This project will also allow the City to meet the existing and proposed requirements of the Enhanced Surface Water Treatment Rules (ESWTR) mandated by the United States Environmental Protection Agency (USEPA).

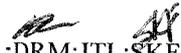
**DESCRIPTION/SCOPE:** The project included the rehabilitation and improvements of hydraulic, process and chemical feed systems. The construction consisted of pump stations improvements, raw water piping, treatment units modifications, chemical feed capacity and mixing upgrades to facilitate processing the increased water treatment. J. F. Thompson, Inc. designed the project with 480 calendar days allowed for construction. The project was awarded to Pepper-Lawson Construction, L.P. with an original Contract Amount of \$22,777,000.00.

**LOCATION:** The project is located at 12555 Clinton Drive and 2300 Federal Road. The project is located in Key Map grids 496-U & Y.

**CONTRACT COMPLETION AND COST:** The Contractor, Pepper-Lawson Construction, L.P. has completed the Work under subject Contract. The project was completed with an additional 1,012 days approved by Change Order Nos. 1 through 4. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approve Change Order Nos. 1 through 4 is \$23,471,913.65, an increase of \$694,913.65 or 3.05% over the original Contract Amount.

The increased cost is primarily due to Change Order Nos. 1, 2, and 3.

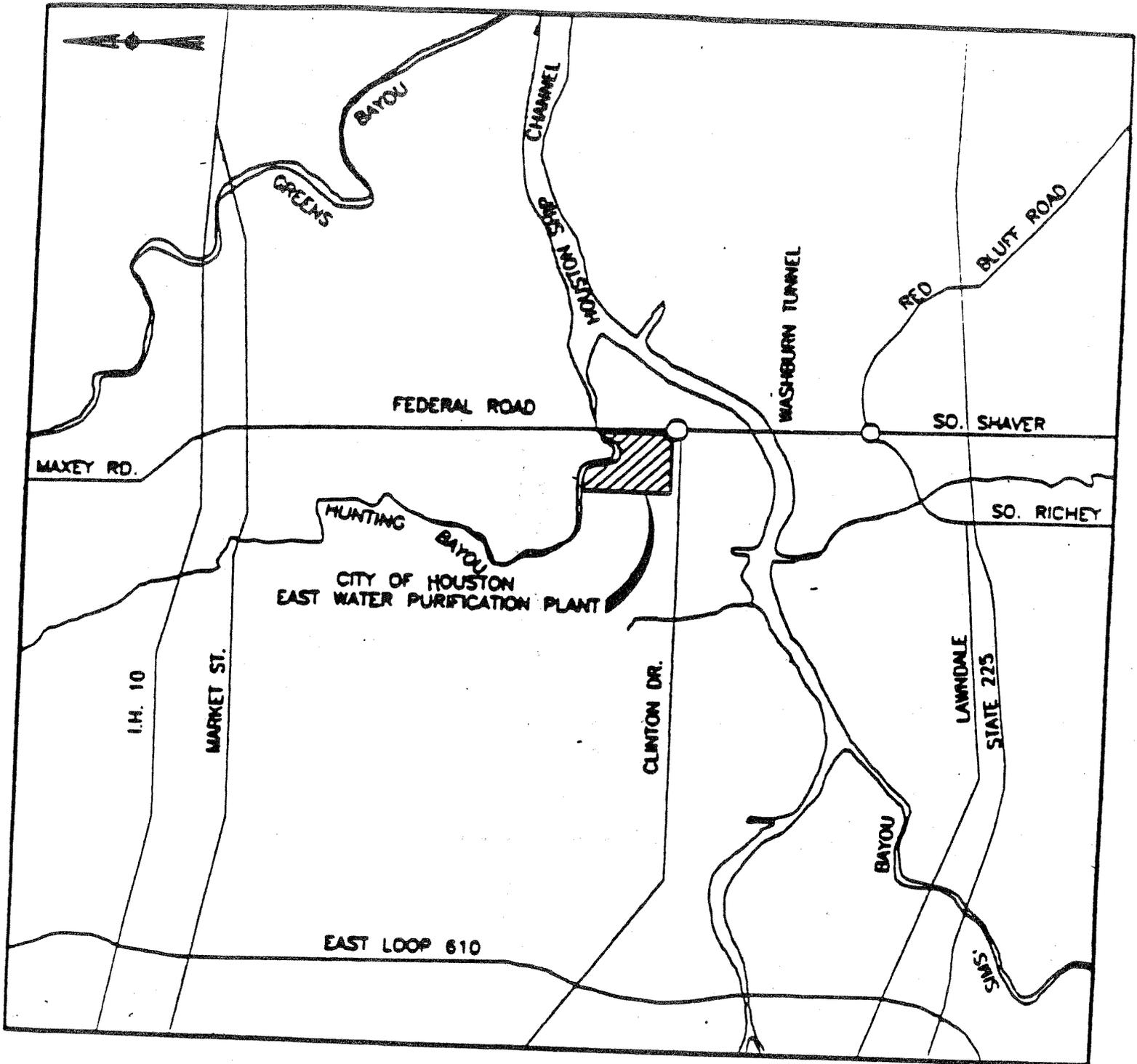
**M/WBE PARTICIPATION:** The M/W/BE goal for this project was 17.00%. According to Affirmative Action and Contract Compliance Division, the actual participation was 16.92%. The Contractor was awarded a "Satisfactory" rating for M/W/BE compliance.

  
DWK:DRM:JTL:SKF:TGD:mq  
Z:\E&C Construction\Facilities\Projects\S-0056-34-4 East Water Plant\Closeout\RCA\RCA.DOC

c:      File No. S-000056-0034-4 – Closeout

**REQUIRED AUTHORIZATION      CUIC ID# 20MZQ185**

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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VICINITY MAP  
N.T.S.

KEY MAP: 496 U, Y

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8967**

**Subject:** Approve the Purchase of Professional Security Guard Services for the Houston Airport System  
S12-E23881

Category #  
4

Page 1 of 1

Agenda Item

5

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

**Origination Date**  
January 26, 2011

**Agenda Date**  
FEB 09 2011

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

**Council District(s) affected**  
B

**For additional information contact:**  
Dallas Evans Phone: (281) 230-8001  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**

Approve the purchase of professional security guards services in the amount not to exceed \$585,000.00 for the Houston Airport System.

Spending Authority: \$585,000.00

**F & A Budget**

\$585,000.00 - Houston Airport System Revenue Fund (8001)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the purchase of professional security guard services from the The Barbosa Group, Inc. dba Executive Security in an amount not to exceed \$585,000.00 for the Houston Airport System. It is further requested that authorization be given to issue purchase orders, as necessary, for a period of approximately 90 days or until a new contract is awarded. This spending authority will allow the current contractor (The Barbosa Group, Inc. dba Executive Security) to continue to provide security guard services, at the George Bush Intercontinental Airport, until a new contract can be awarded. The proposals for the new contract have been received and are presently being evaluated by the department. The recommendation for award of the new contract will be presented to City Council within the next 60 to 90 days.

The scope of work requires the contractor to provide all personnel, management, supervision, transportation, equipment and incidentals necessary to provide professional security guard services, including perimeter patrols, at the George Bush Intercontinental Airport. The contractor shall also monitor security cameras, screen persons entering the facilities, secure facilities and report any incident involving injury, fire, criminal activity or threats.

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

Buyer: Martin L. King

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

A

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8939**

**Subject:** Purchase of Re-Upholstery Services from the State of Texas Procurement and Support Services Contract for the Convention and Entertainment Facilities Department  
S45-E23873

Category #  
1 & 4

Page 1 of 1

Agenda Item

**6+6A**

**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 09 2011

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

1

**For additional information contact:**

Stephen Lewis                      Phone: (713) 853-8888  
Ray DuRousseau                      Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the appropriation of \$164,466.94 out of the C & E Construction Fund (Fund 8611) and approve the purchase of re-upholstery services in the total amount of \$164,466.94 from the State of Texas Procurement and Support Services Contract for the Convention and Entertainment Facilities Department.

Award Amount: \$164,466.94

**Finance Budget**

\$164,466.94 - C & E Construction Fund (8611)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$164,466.94 out of the C & E Construction Fund (Fund 8611) and approve the purchase of re-upholstery services in the total amount of \$164,466.94 from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Convention and Entertainment Facilities Department and that authorization be given to issue a purchase order to the State contract supplier, Office Design Concepts, LLC., a certified City of Houston M/WBE. This project consists of reupholstering twenty-three year old meeting room stack chairs at the George R. Brown Convention Center (GRBCC). It has been determined that it is more cost-effective to reupholster the existing chairs, rather than purchasing new. The re-upholstery cost per chair is \$18.27 and the cost of a new chair is approximately \$85.00.

The scope of work requires the contractor to furnish all labor, equipment, materials, tools, supervision and transportation necessary to reupholster 9,000 meeting room chairs with fabric specified by GRBCC. The selected fabric will be upholstered over existing covers and foam. Additionally, the contractor will be required to replace any back attached screws and missing or damaged "T" brackets, as needed. The contractor will be provided with a work area within the GRBCC facility to perform the work at no charge to the contractor. The contractor will have 150 days to complete the work on this project upon receipt of the notice-to-proceed. The re-upholstery will come with a full one-year warranty on the materials and workmanship and the re-upholstery is expected to extend the life of the chairs 15 to 20 years.

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

Buyer: Sandy Yen

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

**NOT**

*6/20*

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

RCA# 8870

**Subject:** Formal Bids Received to Repair a 48" Fairbanks Morse Pump for the Public Works and Engineering Department S19-N23818

Category #  
4

Page 1 of 1

Agenda Item

7

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

**Origination Date**  
January 10, 2011

**Agenda Date**  
FEB 09 2011

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

**Council District(s) affected**  
All

**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 Pumps & Equipment of Texas, Inc. on its low bid in the amount of \$94,063.00 to repair a 48" Fairbanks Morse pump for the Public Works and Engineering Department.

Award Amount: \$94,063.00

**Finance Budget**

\$94,063.00 - PW&E Water and Sewer System Operating Fund (8300)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Pumps & Equipment of Texas, Inc. on its low bid in the amount of \$94,063.00 for the repair of a 48" Fairbanks Morse pump for the Public Works and Engineering Department, and that authorization be given to issue a purchase order. These repair services are needed to repair an inoperative pump at the 69<sup>th</sup> Street Treatment Plant. The pump is essential to the daily operations of the facility and is necessary to maintain compliance with the Texas Commission on Environmental Quality Guidelines.

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

<b><u>COMPANY</u></b>	<b><u>Total Amount</u></b>
1. Pumps & Equipment of Texas, Inc.	\$ 94,063.00
2. All-Pump & Equipment Co.	\$164,388.00
3. Pumps of Houston, Inc.	\$168,000.00
4. Alfred Conhagen, Inc. of Texas	\$169,066.00
5. Bayou City Pumps, Inc.	\$187,050.34
6. Coastal Pump Services, Inc.	\$187,798.00
7. RPM Services, Inc.	\$228,239.00
8. Marine Services, LLC, dba Northstar Electric	\$259,675.00

The scope of work requires the contractor to provide all labor, equipment, facilities, parts, tools, supervision and transportation necessary to repair a 48" Fairbanks Morse pump in strict accordance with the manufacturer's recommended standards. The contractor shall be required to disassemble, clean and sandblast all components; ground and polish the shaft and replace the impeller ring, case ring and sleeve; and repair the frame/frame housing and lower bearing housing. (All components and parts installed shall be the original equipment manufacturer's parts and components). Subsequent to completing the repairs, the contractor shall be required to re-assemble and paint the pump; correctly set the bearing clearance; and prepare the rotating assembly for delivery to the 69<sup>th</sup> Street Wastewater Treatment Plant. City personnel will reinstall the pump in the plant facility. The repairs will come with a full one-year warranty on parts and labor and the repairs will extend the life expectancy of the pump by 10 years.

Buyer: Roy Korhals

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization: *MOA*

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 8924

**Subject:** Formal Bids Received for Treated Timber and Pilings for the Public Works & Engineering Department  
S40-S23722

Category #  
4

Page 1 of 1

Agenda Item

8

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

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

**Origination Date**

January 24, 2011

**Agenda Date**

FEB 09 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 an award to Southern Forest Products, LLC dba International Forest Products on its low overall bid in an amount not to exceed \$289,455.00 for treated timber and pilings for the Public Works & Engineering Department.

Estimated Spending Authority: \$289,455.00

**Finance Budget**

\$289,455.00 - General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Southern Forest Products, LLC dba International Forest Products on its low overall bid in an amount not to exceed \$289,455.00 for treated timbers and pilings for the Public Works & Engineering Department. It is further requested that authorization be given to make purchases, as needed, for a 60 month period. This award consists of approximately 4,600 pieces of treated dense southern yellow pine timber to be used by the Department to build, repair and maintain bridges.

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

<u>Company</u>	<u>Total Amount</u>
1. Southern Forest Products, LLC dba International Forest Products	\$289,455.00
2. Bayou Forest Products, Inc.	\$291,978.00

**MWBE Subcontracting**

The bid was issued with an 8% M/WBE participation goal. Southern Forest Products, LLC dba International Forest Products has designated the below-named company as its certified M/WBE subcontractor.

<u>Company</u>	<u>Type of Work</u>	<u>Dollar Amount</u>
Conroe Wood Products Inc.	Provide Lumber and Supplies	\$ 23,156.40

The Affirmative Action Division will monitor this award.

Buyer: Jeff D. Meekins

**Estimated Spending Authority**

<u>Department</u>	<u>FY 2011</u>	<u>OUT YEARS</u>	<u>TOTAL</u>
Public Works & Engineering	\$19,297.00	\$270,158.00	\$289,455.00

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*MP*

**SUBJECT:** El Camino Real Road from 500 feet north of Bay Area Boulevard to Gemini Avenue.

Page  
1 of 2

Agenda Item #

9

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

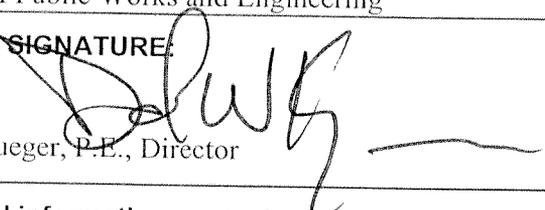
Department of Public Works and Engineering

**Origination Date**

**Agenda Date**

FEB 09 2011

**DIRECTOR'S SIGNATURE**



Daniel W. Krueger, P.E., Director

**Council District affected:**

E

**For additional information contact:**

Ravi Kaleyatodi 1/6/11  
Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326  
Senior Assistant Director

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

N/A

**RECOMMENDATION: (Summary)**

Pass a resolution supporting Harris County's request to place a segment of El Camino Real from 500 feet north of Bay Area Boulevard to Gemini Avenue on Harris County Road Log.

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

**PROJECT NOTICE/JUSTIFICATION:** Harris County, in cooperation with the City of Houston desires to reconstruct El Camino Real Road from 500 feet north of Bay Area Boulevard to Gemini Avenue on Harris County Road Log. In order for Harris County to prepare engineering plans and specifications for the project, the City of Houston must transfer this road to Harris County Road Log. Upon completion of construction, the road will be removed from the Harris County Road Log and returned to the City jurisdiction for maintenance.

The Department of Public Works and Engineering support Harris County's request and recommends that City Council approve a resolution placing this segment of El Camino Real Boulevard on Harris County's Road Log.

**LOCATION:** The project is on El Camino Real from 500 feet north of Bay Area Boulevard to 500 feet north of East Nasa Parkway on Key Map Grids 618Q, 618U and 618V.

*see file*

DWK:DRM:RK:TAA:PKC:ma

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c: Velma Laws  
Craig Foster  
File: HCPID - El Camino Real Project

**/REQUIRED AUTHORIZATION**

CUIC ID #20TAA60

**Finance Department:**

**Other Authorization:**

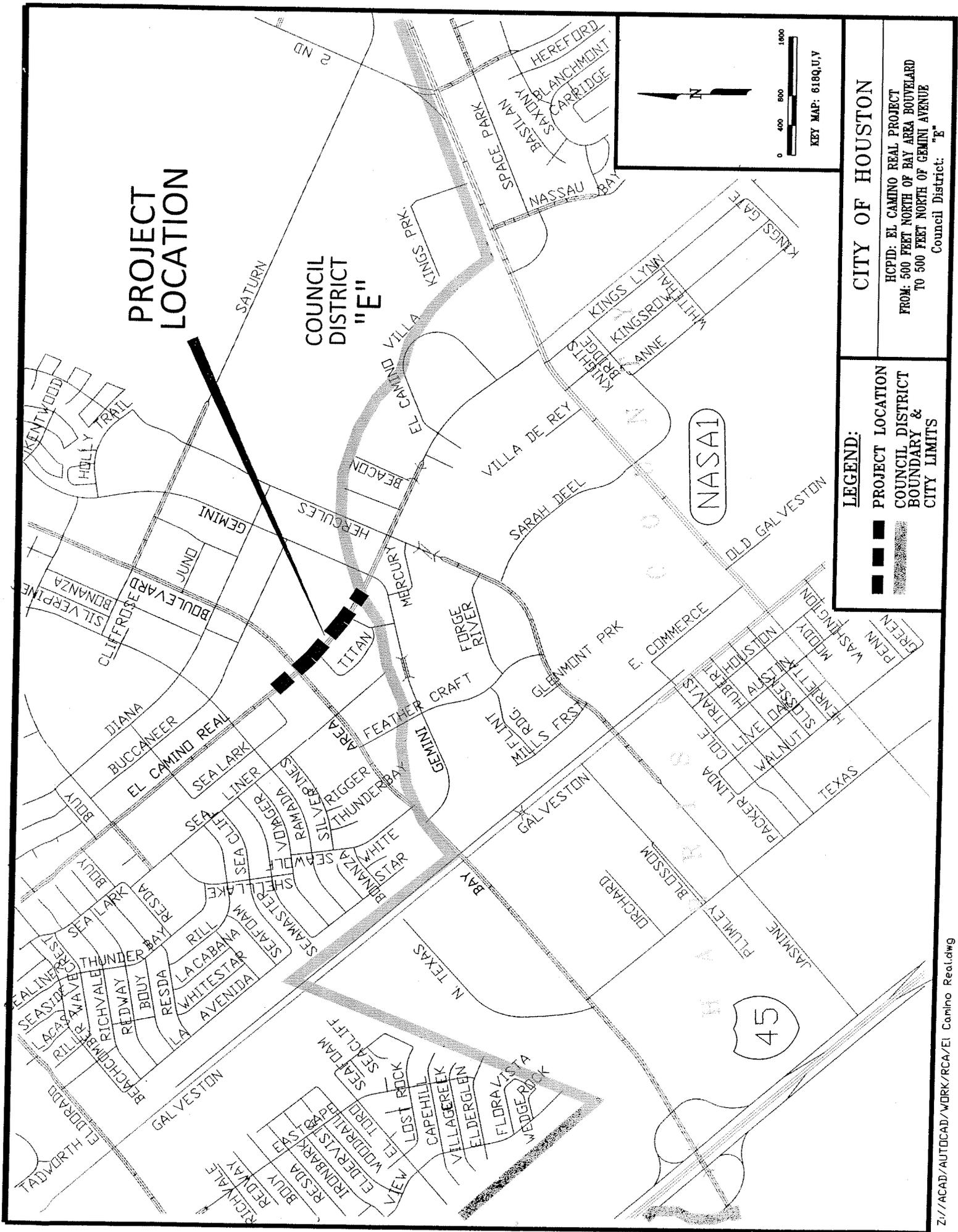


Eric K. Dargan, Deputy Director  
Right of Way and Fleet Maintenance

**Other Authorization:**



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



# PROJECT LOCATION

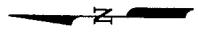
## COUNCIL DISTRICT "E"

NASAI

- LEGEND:**
- █ PROJECT LOCATION
  - ▬ COUNCIL DISTRICT BOUNDARY & CITY LIMITS

### CITY OF HOUSTON

HCPID: EL CAMINO REAL PROJECT  
 FROM: 500 FEET NORTH OF BAY AREA BOULEVARD  
 TO 500 FEET NORTH OF GEMINI AVENUE  
 Council District: "E"



KEY MAP: 6180,U,V

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 8971

Subject: Amendments to the Fire Department Classified Personnel Ordinance

Category #  
3

Page 1 of 1

Agenda Item

10

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

Terry Garrison  
Fire Chief  
Fire

**Origination Date**

February 03, 2011

**Agenda Date**

FEB 09 2011

**DIRECTOR'S SIGNATURE**

*mgg*



**Council District(s) affected**

All

**For additional information contact:**

Beda Kent Phone: (713) 247-4049  
Janet Mccown Phone: (713) 837-9325

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

April 7, 2010; Ordinance # 2010-526

**RECOMMENDATION: (Summary)**

Approve an Ordinance authorizing the amendment of the Fire Classified Personnel Ordinance to add one (1) Senior Captain position and three (3) Captain positions in compliance with the Order on Interlocutory Judgment for Dwight Bazile, et al. vs. City of Houston.

General Fund (1000): FY11 \$110,754

**Finance Budget**

General Fund

**SPECIFIC EXPLANATION:**

Amendments to the current Fire Department Classified Personnel Ordinance 2010-526 are as follows:

**A. Increase number of positions for Captain and Senior Captain**

Classification	Current # of Positions	Change	Proposed# of Positions	FY11 Cost
Captain	425	3	428	\$ 80,715
Senior Captain	184	1	185	\$ 30,039

*Cost figures above do not include fringe benefits and are pro-rated for the remaining 5 months of FY11. The annualized base salary would be \$265,809.*

The number of positions must be increased to comply with the Order on Interlocutory Judgment for *Dwight Bazile, et al. vs. City of Houston*. One of the four plaintiffs will be promoted to Senior Captain and the other three plaintiffs will be promoted to Captain, effective February 9, 2008 and will remain in place until each firefighter is either promoted or leaves the department. Once these firefighters leave their newly promoted rank, the position will be dissolved thus not creating a vacancy.

Per the Order, the promotions "shall be new and additional positions in the Houston Fire Department [,] will be created for the purpose of implementing this Order and shall not adversely affect the property rights of any other Firefighter to any other vacancy in the effected ranks of Captain and Senior Captain. The City shall carry each additional position until such time as each individual Plaintiff leaves their respective remedial promotion rank."

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:



Other Authorization:



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

<b>SUBJECT:</b> 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.	<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> <i>11+11A</i>
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<b>FROM (Department or other point of origin):</b> Planning and Development	<b>Origination Date</b> January 19, 2011	<b>Agenda Date</b> FEB 09 2011
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<b>DIRECTOR'S SIGNATURE:</b> <i>Margaret Wallace</i>	<b>Council District affected:</b> District E
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<b>For additional information contact:</b> Margaret Wallace Phone: 713-837-7826	<b>Date and identification of prior authorizing Council action:</b> Ordinance to consent to the creation of the district: May 7, 2008; 2008-392
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**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.

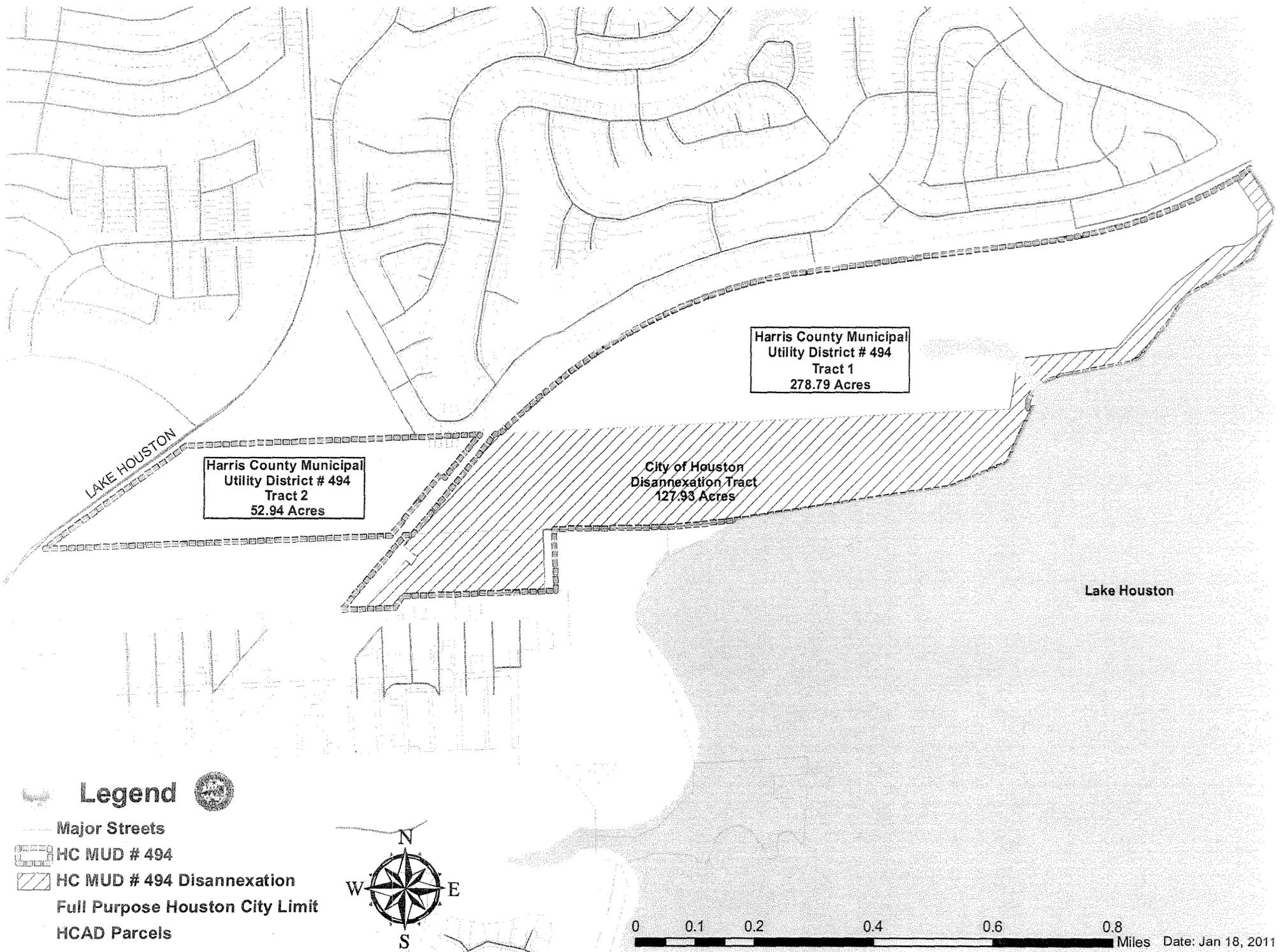
Upon disannexation of the property, and by end of year 2011, the City of Houston will enter into a Strategic Partnership Agreement with HC MUD 494 and reannex the 52.9 acres planned for commercial use and a strip of land adjacent to Lake Houston for limited purposes. The MUD has expressed its intent 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

<b>REQUIRED AUTHORIZATION</b>		
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>[Signature]</i>

# HC MUD # 494 Disannexation



Harris County Municipal  
Utility District # 494  
Tract 1  
278.79 Acres

Harris County Municipal  
Utility District # 494  
Tract 2  
52.94 Acres

City of Houston  
Disannexation Tract  
127.93 Acres

LAKE HOUSTON

Lake Houston

## Legend

-  Major Streets
-  HC MUD # 494
-  HC MUD # 494 Disannexation
-  Full Purpose Houston City Limit
-  HCAD Parcels



0 0.1 0.2 0.4 0.6 0.8 Miles Date: Jan 18, 2011

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Purchase and Sale Agreement between the City of Houston (Seller) and Spring Branch Independent School District (Buyer) for the sale of 1.001 acres of land located at 14330 Memorial Drive for the Houston Public Library (Parcel SY9-055).		<b>Page</b> 1 of 1	<b>Agenda Item</b> <i>12</i>
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b>	<b>Agenda Date</b> FEB 09 2011
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<b>DIRECTOR'S SIGNATURE:</b> Scott Minnix <i>Scott Minnix</i>	<b>Council District affected:</b> G
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Approve and authorize a Purchase and Sale Agreement between the City of Houston (Seller) and Spring Branch Independent School District (Buyer) for the sale of 1.00 acres of land located at 14330 Memorial Drive for a purchase price of \$900,000.00 for the Houston Public Library (Parcel SY9-055).

<b>Amount and Source Of Funding:</b> Revenue - \$900,000.00	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** The former Belle Sherman Kendall Branch Library site, located at 14330 Memorial Drive, consists of 1.001 acre of land and a 9,260 square foot library building built in 1969. The former library was replaced in 2010 by the new Kendall Neighborhood Library and Community Center, located at 609 N. Eldridge Parkway.

Spring Branch Independent School District (SBISD), a political subdivision of the State of Texas, desires to purchase the property for \$900,000.00. SBISD currently owns and operates a multi school campus across Fern Street from the subject parcel. In accordance with the proposed Purchase and Sale Agreement, SBISD shall own and use the property for educational purposes for a period of at least five years after the date of the deed.

This direct sale is in accordance with Section 272.001(b) (5) of the Texas Local Government Code, which permits a political subdivision to sell real property to another governmental entity, and is subject to all easements and public utilities; and the applicable covenants, conditions and restrictions.

Therefore, the General Services Department recommends that City Council approve and authorize a Purchase and Sale Agreement with SBISD for the above-described land for a purchase price of \$900,000.00, which represents the appraised fair market value. It is further recommended that City Council authorize the Mayor to execute and the City Secretary to attest a Special Warranty Deed conveying the property to SBISD.

The net sale proceeds will be directed to the General Fund.

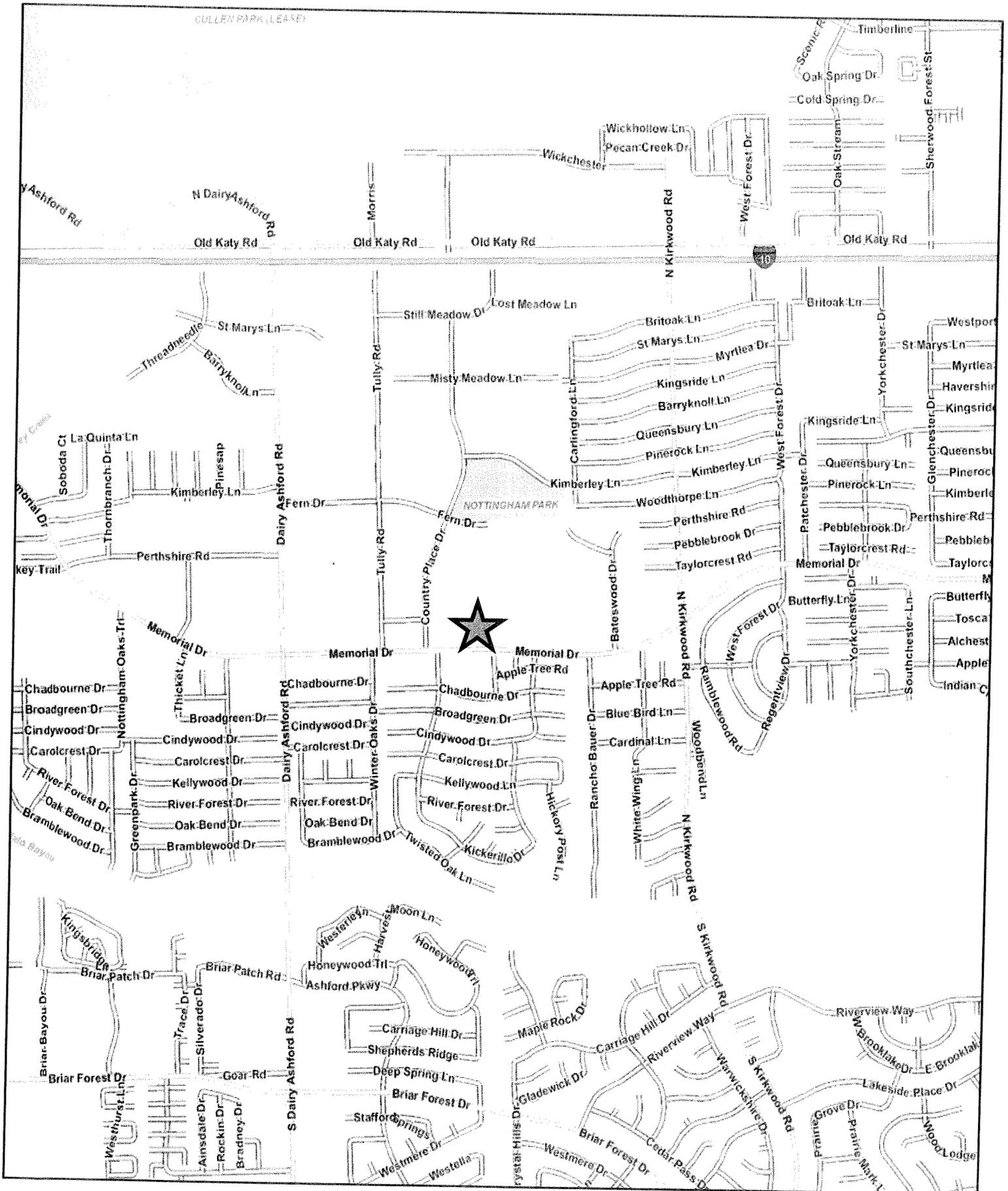
SM:JLN:WW:ddc  
xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby and Wendy Heger

REQUIRED AUTHORIZATION

CUIC ID# 25 WW 18

**General Services Department:**  
*Forest R. Christy, Jr.*  
Forest R. Christy, Jr., Director  
Real Estate Division

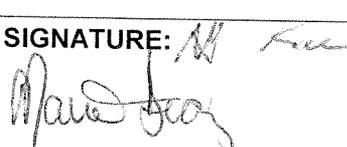
**Houston Public Library:**  
*Rhea Brown Lawson*  
Rhea Brown Lawson, Ph.D.  
Director

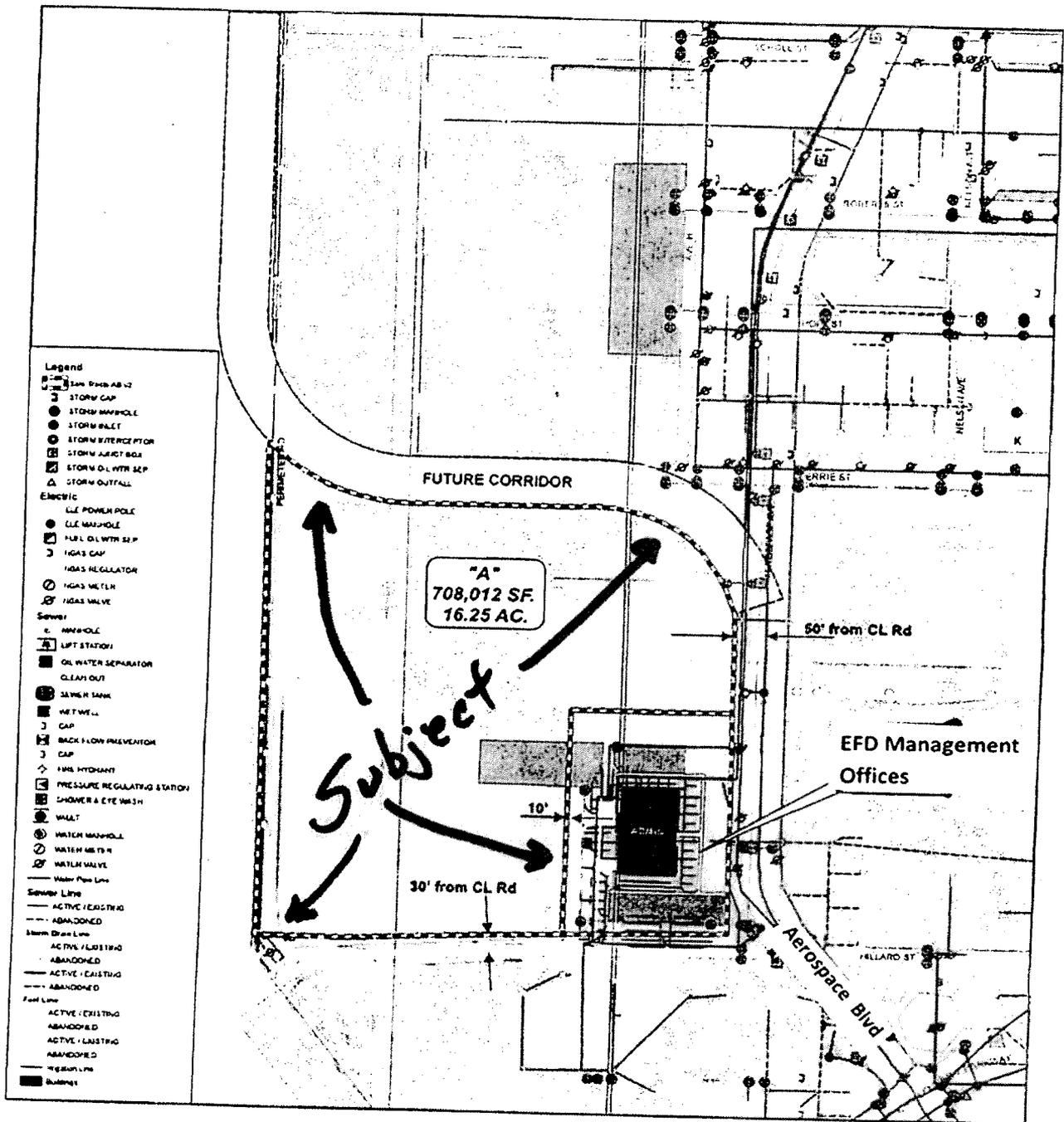


Former Kendall Library  
14330 Memorial Drive, Houston, TX 77079

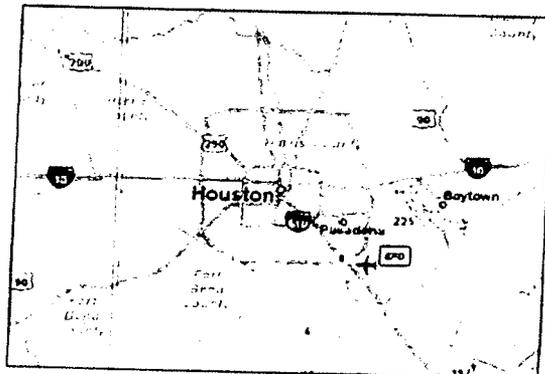
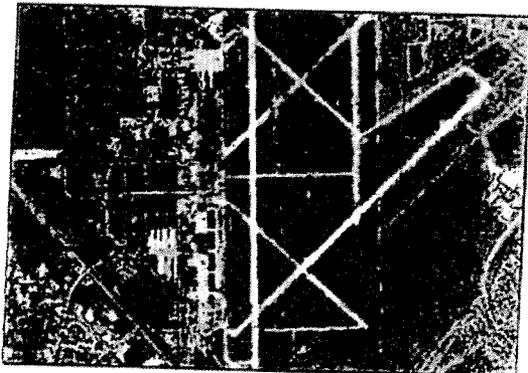
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Option Agreement for Purchase by the United States of America of land at Ellington Airport (EFD) for use as a Coast Guard Headquarters.		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  13
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> January 19, 2011	<b>Agenda Date</b> FEB 09 2011	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> E		
<b>For additional information contact:</b> Janet Schafer  Phone: 281/233-1796 James Valenta  Phone: 281/233-1828		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> REVENUE:  \$1,000.00 for option period \$1,500,246.00 purchase price upon exercise of option ( \$2.15 per square foot)		<b>Prior appropriations:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Approve an ordinance approving an Option Agreement for the Purchase of Real Property with the United States of America for approximately 16.0190 acres of land at Ellington Airport for use by the United States Coast Guard.				
<b>SPECIFIC EXPLANATION:</b> <p>The United States Coast Guard requests an option agreement for the purchase of approximately 16.0190 acres of land located at Ellington Airport (EFD). The Coast Guard will use the land for an administrative office complex to house its Houston-Galveston Sector operations that will be relocated from its existing offices that are over-crowded and storm damaged.</p> <p>The option (to purchase) agreement is for a term expiring on April 30, 2011, and the USA will pay the City \$1,000.00 as consideration for granting the option. The purchase price of \$1,500,246.00 (\$2.15 per square foot) for the land is the market value based upon two independent appraisals obtained by the Houston Airport System. If the USA exercises the option to purchase, the option payment will be credited against the purchase price.</p> <p>HAS requests approval of the subject Option Agreement. The Legal Department has reviewed the Option Agreement and documentation related to this transaction.</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>



AIRPORT VICINITY MAP



COUNTY VICINITY MAP

**Ellington Airport - Sale Tracts A & B**

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**Subject:** Approval of an Ordinance allowing the Parks and Recreation Department to apply for and receive a Juvenile Justice grant from the Governor's Office Criminal Justice Division

Category #

Page

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Agenda Item:

14

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

Houston Parks and Recreation Department

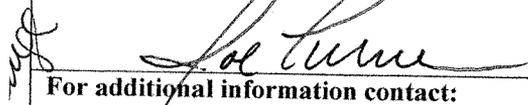
**Origination Date:**

January 21, 2011

**Agenda Date:**

FEB 09 2011

**DIRECTOR'S SIGNATURE:** Joe Turner, Director



**Council Districts Affected:**

All

**For additional information contact:** Karen Cullar 832-395-7056  
Twonda Thompson 832-395-7244

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

2/18/2009, 2009-125

3/3/2010, 2010-179

**RECOMMENDATION (summary):**

The Houston Parks and Recreation Department (HPARD) recommends City Council approve an Ordinance authorizing the director to apply for and receive a third-year reimbursable continuation grant from the Governor's Criminal Justice Division to support the After-School Achievement Program.

**Amount of Funding: No City Funding Required**

**Finance Budget:**

**SPECIFIC EXPLANATION:**

The Parks and Recreation Department (HPARD) recommends City Council approve an Ordinance authorizing the Director to apply for and receive a third year continuation grant in the amount of \$60,000 from grant programs administered by the Office of the Governor Criminal Justice Division (CJD) for juvenile justice and delinquency prevention. No matching funds are required. The application will be filed electronically, and CJD requires that City Council adopt an Ordinance in support of the application in order to receive funding.

The Houston-Galveston Area Council will prioritize and recommend projects to the CJD. Subject to funding availability, continuation grants typically receive priority funding over new grant projects. If awarded the grant start date is September 1, 2011.

The grant is requested to expand the number of middle-school sites that will receive funding from HPARD's After School Achievement Program (ASAP). The City of Houston established the After-School Achievement Program (A.S.A.P.) in 1998 to fund after-school programming which engages youth K through 8 in structured, supervised activities after-school to reduce juvenile crime and victimization during these dangerous hours. ASAP distributes grants directly to schools, community-based and faith-based organizations through a process of Request for Proposals that takes place annually from February to April. Proposals are scored based on specific criteria, and grants are awarded to an estimated 45 after-school program sites each year. These additional funds will allow HPARD to expand the number of school sites by selecting additional schools from those that responded to the RFP. If HPARD is identified as an awarded recipient of the grant, funds will be announced and distributed in September 2011 to at least three eligible HISD middle schools serving at-risk children in Houston's inner-city for use in the 2011 - 2012 school year.

Selected schools will be required to incorporate the following types of activities within their after-school curriculum: tutorials, homework assistance, test preparation skills, college exposure/preparatory skills, leadership skill development, team building, conflict management, financial literacy, job readiness, recreation, sports, arts, dance, creative writing, and community involvement such as volunteerism and community service.

**REQUIRED AUTHORIZATION**

Finance Director:

Other Authorization:

Other Authorization:

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**Subject:** Approval of an Ordinance allowing the Parks and Recreation Department to apply for and receive a Juvenile Justice grant from the Governor's Office Criminal Justice Division.

Category #

Page  
1 of 1

Agenda Item:  
**15**

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

Houston Parks and Recreation Department

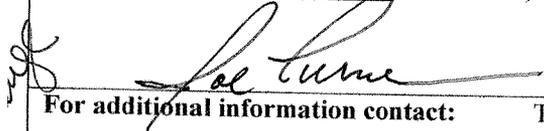
**Origination Date:**

February 21, 2011

**Agenda Date:**

**FEB 09 2011**

**DIRECTOR'S SIGNATURE:** Joe Turner, Director



**Council Districts Affected:**

All

**For additional information contact:**

Twonda Thompson 832-395-7244  
Karen Cullar 832-395-7056

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

N/A

**RECOMMENDATION (summary):**

The Houston Parks and Recreation Department (HPARD) recommends City Council approve an Ordinance authorizing the Director to apply for and receive a grant from the Governor's Criminal Justice Division to support the After-School Achievement Program.

**Amount of Funding: No City Funding Required**

**Finance Budget:**

**SPECIFIC EXPLANATION:**

The Parks and Recreation Department (HPARD) recommends City Council approve an Ordinance authorizing the Director to apply for and receive a reimbursable grant from the Office of the Governor Criminal Justice Division (CJD) for juvenile justice and delinquency prevention. Funding is limited to \$100,000. No matching funds are required. CJD requires an Ordinance passed by City Council to be eligible to apply for and receive funds. The Houston-Galveston Area Council will prioritize and recommend projects to the Texas CJD. If awarded, the grant start date is September 1, 2011.

The grant is requested to provide Science, Technology, Engineering and Mathematics (STEM) services at elementary and middle school sites that receive funding from HPARD's After School Achievement Program (ASAP). The City of Houston established the After-School Achievement Program (A.S.A.P.) in 1998 to fund after-school programming which engages youth K through 8 in structured, supervised activities after-school to reduce juvenile crime and victimization during these dangerous hours. ASAP distributes grants directly to schools, community-based and faith-based organizations through a process of Request for Proposals that takes place annually from February to April. Proposals are scored based on specific criteria, and grants are awarded to an annual estimate of 45 after-school program sites each year. These additional funds will allow HPARD to expand the number of school sites by selecting additional schools from those that responded to the RFP. If awarded, funds are announced and distributed in September 2011 to at least three additional eligible HISD elementary and middle schools serving at-risk children in Houston's inner-city for use in the 2011 - 2012 school year.

Selected schools are required to incorporate the following types of activities within their after-school curriculum: tutorials, homework assistance, test preparation skills, college exposure/preparatory skills, leadership skill development, team building, conflict management, financial literacy, job readiness, recreation, sports, arts, dance, creative writing, and community involvement such as volunteerism and community service. STEM focused activities are part of this curriculum and include robotics, science exploration, brainestics, mathematic memory system and digital technology. The program includes summer learning opportunities as well.

**REQUIRED AUTHORIZATION**

Finance Director:

Other Authorization:

Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> District Office Lease with The Honorable Sheila Jackson Lee, Member of the U.S. House of Representatives, at the Acres Homes Multi-Service Center, 6719 West Montgomery Road, for the Department of Health and Human Services		<b>Page</b> 1 of 1	<b>Agenda Item</b>  16
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b>	<b>Agenda Date</b> FEB 09 2011
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<b>DIRECTOR'S SIGNATURE:</b> Scott Minnix <i>Scott D. Minnix 1/25/11</i>	<b>Council District affected:</b> B
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JLN</i> Phone: (832) 393-8023	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Approve and authorize a District Office Lease with The Honorable Sheila Jackson Lee, Member of the U.S. House of Representatives (Tenant), for lease space at the Acres Homes Multi-Service Center, 6719 West Montgomery Road, for the Department of Health and Human Services (DHHS).

<b>Amount and Source Of Funding:</b> Revenue	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** The General Services Department recommends approval of a District Office Lease with The Honorable Sheila Jackson Lee, Member of the U.S. House of Representatives (Congresswoman Lee) for 120 square feet of lease space at the Acres Homes Multi-Service Center, located at 6719 West Montgomery Road. Congresswoman Lee has utilized this space since May 1, 2009 as a district office space. The prior lease commenced on May 1, 2009 and expired on January 2, 2011. Congresswoman Lee has remained in possession of the leased premises as a tenant from month-to-month at a rental of \$214. 00 per month (\$1.78 psf per month/ \$21.40 psf per year).

The proposed new District Office Lease will commence on January 3, 2011 and expire on January 2, 2013, at the current monthly rental of \$214.00. Either party has the right to terminate the agreement at any time by providing 30-days prior written notice to the other party.

The City is responsible for maintenance of the building.

SM:BC:JLN:RB:ddc

xc: Marty Stein, Jacquelyn L. Nisby, Anna Russell, and Claudette Manning

REQUIRED AUTHORIZATION

CUIC ID# 25 RB 112

**General Services Department:**

*Forest R. Christy, Jr.*

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



**Department of Health and Human Services:**

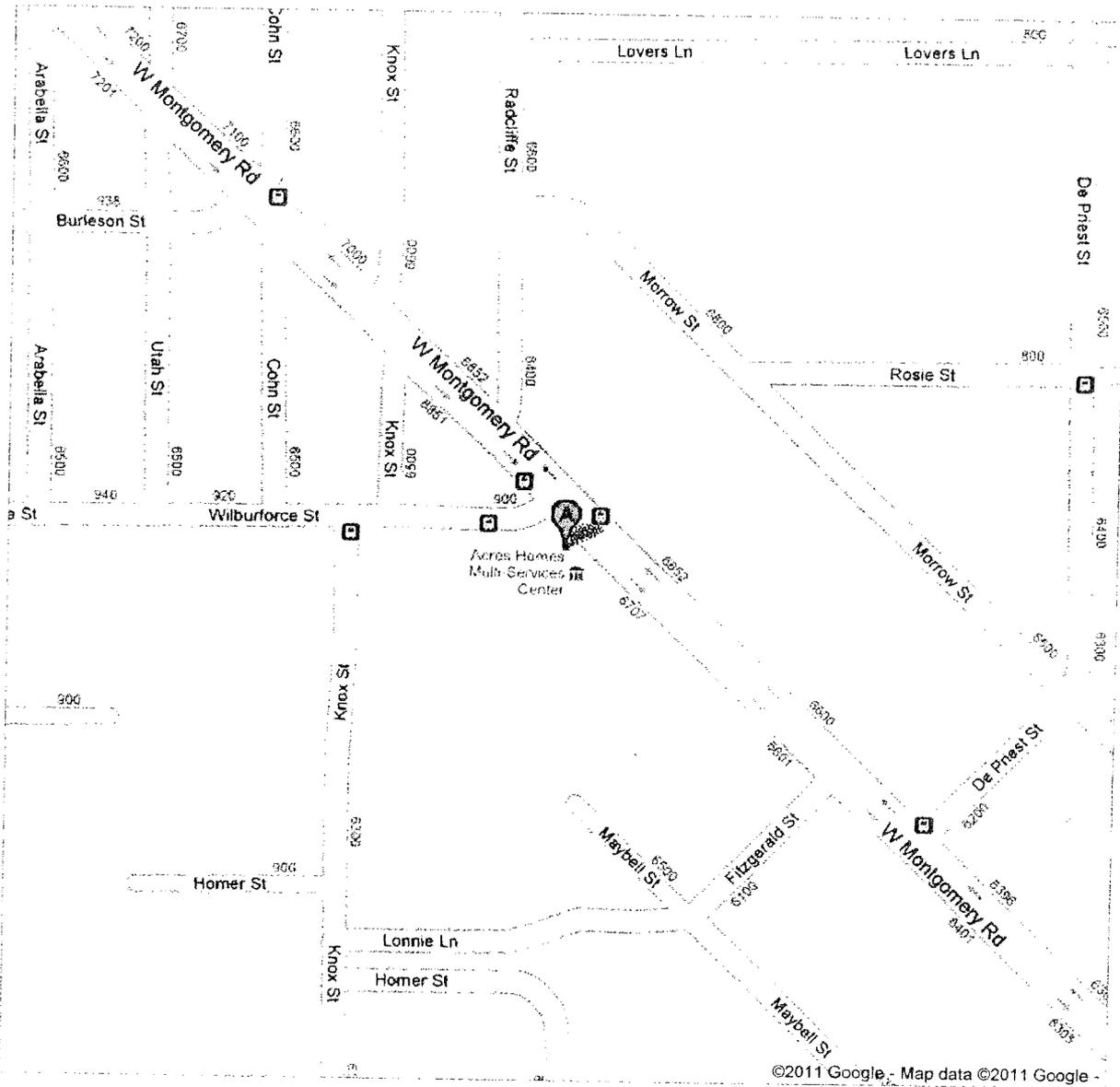
*Stephen L. Williams*

Stephen L. Williams, M.Ed., M.P.A.  
Director



Address 6719 W Montgomery Rd  
Houston, TX 77091

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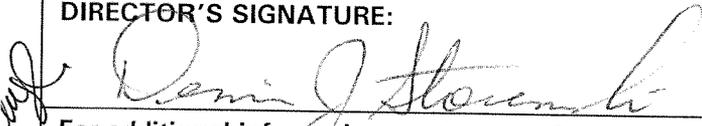
**REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Approve an ordinance authorizing a contract with Bickerstaff Heath Delgado Acosta LLP, for legal services relating to redistricting		Page 1 of 1	Agenda Item # <b>17</b>
<b>FROM (Department or other point of origin):</b>  Legal Department		<b>Origination Date</b> January 25, 2011	<b>Agenda Date</b> FEB 09 2011
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> All	
For additional information contact: <b>David Feldman</b> Phone: 832.393.6412		<b>Date and identification of prior authorizing Council action:</b> N/A	
<b>RECOMMENDATION: (Summary)</b> That City Council approve an ordinance approving and authorizing a contract with Bickerstaff Heath Delgado Acosta LLP for legal services relating to the City's 2011 redistricting.			
<b>Amount and Source of Funding:</b> General Fund \$100,000			
<b>SPECIFIC EXPLANATION:</b> <p>Since 1985, the legal firm Bickerstaff Heath Delgado Acosta LLP ("the Firm") has represented the City in redistricting matters and litigation. C. Robert Heath, a partner in the Firm, is a nationally-recognized expert on redistricting and has invaluable experience and involvement in the City's redistricting history.</p> <p>While the Firm's involvement in 2011 redistricting will be less than in the past due to the City Attorney's active involvement in the process, expert advice and assistance will still be necessary, thus, the Firm will, as called upon by the City Attorney:</p> <ul style="list-style-type: none"> <li>• participate in the City's public hearings on redistricting,</li> <li>• review the City's proposed redistricting plan and provide advice on the merits of proposed plans,</li> <li>• assist with the City's submission of its plan to the DOJ for preclearance and responses to requests from the DOJ for additional information, and</li> <li>• advise and assist with any litigation challenging the City's redistricting process or plan.</li> </ul> <p>It is recommended that Council pass an ordinance approving the proposed contract with Bickerstaff Heath Delgado Acosta LLP for the purposes and reasons set forth above.</p>			
<b>REQUIRED AUTHORIZATION</b>			
<b>Other Authorization:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

**REQUEST FOR COUNCIL ACTION**

<b>SUBJECT :</b> Ordinance approving and authorizing a third amendment to the Interlocal Agreement with Harris County relating to the Joint City-County Commission on Children:	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 18
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<b>FROM (Department or other point of origin):</b> Mayor's Office of Public Safety and Homeland Security	<b>Origination Date</b> 02/03/11	<b>Agenda Date</b> FEB 09 2011
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> All
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<b>For additional information contact:</b> Dennis Storemski, Director <b>Phone:</b> 832.393-0875	<b>Date and identification of prior authorizing Council action:</b> Ord. No. 2005-956, 8/10/2005 Ord. No. 2010-616, 08/04/2010 Ord. No. 2010-0851, 11/03/2010
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**RECOMMENDATION: (Summary)**  
 Adopt Ordinance approving a third amendment to the Interlocal Agreement with Harris County relating to the Joint City-County Commission on Children to extend the term.

<b>Amount and Source of Funding:</b> No funding required	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:**

It is recommended that City Council adopt an ordinance approving a third amendment to the Interlocal Agreement with Harris County that establishes each entity's responsibilities for support of the Joint City-County Commission on Children. The proposed third amendment would extend the agreement 30 days from its current expiration of February 15, 2011. Please note that, because there is only one (1) council meeting before the contract expires, this item is not taggable. The proposed amendment would begin February 16, 2011 and go through March 17, 2011, with the same terms and conditions as in the original Agreement, with an option to extend for an additional term of thirty days, which would begin March 18, 2011 through April 16, 2011, on the same terms and conditions as are provided for in this Agreement. The first extension, for 90 days, was passed by Council on August 4, 2010; the second 90 day extension was passed by Council on November 3, 2010. A similar item is being placed on the February 8, 2011 Harris County Commissioners Court Agenda for review.

In November 1993, the City of Houston and Harris County created the Joint City-County Commission on Children to serve as an advisory board to both governments on issues related to individuals under the age of 18. Since June 1994, the City and County have jointly provided financial support for the Commission. The current agreement, approved in August 2005, provides that the County pay for salaries and benefits of the Executive Director and Outreach Coordinator. The City provides funding for an Administrative Assistant, office space, furniture and supplies, in a 5-year amount not to exceed \$400,000. Existing funding is sufficient to cover the additional 30-day extension.

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approve an Ordinance Authorizing a Third Amendment to the Contract (C56654) for Printing and Copying Services T20366-A3	<b>Category</b>	<b>Page</b> 1 of 2	<b>Agenda Item</b> 19
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<b>FROM (Department or other point of origin):</b> Library Department	<b>Origination Date</b>	<b>Agenda Date</b> FEB 09 2011
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<b>DIRECTOR'S SIGNATURE:</b> Rhea Brown Lawson, Ph.D. <i>Rhea Brown Lawson</i>	<b>Council District affected:</b> All
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<b>For additional information contact:</b> Greg Simpson Phone: 832-393-1333	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Approve an ordinance authorizing a third amendment to the contract between the City of Houston and Oce Business Services for printing and copying services.

<b>Amount and Source of Funding:</b> No additional spending authority required.	<b>FIN Budget:</b>
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**SPECIFIC EXPLANATION:**

The Director of the Houston Public Library Department recommends that City Council approve an ordinance authorizing a third amendment to Contract No. C56654 between the City of Houston and Oce Business Services for printing and copying services.

The contract with Oce Business Services (contractor) was awarded by City Council on January 25, 2005, by Ordinance No. 2005-86, for printing and copying services under which the contractor operated the copy center called Image Solutions for the City in the basement of the City Hall Annex (the "Copy Center Services"). City Council approved the first amendment to the contract on October 4, 2006, by Ordinance No. 2006-1009, to require the contractor to provide coin operated copiers ("Multifunction Devices") for use by patrons at the main and branch libraries of the Houston Public Library. (the "HPL Services").

City Council approved the second amendment to the contract on October 31, 2007, by Ordinance No. 2007-1210, to add funding (maximum contract amount) to pay the contractor for the cost of leasing multifunction devices and other machines for the Library and to create brochures and informational materials for Library customers. (the "HPL Multifunction Device Services"). The original intent of the second amendment was to generate enough revenue to cover the lease payments of the Multifunction Devices; thereby requiring no allocation of funding as the contractor was paid solely from revenues. However, actual usage patterns showed that customers frequently used direct-print to printers. This activity limited the amount of revenue received from copy machines; thus, necessitating adding funds to the contract.

The third amendment provides for 1) the City's withdrawal of its notice of termination of the contract, dated August 13, 2010; 2) a termination of the Copy Center Services' portion of the contract, effective September 28, 2010; 3) a phase-out and completion of the HPL Multifunction Device Services and the HPL Services portion of the contract, by December 9, 2010; 4) a release of claims; and 5) various services rendered by the Contractor under the contract shall be terminated in its entirety at 11:59 p.m. on February 28, 2011.

REQUIRED AUTHORIZATION		CUIC ID #
<b>FIN Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

**SUBJECT:** Second Amendment to Job Order Contracts for the Residential Energy Efficiency Program.

Page  
1 of 2

Agenda  
Item  
**20**

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

**Origination Date**

**Agenda Date**

FEB 09 2011

**DIRECTOR'S SIGNATURE**

Scott Minnix

*2/3/11*  
*Scott Minnix*

**Council District(s) affected:**  
All

**For additional information contact:**

Jacquelyn L. Nisby Phone: 832-393-8023

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

Ordinance No. 2009-1362 Dated December 16, 2009  
Ordinance No. 2010-0161 Dated February 24, 2010

**RECOMMENDATION:** Approve Second Amendment to Job Order Contracts with Payless Insulation, Inc., CLEARResult Consulting, Inc. f/k/a Direct Energy, LP, Standard Renewable Energy, L.P. and PMG Project Management Group, LLC. for the Residential Energy Efficiency Program (REEP).

**Amount and Source of Funding:** No Additional Funding Required

**Finance Budget:**

**SPECIFIC EXPLANATION:** On February 24, 2010, Ordinance No. 2010-0161, City Council approved a First Amendment to the four job order contracts for the REEP with Payless Insulation, Inc., Direct Energy, LP, Standard Renewable Energy, L.P., and PMG Project Management Group, LLC., to include new State mandated pricing and increase the maximum limit for health and safety repairs to \$1,300. Direct Energy, LP, is in the process of selling its business to CLEARResult Consulting, Inc., a Texas Corporation, and has requested authority to assign its Job Order Contract with the City of Houston to CLEARResult. In accordance with the provisions of the contract, the director consents to the assignment.

Recently, the Texas Department of Housing and Community Affairs (TDHCA) has changed the assessment process requiring a significant change in the scope of work for the contractors, as well as additional energy efficiency measures to be installed in the housing units. The new requirement by TDHCA requires the City to remove the assessment portion from the contractors' scope of work. The initial weatherization assessment will now be performed by the City's inspectors: The Nelrod Company and Your Home Check. TDHCA also has requested that the City consider additional items to be placed in the homes. These include Central HVAC systems, larger refrigerators, additional duct sealing, and gas stoves. This Second Amendment is necessary to reflect the new assessment and weatherization measures mandated by TDHCA and the new pricing associated with the measure changes. The new pricing will not require any change in the total contract allocation to each contractor. Therefore, the General Services Department recommends that City Council approve a Second Amendment to the four job order contracts to include the revised weatherization scope of work and subsequent change in pricing.

**PROJECT LOCATIONS:** Citywide

**PROJECT DESCRIPTION:** The scope of work consists of installing weatherization measures in eligible homes based on Home Energy Rating standards. The scope of services may include installing weather-stripping to exterior doors, caulking windows, insulating water heaters, replacing light bulbs with compact fluorescent lamps, installing energy efficient refrigerators and room air conditioning units and installing attic insulation.

**REQUIRED AUTHORIZATION**

CUIC ID 25MSCL78

**General Services Department:**

*Humberto Bautista*

Humberto Bautista, P.E.  
City Engineer

<b>Date:</b>	<b>SUBJECT:</b> Second Amendment to Job Order Contracts for the Residential Energy Efficiency Program.	<b>Originator's Initials</b> HB	<b>Page</b> 2 of 2
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**PREVIOUS HISTORY AND PROJECT SCOPE:** On December 16, 2009, Ordinance No. 2009-1362, City Council awarded four job order contracts for the REEP. Work began on January 11, 2010. To date, the weatherization program has weatherized 800 single family homes and is currently assessing and weatherizing 1,369 single and multi-family units. Finally, the program has an additional 2,470 applications that are being reviewed for eligibility.

**MBE/SBE PARTICIPATION:** A 14% MBE goal and 10% SBE goal have been established for each contract. To date, Payless Insulation, Inc. has achieved 1.20 % MBE and 11.91 % SBE participation; Direct Energy, LP, has achieved 1.96% MBE and 34.14% SBE participation; Standard Renewable Energy, L.P. has achieved 21.97 MBE and 31.78% SBE participation; and PMG Project Management Group, LLC. has achieved 14.15% MBE and 15.61% SBE participation. Payless Insulation, Inc. and Direct Energy, L.P. have developed a plan with Affirmative Action to meet the goal.

SM:JLN:HB:yb  
c: Scott Minnix, Marty Stein, Jacquelyn L. Nisby, Calvin Curtis, File

<b>SUBJECT:</b> First Amendment to Professional Residential Post Weatherization Home Inspection Contract The Nelrod Company d/b/a Fox Energy Specialists Residential Energy Efficiency Program (REEP)	<b>Page</b> 1 of 1	<b>Agenda Item</b>  21
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b>	<b>Agenda Date</b> FEB 09 2011
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<b>DIRECTOR'S SIGNATURE</b> Scott Minnix <i>Scott Minnix 2/3/11</i>	<b>Council District(s) affected:</b> All
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2009-1363 Dated December 16, 2009
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**RECOMMENDATION:** Approve First Amendment to Professional Residential Post Weatherization Home Inspection Contract with The Nelrod Company d/b/a Fox Energy Specialists for the REEP.

<b>Amount and Source Of Funding:</b> No Additional Funding Required	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** On December 16, 2009, Ordinance No. 2009-1363, City Council awarded a Professional Residential Post Weatherization Home Inspection Contract to The Nelrod Company d/b/a Fox Energy Specialists, to perform inspection services for the REEP. Recently, the Texas Department of Housing and Community Affairs (TDHCA) mandated an enhanced initial assessment process, called NEAT (National Energy Audit Tool), to evaluate the units for weatherization. This mandate increases the scope of work and costs associated with assessing and inspecting each home. The NEAT process will include a comprehensive assessment of each housing unit to include the existing building envelope, insulation, HVAC, and lighting. This First Amendment is necessary to reflect the new scope of work and pricing. The new pricing will not require any change in the total contract allocation.

The General Services Department recommends that City Council approve a First Amendment to the contract to include the new scope of work and pricing associated with the new TDHCA mandated unit assessment process.

**PROJECT LOCATIONS:** Citywide

**SCOPE OF CONTRACT AND FEE:** The consultant will perform post-weatherization inspections through work orders. Work orders issued under the contract will be paid on a per house basis.

**M/WBE PARTICIPATION:** A 24% M/WBE goal has been established for this contract. To date, the contractor has achieved 5.44% M/WBE participation. The contractor has selected additional certified subcontractors and developed a plan with Affirmative Action to meet the goal.

SDM:JLN:HB:hb  
 c: Marty Stein, Jacquelyn L. Nisby, Calvin Curtis, File

REQUIRED AUTHORIZATION		CUIC ID 25MSCL77
<b>General Services Department:</b>   Humberto Bautista, P.E. City Engineer		<b>Other Authorization:</b>

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

P

<b>SUBJECT:</b> First Amendment to Professional Residential Weatherization Home Inspection Contract Your Home Check, L.P. Residential Energy Efficiency Program (REEP)	<b>Page</b> 1 of 1	<b>Agenda Item</b> 22
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b>	<b>Agenda Date</b> FEB 09 2011
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<b>DIRECTOR'S SIGNATURE</b> Scott Minnix <i>2/3/11</i> 	<b>Council District(s) affected:</b> All
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JLN</i> <b>Phone:</b> 832-393-8023	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2010-0619 Dated August 4, 2010
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**RECOMMENDATION:** Approve First Amendment to Professional Residential Weatherization Home Inspection Contract with Your Home Check, L.P for the REEP.

<b>Amount and Source Of Funding:</b> No Additional Funding Required	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** On August 4, 2010, Ordinance No. 2010-0619, City Council awarded a Professional Residential Home Inspection Contract to Your Home Check, L.P. to perform pre and post-weatherization inspection services for the REEP. Recently, the Texas Department of Housing and Community Affairs (TDHCA) mandated an enhanced initial assessment process, called NEAT (National Energy Audit Tool), to evaluate the units for weatherization. This mandate increases the scope of work and costs associated with assessing and inspecting each home. The NEAT process will include a comprehensive assessment of each housing unit to include the existing building envelope, insulation, HVAC and lighting. This First Amendment is necessary to reflect the new scope of work and pricing. The new pricing will not require any change in the total contract allocation.

The General Services Department recommends that City Council approve a First Amendment to the contract to include the new scope of work and pricing associated with the new TDHCA mandated unit assessment process.

**PROJECT LOCATIONS:** Citywide

**SCOPE OF CONTRACT AND FEE:** The consultant will perform post-weatherization inspections through work orders. Work orders issued under the contract will be paid on a per house basis.

**M/WBE PARTICIPATION:** A 24% M/WBE goal has been established for this contract. To date, the contractor has achieved 19.85% M/WBE participation.

SM:JLN:HB:hb  
 c: Marty Stein, Jacquelyn L. Nisby, Calvin Curtis, File

**REQUIRED AUTHORIZATION** CUIC ID 25MSCL76

<b>General Services Department:</b>  Humberto Bautista, P.E. City Engineer		
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TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

**SUBJECT:** Petition for the City's consent to the addition of four (4) tracts of land totaling 10.044 acres to Fort Bend County Municipal Utility District No. 37 (Key Map No. 484-G)

Page  
1 of 1

Agenda Item  
#

23

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

**Origination Date**

**Agenda Date**

Department of Public Works and Engineering

FEB 09 2011

**DIRECTOR'S SIGNATURE**

**Council District affected:**  
"ETJ"

Daniel W. Krueger, P.E.

**For additional information contact:**

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

Mark L. Loethen, P.E., CFM, PTOE  
Deputy Director (713) 837-0724

**RECOMMENDATION: (Summary)**

The petition for the addition of 10.044 acres of land to Fort Bend County Municipal Utility District No. 37 be approved.

**Amount and Source of Funding:**

NONE REQUIRED

**SPECIFIC EXPLANATION:**

Fort Bend County Municipal Utility District No. 37 has petitioned the City of Houston for consent to add 10.044 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Katy-Flewellen Road, Greenbusch Road and Pin Oak Road. The district desires to add 10.044 acres, thus yielding a total of 292.9894 acres. The district is served by the Fort Bend County Municipal Utility District No. 37 Wastewater Treatment Plant. The nearest major drainage facility for Fort Bend County Municipal Utility District No. 37 is Buffalo Bayou which flows into the Houston Ship Channel.

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

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

Attachments

cc: Marty Stein Marlene Gafrick Jun Chang  
Bill Zrioka Deborah McAbee Carl Smitha

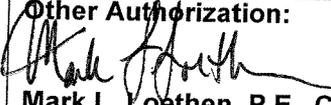
**REQUIRED AUTHORIZATION**

20UPA87

Finance Department

**Other Authorization:**

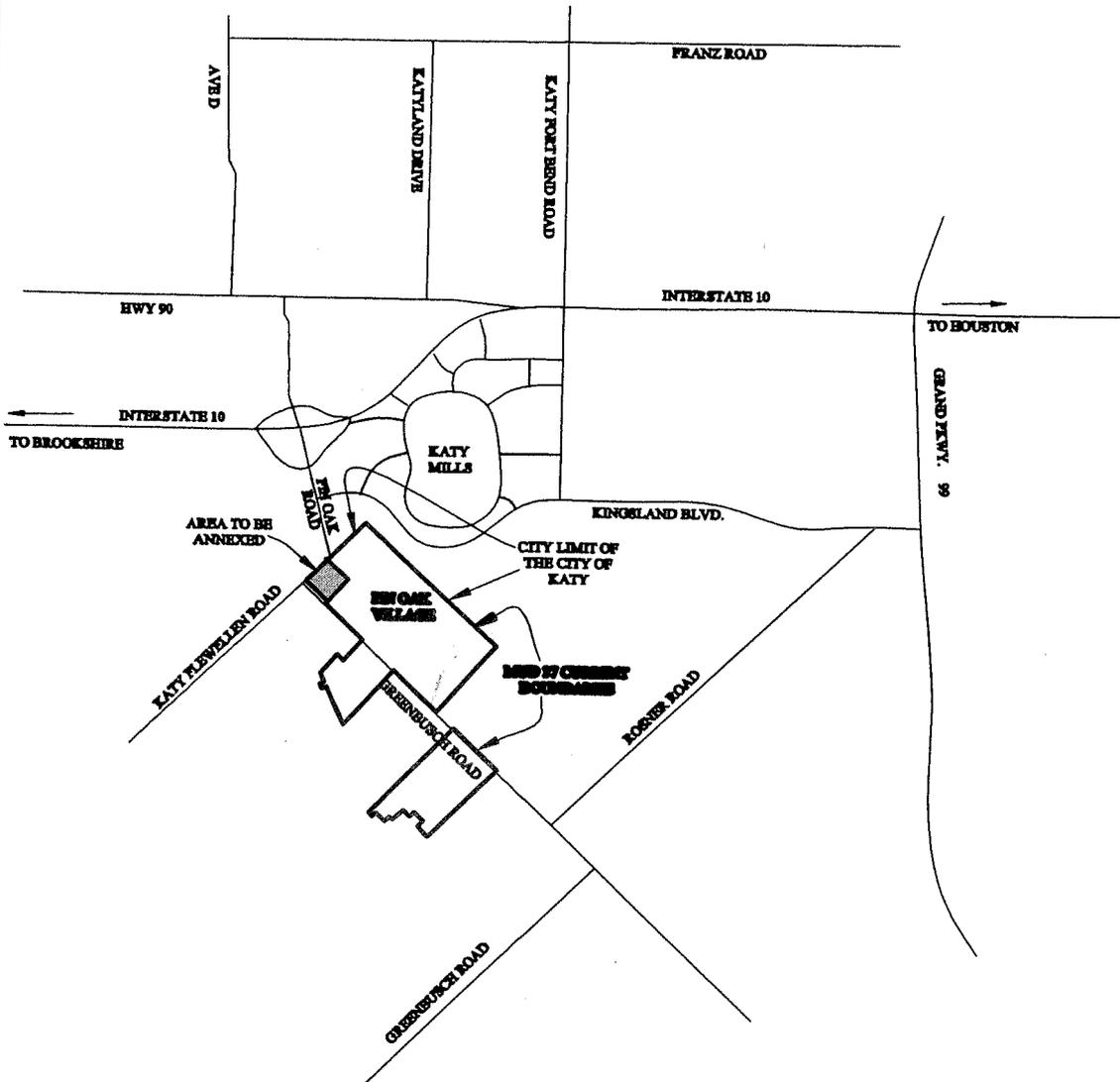
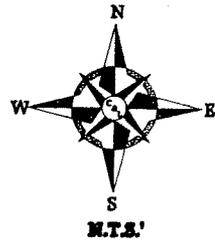
**Other Authorization:**

  
Mark L. Loethen, P.E., CFM, PTOE  
Deputy Director  
Planning & Development Services Div.

ugg

Clay & Leyendecker, Inc.

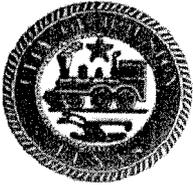
Consulting Engineers & Surveyors  
1350 Ave. D / Katy, Texas 77493 / (281) 391-0173  
Copyright © 2010 Clay & Leyendecker, Inc. All rights reserved.



**VICINITY MAP OF FORT BEND M.U.D. 37  
FOR 2010 ANNEXATION  
CITY OF KATY, TEXAS**

Scale:            N.T.S.  
Date:            10-07-10  
Dwn. By:            BR  
File:            FORT BEND MUD 37A

2010.04.87



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

received  
1/5/11

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 10.044 acres to Fort Bend County MUD No. 37 under the provisions of Chapters 49 and 54 Texas Water Code.

*Regina Adams*  
Attorney for the District

**Attorney: Johnson Radcliffe Petrov & Bobbitt PLLC**

Address: 1001 McKinney Street, Suite 1000 Zip: 77002 Phone: 713.237.1221

**Engineer: David Leyendecker of Clay & Leyendecker, Inc.**

Address: 1350 Avenue D Zip: 77493 Phone: 281.391.0173

**Owners: Ormiston Family Properties, LLC**

Address: c/o Jason Kraus, 2551 Budde Road, Suite 1401 Zip: 77380 Phone: 281.419.0411

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

### LOCATION

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Fort Bend  
Survey \_\_\_\_\_ Abstract \_\_\_\_\_

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

North of: \_\_\_\_\_ East of: Greenbusch Road

South of: Katy-Flewellen Road West of: Pin Oak Road

### WATER DISTRICT DATA

Total Acreage of District: 282.9454 Existing Plus Proposed Land 292.9894 ✓

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

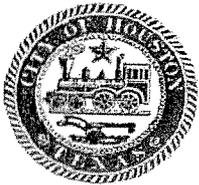
Single Family Residential \_\_\_\_\_ Multi-Family Residential \_\_\_\_\_

Commercial 100% Industrial \_\_\_\_\_ Institutional \_\_\_\_\_

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

Sewage Treatment Plant Name: FBCMUD No. 37 Wastewater Treatment Plant

NPDES/TPDES Permit No: 12370-001 TCEQ Permit No: \_\_\_\_\_



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.175

Ultimate Capacity (MGD): \_\_\_\_\_

Size of treatment plant site: 3.2 ~~square feet~~/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.175 MGD.

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

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

Total permitted capacity: N/A

MGD of (Regional Plant).

Name of District: N/A

MGD Capacity Allocation N/A

or property owner(s)

Name of District: N/A

MGD Capacity Allocation N/A

Water Treatment Plant Name: FBCMUD No. 37 Water Plant No. 1

Water Treatment Plant Address: 2031 Cloverfield, Katy, Texas 77494

Well Permit No: 0790189

### Existing Capacity:

Well(s): 1 \_\_\_\_\_ 1800 GPM

Booster Pump(s): 3 \_\_\_\_\_ 1200 GPM

Tank(s): 1 \_\_\_\_\_ 0.320 MG

### Ultimate Capacity:

Well(s): 1 \_\_\_\_\_ 1800 GPM

Booster Pump(s): 3 \_\_\_\_\_ 1200 GPM

Tank(s): 1 \_\_\_\_\_ 0.320 MG

Size of Treatment Plant Site: 1

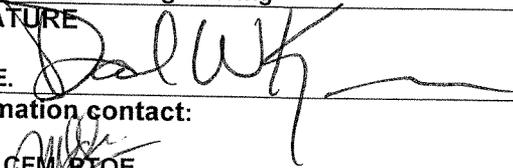
~~square feet~~/acres.

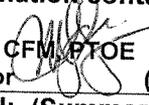
Comments or Additional Information: \_\_\_\_\_

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of two (2) tracts of land totaling 20.131 acres to the in-city district, Harris County Municipal Utility District No. 393 (Key Map No. 570-U, V)	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  24
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  1/13/11	<b>Agenda Date</b> FEB 09 2011
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<b>DIRECTOR'S SIGNATURE</b>  Daniel W. Krueger, P.E. 	<b>Council District affected:</b> "D" 
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<b>For additional information contact:</b>  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director  (713) 837-0724	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**

The petition for the addition of 20.131 acres of land to the in-city district, Harris County Municipal Utility District No. 393 be approved.

**Amount and Source of Funding:**

NONE REQUIRED

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 393 has petitioned the City of Houston for consent to add 20.131 acres of land, located entirely within the corporate limits of the city.

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

The district is located in the vicinity of Independence Road, City of Missouri City and Fondren Road. The district desires to add 20.131 acres, thus yielding a total of 446.4471 acres. The district is served by the City of Houston's Almeda Sims Regional Wastewater Treatment Plant. The nearest major drainage facility for Harris County Municipal Utility District No. 393 is Sims Bayou which flows into the Houston Ship Channel.

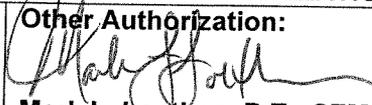
Potable water is provided by the City of Houston. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to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

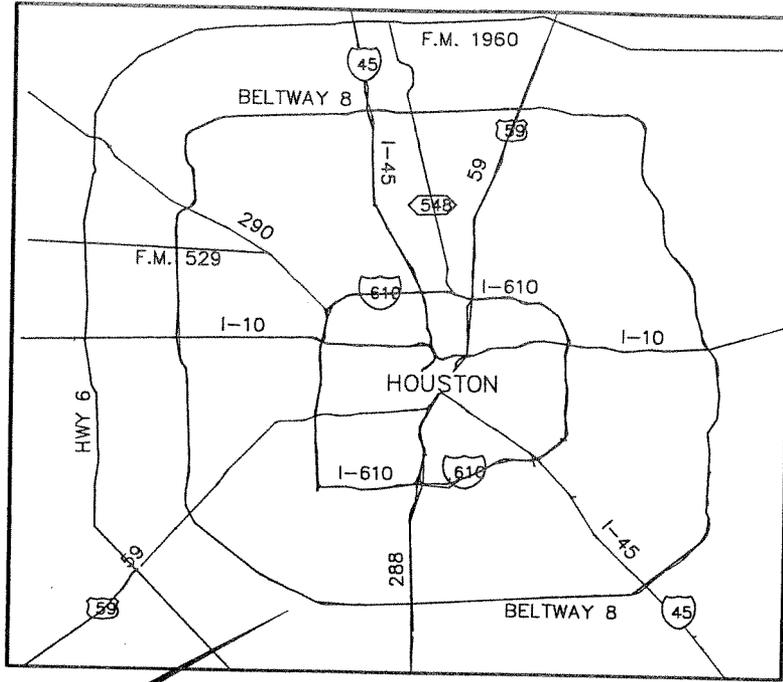
The Utility District Review Committee recommends that the subject petition be approved.

**Attachments**

cc: Marty Stein Marlene Gafrick Jun Chang  
Bill Zrioka Deborah McAbee Carl Smitha

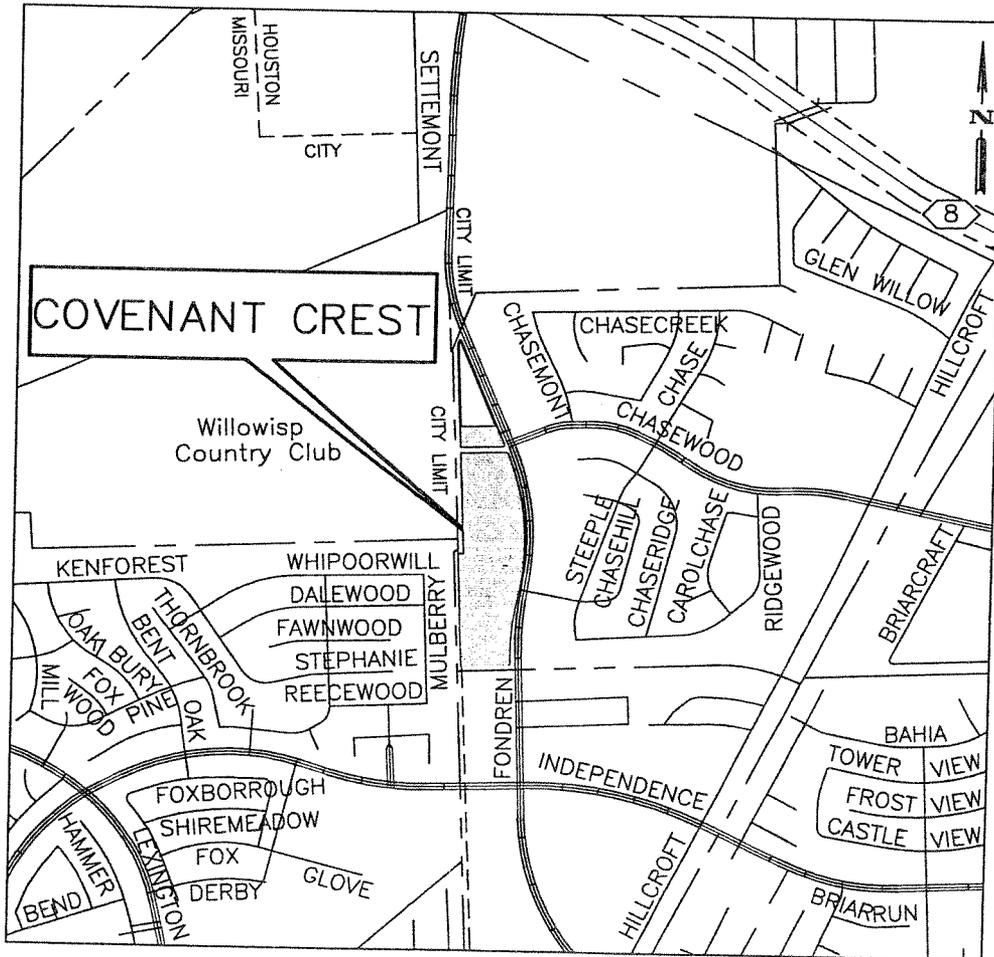
*mg*

<b>Finance Department</b>	<b>REQUIRED AUTHORIZATION</b> <b>Other Authorization:</b>  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning & Development Services Div.	<b>20UPA85</b> <b>Other Authorization:</b>
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LOCATION MAP

PROJECT LOCATION



VICINITY MAP

KEYMAP #570V,U

GIMS MAP #5050B/5051D

20 W/A 85



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 20.131 acres to Harris County MUD No. 393 under the provisions of Chapters 49.301 and 54.016 Texas Water Code.

*Martha Bersch*  
Attorney for the District

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

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

**Engineer:** David Lowe; Brown & Gay Engineers, Inc.

Address: 10777 Westheimer, Suite 400, Houston, Texas Zip: 77042 Phone: 281-558-8700

**Owners:** KB HOME Lone Star Inc.

Address: 11320 Richmond Avenue, Houston, Texas Zip: 77082 Phone: 281-668-3800

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

### LOCATION

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Fort Bend  
Survey John Lafayette Abstract 280

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

North of: Independence Road East of: City of Missouri City  
South of: Fondren Road West of: Fondren Road

### WATER DISTRICT DATA

Total Acreage of District: 426.3161 Existing Plus Proposed Land 446.4471

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

Single Family Residential 100% Multi-Family Residential 0%

Commercial 0% Industrial 0% Institutional 0%

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

Sewage Treatment Plant Name: City of Houston - See Additional Comments Section

NPDES/TPDES Permit No: City of Houston TCEQ Permit No: City of Houston



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): N/A

Ultimate Capacity (MGD): N/A

Size of treatment plant site: N/A square feet/acres.

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

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

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

Total permitted capacity: N/A

MGD of (Regional Plant).

Name of District: N/A

MGD Capacity Allocation N/A

or property owner(s)

Name of District: N/A

MGD Capacity Allocation N/A

Water Treatment Plant Name: City of Houston - Add'l Comments Below

Water Treatment Plant Address: City of Houston

Well Permit No: City of Houston

### Existing Capacity:

Well(s): N/A

GPM

Booster Pump(s): N/A

GPM

Tank(s): N/A

MG

### Ultimate Capacity:

Well(s): N/A

GPM

Booster Pump(s): N/A

GPM

Tank(s): N/A

MG

Size of Treatment Plant Site: N/A

square feet/acres.

Comments or Additional Information: HCMUD No. 393 has contracted with the City of Houston for water and wastewater service. See Contract No. 55470 for details of the water and wastewater treatment facilities to serve this tract.

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

SUBJECT: Petition for the City's consent to the addition of 8.807 acres of land totaling to Montgomery County Water Control and Improvement District No. 1 (Key Map No. 251-U)	Page 1 of 1	Agenda Item #  <b>25</b>
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FROM (Department or other point of origin):  Department of Public Works and Engineering	Origination Date	Agenda Date  FEB 09 2011
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DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.	Council District affected: "ETJ"
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For additional information contact:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director (713) 837-0724	Date and identification of prior authorizing Council action:
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**RECOMMENDATION: (Summary)**

The petition for the addition of 8.807 acres of land to Montgomery County Water Control and Improvement District No. 1 be approved.

**Amount and Source of Funding:**

NONE REQUIRED

**SPECIFIC EXPLANATION:**

Montgomery County Water Control and Improvement District No. 1 has petitioned the City of Houston for consent to add 8.807 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Grogans Point Road, Lake Wyndemere, and Sawdust Road. The district desires to add 8.807 acres, thus yielding a total of 1,010.9983 acres. The district is served by the Montgomery County Water Control and Improvement District No. 1 Wastewater Treatment Plant, which is owned and operated by the district. The nearest major drainage facility for Montgomery County Water Control and Improvement District No. 1 is Spring Creek which flows into the San Jacinto River and finally into Lake Houston.

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

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

Attachments

cc: Marty Stein Marlene Gafrick Jun Chang  
Bill Zrioka Deborah McAbee Carl Smitha

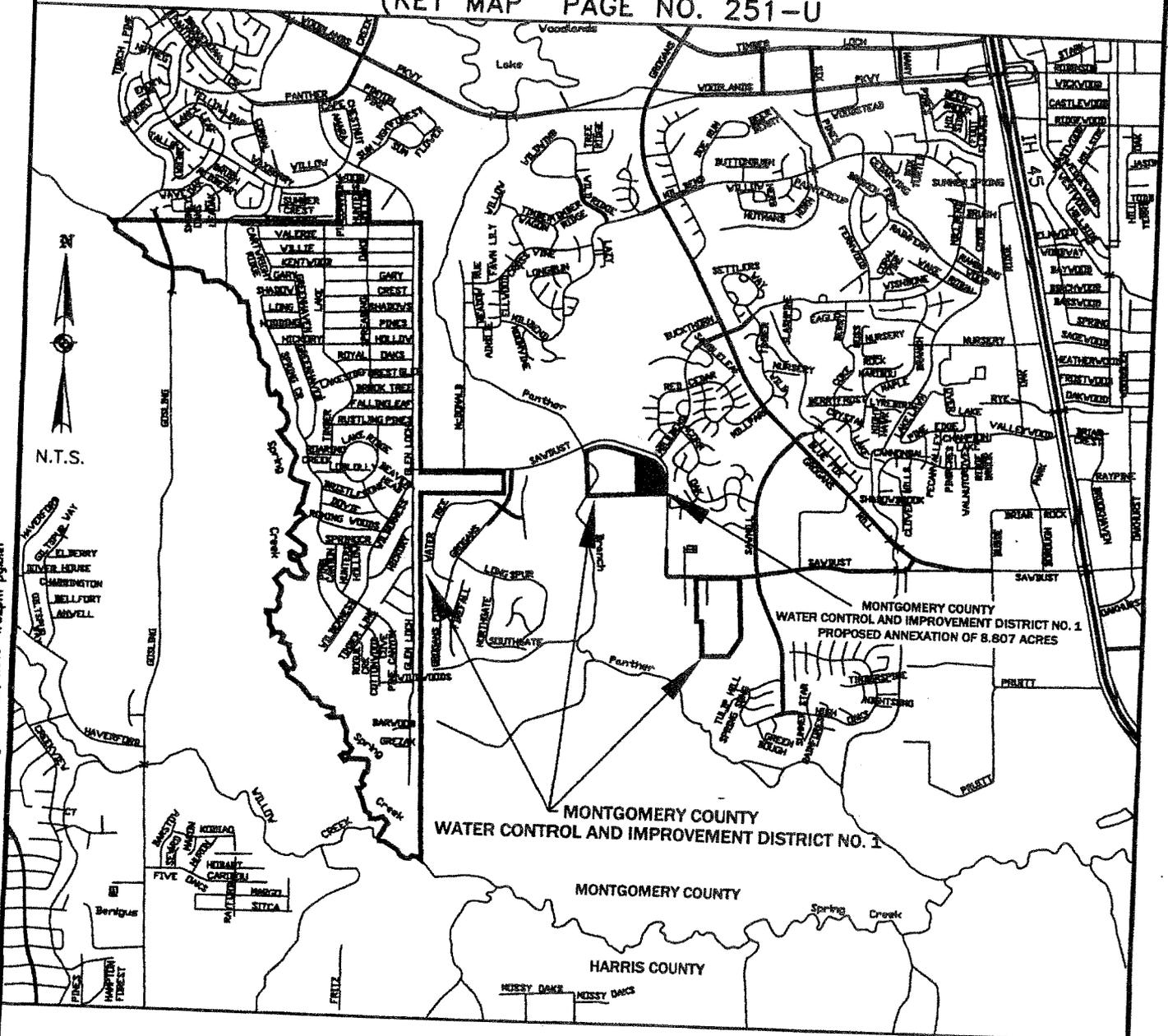
<b>REQUIRED AUTHORIZATION</b>		20UPA89
Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Div.	Other Authorization:	

Finance Department

*mg*

# MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1

PROPOSED ANNEXATION OF 8.807 ACRES OF LAND  
(KEY MAP PAGE NO. 251-U)



## VICINITY MAP

N.T.S.

PREPARED BY



616 FM 1960 W., SUITE 250  
HOUSTON, TEXAS 77090  
(281)350-7027  
(281)350-7035 FAX  
WWW.AEIENGR.COM

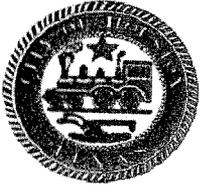
REGISTRATION No. F-1697

DECEMBER 2010

AEI JOB NO. 130-053-001

P:\130\130 DISTRICT BOUNDARY\ANNEXATION OCTOBER 2010.dwg Dec 09, 2010-4:32pm pgbilin

200489



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

received  
7/5/11 [Signature]

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 8.807 acres to Montgomery County WCID #1 under the provisions of Chapter 49 Texas Water Code.

[Signature]  
Attorney for the District

**Attorney:** Michael A. Cole - Michael A. Cole, P.C.

Address: 5120 Bayard Lane, Houston, Texas Zip: 77006 Phone: 713/880-3800

**Engineer:** Michael A. Kurzy - AEI Engineering, Inc.

Address: 616 FM 1960 West, Suite 250, Houston, Texas Zip: 77090 Phone: 281/350-7027

**Owners:** Stream Realty Partners, LP

Address: 1401 McKinney Street, 10<sup>th</sup> Floor, Houston, Texas Zip: 77010 Phone: 713/300-0300

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

### LOCATION

INSIDE CITY  OUTSIDE CITY

Survey John Taylor Survey NAME OF COUNTY (S) Montgomery  
Abstract 547

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

North of: Grogans Point Road East of: Lake Wyndemere  
South of: Sawdust Road West of: Sawdust Road

### WATER DISTRICT DATA

Total Acreage of District: 1002.1913 Existing Plus Proposed Land 1010.9983

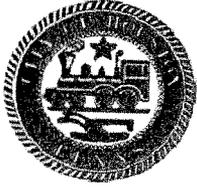
**Development Breakdown (Percentage) for tract being considered for annexation:**

Single Family Residential \_\_\_\_\_ Multi-Family Residential \_\_\_\_\_  
Commercial 100% Industrial \_\_\_\_\_ Institutional \_\_\_\_\_

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

Sewage Treatment Plant Name: Montgomery County WC&ID No. 1 WWTP

NPDES/TPDES Permit No: N/A TCEQ Permit No: 10857-001



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.42

Ultimate Capacity (MGD): 0.42

Size of treatment plant site: 4.0 ac square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.42 MGD.

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

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

Total permitted capacity: N/A

MGD of (Regional Plant).

Name of District: Montgomery County WCID #1  
or property owner(s)

MGD Capacity Allocation 0.42

Name of District: N/A

MGD Capacity Allocation N/A

Water Treatment Plant Name: Water Plants Nos. 1 & 2

Water Treatment Plant Address: 25611 Spreading Oaks/24611 Timberlane, Spring, Tx

Well Permit No: OP-05041201, Reg #2005041204

### Existing Capacity:

Well(s): 3,600

GPM

Booster Pump(s): 2,000

GPM

Tank(s): 1.05

MG

### Ultimate Capacity:

Well(s): 3,600

GPM

Booster Pump(s): 2,000

GPM

Tank(s): 1.05

MG

Size of Treatment Plant Site: #1-0.997ac - #2-1.751ac

square feet/acres.

Comments or Additional Information: The tanks include one 250,000 gallon elevated storage tank. The above list does not included 50,000 gallons of hydro-pneumatic tank capacity.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** An ordinance appropriating an additional appropriation to the professional engineering services contract (4600010285) between the City of Houston and Terracon Consulting Inc., for environmental assessment work through the City of Houston's Brownfield Redevelopment Program.

Page  
1 of 1

Agenda Item  
#  
26

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

Department of Public Works and Engineering

**Origination Date**

**Agenda Date**

FEB 09 2011

**DIRECTOR'S SIGNATURE:**

Daniel W. Krueger, P.E., Director

**Council District affected:**

All *CRK*

**For additional information contact:**

Jedediah Greenfield, Staff Analyst (832) 395-2695

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

1/27/2010 - 2010-0060  
1/16/2008 - 2008-0051

**RECOMMENDATION: (Summary)**

It is recommended that City Council adopt an ordinance appropriating the sum of \$10,000 out of the Contribution for Capital Projects Fund (Fund 4510) as an additional appropriation to the professional engineering services contract (4600010285) between the City of Houston and Terracon Consulting Inc., for environmental assessment work through the City of Houston's Brownfield Redevelopment Program.

**Amount and Source of Funding:** \$10,000; TIRZ No. 15 transfer to Fund 4510, Contribution for Capital Projects Fund. *H.P. 2/3/2011*

**BACKGROUND:** In 2008, the City of Houston was awarded a \$400,000 grant from the Environmental Protection Agency (EPA) to conduct environmental site assessments for properties in the City of Houston's Brownfield Redevelopment Program. The EPA allocated \$200,000 for general hazardous site assessments, and \$200,000 for petroleum site assessments. Terracon Consulting Inc., and Weston Solutions were awarded professional service contracts to conduct the environmental site assessment work.

To date, the Brownfield Redevelopment Program has used and/or committed the majority of the EPA hazardous assessment funds allocated in the professional service contact with Terracon Consulting Inc. However, additional work by Terracon is required to complete some continued site investigations.

Therefore, because the EPA hazardous assessment allocation has been depleted and work still remains, the East Downtown Redevelopment Authority (TIRZ No. 15) has agreed to provide an additional \$10,000 to complete site assessment work within their district. The use of these funds will have no negative effect on current federal funds the City receives for brownfield work.

**SCOPE OF THIS AGREEMENT:** Appropriate \$10,000 out of the Contribution for Capital Projects Fund (Fund 4510) as an additional appropriation to the professional engineering services contract (4600010285) between the City of Houston and Terracon Consulting Inc. The additional \$10,000 will be appropriated and added to Terracon's contract to finish environmental site assessment work from funds provided by TIRZ No.15 for work within their district.

**RECOMMENDATIONS:** It is recommended that City Council adopt an ordinance appropriating the sum of \$10,000 out of the Contribution for Capital Projects Fund (Fund 4510) as an additional appropriation to the professional engineering services contract (4600010285) between the City of Houston and Terracon Consulting Inc., for environmental assessment work through the City of Houston's Brownfield Redevelopment Program.

DWK:MLL:JBG

P:\PLANNING BRANCH\MSD\DATABASE\GENERIC RCA - ORDINANCE SUPPORT.DOC

C: Marty Stein, Arnold Colunga

**REQUIRED AUTHORIZATION**

CUIG ID# 20CAE101

**Authorization:**

**Authorization:**

*Mark L. Loethen*  
Mark L. Loethen, P.E., CFM, PTOE  
Deputy Director

Planning & Development Services Division

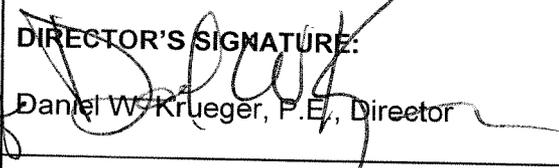
**Other Authorization:**

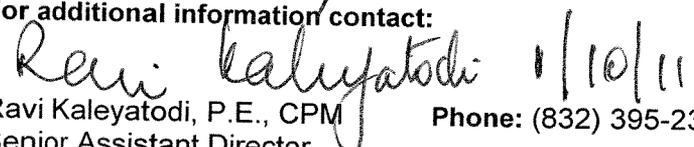
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract Award for Brays Village Drainage Improvements. W.B.S. Nos. M-000280-0001-4; S-000500-0098-4 and R-000500-0098-4		Page 1 of 2	Agenda Item # <b>27</b>
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<b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date:</b>	<b>Agenda Date:</b> FEB 09 2011
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<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> F 
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<b>For additional information contact:</b>  Ravi Kaleyatodi, P.E., CPM Senior Assistant Director Phone: (832) 395-2326	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Accept low bid, award Construction Contract and appropriate funds.

**Amount and Source of Funding: \$ 7,222,000.00**  
 \$ 6,186,000.00 from Drainage Improvement Commercial Paper Series F Fund No. 4030  
 \$ 1,036,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500 *M.P. 1/11/2011*

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the Storm Drainage Capital Improvement Plan (CIP) program and is required to provide drainage improvements to alleviate flooding due to insufficient pipe capacity along Boone Road and certain side streets to serve the Brays Village area within Comprehensive Drainage Plan (CDP) outfall 0687.

**DESCRIPTION/SCOPE:** This project consists of the construction of approximately 55,000 square yards of 8-inch thick reinforced concrete roadway pavement with curb and gutter, approximately 10,500 linear feet of storm sewer pipe of various sizes including inlet leads, approximately 2,000 linear feet of water line of 4 to 12-inch, approximately 4,500 linear feet of 8 to 18-inch sanitary sewer line, including all appurtenances. The project also includes driveway, sidewalk and wheelchair ramp construction.

The Contract duration for this project is 420 calendar days. This project was designed by SES Horizon, Inc.

**LOCATION:** The project area is generally bound by Harwin Drive on the north, Brays Bayou (HCFCD Unit Number D100-00-00) on the south, Baynard Drive on the east and Wildacres Drive on the west. The project is located in Key Map Grids 529B and F.

**BIDS:** Bids were received on December 2, 2010. The six (6) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. SER Construction Partners, Ltd.	\$6,269,147.02
2. Reytec Construction Resources, Inc.	\$6,834,134.00
3. Triple B Services, L.L.P.	\$6,967,529.19
4. Total Contracting Limited	\$7,495,917.23

**REQUIRED AUTHORIZATION** CUIC# 20DS10

<b>Finance Department</b>	<b>Other Authorization:</b>  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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<b>Date</b>	<b>Subject:</b> Contract Award for Brays Village Drainage Improvements. W.B.S. Nos. M-000280-0001-4; S-000500-0098-4 and R-000500-0098-4	<b>Originator's Initials</b> 	<b>Page</b> 2 of 2
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5. Texas Sterling Construction Co.	\$7,961,828.70
6. Slack & Co. Contracting, Inc.	\$8,686,415.60

**AWARD:** It is recommended that this construction Contract be awarded to SER Construction Partners, Ltd. with a low bid of \$6,269,147.02 and that Addendum Number 1 be made a part of this Contract.

**PROJECT COST:** The total cost of this project is \$7,222,000.00 to be appropriated as follows:

• Bid Amount	\$6,269,147.02
• Contingencies	\$313,458.00
• Engineering and Testing Services	\$200,000.00
• CIP Cost Recovery	\$439,394.98

Engineering and Testing Services will be provided by Tolunay-Wong Engineers, Inc., under a previously approved contract.

The City will pay the Contractor a bonus of \$1,500.00 per day for a maximum of 60 days for each day earlier than 420 days after Date of Commencement of the work that Contractor achieves substantial completion. Maximum allowable Bonus to the Contractor for Early Completion is \$90,000.00.

**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 Funding, in compliance with City policy.

**M/WBE PARTICIPATION:** The low bidder has submitted the following proposed program to satisfy the 9.00 % M/WBE goal and 7.00 % SBE goal for this project.

<b><u>MWBE - Name of Firms</u></b>	<b><u>Work Description</u></b>	<b><u>Amount</u></b>	<b><u>% of Contract</u></b>
1. PRV Services, Inc.	Project & Construction Management	\$250,000.00	3.99%
2. F. S. Garza Trucking	Trucking & Hauling Of Construction Materials	\$175,000.00	2.79%
3. Access Data Supply, Inc.	Distributor of Concrete Ready Mix & Plumbing Materials and Supplies	\$400,000.00	6.38%
<b>TOTAL</b>		<b>\$825,000.00</b>	<b>13.16%</b>

<b><u>SBE - Name of Firms</u></b>	<b><u>Work Description</u></b>	<b><u>Amount</u></b>	<b><u>% of Contract</u></b>
1. Reliable Signal & Lighting Solutions, LLC	Traffic Signal/Road Lighting	\$ 72,000.00	1.15%
2. Technical Assurance, L.L.C.	Construction Surety Bonding and Insurance	\$ 57,257.00	0.91%
3. Deanie Hayes, Inc.	Aggregates, Sand, Fill; Road Material	\$100,000.00	1.60%
4. Semarck Landscape Services, Inc.	Landscape & Irrigation Construction	\$150,000.00	2.39%
5. El Dorado Paving Company, Inc.	Asphalt Paving & Concrete Services	\$186,750.00	2.98%
<b>TOTAL</b>		<b>\$566,007.00</b>	<b>9.03%</b>

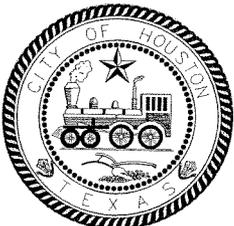
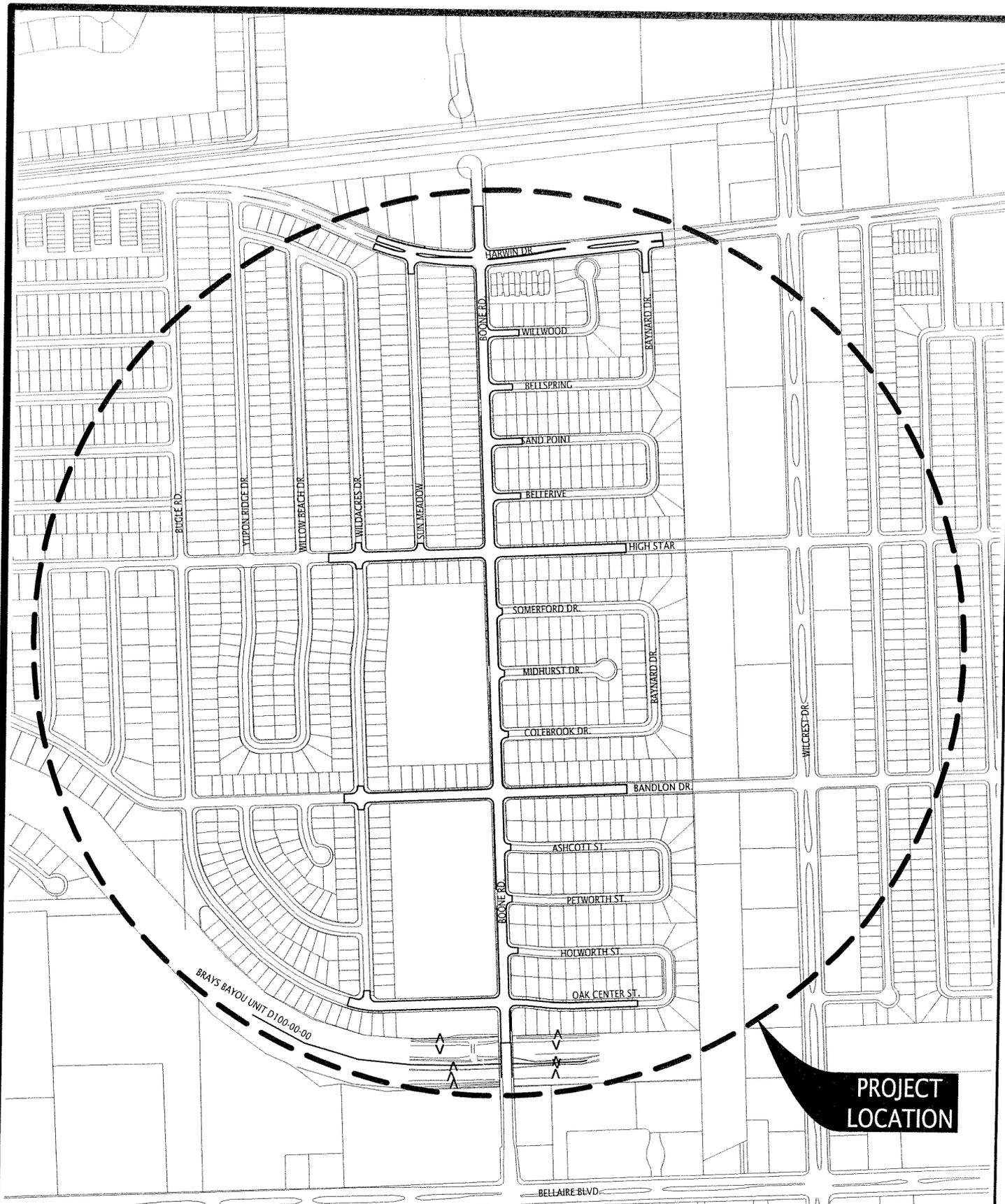
All known rights-of-way, easements and/or right-of-entry required for the project have been acquired

DWK:DRM:RK:DS:RP:klw

Z:\design\A-sw-div\WPDATA\SWMP\Brays Village M-0280\3.0 FINAL DESIGN (Phase II)\3.7 Advertisements\BidAward Records\POST BID DOCUMENTS & RCA Related\POSTBID\RCA - Brays Village.doc

**c:** Robert Gallegos, Acting Director  
Mike Pezeshki, P.E.  
File No. M-000280-0001-3 (RCA 1.2)

PLOTTED ON: 30 Dec 2010 9:08AM  
FILE NAME: F:\BraysVillage\PER\Exhibits\BVG--Project Vicinity Map Detailed.dwg



**CITY OF HOUSTON**  
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING  
BRAYS VILLAGE DRAINAGE IMPROVEMENTS  
WBS NO. M-000280-0001-4  
KEY MAP NO. 529 B & F  
COUNCIL DISTRICT F  
GIMS MAP NO. 4855d & 4955c



NOT TO SCALE  
DEC. 8, 2010

  
**SES HORIZON**  
CONSULTING ENGINEERS, INC.  
10101 Southwest Freeway, Suite 400 Houston, Texas 77074  
(713) 988-5504, Fax (713) 988-1441 www.seshorizon.com

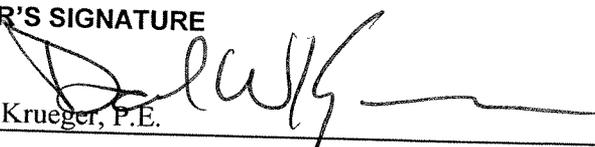
**PROJECT VICINITY  
MAP**

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract Award for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000266-0152-4	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 28
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b>	<b>Agenda Date</b> FEB 09 2011
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<b>DIRECTOR'S SIGNATURE</b>  Daniel W. Krueger, P.E.	<b>Council District affected:</b> All
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<b>For additional information contact:</b> Jason Iken, P.E. Interim Senior Assistant Director Phone: (713) 641-9191	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)**  
Accept low bid, award construction contract, and appropriate funds.

**Amount and Source of Funding:** \$3,039,983.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier II.  
*W.P. 1/25/2011*

**SPECIFIC EXPLANATION:** This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems throughout the City.

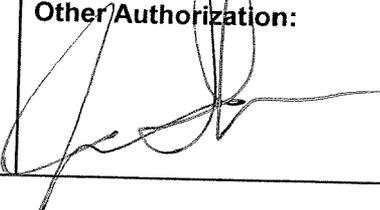
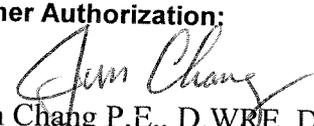
**DESCRIPTION/SCOPE:** This project consists of sanitary sewer rehabilitation by sliplining and pipe bursting methods. The contract duration for this project is 540 calendar days.

**LOCATION:** The project area is generally bounded by the City Limits.

**BIDS:** Two (2) bids were received on August 19, 2010 for this project as follows:

Bidder	Bid Amount
1. PM Construction & Rehab, L.P.	\$2,838,078.70
2. Portland Utilities Construction Co., LLC.	\$3,015,841.25

**File/Project No. WW 4257-115** **REQUIRED AUTHORIZATION** **CUIC# 20DHB350** *NOT*

Finance Department	<b>Other Authorization:</b> 	<b>Other Authorization:</b>  Jun Chang P.E., D.WRE, Deputy Director Public Utilities Division
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<b>Date</b>	<b>Subject:</b> Contract Award for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000266-0152-4	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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**AWARD:** It is recommended that this construction contract be awarded to PM Construction & Rehab, L.P., with a low bid of \$2,838,078.70.

**PROJECT COST:** The total cost of this project is \$3,039,983.00 to be appropriated as follows:

- Bid Amount \$2,838,078.70
- Contingencies \$141,904.30
- Engineering Testing Services \$60,000.00

Engineering Testing Services will be provided by Associated Testing Laboratories, Inc. under a previously approved contract.

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

**M/W/SBE PARTICIPATION:** The low bidder has demonstrated a good faith effort to comply with the M/WBE goals of the Texas Water Development Board and the SBE goals of the City of Houston. The bidder has proposed an MBE participation of 12.00% and SBE participation of 9.00%.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
CBL Industries, LLC	Asphalt/Paving	\$113,523.15	4.00%
Chief Solutions, Inc.	Clean & Televisive Sewer Lines	\$99,332.75	3.50%
5M Rope & Supply, LLC	Supplies	\$127,713.54	4.50%
	<b>TOTAL</b>	<b>\$340,569.44</b>	<b>12.00%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Deanie Hayes, Inc.	Supplies	\$85,142.36	3.00%
Advantage Manhole & Concrete Services, Inc.	Manhole Rehabilitation	\$113,523.15	4.00%
Gallegos & Sons Trucking	Dump Truck Services	\$56,761.57	2.00%
	<b>TOTAL</b>	<b>\$255,427.08</b>	<b>9.00%</b>

All known rights-of-way and easements required for this project have been acquired.

*JJC*  
DWK:JC:DHB:JI:DR:mf

cc: Jun Chang, P.E.  
Robert Gallegos  
File No. WW 4257-115

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:**

Ordinance granting a Commercial Solid Waste Operator Franchise

**Category #**

**Page 1 of 1**

**Agenda Item#**

29

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

Alfred J. Moran, Director  
Administration & Regulatory Affairs

**Origination Date**

1/25/11

**Agenda Date**

FEB 09 2011

**DIRECTOR'S SIGNATURE:**

*JFO*



**Council Districts affected:**

ALL

**For additional information contact:**

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

**Date and identification of prior authorizing**

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

**RECOMMENDATION: (Summary)**

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

**Amount of Funding:**

REVENUE

**FIN Budget:**

**SOURCE OF FUNDING:**

General Fund     Grant Fund     Enterprise Fund     Other (Specify)

**SPECIFIC EXPLANATION:**

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

1. SOS Liquid Waste Haulers, LTD Co.

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

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

**REQUIRED AUTHORIZATION**

Finance Director:

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

RCA# 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

**30,30A** #6-16A

**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 09 2011

~~FEB 02 2011~~

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

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

**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:

Other Authorization:

*Calvin D. Wells* 1/20/11

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
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**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. <b><u>McCall-T, Inc., d/b/a Sterling McCall Toyota</u></b>	<b>\$157,440.00</b>
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. <b><u>Hub Buick Company, d/b/a Hub Hyundai</u></b>	<b>\$154,950.00</b>
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. <b><u>Philpott Motors, Ltd., d/b/a Philpott Ford</u></b>	<b>\$644,129.00</b>
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. <b><u>Caldwell Automotive Partners, LLC d/b/a Caldwell Country Chevrolet</u></b>	<b>\$315,763.00</b>
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.

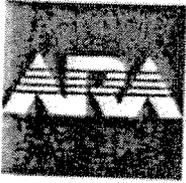
<u>Company</u>	<u>Amount</u>
1. <b><u>Johnson Grayson Automotive, Inc., d/b/a Holiday Chevrolet</u></b>	<b>\$58,641.78</b>
2. Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Chevrolet	\$63,952.00

**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

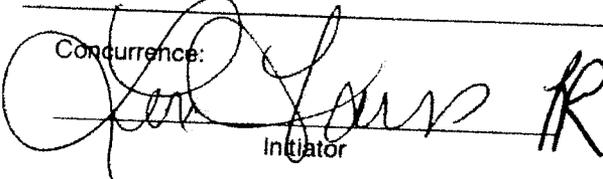
Goal On Last Contract: N/A Was Goal met: Yes  No

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

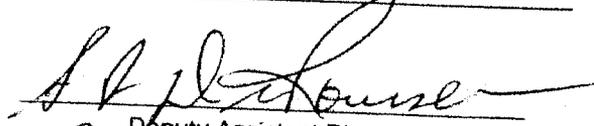
Name and Intent of this Solicitation: **Special Duty Vehicles for HPD and Houston Airport System**

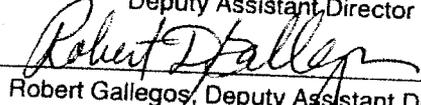
**Rationale for requesting a Waiver or Revision:**

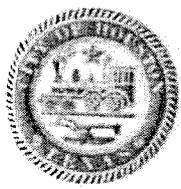
These vehicles are manufactured and delivered by the vehicle manufacturers to their authorized dealers, which are the City's bidders. The only potential for MWBE participation is the purchase and installation of aftermarket equipment such as lightbars, sirens, LED lights, etc. The aforementioned equipment 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-MWBE 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 MWBE supplier but pricing received from a non-MWBE 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



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

<b>SUBJECT:</b> An ordinance amending various provisions of Chapter 18 of the Code of Ordinances, Houston, Texas, relating to ethical conduct		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 31 27
<b>FROM (Department or other point of origin):</b> David M. Feldman, City Attorney Legal Department		<b>Origination Date</b>	<b>Agenda Date</b> FEB 09 2011 <del>FEB 02 2011</del>	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b>  All		
<b>For additional information contact:</b> Mary Frances Clark Phone: 832.393.6318		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> 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.				
<b>Amount of Funding:</b>  N/A		<b>F &amp; A Budget:</b>  N/A		
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund				
<input type="checkbox"/> Other (Specify)				
<b>SPECIFIC EXPLANATION:</b> 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 30<sup>th</sup> 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.

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**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

32/22

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

Office of the Mayor

**Origination Date**

**Agenda Date**

FEB 09 2011  
~~FEB 02 2011~~

**DIRECTOR'S SIGNATURE:**

Andrew F. Icken  
Chief Development Officer

**Council District(s) affected:**

ALL ITEM 22 - Agenda  
of Net for Red line  
of ORDINANCE

**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  $\geq$  \$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:**